

18th November 2016

## **PLANNING COMMITTEE - 30TH NOVEMBER 2016**

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 30th November 2016 in the Council Chamber, Town Hall, Rugby.

Adam Norburn  
Executive Director

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

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

## **A G E N D A**

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.

To confirm the minutes of the meeting held on 9th November 2016.

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 – 13th October to 2nd November 2016.
7. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 1, 2 and 6 of Schedule 12A of the Act.”

## **PART 2 – EXEMPT INFORMATION**

1. Enforcement options.

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

The Reports of Officers (Ref. PLN 2016/17 – 9) are attached.

### **Membership of the Committee:**

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

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

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

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

**Planning Committee – 30 November 2016**

**Report of the Head of Growth and Investment**

**Applications for Consideration**

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

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

There are no applications recommended for refusal to be considered.

### Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R14/2166	The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.	3
2	R16/0566	The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.	23
3	R16/1234	Fields Farm, Lower Green, Woolscott Proposed extension to existing agricultural building.	32
4	R16/1933	Land South of Back Lane, Long Lawford Variation of condition 2 of R12/1188 (Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings.) to make amendments to approved housetypes and garages and repositioning of plots 16-24.	40
5	R16/0968	Coombe Abbey Hotel, Brinklow Road, Binley, Continuation of use of enlarged temporary marquee	57
6	R16/1387	Former Tribune Estate, Leicester Road, Rugby Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works.	67

**Reference number: R14/2166**

**Site address: The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore**

**Description: Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

## **Background**

This application was reported to committee on the 9<sup>th</sup> November 2016, and subject to a site visit, at the request of Cllr Leigh Hunt. Members agreed to defer this application in order for further clarify to be sort on the proposed bin collection and the manner in which it is undertaken, through consultation with RBC Environmental Services and WCC Highway Authority. Section 11 of this report provides an updated position on this matter.

## **Description of Site**

The application site is located on the south side of Lilbourne Road and west of Hillmorton Lane on the eastern edged of Clifton-upon-Dunsmore, which is identified with the Local Development Framework as a main rural settlement. The site lies to the east of the Rugby Urban Area and approximately 0.8m from the urban edge. The application site is located within the Clifton-upon-Dunsmore Conservation Area and the existing dwelling house is a C17 grade II listed building. This dwelling house is a timber box framed building with brick noggin to the infill panels and a plain tiled roof, with 18<sup>th</sup> and 19<sup>th</sup> century extensions. The north elevation of this dwelling fronting the Lilbourne Road comprises of three dominant gables with bargeboards and ornamental ridge tiles. The dwelling is set within a large residential curtilage which comprises of two curtilage listed stable blocks, on immediately adjacent the dwelling (lower stables) and one further south (upper stables). In addition to this, the existing garden contains a tennis court, together with a large number of trees, one of which, a cedar tree, is statutory protected with a Tree Preservation Order. Residential properties are found to the south and west of the application site in varying layouts and styles. Specifically to the south of the site is the neighbouring property known as Kingston Garth which comprises of a large detached dwelling house with a large double garage.

The mainly dwelling house formerly comprised of three cottages, prior to its conversion into a single dwelling house.

## **Description of Proposal**

The applicant proposes the conversion of the existing dwelling house into four residential units. As part of this conversion no alterations are proposed to the main street frontage of the building, external alterations are limited to the rear. The proposed development would be served by the access which was approved as part of planning permission ref: R12/2360.

### **West wing and proposed Unit 1**

This section of the dwelling house, forms a single storey, L-shape extension, built in the 1930's, attached to the west side of the main dwelling house, which currently serves as a games room. The proposal is to convert this element of the dwelling house to form a 2 bedroom dwelling house. Access to this proposed unit will be taken from the rear of the building. Internal alterations include the insertion of new studwork to enclose proposed bedroom 2, and removal of existing walls to create a bathroom.

### **Main dwelling house and proposed Unit 2**

The existing central core to the main dwelling house is proposed to be converted into two separate units, with unit 2 being a three bedroom dwelling house and unit 3 being a two bedroom dwelling house. Access to this proposed unit will be taken from the existing porch area and from the rear of the building. The existing rear covered terrace area is proposed to be infilled to create a kitchen. At ground floor existing walls are proposed to be removed to create a kitchen area and stud wall erected to create a downstairs w/c. At the first floor existing openings are being blocked up with new openings create.

### Main dwelling house and proposed Unit 3

Access to this unit will be taken from the rear. Externally the proposal includes the removal of an existing window at ground floor and replace with a smaller window. At ground floor externally a small extension is proposed infilling the existing first floor overhang. Internally at ground floor a new staircase will be created, together with existing walls removed to create a hall. At first floor level the existing bathroom and walls will be removed to create a landing area and new stud walls erected to create a bathroom, together with a number of existing opening blocked to create this self-contained unit.

### The barn and proposed Unit 4

This is the west wing of the existing building referred to as 'the former barn' which dates from the 18<sup>th</sup> Century, formerly used for agricultural purposes prior to its conversion to a garage and self-contained flat above ('the cottage'). In the 20<sup>th</sup> Century a connection was made with the main dwelling house. The proposal is to convert this, into a three bedroom dwelling house. Externally a new ground floor window will be created within the rear elevation. Internally at the ground floor a new opening will be created between the proposed hall and living room, an existing opening is proposed to be widened and staircase access amended. Existing openings at ground floor and first floor will be blocked to provide separation to the rest of the building. At first floor level new stud walls will be created to provide a bathroom and storage area, with existing opening widened into the proposed storage room and en suite. Access into this unit will be taken from the rear and east side.

### Upper Stable (labels stables on existing plan) (unit 5)

The upper stable is proposed to be converted into a two bedroom dwelling house. Referred to within the heritage statement as the south stable, this building appears to be a 1920s remodelling of a stable built in the 18<sup>th</sup> Century. The east elevation comprises of three high level stone arched windows, with a further arched window within the north elevation. The west elevation comprises of four stable doors. The south elevation has an upper level hayloft. As part of this conversion within the western elevation the four stable doors are to be retained with glazed windows installed behind three of the stable doors and a glazed door installed behind one of the stable doors. Within the roof slope along this elevation four rooflights are proposed. Within the south elevation the existing hayloft will be fully glazed.

### New buildings (units 6 and 7)

The proposed two new buildings are positioned towards the south of the site.

Unit 6 is a 1½ - 2 storey (maximum ridge height 8m, maximum eaves height 4m), 4 bedroom, dwelling house with an attached garage. This dwelling house has a staggered front elevation.

Unit 7 is a 1½ - 2 storey (maximum ridge height 7.5m, maximum eaves height 5m), 5 bedroom, dwelling house with a gravelled access road leading to the dwelling house.

### Lower Stable (barns)

The lower stable is proposed to be converted into garages. Referred to within the heritage statement as the north stable, this building dates back to the 18<sup>th</sup> Century and therefore is curtilage listed. As existing the west elevation comprises of four doors and one small-paned window, with a further small-pane window within the southern elevation. As part of this proposal the existing doors and window within the western elevation will be removed to create five large openings.

## Relevant Planning History

### R12/2360

Provision of a new vehicular access off Hillmorton Lane, including demolition of part of the existing boundary wall and installation of 1.9m high double solid timber gates and 2no. 2.3m high brick pillars.

Approved 08/07/2013

### R16/0566 (linked application with this application)

Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.

Undecided

## Third Party Comments

### On original proposal

#### Neighbours (4 objections)

- No alterations to the front façade and landscaping frontage should be permitted
- Loss of large trees particularly the beech tree is a concern
- Increased in traffic
- Insufficient car parking spaces
- Poor visibility from the proposed access
- Impact upon bats
- No need for new dwellings within the area
- Increase in noise and disturbance
- Overlooking into 2 The Heathlands
- 

#### Clifton-upon-Dunsmore Parish Council

Parish Council resolved to express the following points of concern:

1. The application would mean a significant alteration to the character of a key building in the village, which will change the nature and landscape of the village
2. The property is Grade 2 listed
3. There would be a significant increase in vehicle movements on Lilbourne Road and Hillmorton Lane, so an increase in traffic at an, already, difficult traffic junction
4. There is no pedestrian footway in the area – would not want the tarmac verge to be tarmac'd over
5. The application would result in the loss of large area of green space
6. There would be a loss of amenity to surrounding properties due to be overlooked from upper floors of new buildings
7. There would be a loss of significant trees – particularly a Copper Beach and Magnolia (which is shown as an elder in the plans – ref tree 13) trees.
8. What provision has been made for the, up to, 16 additional wheelie bins which would be presented for collection at the kerbside, leading to traffic/pedestrian obstruction
9. Fall level of the foul water drainage (plot 8)

#### Ward member Cllr Leigh Hunt

- The property is a key, listed property within the village,
- The proposal would substantially change its nature
- Increase in traffic along Hillmorton Lane particularly near the junction with South Road
- No pavement in this area to link with the village and local services
- Loss of a large garden/green space within the village
- Loss of significant trees particular the copper beach along the southern boundary with is highly visible outside the site
- Significant number of bats and swallows within the area
- Concerns about foul water drainage (plot 8)
- Overlooking from neighbouring properties
- Concerns about bin storage

## Technical Consultation Reponses

### On original proposal

#### WCC Highways

no objection subject to conditions

#### Historic England

The Old Hall a 17th century timber framed house with interesting later alterations standing on a large plot. The scheme harms the significance of the listed building and of the Conservation Area in which it stands, and should be scaled down following further discussions.

RBC Environmental Services  
No objection subject to informatives

Severn Trent  
No objection subject to condition relating to drainage plans for the disposal of surface water and foul sewage

RBC Tree Officer  
Objection to the loss of the Beech tree (T8).

WCC Archaeology  
No objection subject to conditions

WCC Ecology  
Pre-determinative bat survey required

### On Amendments

Neighbours (2 objections)

- The amendments do not overcome previous objections

Ward Member Cllr Leigh Hunt

In addition to previous comments made the following additional comments are as follows:

- Is there sufficient access for emergency services to reach the current Old Hall dwelling, especially if residents have visitors (which would further reduce accessibility)
- Loss of few remaining large family houses with large gardens within the village
- It is essential for the social and economic wellbeing of the local community that a range of homes are provided, or that unusual or rare properties such as this should be retained. This application does not meet those criteria, and will simply add to the number of medium-sized family homes that are already available in Clifton and its wider environs
- Restricting should be imposed around street lighting, in terms of height restriction, light fall and brightness
- Condition should be applied to restrict the height of any external lighting to the rear of the properties adjacent to Kingston Garth so as to prevent light spillage into that property

Clifton-upon-Dunsmore Parish Council      no comments received

### **Technical Consultee responses**

#### On Amendments

Historic England – no objection

The revisions to the scheme are an improvement on the previous version of the scheme and cause considerably less harm to the heritage assets. Subject to appropriate conditions to ensure a high standard of materials, details and landscaping we are content to see the scheme proceed.

Tree Officer – no objection subject to conditions requiring the submission of a final arboricultural method statement/tree protection plan

### **Relevant planning policies/guidance**

#### Rugby Borough Core Strategy, 2011

- CS1 Development Strategy
- CS2 Parish Plans
- CS10 Developer Contributions
- CS11 Transport and New Development
- CS16 Sustainable Design
- CS17 Reducing Carbon Emissions
- CS19 Affordable Housing



## Rugby Borough Local Plan, 2006 – Saved policies

GP2	Landscaping
E6	Biodiversity
T5	Parking facilities
H12	Open space provision in residential developments in the rural area
LR1	Open space standards

## Other material considerations

Clifton-upon-Dunsmore Conservation Area Appraisal

## National Policy and Guidance

National Planning Policy Framework (NPPF)  
Rural Housing Planning Practice Guidance

## **Assessment of Proposal**

### **1. Principle**

Policy CS1 addresses locational strategy and indicates that most new development will be accommodated in the Rugby Town Centre and Rugby Urban Area. This is in accordance with sustainable principles whereby homes, employment and other uses are directed to places where there is the best infrastructure, facilities and services to support them. The policy does though also recognise that a proportion of this development should go to Main Rural Settlements, in order to maintain the vitality of the local communities. These basic principles are in accordance with the Framework. This policy as well as directing development to the most sustainable locations, seeks to safeguard countryside resources from unwarranted development.

The application site is located within the identified settlement boundary of Clifton-upon-Dunsmore which is designed as a Main Rural Settlement. Policy CS20 states that in Main Rural Settlements market housing will be permitted in line with policy CS1, but any development should seek to deliver any local need dwellings before market housing will be permitted. In the absence of a Local Need Housing Survey for Clifton-upon-Dunsmore, the principle of market housing on the application site as proposed is would be considered acceptable in accordance with policy CS1 and CS20.

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

Paragraph 49 of the NPPF states: policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Policies CS1 and CS20 relates to the supply of housing and therefore cannot be considered up-to-date. The effect of this is not such that these policies should be ignored but rather that consideration should be given as to what weight it holds in the decision. This results in the balancing of material considerations within each individual case at the same time being mindful of the presumption in favour of sustainable development as defined by para 14 of the NPPF and paras 18-219 of the NPPF.

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

### **2. Heritage**

#### **2.1 Background**

This property is a grade II listed building, and its outbuildings are curtilage listed. As part of the submitted Heritage Appraisal, it has transpired that as part of the 20th century works, which did not register as an important element in the history of the building at the time of listing, the heritage appraisal demonstrates that this was an important part of the development of the building. This appraisal records that some of high quality historic fittings used in the 1920s works were derived from Warwick Priory, particularly doors and at

least one room of panelling. Historic England's Principal Inspector of Historic Buildings and Areas, considers that the incorporation of elements of this important historic building (the major portion of which was exported to Richmond, Virginia after the 1925 sale where it still stands) enhances the significance. In light of this information, the LPA had approached Historic England which a view of upgrading the listing of the property. Historic England have re-assessed the listing in light of this information, but consider that the existing grading, that being Grade II, is the correct listing for this property. Following on from this the LPA have applied to Historic England for the existing listing to be amended to include reference to the historical fittings within the building deriving from Warwick Priory. However, Historic England consider that this information does not warrant an amendment to the list entry, and whilst they can appreciate the significance of the Warwick Priory features, these would be protected by the original listing and therefore it has been deemed unnecessary to undertake a full reassessment in order to name them specifically.

## **2.2 Policy**

Policy CS16 also refers to the historic environment. It states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings.

The duty imposed by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) made clear that special regard to the desirability of preservation means that avoiding harm to a listed building, or its setting, is a factor that is not only one of considerable importance, but also one that attracts considerable weight in any balancing exercise.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.' Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

## **2.3 Assessment**

### **2.3.1 Impact upon the character and appearance of the Listed Building**

#### **2.3.1.1 Unit 1 West Wing**

This section of the dwelling house, forms a single storey, L-shape extension, built in the 1930's, attached to the west side of the main dwelling house, which currently serves as a games room. The proposal is to convert this element of the dwelling house to form a 2 bedroom dwelling house.

As a late extension to the main dwelling house, it lends itself nicely to being converted, and the proposed insertion of stud walls are reversible. The internal arrangement has been amended with the existing door from the main dwelling house leading into this extension being retained, as this door is from Warwick Priory and therefore an important feature. The removal of two existing stud walls would not adversely impact upon the character and appearance of the building.

#### **2.3.1.2 Units 2 and 3 Main Dwelling House**

There are a number of works proposed in order to subdivide the central core of this dwelling house to form two dwellings. These works would include the insertion of a number of stud walls, blocking up of existing

opening and the insertion of a new staircase. It is considered that these works can be achieved sensitively whilst retaining the architectural and historical character of the property, both its older fabric and its later acquired character (notably the imported features from Warwick priory). Proposed external alterations include the infilling of an existing undercroft, together with a small extension. This external alteration will not impact upon the character and appearance of the building and would be undertaken sympathetically.

#### 2.3.1.3 Unit 4 Barn

The former barn' which dates from the 18<sup>th</sup> Century, formerly used for agricultural purposes prior to its conversion to a garage and self-contained flat above ('the cottage'). This section of the dwelling house was not originally part of it with a connection being made in the 20<sup>th</sup> century. Therefore it lends itself nicely to being converted. The internal alterations are minimal and would not impact upon character and appearance of the building.

### 2.3.2 Impact upon the character and appearance of curtilage listed buildings

#### 2.3.2.1 Stable

The proposal seeks to convert this existing outbuilding to create a two-bedroom dwelling house. This building is considered to be curtilage listed, built between 1851-1886 and re-modelled in the 1920s. This building is described, within the applicants Significant Assessment, as having some historical value, some evidential value, and having some aesthetic value with the western elevation having little aesthetic value. In order to facilitate this conversion four rooflights within the western roof light are proposed together with the insertion of a first floor window within the southern gable ended elevation. These alterations are considered minimal and therefore would not harm the character and appearance of this building.

#### 2.3.2.2 Barn

The proposal seeks to conversion of this existing outbuilding to create garaging accommodation. This building is considered to be curtilage listed, built between 1851-1886. This building is described, within the applicants Significant Assessment, as having some historical value, some evidential value, and having some aesthetic value with the western elevation having little aesthetic value. The proposal would include significant alterations to the western elevation in order to create four openings to accommodate vehicles. Whilst these alterations are significant, given that this elevation has little aesthetic value, it is on balance considered acceptable. However, this aesthetic value would be better maintained by the provision of traditional boarded timber garage doors rather than open-fronted garages, and would be conditioned as such, should planning permission be granted.

### 2.3.3 Impact upon Setting of the Listed Building

As stated within the applicants Significance Assessment (pp. 58-9) makes reference to the large garden and the positive contribution it makes to the setting of the Old Hall. This is further reinforced within the council's conservation area appraisal. The present garden layout was created in the interwar period, on what had previously been a paddock. It is therefore only a relatively recent aspect of the property's character and significance, although nonetheless attractive. More recently the southern part of the garden has been developed with a bungalow (Kingston Garth). This history serves to illustrate the fact that the setting of a heritage asset can change over time, and indeed the setting of this heritage asset has evolved overtime.

Current proposals envisage the conversion of the Old Hall to four units. Whilst the conversion itself would be undertaken sympathetically, it would inevitably lead to changes in the garden layout. This proposed garden subdivision would create proportionate and sufficient private outdoor space for each of the new units.

Furthermore, the erection of dwelling houses would result in further subdivision of the existing garden and the introduction of substantial built development, not only as a result of the two new units, but associated hard surfacing to provide access to these units.

The subdivision of the existing garden together with the proposed built development within it would result in harm to the setting of the listed building. This level of harm is not considered to be substantial, but would be assessed as having a less than substantial impact.

#### 2.3.4 Impact upon the Character and Appearance and Setting of the Clifton-upon-Dunsmore Conservation Area

The Conservation Area Appraisal recognises the dwelling house together with the existing outbuilding and boundary wall as contributing positively to the character of the Conservation Area. This boundary wall is identified as a dominant red brick wall linking the two existing outbuildings together. This connectivity has been somewhat eroded by the previously consented vehicular access which has now been implemented.

The Conservation Area Appraisal also recognises the trees to the rear of The Old Hall contribute to that site but are also visible from other vantage points within the designation. The whole of the garden is highlighted as an important green and open space.

The most significant trees which make a positive contribution to the Conservation Area are to be retained as part of this development, those being the Cedar tree and Copper Beech tree. The garden area is identified as an important green and open space within the Conservation Area Appraisal. It is important to note that there is nothing in any of the guidance which says that lack of public access diminishes the value of the setting. In common with all heritage assets, even if the features are only visible from 'private' viewpoints they still contribute to the significance. Views over the boundary wall which encloses this garden area along Hillmorton Lane creates an open aspect with visible skyline, and this assists in creating a sense of openness with. The proposal would impact upon this open aspect and meaningful open space designation. However, the proposed layout of the dwelling houses and scale of these dwellings assist in retaining an element of open aspect within the site.

This impact upon the character and appearance of the Conservation Area and its setting is considered less than substantial.

### **3. Character and Appearance**

Part 7 of the NPPF emphasises the importance of good quality design and Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The positioning of these dwellings is to an extent been informed to ensure a good spatial interaction between the significant trees to be retained and the existing listing building. The staggered nature of unit 6 is a result of having regard for the positioning of the vehicular access and the retained copper tree. This staggered nature also assists in breaking up the scale and massing of this proposed dwelling.

The scale and massing of these dwellings, together with their positioning, are such that they would not appear unduly prominent or intrusive within the street scene along Hillmorton Lane. The gravelled drive leading to Unit 7 and the parking areas invokes a more informal, attractive layout.

When viewed along the Lilbourne Road, the positioning of the dwellings together with their scale and massing and the existing trees to be retained and the existing dwelling house would ensure that these new dwellings are not readily visible within this street scene.

It is considered, subject to appropriate conditions the character and appearance of these dwellings would not have an adverse impact upon the character and appearance of the area or the character and appearance of the conservation area.

### **4. Residential Amenity**

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties.

#### 4.1 Kingston Garth

Proposed units 6 and 7 would be positioned approximately 21 metres from the boundary with this neighbouring property. The positioning of these dwelling houses to this boundary, together with the retained landscaping particularly the large Copper Beech will assist in reducing any loss privacy, or overbearing impact to may be created. This is therefore considered that the erection of these 2no. dwelling houses will not have an adverse impact upon the amenities of this neighbouring property.

The existing outbuilding, referred to as the Upper Stable (unit 5) is currently positioned 3m from the boundary of this neighbouring property. The proposal seeks to convert this unit into a two bedroom dwelling house. As part of this conversion, external alterations are proposed which includes the removal of a side facing first floor door and replacement with a window, which would direct face this neighbouring property. The window would look directly onto the roof of the adjoining neighbouring garage building, and only by leaning out would you be able to possibly see into the neighbouring grounds or garden. Therefore it is not considered that the conversion of this outbuilding and insertion of a first floor side facing windows would have an adverse impact upon the amenities of this neighbouring property.

It is therefore considered that the proposed would not have an adverse impact upon the amenities of this neighbouring property in accordance with policy CS16.

#### 4.2 No. 2 and 3 The Heathlands

These neighbouring properties lie to the west of the application site. Proposed unit 7 would be positioned within the application site with its rear elevation 8 metres from the western boundary and that shared with these neighbouring properties. Taking into consideration the positioning of the proposed dwelling (unit 7) away from the boundary, existing trees along this boundary that would be retained, together with the large garage associated with no. 2 The Heathlands it is not considered that the proposal would have an adverse impact upon the amenities of these neighbouring properties in terms of loss of privacy.

#### 4.3 Living conditions for future occupiers

Consideration is given to the impact of the retained trees upon the living conditions of future intended occupiers of the proposed dwelling houses, and the effect of the trees to be retained, with regard to overshadowing and loss of sunlight and daylight, and whether this would create unacceptable living conditions for future occupiers. Any potential overshadowing would be more acute in respect to Unit 7 given the number of retained trees surrounding this property. Therefore this assessment is primarily focused of this unit. It is considered that this plot is substantial in size with a significant area of private amenity space. Whilst elements would be shaded at certain times of the day, there are areas which are not completely covered with trees. The property has a garden which faces south, west and north and therefore there will be some sunlight in a section of the garden for the vast majority of the day. The house has also been designed with large glazing sections to ensure maximum light intake. Furthermore interior lighting can be specially designed to ensure a high quality living environment.

### **5. Trees**

As part of application an Arboricultural Report has been submitted, which has subsequently been amended to reflect the relevant changes/amendments. Within the application site there are a significant number of trees totalling 42 different trees, the most significant of which being a Deodar Cedar (Category A tree, 19.5m in high) which is protected with a Tree Preservation Order. This tree is visible outside the application site and makes a positive contribution to the Conservation Area. A further significant tree is a Copper Beech (Category B tree, 15.5m high) which is also visible outside the application site and makes a positive contribution to the Conservation Area. Both these trees are to be retained as part of the proposal. In total 16 trees are to be removed as part of the proposal, 14 of which are Category C trees and 2 are Category B trees. The loss of these 2 Category B trees will be mitigated for within any proposed landscaping scheme, which would be conditions, if planning permission is granted.

The Council's tree officer has assessed the application and raised no objection to the proposal subject to conditions relating to the submission of a submission of a final arboricultural method statement/tree protection plan.

### **6. Ecology**

Saved policy E6 seeks to ensure that proposed development does not impact upon protected species/habitats. As part of this application a bat survey has been undertaken and submitted.

This report concluded that the buildings other than the main Old Hall overall were categorized as high opportunities for access and low to negligible opportunity for roost formation by bats. The main Old Hall was classified overall as high access/ high roost potential. However, it is noted that the planned works have no impact on the roof itself, the roof-space or any potential access features, and therefore any potential bat roosts that might be present will remain unaffected by the works. Evidence of breeding birds was determined including nests of swallow, blackbird and jackdaw.

WCC Ecologists have assessed the ecological information submitted, including the bat and swallow mitigation and consider this to be acceptable.

## **7. Highway and Parking**

### **7.1 Parking**

The provision of satisfactory car parking facilities is covered by Local Plan saved policy T5 and the standards set out in the Council's Planning Obligations SPD.

<b>Unit (proposed bedrooms)</b>	<b>Proposed Spaces</b>	<b>Minimum Requirement</b>
1 (2 bedroom)	2 spaces	1.5 spaces
2 (3 bedroom)	2 spaces	2 spaces
3 (2 bedroom)	2 spaces	1.5 spaces
4 (3 bedroom)	2 spaces	2 spaces
5 (2 bedroom)	2 spaces	1.5 spaces
6 (4 bedroom)	4 spaces	3 spaces
7 (5 bedroom)	4 spaces	3 spaces

With reference to the table above it is considered that the proposed development would provide sufficient car parking provisions in accordance with saved policy T5 and the Council's SPD.

### **7.2 Highway**

WCC Highway Authority has commented on the proposal, as part of the Council's consultation on the application, and has raised no objection to the proposed. The proposed access will be served by an access that was approved in 2012, and now implemented, and therefore the Highway Authority do not objection to the proposed access, subject to conditions. WCC Highway Authority had initially expressed concerns about the subdivision of the existing dwelling house and the likelihood of vehicles parking on the public highway. Following further discussions with the Highway Authority, they are now of the opinion that this is unlikely to happen given that only plot 2 has direct pedestrian access onto Lilbourne Road.

### **7.3 Pedestrian link to the village centre**

Concerns from the Parish Council have been raised that there is no pedestrian footpath link from the main entrance serving this development to the existing footpath, resulting in residents having to walk along the unlit Hillmorton Lane, with the existing pedestrian footpath terminates by the existing access. This existing access is to be closed for vehicular access; however, it could be used for pedestrian access to ensure that occupiers can safety access onto the existing footpath. If approved, a suitably worded condition would be attached to require details to be submitted to and approved by the LPA.

## **8. Planning Obligations**

Initially, when the application was submitted the relevant policy for assessing open space standards were contained within the Council Development Plan and 'saved' Local Plan Policy H11. Under this policy the development would have been required to provide contributions towards open space. The Parish Council requested contributions towards the refurbishment/improvement works to the open space is Clifton-Upon-Dunsmore, and the applicant agreed to make a contribution to be secured via a S106 agreement or a S111 agreement.

During the course of this application amendments to the Planning Obligations National Planning Practice Guidance stipites that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The gross floorspace of unit 6 is 263.59sqm and unit 7 315.04sqm. Therefore the gross floorspace of the new build is under 1000sqm and therefore contributions towards open space is no longer required.

Therefore, in assessing the application there is no requirement as part of this development to provide a financial contribution towards open space as the threshold for such a contribution as stipulated within the Council's Planning Obligations SPD (par. 8.21) is 10 units or more or a maximum combined gross floorspace of no more than 1000sqm.

The applicants have agreed to make a voluntary contribution towards open space which equates to a figure of £7500.

## **9. Balancing Exercise**

The development would lead to less than substantial harm as defined by NPPF paragraph 134. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) is an important appeal case in that it states that a less than substantial harm carries considerable weight against any proposal. Paragraph 134 clearly states that were a less than substantial harm has been identified, this harm should be weighed against the public benefits of the proposal. In this case consideration is given to the economic, social and environmental benefits of the scheme. These benefits are set out within the applicants planning statement.

It is acknowledged that the scheme would make a positive contribution towards the economic role in terms of those derived from the economic and employment opportunities from building two dwellings and the conversion of the existing buildings to create five dwellings. It is also envisaged that future occupiers of the dwellings would provide a positive economic benefit to existing services within the village.

The social role of sustainability includes supporting strong, vibrant and healthy communities. The services provided within the village are outlined within the applicants planning statement. These services would be readily accessible to future occupiers of these dwellings by foot, and would therefore make a positive contribution towards the social dimension of sustainable development. In addition to this the contribution that the applicant is willing to make towards the improvement/refurbishment of the existing open space area would make a further positive contribution towards the social dimensions of sustainability.

The third dimension of sustainability includes the environmental role and seeks to ensure that development contributes towards protecting and enhancing our natural, built and historic environment. The 'less than substantial harm', weighs against the development and the environmental role of sustainability. The environmental benefits of the scheme include proposed landscaping to offset the removal of existing trees, provision of a blackbird nest box and swallow nest cups, and the contribution towards the existing play area within the village which would make a positive improvement to the conditions to where people take leisure. A further environmental benefit includes re-using the curtilage listed buildings in a positive manner and in a way that would ensure that they are retained and appreciated for future generations, and securing an optimum viable use. The conversion of the existing dwelling house also seeks to secure an optimum viable use without impacting upon the character and significance of this building.

Whilst the harm identified is less than substantial, in assessing the amended scheme Historic England have raised no objection and are content for the scheme proceed. These comments provide a clear indication to the significance of the harm to the heritage assets, and how this harm is assessed against the benefits of the scheme.

One of the identified harm is to the setting of the listed building through the subdivision of the existing garden. The main dwelling house dates back to the 17<sup>th</sup> Century where, what is now the formal garden area was an area of paddock land. It was not until the early 1900s that this garden area was formally created. This was later subdivided to create the neighbouring property Kingston Garth. It should be noted, that this subdivision occurred prior to the listing of The Old Hall. Whilst this garden area is an attractive aspect to the site, it is a relatively recent aspect of the property's character and significance. Therefore, the setting has evolved over time without a significant adverse harm to the character and significance of the

listed building. This further alteration to the setting would not have a significant adverse impact upon the character and significance of this listed building.

Further harm exists to the character and appearance of the Conservation Area and its setting. The garden area is identified within the Conservation Area Appraisal as an important green and open space. Views over the site give an open aspect appearance. The proposal would introduce built development within this open space. However, the proposed layout of the dwelling houses and scale of these dwellings assist in retaining an element of open aspect within the site, and therefore the impact upon the open aspect is not judged to be significantly adverse.

It is considered that the derived harm to these heritage assets and their settings is not significant and therefore acceptable in terms of policy CS16 which seeks to ensure that any new development does not have a significant impact upon heritage assets and their settings. The acceptability of this harm is also confirmed by Historic England.

The weighing of the benefits of the scheme against the identified harm is quintessentially a matter of judgement for the LPA. Whilst harm has been identified, it is nevertheless considered to be an acceptable harm and the benefits of the scheme further outweigh this identified harm.

The economic, social and environmental benefits of the scheme are acknowledged, creating a presumption in favour of sustainable development and the grant of planning permission, with no adverse impact being created to suggest against the grant of planning permission.

## **10. Other Matters**

Conditions relating to external lighting and drainage will be attached to address concerns expressed by third parties.

## **11. Bin Storage/Collection**

Following the deferral of the application by members of the planning committee, the applicant has amended the proposed plan and relocated the bin collection point closer to the highway.

RBC Work Services have been consulted on this revised location and have confirmed that they are in agreement with the proposed location and Refuse/Recycling workers would be able to collect the bins from this designated collection point.

The Highway Authority has also been re-consulted, following deferral of the application, to reassess the application and consider if any highway implication would result for bin collections being undertaken from the highway. The Highway Authority has raised no objection to the collections taking place on the highway. Such practice is common across both Rugby Borough and the wider County. In addition, such collections would only take place once a week as a maximum and one refuse waggon will only be collecting 7 bins on each occasion and are able to load two bins at a time. As such the time in which collections would take place on the highway would only be for a short period. It is therefore considered that the proposed bin collection and the manner in which it is undertaken are unlikely to cause a significant impact on the operation of the highway network to the detriment of highway safety.

## **12. Recommendation**

Approval subject to conditions and S106 or S111 agreement

Since such time that the application was report to committee and further condition, condition 28, has been added as verbally proposed at the previous committee meeting.

Furthermore, Conditions 2, 14 and 26 have been amended to reflect the amended plan received.



**APPLICATION NUMBER**

R14/2166

**DATE VALID**

09/03/2016

**ADDRESS OF DEVELOPMENT**

THE OLD HALL  
24 LILBOURNE ROAD  
CLIFTON-UPON-DUNSMORE  
RUGBY  
CV23 0BD

**APPLICANT/AGENT**

James Salmon  
Sworders Agricultural  
3 The Gatehouse  
Little Hadham  
Ware  
Hertfordshire  
SG11 2EB

On behalf of Mr Richard Matthews, c/o Sworders

**APPLICATION DESCRIPTION**

Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION: 1**

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

**REASON:**

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

**CONDITION: 2**

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

Amended Plan Proposed Site Plan Drawing No. 212014DWG002 Rev k received by the LPA on the 15/11/2016

Amended Plan Proposed Site Plan with Tree Constraints & Level Drawing No. DWG212014-217 Rev E received by the LPA on the 17/10/2016

Amended Plan Main House Proposed Floor Plans Drawing No. 212014DWG121 Rev C

Amended Plan Unit 6&7 Ground Floor Plan Drawing No. DWG212014-212 Rev D received on the 07/09/2016

Amended Plan Unit 6&7 First Floor Plan Drawing No.212014 DWG 213 Rev D received on the 07/09/2016

Amended Plan Unit 6&7 Proposed Roof Plan Drawing No.212014 DWG 214 Rev D received on the 07/09/2016

Amended Plan Unit 6&7 Proposed Elevations 1 Drawing No.212014 DWG 215 Rev E received on the 07/09/2016

Amended Plan Unit 6&7 Proposed Elevations 3 Drawing No.212014 DWG 216 Rev E received on the 07/09/2016

Amended Plan Proposed Site Sections Drawing No.212014 DWG 218 Rev D received on the 07/09/2016

Stable Block Existing Plans and Elevations Drawing No.212014DWG114 Rev B

Conversion of Outbuildings Existing/Proposed Plans and Elevations Drawing No. 212014DWG115 Rev B

Arboricultural Report: Arboricultural Impacts Assessment Received by the LPA on the 19/09/2016

Internal and External Bat Survey received by the LPA on the 18/09/2016

Main House Elevations Drawing No. 212014DWG122 Rev A

Stable Block Proposed Plans and Elevations Drawing No. 212014DWG124 Rev B

Existing Floor Plans - Main House Showing Proposed Alterations Drawing No. 212014DWG116 Rev B

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

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

**CONDITION: 4**

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows, including the reveal depths [as well as the type and size of the proposed rooflights,] and external doors shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

**REASON:**

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

**CONDITION: 5**

Full details of the siting, design and materials of the proposed bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of any of the proposed unit.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION: 6**

No development shall commence unless and until details of all proposed walls, fences and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of visual amenity.

**CONDITION: 7**

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

**REASON:**

To ensure the proper development of the site.

**CONDITION: 8**

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

**REASON:**

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

**CONDITION: 9**

No works or development shall take place until a final arboricultural method statement/tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012) has been agreed in writing with the LPA. This scheme must include details and positioning of tree protection fencing, ground protection measures, root pruning/access facilitation pruning specification, project phasing and an auditable monitoring schedule.

**REASON:**

To ensure all retained trees are not damaged during the development phase.

**CONDITION: 10**

The development hereby permitted shall proceed in accordance with the detailed mitigation measures for swallows as set out in the document 'Preliminary ecological appraisal (Internal/External Bat Survey) Old Hall and Barns, Clifton on Dunsmore (Revised Sept 2016)' prepared by Dr. Stefan Bodnar and received by the Local Planning Authority on 18/09/2016. The approved mitigation measures shall be implemented in full.

**REASON:**

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

**CONDITION: 11**

The development hereby permitted shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**REASON:**

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

**CONDITION: 12**

No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

**REASON:**

In the interest of archaeology.

**CONDITION: 13**

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and verge have been reinstated in accordance with the standard specification of the Highway Authority. A pedestrian access point shall be created at this location where the existing access is, and details of this pedestrian access shall be submitted to and approved by the LPA and shall be implemented prior to the occupation of any of the dwellings and retained thereafter.

**REASON**

In the interest of highway safety and sustainability

**CONDITION: 14**

Access for vehicles to the site from the public highway (Lilbourne Road) shall not be made other than at the position identified on the approved drawing number Drawing No. 212014DWG002 Rev k received by the LPA on the 15/11/2016

**REASON**

In the interest of highway safety

**CONDITION: 15**

The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

**REASON**

In the interest of highway safety

**CONDITION: 16**

The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

**REASON**

In the interest of highway safety

**CONDITON: 17**

The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

**REASON**

In the interest of highway safety

**CONDITION: 18**

The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

**REASON**

In the interest of highway safety

**CONDITION: 19**

The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

**REASON:**

In the interest of highway safety

**CONDITION: 20**

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON**

In the interest of highway safety

**CONDITION: 21**

Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway.

**REASON**

In the interest of highway safety

**CONDITION: 22**

The development shall not be commenced until space has been provided within the site for the parking and loading/unloading] of construction vehicles in accordance with details to be approved in writing by the Local Planning Authority.

**REASON**

In the interest of highway safety

**CONDITION: 23**

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

**REASON:**

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

**CONDITION: 24**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E, and F of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION: 25**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of visual amenity.

**CONDITION: 26**

The accommodation for car parking, shown on the approved plan drawing no 212014DWG002 Rev K received by the LPA on the 15/11/2016 shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons residing in or calling at the dwellings and shall not be used for any other purpose.

**REASON:**

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

**CONDITION: 27**

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

**REASON:**

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

**CONDITION: 28**

Notwithstanding an indication of the approved plans, prior to the conversion of the existing outbuilding to form garages, details of the proposed garage doors shall be submitted to and approved by the LPA.

## **REASON**

In the interest of visual amenity

## **STATEMENT OF POSITIVE ENGAGEMENT:**

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

## **INFORMATIVES:**

### ECOLOGY

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

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species or fruit/berry bearing species should be used, preferably of local provenance. Such plants have a far higher value for local wildlife than cultivated, non-native plants. WCC Ecological Services would be happy to provide further advice if required (01926 418060).

In view of the nearby hedgehog records, care should be taken when clearing the ground prior to development, particularly piles of deadwood /leaves /bonfire mounds. If a hedgehog is found, work should stop until WCC Ecological Services is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required.

In view of the existing garden habitat, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (0300 060 3900) are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

## **INFORMATIVES:**

### HIGHWAYS

Condition numbers 1-7 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and 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.

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



**Reference number: R16/0566**

**Site address: The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore**

**Description: Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

## **Background**

This application was reported to committee on the 9th November 2016, and subject to a site visit, at the request of Cllr Leigh Hunt. Members agreed to defer this application in order for further clarify to be sort on the proposed bin collection and the manner in which it is undertaken, through consultation with RBC Environmental Services and WCC Highway Authority. The planning application which is running alongside this Listed Building Consent application provides an updated position on this matter.

## **Description of Site**

The application site is located on the south side of Lilbourne Road and west of Hillmorton Lane on the eastern edged of Clifton-upon-Dunsmore, which is identified with the Local Development Framework as a main rural settlement. The site lies to the east of the Rugby Urban Area and approximately 0.8m from the urban edge. The application site is located within the Clifton-upon-Dunsmore Conservation Area and the existing dwelling house is a C17 grade II listed building. This dwelling house is a timber box framed building with brick noggin to the infill panels and a plain tiled roof, with 18<sup>th</sup> and 19<sup>th</sup> century extensions. The north elevation of this dwelling fronting the Lilbourne Road comprises of three dominant gables with bargeboards and ornamental ridge tiles. The dwelling is set within a large residential curtilage which comprises of two curtilage listed stable blocks, on immediately adjacent the dwelling (lower stables) and one further south (upper stables). These two stables are currently linked by a dominant red brick wall. In addition to this, the existing garden contains a tennis court, together with a large number of trees, one of which, a cedar tree, is statutory protected with a Tree Preservation Order. Residential properties are found to the south and west of the application site in varying layouts and styles. Specifically to the south of the site is the neighbouring property known as Kingston Garth which comprises of a large detached dwelling house with a large double garage.

The mainly dwelling house formerly comprised of three cottages, prior to its conversion into a single dwelling house.

## **Description of Proposal**

The proposal seeks listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit. As the existing dwelling house is grade II listed and the outbuildings are curtilage listed, the internal and external alterations require listed building consent.

### **West wing and proposed Unit 1**

This section of the dwelling house, forms a single storey, L-shape extension, built in the 1930's, attached to the west side of the main dwelling house, which currently serves as a games room. The proposal is to convert this element of the dwelling house to form a 2 bedroom dwelling house. Access to this proposed unit will be taken from the rear of the building. Internal alterations include the insertion of new studwork to enclose proposed bedroom 2, and removal of existing walls to create a bathroom.

### **Main dwelling house and proposed Unit 2**

The existing central core to the main dwelling house is proposed to be converted into two separate units, with unit 2 being a three bedroom dwelling house and unit 3 being a two bedroom dwelling house. Access

to this proposed unit will be taken from the existing porch area and from the rear of the building. The existing rear covered terrace area is proposed to be infilled to create a kitchen. At ground floor existing walls are proposed to be removed to create a kitchen area and stud wall erected to create a downstairs w/c. At the first floor existing openings are being blocked up with new openings create.

#### Main dwelling house and proposed Unit 3

Access to this unit will be taken from the rear. Externally the proposal includes the removal of an existing window at ground floor and replace with a smaller window. At ground floor externally a small extension is proposed infilling the existing first floor overhang. Internally at ground floor a new staircase will be created, together with existing walls removed to create a hall. At first floor level the existing bathroom and walls will be removed to create a landing area and new stud walls erected to create a bathroom, together with a number of existing opening blocked to create this self-contained unit.

#### The barn and proposed Unit 4

This is the west wing of the existing building referred to as 'the former barn' which dates from the 18<sup>th</sup> Century, formerly used for agricultural purposes prior to its conversion to a garage and self-contained flat above ('the cottage'). In the 20<sup>th</sup> Century a connection was made with the main dwelling house. The proposal is to convert this, into a three bedroom dwelling house. Externally a new ground floor window will be created within the rear elevation. Internally at the ground floor a new opening will be created between the proposed hall and living room, an existing opening is proposed to be widened and staircase access amended. Existing openings at ground floor and first floor will be blocked to provide separation to the rest of the building. At first floor level new stud walls will be created to provide a bathroom and storage area, with existing opening widened into the proposed storage room and en suite. Access into this unit will be taken from the rear and east side.

#### Upper Stable (labels stables on existing plan) (unit 5)

The upper stable is proposed to be converted into a two bedroom dwelling house. Referred to within the heritage statement as the south stable, this building appears to be a 1920s remodelling of a stable built in the 18<sup>th</sup> Century. The east elevation comprises of three high level stone arched windows, with a further arched window within the north elevation. The west elevation comprises of four stable doors. The south elevation has an upper level hayloft. As part of this conversion within the western elevation the four stable doors are to be retained with glazed windows installed behind three of the stable doors and a glazed door installed behind one of the stable doors. Within the roof slope along this elevation four rooflights are proposed. Within the south elevation the existing hayloft will be fully glazed.

#### Lower Stable (barns)

The lower stable is proposed to be converted into garages. Referred to within the heritage statement as the north stable, this building dates back to the 18<sup>th</sup> Century and therefore is curtilage listed. As existing the west elevation comprises of four doors and one small-paned window, with a further small-pane window within the southern elevation. As part of this proposal the existing doors and window within the western elevation will be removed to create five large openings.

### **Relevant Planning History**

#### R12/2360

Provision of a new vehicular access off Hillmorton Lane, including demolition of part of the existing boundary wall and installation of 1.9m high double solid timber gates and 2no. 2.3m high brick pillars.  
Approved 08/07/2013

#### R14/2166

Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.  
Undecided

### **Third Party Comments** (in conjunction with the planning application)

#### On original proposal

Neighbours (4 objections)

- No alterations to the front façade and landscaping frontage should be permitted
- Loss of large trees particularly the beech tree is a concern
- Increased in traffic
- Insufficient car parking spaces
- Poor visibility from the proposed access
- Impact upon bats
- No need for new dwellings within the area
- Increase in noise and disturbance
- Overlooking into 2 The Heathlands

Clifton-upon-Dunsmore Parish Council

Parish Council resolved to express the following points of concern:

1. The application would mean a significant alteration to the character of a key building in the village, which will change the nature and landscape of the village
2. The property is Grade 2 listed
3. There would be a significant increase in vehicle movements on Lilbourne Road and Hillmorton Lane, so an increase in traffic at an, already, difficult traffic junction
4. There is no pedestrian footway in the area – would not want the tarmac verge to be tarmac'd over
5. The application would result in the loss of large area of green space
6. There would be a loss of amenity to surrounding properties due to be overlooked from upper floors of new buildings
7. There would be a loss of significant trees – particularly a Copper Beach and Magnolia (which is shown as an elder in the plans – ref tree 13) trees.
8. What provision has been made for the, up to, 16 additional wheelie bins which would be presented for collection at the kerbside, leading to traffic/pedestrian obstruction
9. Fall level of the foul water drainage (plot 8)

Ward member Cllr Leigh Hunt

- The property is a key, listed property within the village,
- The proposal would substantially change its nature
- Increase in traffic along Hillmorton Lane particularly near the junction with South Road
- No pavement in this area to link with the village and local services
- Loss of a large garden/green space within the village
- Loss of significant trees particular the copper beach along the southern boundary with is highly visible outside the site
- Significant number of bats and swallows within the area
- Concerns about foul water drainage (plot 8)
- Overlooking from neighbouring properties
- Concerns about bin storage

## **Technical Consultation Responses**

### On original proposal

Historic England

The Old Hall a 17th century timber framed house with interesting later alterations standing on a large plot. The scheme harms the significance of the listed building and of the Conservation Area in which it stands, and should be scaled down following further discussions.

### On Amendments

Neighbours (2 objections)

- The amendments do not overcome previous objections

Ward Member Cllr Leigh Hunt

In addition to previous comments made the following additional comments are as follows:

- Is there sufficient access for emergency services to reach the current Old Hall dwelling, especially if residents have visitors (which would further reduce accessibility)
- Loss of few remaining large family houses with large gardens within the village
- It is essential for the social and economic wellbeing of the local community that a range of homes are provided, or that unusual or rare properties such as this should be retained. This application does not meet those criteria, and will simply add to the number of medium-sized family homes that are already available in Clifton and its wider environs
- Restricting should be imposed around street lighting, in terms of height restriction, light fall and brightness
- Condition should be applied to restrict the height of any external lighting to the rear of the properties adjacent to Kingston Garth so as to prevent light spillage into that property

Clifton-upon-Dunsmore Parish Council      no comments received

## **Technical Consultee responses**

### On Amendments

Historic England

Tree Officer – no objection subject to conditions requiring the submission of a final arboricultural method statement/tree protection plan

### **Relevant planning policies/guidance**

#### Rugby Borough Core Strategy, 2011

CS16 Sustainable Design

#### National Policy and Guidance

National Planning Policy Framework (NPPF)

Rural Housing Planning Practice Guidance

## **Assessment of Proposal**

### **1. Heritage**

#### **1.1 Background**

This property is a grade II listed building, and its outbuildings are curtilage listed. As part of the submitted Heritage Appraisal, it has transpired that as part of the 20th century works, which did not register as an important element in the history of the building at the time of listing, the heritage appraisal demonstrates that this was an important part of the development of the building. This appraisal records that some of high quality historic fittings used in the 1920s works were derived from Warwick Priory, particularly doors and at least one room of panelling. Historic England's Principal Inspector of Historic Buildings and Areas, considers that the incorporation of elements of this important historic building (the major portion of which was exported to Richmond, Virginia after the 1925 sale where it still stands) enhances the significance. In light of this information, the LPA had approached Historic England which a view of upgrading the listing of the property. Historic England have re-assessed the listing in light of this information, but consider that the existing grading, that being Grade II, is the correct listing for this property. Following on from this the LPA have applied to Historic England for the existing listing to be amended to include reference to the historical fittings within the building deriving from Warwick Priory. However, Historic England consider that this information does not warrant an amendment to the list entry, and whilst they can appreciate the significance of the Warwick Priory features, these would be protected by the original listing and therefore it has been deemed unnecessary to undertake a full reassessment in order to name them specifically.

#### **1.2 Policy**

Policy CS16 also refers to the historic environment. It states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant-impact on existing designated and non-designated heritage assets and their settings.

The duty imposed by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) made clear that special regard to the desirability of preservation means that avoiding harm to a listed building, or its setting, is a factor that is not only one of considerable importance, but also one that attracts considerable weight in any balancing exercise.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.' Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

### **1.3 Assessment**

#### **1.3.1 Impact upon the character and appearance of the Listed Building**

##### **1.3.1.1 Unit 1 West Wing**

This section of the dwelling house, forms a single storey, L-shape extension, built in the 1930's, attached to the west side of the main dwelling house, which currently serves as a games room. The proposal is to convert this element of the dwelling house to form a 2 bedroom dwelling house.

As a late extension to the main dwelling house, it lends itself nicely to being converted, and the proposed insertion of stud walls are reversible. The internal arrangement has been amended with the existing door from the main dwelling house leading into this extension being retained, as this door is from Warwick Priory and therefore an important feature. The removal of two existing stud walls would not adversely impact upon the character and appearance of the building.

##### **1.3.1.2 Units 2 and 3 Main Dwelling House**

There are a number of works proposed in order to subdivide the central core of this dwelling house to form two dwellings. These works would include the insertion of a number of stud walls, blocking up of existing opening and the insertion of a new staircase. It is considered that these works can be achieved sensitively whilst retaining the architectural and historical character of the property, both its older fabric and its later acquired character (notably the imported features from Warwick priory). Proposed external alterations include the infilling of an existing undercroft, together with a small extension. This external alteration will not impact upon the character and appearance of the building and would be undertaken sympathetically.

##### **1.3.1.3 Unit 4 Barn**

The former barn' which dates from the 18<sup>th</sup> Century, formerly used for agricultural purposes prior to its conversion to a garage and self-contained flat above ('the cottage'). This section of the dwelling house was not originally part of it with a connection being made in the 20<sup>th</sup> century. Therefore it lends itself nicely to being converted. The internal alterations are minimal and would not impact upon character and appearance of the building.

#### **1.3.2 Impact upon the character and appearance of curtilage listed buildings**

##### **1.3.2.1 Stable**

The proposal seeks to convert this existing outbuilding to create a two-bedroom dwelling house. This building is considered to be curtilage listed, built between 1851-1886 and re-modelled in the 1920s. This building is described, within the applicants Significant Assessment, as having some historical value, some evidential value, and having some aesthetic value with the western elevation having little aesthetic value. In order to facilitate this conversion four rooflights within the western roof light are proposed together with the insertion of a first floor window within the southern gable ended elevation. These alterations are considered minimal and therefore would not harm the character and appearance of this building.

### 1.3.2.2 Barn

The proposal seeks to conversion of this existing outbuilding to create garaging accommodation. This building is considered to be curtilage listed, built between 1851-1886. This building is described, within the applicants Significant Assessment, as having some historical value, some evidential value, and having some aesthetic value with the western elevation having little aesthetic value. The proposal would include significant alterations to the western elevation in order to create four openings to accommodate vehicles. Whilst these alterations are significant, given that this elevation has little aesthetic value, it is on balance considered acceptable. However, this aesthetic value would be better maintained by the provision of traditional boarded timber garage doors rather than open-fronted garages, and would be conditioned as such, should planning permission be granted.

### 1.3.3 Impact upon Setting of the Listed Building

Whilst this is a listed building application which seeks consent for internal and external alterations to enable to conversion of the existing main dwelling house into 4 units, the conversion of a curtilage listed building into a dwelling house and the conversion of a curtilage listed building to form garages, these works would result in the subdivision of the existing curtilage to enable these works which needs to be considered.

As stated within the applicants Significance Assessment (pp. 58-9) makes reference to the large garden and the positive contribution it makes to the setting of the Old Hall. This is further reinforced within the council's conservation area appraisal. The present garden layout was created in the interwar period, on what had previously been a paddock. It is therefore only a relatively recent aspect of the property's character and significance, although nonetheless attractive. More recently the southern part of the garden has been developed with a bungalow (Kingston Garth). This history serves to illustrate the fact that the setting of a heritage asset can change over time, and indeed the setting of this heritage asset has evolved overtime.

Current proposals envisage the conversion of the Old Hall to four units. Whilst the conversion itself would be undertaken sympathetically, it would inevitably lead to changes in the garden layout. This proposed garden subdivision would create proportionate and sufficient private outdoor space for each of the new units.

The subdivision of the existing garden would result in harm to the setting of the listed building. This level of harm it not considered to be substantial, but would be assessed as having a less than substantial impact.

## **2. Balancing Exercise**

The development would lead to less than substantial harm as defined by NPPF paragraph 134. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) is an important appeal case in that it states that a less than substantial harm carries considerable weight against any proposal. Paragraph 134 clearly states that were a less than substantial harm has been identified, this harm should be weighed against the public benefits of the proposal. In this case consideration is given to the economic, social and environmental benefits of the scheme. These benefits are set out within the applicants planning statement.

It is acknowledged that the scheme would make a positive contribution towards the economic role in terms of those derived from the economic and employment opportunities from the conversion of the existing

buildings to create five dwellings. It is also envisaged that future occupiers of the dwellings would provide a positive economic benefit to existing services within the village.

The social role of sustainability includes supporting strong, vibrant and healthy communities. The services provided within the village are outlined within the applicants planning statement. These services would be readily accessible to future occupiers of these dwellings by foot, and would therefore make a positive contribution towards the social dimension of sustainable development. In addition to this the contribution that the applicant is willing to make towards the improvement/refurbishment of the existing open space area would make a further positive contribution towards the social dimensions of sustainability.

The third dimension of sustainability includes the environmental role and seeks to ensure that development contributes towards protecting and enhancing our natural, built and historic environment. The 'less than substantial harm', weighs against the development and the environmental role of sustainability. The environmental benefits of the scheme include proposed landscaping to offset the removal of existing trees, provision of a blackbird nest box and swallow nest cups, and the contribution towards the existing play area within the village which would make a positive improvement to the conditions to where people take leisure. A further environmental benefit includes re-using the curtilage listed buildings in a positive manner and in a way that would ensure that they are retained and appreciated for future generations, and securing an optimum viable use. The conversion of the existing dwelling house also seeks to secure an optimum viable use without impacting upon the character and significance of this building.

Whilst the harm identified is less than substantial, in assessing the amended scheme Historic England have raised no objection and are content for the scheme proceed. These comments provide a clear indication to the significance of the harm to the heritage assets, and how this harm is assessed against the benefits of the scheme.

The identified harm is to the setting of the listed building through the subdivision of the existing garden. The main dwelling house dates back to the 17<sup>th</sup> Century where, what is now the formal garden area was an area of paddock land. It was not until the early 1900s that this garden area was formally created. This was later subdivided to create the neighbouring property Kingston Garth. It should be noted, that this subdivision occurred prior to the listing of The Old Hall. Whilst this garden area is an attractive aspect to the site, it is a relatively recent aspect of the property's character and significance. Therefore, the setting has evolved over time without a significant adverse harm to the character and significance of the listed building. This further alteration to the setting would not have a significant adverse impact upon the character and significance of this listed building.

It is considered that the derived harm to these heritage assets and their settings is not significant and therefore acceptable in terms of policy CS16 which seeks to ensure that any new development does not have a significant impact upon heritage assets and their settings. The acceptability of this harm is also confirmed by Historic England.

The weighing of the benefits of the scheme against the identified harm is quintessentially a matter of judgement for the LPA. Whilst harm has been identified, is it nevertheless considered to be an acceptable harm and the benefits of the scheme further outweigh this identified harm.

The economic, social and environmental benefits of the scheme are acknowledged, creating a presumption in favour of sustainable development and the grant of planning permission, with no adverse impact being created to suggest against the grant of planning permission.

### **3. Recommendation**

Approval subject to conditions.

Since such time that the application was report to committee condition 2 has been amended to reflect the amended plan received.

**APPLICATION NUMBER**

R16/0566

**DATE VALID**

10/03/2016

**ADDRESS OF DEVELOPMENT**

THE OLD HALL  
24 LILBOURNE ROAD  
RUGBY  
CV23 0BD

**APPLICANT/AGENT**

James Salmon  
Sworders Agricultural  
3 The Gatehouse  
Little Hadham  
Ware  
Hertfordshire  
SG11 2EB

On behalf of Mr Richard Matthews, c/o agent

**APPLICATION DESCRIPTION**

Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION: 1**

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

**REASON:**

To comply with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

**CONDITION: 2**

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

Amended Plan Proposed Site Plan Drawing No. 212014DWG002 Rev K received by the LPA on the 15/11/2016

Amended Plan Main House Proposed Floor Plans Drawing No. 212014DWG121 Rev C

Stable Block Existing Plans and Elevations Drawing No.212014DWG114 Rev B

Conversion of Outbuildings Existing/Proposed Plans and Elevations Drawing No. 212014DWG115 Rev B

Main House Elevations Drawing No. 212014DWG122 Rev A

Stable Block Proposed Plans and Elevations Drawing No. 212014DWG124 Rev B

Existing Floor Plans - Main House Showing Proposed Alterations Drawing No. 212014DWG116 Rev B

**REASON:**

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 of the extension shall be of the same type, colour and texture as those used on the existing dwelling.

**REASON:**



In the interest of visual amenity.

**CONDITION: 4**

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows, including the reveal depths as well as the type and size of the proposed rooflights, and external doors shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

**REASON:**

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

**CONDITION : 5**

No development shall commence unless and until full working drawings of the proposed windows and doors have been submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 and should specify the materials of construction and cross-sections of the glazing bars and transoms of all windows including reveal depths. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of visual amenity and to protect the character of the Conservation Area.

**CONDITION: 6**

Prior to commencement of development in respect to the internal and external works to the existing outbuildings and the main dwelling house a schedule of works shall be submitted to and approved by the Local Planning Authority.

This schedule of works shall include:

Mortar mix to be used

Full details of the proposed internal staircases to the main dwelling house and unit 5

Full details of the wall lining

**REASON**

In the interest of the character and appearance of the listed building and curtilage listed buildings

**CONDITION: 7**

Notwithstanding an indication of the approved plans, prior to the conversion of the existing outbuilding to form garages, details of the proposed garage doors shall be submitted to and approved by the LPA.

**REASON**

In the interest of visual amenity

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**Reference number:**

R16/1234

**Site address:**

Fields Farm, Lower Green, Woolscott

**Description:**

Proposed extension to existing agricultural building.

**Case Officer Name & Number:**

Paul Varnish, ext 3771

**The Site:**

The application site is located on the east side of Woolscott Lane (a classified road - C193) approximately 1.8km from the village of Grandborough. It lies within the open countryside and is surrounded by fields used for arable and pasture grazing purposes. The land slopes down gently from the south/west and ascends towards the north, where the existing building is visible from the highway.

The site itself contains arable/pasture fields, with the existing agricultural building and a large area of hardstanding, which is currently used for the storage of hay, farm operations and for the parking of heavy goods vehicles. The site is accessed to the north-west off Woolscott Lane along a single track hard surfaced lane. The existing building has already been previously extended from two separate buildings to one larger building, under Planning Application reference R11/2228.

The application is brought before you because it is a major planning application. Additionally, Councillor Crane has requested that the application should be determined by the planning committee, due to concerns raised by the Grandborough Parish Council and a number of constituents regarding the proposed use of the barn being for the haulage business and not for agricultural use.

**Relevant Decisions:**

R07/1907/AG - Prior determination for the erection of an agricultural building - Required 23.11.2007

R07/1426/PLN - Provision of new vehicle access – Approved 19.09.07

R08/0473/AG - Application for prior determination to provide covered storage for Machinery and feed - Not required 15.04.08

R08/1789/AG - Determination as to whether prior approval is required for the erection of a barn - Required 17.12.2008

R09/0216/PLN - Erection of a steel framed agricultural building - Approved 17.04.09

ENF/2009/0629 - Use of building and land as a haulage depot - Enforcement notice issued 30.06.2010 - appeal dismissed on 18.05.2011

R11/2228 - Extension to a livestock sleep / collection barn - Approved 15.08.2012

R13/0592 - Erection of an attached dwellinghouse. – Refused – 29.07.2013

### **The Application:**

Planning permission is sought for the extension to an existing agricultural building. The extension will be L-shaped and will adjoin the existing south/west and south/east elevation. The larger part of the extension towards the existing south/east elevation will project off the building by 28.96 metres and is 48.85 metres in width. The smaller part of the extension will extend off the south/west elevation and will project off the elevation by 12.19 metres and will measure 33.53 metres in length. The overall size of the extension will be 1820 square metres. It is to be constructed of steel sheeting and fibre cement roofing to match that of the existing building. The side elevation at the south/west elevation will include space boarding and concrete panels, with the south east side elevation being constructed of concrete panels and Ventair metal wall cladding.

Additional correspondence received from both the applicant and his agent details that the proposed extension is required due to an increase in the amount of land owned and rented by the applicant in association with an increased number of heads of livestock. The building will only be used for the applicants own livestock and will generate approximately 2 vehicular movements per week.

### **Technical Consultations:**

Environmental Health – No objection

WCC Ecology – Requested site photographs. Further correspondence: no objection, subject to informatives.

WCC Highways – No objection

WCC Archaeology – Will conduct a detailed assessment. Further correspondence: Archaeology have undertaken a detailed assessment and have concluded that it is unlikely to have a significant archaeological impact and therefore have no archaeological comments to make on this application.

Rhodes Rural Planning & Land Management – The proposed building is of an appropriate size for housing the applicant's current suckler herd.

### **Third Party Consultations:**

Grandborough Parish - Concerns expressed by a number of parishioners regarding the needs and size of the proposed extension and the building being used in relation to the applicant's haulage business. Request for a full investigation of the reasons why the extension is thought to be necessary, and at the very least warranty sought that the barns will not be used for storage/distribution purposes.

Councillor Crane – Concerns from the Councillor and the local community that doubling the current barn in size will lead to a similar increase in the size of the haulage business with all the knock on effects that this will have for the local area such as an increase in the number of large and heavy lorries on the narrow road up to the A45 which could cause safety concerns as the road is not wide enough for both large lorries and cars to pass safely. There is also the dangerous turn onto the A45 which is not set up for large lorries turning. Further Correspondence received: the request for a condition restricting the use of the building to agricultural use and not to be used for the haulage or distribution business and a condition to include landscaping to reduce the visual impact of the proposal.

Neighbour objections (1 in total) – The buildings are being used for maintenance and as a transit base, not for agricultural purposes and concerns with highway safety.

Neighbour comments (4 in total) – Concerns regarding traffic movement, highway safety in regards to the haulage business and the subsequent damage to the highway. Request for conditions to ensure the barns are used for the purposes described in the application throughout their lives, at no time, now or in the future, are they used as part of the freight and haulage business that runs on the site, their existence does not in any way make it more likely or possible that a future change of use from agriculture will be allowed, the subsequent increase in traffic, particularly heavy and large vehicles, is such that the roads are even more dangerous and damaged than at present. Concern regarding light and noise pollution; the need for screening to prevent subsequent noise and light pollution. Request for a planting scheme which would reduce and potentially eliminate visual intrusion and to reduce the light and noise pollution. Reduction in disruption by the site activities, there is occasionally operations continuing through the night. Request for a restrictive condition to be applied to stress that if the barns become redundant for agricultural use they should be removed and the site re-established as farmland, rather than used for commercial or industrial use. Request for monitoring on activities, to ensure they are for agricultural purposes.

### **Relevant Policies:**

#### Local Planning Policies

Rugby Borough Local Development Framework Core Strategy

CS1 – Development Strategy - Complies

CS16 – Sustainable Design - Complies

#### Saved Local Plan Policies

E6 – Biodiversity - Complies

#### National Planning Policy/Guidance

National Planning Policy Framework 2012 - Complies

### **Determining Considerations**

The main issues concerning this application are whether the principle of the development is acceptable and the impacts of the proposal upon the visual and residential amenities of the area.

#### **Principle of development**

Policy CS1 Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential approach. The application site is located within the countryside which is in the penultimate tier of the hierarchy and therefore considered a less sustainable location. Policy CS1 states that new development will be resisted and only where national policy allows will development be permitted.

The National Planning Policy Framework (NPPF) within paragraph 28 promotes the development of agricultural businesses in order to promote a strong rural economy.

The proposal is for the extension of an existing open sided structure used for the holding of the applicant's livestock and other storage in connection with the agricultural operation.

The details submitted as part of the application as well as the details subsequently provided following requests by the Local Planning Department have highlighted that the applicant's livestock levels have increased in volume within the current year and have also been increasing in volume since 2013, hence the need for the application to extend the existing facility.

The Local Planning Authority consulted Rhodes Rural Planning & Land Management (RRP&LM), an independent agricultural consultant who conducted a site visit on the 28<sup>th</sup> September 2016. A

previous appraisal had been conducted by the RRP&LM under planning reference R13/0592 - Erection of an attached dwellinghouse. The two appraisals have enabled the RRP&LM to assess how the agricultural operation has changed, and whether there is an operational need for the building.

In summary RRP&LM recognise that the applicant has continued to increase the suckler herd; he calved a total of 120 cows at the farm or in rented buildings at East Haddon in 2016, and in 2017 he will calve 160 cows and heifers at the farm. In addition to the suckler herd the applicant normally puts 100 to 150 ewes in lamb which are either sold as in-lamb ewes or lambed down at Fields Farm if space is available.

During the 2016 season the applicant has been able to rent additional building space for his growing herd at East Haddon Parks, East Haddon, Northants. However, in an email submitted as part of the application information the owner has confirmed that these buildings will not be available to the applicant for the coming year.

As a consequence of the buildings at East Haddon Parks not being available and with the continuing expansion of his herd, the applicant is now seeking an extension to his existing agricultural building at Fields Farm in order that he can provide the necessary cover to winter house and calve the herd.

In terms of livestock buildings, The Agricultural Budgeting and Costing Book (a farm and rural business information reference book) sets out a space allowance of 9.9m<sup>2</sup> per cow and calf. The building proposed will provide cover for 148 cows and their calves on this basis. The existing stock building will allow the applicant to provide the proper layout of feed passages and additional stock provision over and above that provided by the new building. The proposed extension together with the existing building will allow the applicant to house the whole herd.

It is therefore concluded that the proposed building is of an appropriate size for housing the applicant's current suckler herd.

RRP&LM had concerns in regards of the design of the building. The height of the proposed building is consistent with modern practice i.e. high eaves height to allow an airy space above the housed cattle to prevent the build-up of pathogens. However, from the plans supplied it is not clear how the building will be enclosed. Normally such buildings are enclosed with pre-stressed concrete panels with space boarding above. RRP&LM suggest that the LPA may wish to obtain further details from the applicant.

Due to the concern raised by RRP&LM regarding the building, clarification of the design were requested and the agent has clarified that it would be constructed of concrete panels and space boarding. RRP&LM were again consulted and confirmed that this would be 'consistent with what they would expect from a building of this type'.

Previous unauthorised use of part of the site for haulage purposes resulted in the LPA undertaking enforcement action and the serving of an enforcement notice in 2010. The applicant appealed the enforcement notice and applied to change the use of land from that of agricultural use for use as a haulage vehicle depot. The appeal was dismissed in May 2011 and the inspector concluded that application site can only be used for purposes in relation to the applicant's agricultural operation.

Due to the previous breaches in regards to planning, the enforcement team has been consulted. The enforcement team concluded that in regards to any breaches of condition in relation to the previous enforcement action served in 2010 and subsequent appeal effective from May 2011, from their records there have been no recorded incidents or formal action on the site.

Notwithstanding the previous unauthorised use of part of the site for haulage purposes the predominant use of the site including the surrounding land appears to be for farming purposes which is an appropriate use within this countryside location given that it cannot readily be accommodated in any of the other areas of higher preference such as the urban area. Given this and the fact that the proposal comprises an extension to an existing livestock housing structure the principal of the development is acceptable in accordance with policy CS1 of the Core Strategy and the NPPF.

Details submitted by the applicant and his agent following discussions with officers have indicated that the building as extended will be used solely by the applicants for their own livestock. It is considered appropriate that a condition restricting the use of the extended building to livestock within the applicants ownership and for no other purpose would comply with the tests for conditions and is necessary given that the justification for the proposal is the applicants own livestock.

### **Design and appearance**

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity in which they are situated. Furthermore, development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The NPPF within Section 7 states the great importance it attaches to design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Whilst the proposal represents a significant increase in the size of the existing structure, the materials will be of a similar appearance to the existing building, with the design and appearance being considered to be in-keeping with a countryside location. Although there are no neighbouring properties within close proximity, the site is visible from the nearby highway and can be considered a prominent construction. However, due to the positioning of the extensions, being located behind the existing building furthest away from the highway, it is considered that the scale, massing and proportions will not cause any adverse or detrimental impact on the amenities of the locality.

Never-the-less, due to the size and scale of the existing structure and the proposed extension adding to the mass of the building, the prominence of the building as viewed from the highway and because of concerns raised by neighbours, it is considered appropriate to request for additional landscaping, to be included as a condition, to help reduce the visual impact of the proposal. A condition will also be included to ensure that any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

It is therefore considered the proposal complies with policy CS16 and the NPPF.

### **Ecology**

Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things. In addition, Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance.

Ecology requested site photographs and have viewed the plans, aerial photography of the surrounding area and searched the Warwickshire Biological Records Centre (WBRC) for existing records of protected species and sites in the surrounding area.

Ecology concluded that the application is unlikely to have any significant impact on protected species or sites. The existing agricultural building is considered to be sub-optimal for roosting bats but may be used by nesting birds, and subsequently ecology has requested protective informatives for both species to be included. From the Ordnance Survey mapping, ecology recognise that there is a pond located within approximately 50 metres south-east from the application site. Given that the works include site clearance, ecology would recommend that care is taken during removal of the strip of scrub and tall grassland along the field edge. In the unlikely case any protected species including great crested newts or grass snake are found, all works must stop whilst WCC Ecological Services or Natural England are contacted for advise on how to proceed.

It is therefore considered that the proposal will not have an adverse impact on protected species in accordance with saved policy E6.

### **Highways**

Warwickshire County Council Highways were consulted and have raised no objection. It is therefore considered that the proposal will not have a detrimental impact on highway safety.

### **Recommendation;**

Recommend approval subject to conditions.

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R16/1234

#### **DATE VALID**

07/09/2016

#### **ADDRESS OF DEVELOPMENT**

FIELDS FARM  
LOWER GREEN  
WOOLSCOTT  
RUGBY  
CV23 8DD

#### **APPLICANT/AGENT**

Howkins & Harrison  
7-11 Albert Street  
Rugby  
Warwickshire  
CV21 2RX  
On behalf of MR R J MAWBY, C/O AGENT

#### **APPLICATION DESCRIPTION**

Proposed extension to existing agricultural building.

#### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

##### CONDITION 1:

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

##### REASON:

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

##### CONDITION 2:

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

The Application Form  
Topographical Survey - S1795-01  
The Site Location Plan - S1795-02  
Proposed Barn Extension - S1795-03

Agricultural Plan - 16-5154  
Agricultural Plan - 16-5154B  
All received on the 7th September 2016

Agricultural Plan - 16-5154 (Materials)  
Agricultural Plan - 16-5154B (Materials)  
All received on the 4th November 2016

**REASON:**

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 of the extension shall be of the same type, colour and texture as those used on the existing agricultural building.

**REASON:**

In the interest of visual amenity.

**CONDITION 4:**

The extension to the agricultural building hereby permitted shall only be used for purposes in conjunction with the agricultural operation of Fields Farm, Lower Green, Woolscott, CV23 8DD, and shall not be used independently from this agricultural operation for any other purposes or use without the prior written consent of the Local Planning Authority.

**REASON:**

In the interests of the amenities of the locality and for the avoidance of doubt.

**CONDITION 5:**

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

**REASON:**

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

**CONDITION 6:**

Details of any external lighting proposed for the extension hereby permitted shall be submitted to and approved, in writing, by the local planning authority prior to the commencement of the development hereby permitted. The external lighting shall thereafter be installed in accordance with such approved details, unless otherwise approved in writing by the local planning authority.

**REASON:**

In the interest of residential amenity.

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**INFORMATIVE 1:**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species



Licensing Service on 0300 060 3900. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 0300 060 3900 for advice on the best way to proceed.

**INFORMATIVE 2:**

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

**INFORMATIVE 3:**

In view of the nearby pond, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (0300 060 3900) are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

**Reference number: R16/1933**

**Site address: Land South of Back Lane, Long Lawford**

**Description: Variation of condition 2 of R12/1188 (Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings.) to make amendments to approved housetypes and garages and repositioning of plots 16-24.**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

This application is being reported to Committee as it a major application. Although this is for a variation to a condition attached to an existing planning permission this application was registered before the change to the Scheme of Delegation that would allow it to be determined under delegated powers.

### **Relevant planning history**

R12/1188: Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings, Approved 16 September 2016

### **Background:**

In 2009 guidance and changes to legislation were issued which allow greater flexibility when dealing with planning permissions. This is reiterated in the National Planning Practice Guidance (NPPG) published in 2014. This includes dealing with “minor material amendments” to existing permissions and advises that these should be dealt with as applications to amend conditions listing plans on the original planning permission.

Although no statutory definition of a minor material amendment has been provided the guidance states this is a change “whose nature and scale results in a development which is not substantially different from the one that has been approved.”

The guidance goes on to state that authorities have the discretion to decide which statutory consultees should be consulted and advises that a proportionate approach should be adopted when consulting third parties.

In relation to issuing decisions it is advised that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued, although time limit to commence development should not be extended.

### **Description of proposals**

This application is to make amendments to planning permission R12/1188.

This granted permission for 112 dwellings with access provided in a central location, emergency access, pedestrian links and areas of amenity open space, balancing ponds and landscaping. This also included requirements for highway works outside of the site.

The current application makes changes to the proposed housetypes and amends the layout at the eastern edge of the site (plots 16-24).

As with the previously approved scheme the proposals are for a mix of 2, 3 and 4 bedroom houses and 1 bedroom flats, the proposals include one additional 2-bedroom property and one less 3-bedroom property.

The previously approved scheme comprised two storey properties, the current application includes some two and a half storey properties with rooms within the roof space. Gable features, bay windows, chimneys and porches are proposed to add interest to the development. Some properties will have black weatherboarding elements or render elements. Where side elevations of properties will be prominent within the development dual aspect properties are proposed.

### **Description of site**

The site is located to the south and west of Back Lane, Long Lawford. The majority of the site is currently agricultural land that is laid to pasture. The site is relatively level with fields divided by hedgerows which contain some trees. The western part of the site comprises a mix of land uses. Close to the bend in Back Lane is the former site of a dwelling, The Croft. Adjacent to the railway, is an area used for horses and other livestock. To the south of The Croft is an area of paddock, there is a row of mature trees on this southern boundary of the site.

Residential properties on The Green are to the west of the site. Number 22 is a chalet bungalow with side facing windows looking towards the site. Number 26 is a cottage which has the rear elevation facing the site. Number 30 is a bungalow which has side and rear windows facing the site and a first floor rear facing window within the gable end.

Across Back Lane, to the north, is a residential development. At the western end of the site Back Lane rises to a bridge across the railway.

### **Technical consultation responses**

WCC Archaeology	No comment
RBC Housing	Comments Prefer flats previously approved, flats should avoid communal services, house sizes should be increased

### **Third party comments**

Neighbours (5) Objection

- Road infrastructure cannot cope;
- Traffic has increased in recent years, railway bridge is dangerous for pedestrians and drivers;
- Traffic lights will not reduce the amount of traffic using the bridge;
- Widening road will increase traffic on Back Lane, traffic does not obey speed limit and traffic calming should be provided;
- Back Lane should be made one way, except buses with traffic entering the village through The Green and Townsend Lane and leaving through Back Lane, this would be cheaper than installing traffic lights;
- Lack of visibility at Back Lane/Coventry Road junction;
- Street light has been damaged and bend is dangerous in total darkness;
- Long Lawford is overcrowded and school is oversubscribed;
- Moved to areas as is a peaceful location;
- Additional light will affect property;
- Loss of privacy if two storey houses proposed;
- Property floods due to over development and changing water tables;
- Water is pumped to property, additional development will affect supply;
- Loss of open space, there is little open space in the village and this is used for dog walking;
- Partner is disabled and concerned traffic may prevent access by emergency vehicles;
- Noise, dust and disturbance;
- Property was extended and is incorrectly shown on plans, proposed dwellings will be closer;
- What boundary treatment is proposed, would not want people to get between existing wall and any new fence;
- Residents were not aware planning permission had been granted.

### **Relevant planning policies and guidance**

#### Rugby Borough Core Strategy, 2011

CS1	Complies	Development Strategy – see assessment below
CS2	Complies	Parish Plans
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable Housing

### Rugby Borough Local Plan, 2006 – Saved policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking facilities
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open space standards

Planning Obligations SPD, 2012

Housing Needs SPD, 2012

Sustainable Design & Construction SPD, 2012

National Planning Policy Framework, 2012 (NPPF)

### **Assessment of proposals**

The main issue to assess in relation to this application is whether the proposed changes to the housetypes and the layout of plots 16-24 are acceptable.

### Principle of development

The principle of the development was established by the previous planning permission as it was in accordance with CS1 and CS2.

Paragraph 49 of the NPPF states that where Council's cannot demonstrate a 5 year supply of housing land policies for the supply of housing should not be considered up to date and applications should be considered in accordance with the presumption in favour of sustainable development contained in the NPPF.

The Council cannot demonstrate a 5 year land supply and policy CS1 is therefore considered out of date in relation to housing delivery. However, this does not affect the determination of this application as the principle of the development was established by the previous permission and this application seeks to vary this existing permission.

Notwithstanding this the site is located within a Main Rural Settlement which comprises a sustainable location and the development is in accordance with the NPPF.

Whilst the development will result in the loss of agricultural land this has not changed since the previous approval and is considered acceptable.

### Visual amenity and design

The proposed dwellings will be a similar style to those previously approved, although two and a half storey properties and weatherboarding are being introduced in the current application. Design features such as gables, bay windows, and porches are proposed to add interest to the development. Properties in key locations include chimneys to break up the roofscape. Other properties in key locations are also proposed with weather boarding or render elements. Where side elevations of properties will be prominent within the development dual aspect properties are proposed.

Details of the proposed materials, red brick with brown and grey roof tiles, have also been submitted and these are considered acceptable.

It is therefore considered that the impact in terms of visual amenity and the character of the area is acceptable in accordance with the relevant part of CS16.

### Residential amenity

The impact on the amenity of neighbouring properties must also be assessed. The proposals do not move the proposed dwelling closer to neighbouring properties than the previously approved scheme. It is therefore considered the impact in terms of light and privacy is acceptable.

The previous application was accompanied by reports regarding noise and air quality. Environmental Health commented on these and raised no objection, subject to a range of conditions relating to noise barriers and glazing to prevent future occupiers being affected by the adjacent railway.

The impact on the amenity of neighbouring and future residents is therefore considered acceptable in accordance with the relevant part of policy CS16.

#### Landscape & Ecology

Boundary hedgerows and mature trees are retained where possible, these include a row of mature trees on the southern boundary, adjacent to plots 83 to 88 which are protected by a Tree Preservation Order.

Amended plans have been provided which ensure the dwellings are no closer to these trees than previously approved. The dwellings will be outside of the root protection areas and canopies to these trees.

A detailed proposed landscape scheme has not yet been provided. However, this can be secured by condition to ensure a suitable high quality scheme is provided.

Subject to this condition the impact in relation to landscaping is considered acceptable in accordance with saved policy GP2.

The previous application was accompanied by an Ecology Report. Due to the loss of grassland habitat and to ensure there was no overall loss of biodiversity an offsetting contribution was sought to achieve biodiversity enhancements off-site and this was included in the s106 agreement. Conditions were also included relating to a protected species contingency plan and any proposed lighting scheme. Subject to these conditions the impact on protected species and biodiversity is considered acceptable in accordance with saved policy E6.

#### Open space

As with the previously approved scheme the proposals will include 2 areas of open space, which will include balancing basins and smaller landscaped areas will be provided throughout the development. This provides suitable amenity space within the development and contributions will be sought towards the maintenance of this.

No formal play equipment is proposed on the site and the Parish Council previously confirmed that they do not support the provision of additional small play areas within Long Lawford and requested a contribution towards off-site sports provision. This will secure open space facilities within the area in accordance with saved policies LR1, H11 and H12.

#### Access, Highways and Car Parking

Access and highway safety have been raised as an issue by local residents. However, the access and highway works remain as previously approved.

Vehicular access to the site will be provided from Back Lane with an emergency access provided further west, closer to the railway bridge.

A range of highway improvements are also proposed outside of the site. It is proposed to signalise Back Lane across the railway bridge, widen the footpath and make alterations to the junction with School Street and Railway Street, make alterations to the junction of Back Lane and the A428 Rugby Road and to provide additional bus stops on Back Lane.

The Highway Authority, Warwickshire County Council and Stagecoach did not object to the previous application subject to a condition securing the highway works. The impact on highway safety is therefore acceptable in accordance with policy CS11.

Pedestrian and cycle links will be provided from the development to Back Lane and to land to the south using existing public footpaths, one of which will be diverted within the site. The pedestrian access into Long Lawford will also be improved by the proposal to widen the footway across the railway bridge.

Suitable car parking provision is proposed in accordance with the Council's parking standards, contained within the Planning Obligations SPD. Cycle parking could be provided in rear gardens or garages of houses and details of cycle parking for the flats has been submitted in relation to the condition attached to the existing permission. Suitable parking is therefore provided in accordance with saved policy T5.

#### Sustainable Design

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions and these requirements are also contained within the Sustainable Design and Construction SPD.

CS16 states that sustainable drainage systems (SUDS) should be used and this is proposed, as with the previous permission.

Policy CS16 also requires that developments should meet specified water conservation levels within the Code for Sustainable Homes. This was previously been secured by condition, however the Government have now revoked this Code and water conservation is achieved through Building Regulations, therefore this condition is no longer necessary.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum developments of 10 or more dwellings shall include equipment to reduce carbon dioxide emissions by at least 10%. These requirements can be controlled by conditions.

#### Archaeology

The County Archaeologist raised no objection to the previous application, subject to a condition regarding archaeological works. It is therefore considered that the impact on heritage assets is acceptable in accordance with the NPPF.

Information has been submitted in relation to this condition for parts of the site and it is proposed to update the condition to reflect this.

#### Affordable housing

Policy CS19 states that on developments of the size proposed a target affordable housing provision of 40% will be sought. This goes on to state that where the provision of the target level of affordable housing will threaten the viability of a scheme the Council will consider a reduced target.

The viability of the development was tested in relation to the previous application. It was agreed to provide 16% (18 units) as a mix of 1, 2 and 3 bedroom properties as affordable housing. This previously agreed level of provision is retained as part of the current application and is considered acceptable in accordance with policy CS19.

Colleagues from Housing commented on the proposed affordable housing and raised concerns regarding the sizes of the proposed houses and that shared facilities at the proposed flats could lead to increased service charges for residents.

The dwelling sizes reflect those approved on the previous scheme, which can be implemented, and it is therefore not considered reasonable to require increased dwelling sizes. The proposed flats will have individual front doors so will not have service charges associated with communal areas. Amended plans were received allocating a garden area to each flat which also removes the need for additional charges.

On this basis the affordable housing provision is considered acceptable.

Planning obligations

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

The previously approved planning permission included a s106 securing affordable housing and contributions towards biodiversity off-setting, sustainable welcome packs, the maintenance of on-site open space, off-site sports provision, education and indoor sports facilities, this is in accordance with the Planning Obligations SPD.

The definition of planning permission in s106 attached to the previous permission included applications such as this to vary conditions. The s106 requirements attached to the previous permission will therefore apply to this application and a deed of variation is not required.

**Recommendation**

Approval, subject to conditions

The Government guidance related to minor material amendments advises that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued. Therefore the conditions on the original approval should be replicated in relation to this application where they still remain relevant. In many cases suitable information has been provided for pre-commencement conditions, therefore, the wording of the conditions has been altered to reflect this change.

**DRAFT DECISION**

**APPLICATION NUMBER**

R16/1933

**DATE VALID**

04/10/2016

**ADDRESS OF DEVELOPMENT**

LAND SOUTH OF BACK LANE  
BACK LANE  
LONG LAWFORD

**APPLICANT/AGENT**

Emily Hale  
Bloor Homes South Midlands  
Primus House  
Cygnet Drive  
Northampton  
NN4 9BA

**APPLICATION DESCRIPTION**

Variation of condition 2 of R12/1188 (Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings.) to make amendments to approved housetypes and garages and repositioning of plots 16-24.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION: 1**

The development to which this permission relates must not be begun later than 16 September 2019.

**REASON:**

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

**CONDITION: 2**

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

## DOCUMENTS SUBMITTED IN RELATION TO R12/1188

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Site Location Plan	12-081/P0001	13/03/2013
Back Lane/Rugby Road Junction	WTD/SA/06/004/A	25/09/2013
Highway Proposals – Access & Bridge	WTD/SA/06/001/F	25/09/2013
Flood Risk Assessment	12102	13/03/2013
Drainage Statement	12102	13/03/2013
Existing Tree Report	011.971.R1B	13/03/2013
Tree Survey Plan 1 of 2	012.971.001/A	13/03/2013
Tree Survey Plan 2 of 2	012.971.002/A	13/03/2013
Setting of Heritage Assets Summary	3122	20/03/2013
Written Scheme of Investigation for Archaeological Geophysical Survey	3122.R01	13/03/2013
Written Scheme of Investigation for Archaeological Evaluation	3122.R02	13/03/2013
Geophysical Survey Report & Plans	J3232	13/03/2013
Air Quality Assessment	1504/1/F1	13/03/2013
Noise and Vibration Assessment	AA742/R1	13/03/2013
Transport Assessment	TRN10957-100/001	13/03/2013
Substation	GTC-E-SS-0012_R1-7	28/08/2013

## DOCUMENTS SUBMITTED IN RELATION TO R16/1933

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Site Layout	SM542-SL-003/G	04/11/2016
Materials Plan	SM542-SL-008/G	04/11/2016
Boundary Treatment	SM542-SL-009/A	04/11/2016
1BF01 & 03.SD Plots 19-22 Elevations	SM542-1BF01&03.SD-PL-01/B	04/11/2016
1BF01 & 03.SD Plots 19-22 Floor Plans	SM542-1BF01&03.SD-PL-02/A	04/11/2016
1BF03 Plots 23, 24 Elevations & Plans	SM542-1BF03.CB-PL-01	21/09/2016
2B4P Plots 25, 26 Elevations & Plans	SM542-2B4P.CB-PL-01	21/09/2016
2B4P Plots 71, 72, 73 Elevations	SM542-2B4P.CB-PL-02	21/09/2016
2B4P Plots 71, 72, 73 Plans	SM542-2B4P.CB-PL-03	21/09/2016
2B4P Plots 101, 102, 105, 106 Elevations	SM542-2B4P.CB-PL-02	21/09/2016
2B4P Plots 101, 102, 105, 106 Plans	SM542-2B4P.CB-PL-01	21/09/2016
2B4P & 3B5P Plots 16, 17, 18 Elevations	SM542-2B4P.3B5P-PL-01	21/09/2016
2B4P & 3B5P Plots 16, 17, 18 Plans	SM542-2B4P.3B5P-PL-02	21/09/2016
3B5P Plots 69, 79 Elevations	SM542-3B5P.CB-PL-02	21/09/2016
3B5P Plots 69, 79 Plans	SM542-3B5P.CB-PL-03	21/09/2016
3B5P Plots 103, 104 Elevations & Plans	SM542-3B5P.CB-PL-01	21/09/2016
C203.CB Plots 54, 55 Elevation & Plans	SM542-203.CB-PL01/A	04/10/2016
C203.CB Plots 58, 59, 60 Elevations	SM542-203.CB-PL04	21/09/2016
C203.CB Plots 58, 59, 60 Plans	SM542-203.CB-PL03	21/09/2016
203.303.SD Plots 56, 57 Elevations	SM542-203.303.SD-PL-01	21/09/2016
203.303.SD Plots 56, 57 Plans	SM542-203.303.SD-PL-02	21/09/2016
203.305.SD Plots 52, 53 Elevations	SM542-203.305.SD-PL-01	21/09/2016
203.305.SD Plots 52, 53 Plans	SM542-203.305.SD-PL-02	21/09/2016
C303.CB Plots 66, 67, 68 Elevations	SM542-303.CB-PL-01/A	04/10/2016
C303.CB Plots 66, 67, 68 Plans	SM542-303.CB-PL-02	21/09/2016
303.305.SD Plots 63, 64, 65 Elevations	SM542-303.305.SD-PL-01	21/09/2016
303.305.SD Plots 63, 64, 65 Plans	SM542-303.305.SD-PL-02	21/09/2016
C305.CWH Plot 51 Elevations & Plans	SM542-305.CB-PL-01/A	04/10/2016
C306.CB Plots 11, 87 Elevations & Plans	SM542-306.CB-PL-01	21/09/2016
C313.CB Plots 2, 5, 6, 29, 30, 92, 97, 98, 107, 108, 109 Elevations & Plans	SM542-313.CB-PL-01/A	16/11/2016
C341.CB Plot 15 Elevations & Plans	C341.PL-01/A	16/11/2016
350&351 Plots 79, 80, 81 Elevations	SM542-350.351.SD-PL-01	21/09/2016
350&351 Plots 79, 80, 81 Plans	SM542-350.351.SD-PL-02	21/09/2016



350.351.SD Plots 13, 14, 27, 28, 45, 46, 61, 62, 94, 95 Elevations	SM542-350.351.SD-PL-01	21/09/2016
350.351.SD Plots 13, 14, 27, 28, 45, 46, 61, 62, 94, 95 Elevations	SM542-350.351.SD-PL-02	21/09/2016
360.350.SD Plots 9, 10 Elevations	C360.C350 PL-02	21/09/2016
360.350.SD Plots 9, 10 Plans	C360.C350 PL-01	21/09/2016
C360.CB Plot 12 Elevations & Plans	C360.PL-01	21/09/2016
C405.CB Plots 34, 88 Elevations & Plans	SM542-405.CB-PL-01/A	04/10/2016
C410.CWH Plot 40 Elevations & Plans	SM542-410.CB-PL-02	21/09/2016
C410.CWH Plot 44 Elevations & Plans	SM542-410.CB-PL-03	21/09/2016
C410.CB Plot 36 Elevations & Plans	SM542-410.CB-PL-01/A	07/10/2016
411.CB Plot 85 Elevations & Plans	SM542-411.CB-PL-01/B	04/11/2016
C414.CB Plots 4, 39, 75, 77, 82, 96, 112 Elevations & Plans	SM542-414.CB-PL-01/A	04/10/2016
C414.CB Plots 3, 31, 47, 74, 83, 93, 110 Elevations & Plans	SM542-414.CB-PL-02	21/09/2016
418.CB Plot 49 Elevations & Plans	SM542-418.CB-PL-01/A	04/10/2016
C419.CB Plots 1, 32, 33, 37, 38, 41, 42, 43, 48, 50, 76, 100, 111 Elevations & Plans	SM542-419.CB-PL-01/A	04/10/2016
C419.CWH Plot 89 Elevations & Plans	SM542-419.CB-PL-02	21/09/2016
C434.CB Plots 7, 35 Elevations & Plans	SM542-434.CB-PL-01/A	04/10/2016
C439.CB Plots 90, 91, 99 Elevations & Plans	SM542-439.CB-PL-01/A	04/10/2016
C450.CB Plot 86 Elevation & Plans	SM542-450.CB-PL-03/A	04/11/2016
C450.CB Plots 78, 84 Elevation & Plans	SM542-450.CB-PL-01	21/09/2016
GL01 Single Garage	SINGLE-GAR.01	21/09/2016
GL02 Double Garage	DOUBLE-GAR.01	21/09/2016

**REASON:**

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

**CONDITION: 3**

Unless otherwise agreed in writing by the Local Planning Authority the facing materials to be used on the externally to the dwellings shall be as specified on the Materials Plan SM542-SL-008/G received by the Local Planning Authority on 04/11/2016.

**REASON:**

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

**CONDITION: 4**

Prior to the first occupation of plots 19-24 the bin and cycle stores serving these plots shall be provided in accordance with plan SM542-SL-100 submitted in relation to R12/1188 and received by the Local Planning Authority on 27/10/2016.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION: 5**

Unless otherwise agreed in writing by the Local Planning Authority boundary treatments shall be provided in accordance plan SM542-SL-009/A received by the Local Planning Authority on 04/11/2016 and the applicants e-mail of 16/11/2016 regarding railing colour.

Prior to the first occupation of the development details of trespass proof fencing adjacent to the railway boundary and bollards or gates to be installed to the footpaths and emergency access, shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided in accordance with the approved details prior to the first occupation of the adjacent plot.

**REASON:**

In the interest of visual amenity, to protect the railway boundary and to prevent vehicles using unauthorised accesses.

**CONDITION: 6**

Unless otherwise agreed in writing by the Local Planning Authority the finished floor levels of all buildings (excluding plots 88, 89, 90 and 101-112) and ground levels of all access roads, parking areas and footways shall be provided in accordance with plans Externals Sheet 1- SM542-EN-106/A, Externals Sheet 2 - SM542-EN-107, General Arrangement - SM542-EN-100/B, Longitudinal Sections Sheet 1 - SM542-EN-200/D, Longitudinal Sections Sheet 2 - SM542-EN-201/C & Longitudinal Sections Sheet 3 - SM542-EN-202/B submitted in relation to R12/1188 and received by the Local Planning Authority on 12/10/2016.

Notwithstanding the approved plans no development of plots 88, 89, 90, 101-112 shall commence unless and until full details of finished floor levels all buildings on the relevant plot have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

To ensure the proper development of the site.

**CONDITION: 7**

No development shall commence on plots 101-112 inclusive unless and until details of the proposed noise barrier adjacent to the railway have been submitted to and approved in writing by the Local Planning Authority.

Plots 101-112 inclusive shall not be occupied until the noise barrier has been installed in accordance with the approved details, this shall then be permanently retained.

**REASON:**

In the interest of residential amenity.

**CONDITION: 8**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out to plots 1, 44, 76, 77, 83, 84, 85, 86, 87, 88, 89, 90, 101, 102, 103 or 104 which comes within Classes A or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of visual and residential amenity and to ensure protected trees are not harmed.

**CONDITION: 9**

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

**REASON:**

In the interest of residential amenity.

**CONDITION: 10**

The first floor windows to be formed in the side elevations of plots 8, 24, 48, 89, 92 and 109 shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**CONDITION: 11**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 12**

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

**REASON:**

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution and to protect the adjacent railway from flooding or pollution.

**CONDITION: 13**

The development hereby permitted shall not be carried out other in accordance with the approved Flood Risk Assessment, ref: 12102 received by the Local Planning Authority on 13th March 2013 in relation to R12/1188 and the following mitigation measures detailed within the Flood Risk Assessment:

1. Limiting the rate of surface water run-off generated by the site to discharge at no more than the Greenfield rate as detailed in the Flood Risk Assessment.
2. Full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change. The detailed drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the Flood Risk Assessment.
3. The Micro Drainage calculations submitted indicate a small amount of surface water flooding from the middle & east drainage networks. If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.
4. Details of how the entire surface water scheme shall be maintained and managed after completion.
5. Finished floor levels are set no lower than 87.03 m above Ordnance Datum (AOD).
6. Details of the deculverting of the length of watercourse downstream of the existing pond as proposed in the Flood Risk Assessment.

**REASON:**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

**CONDITION: 14**

Condition omitted.

**CONDITION: 15**

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

**REASON:**

To ensure sustainable design and construction.

**CONDITION: 16**

Prior to the first occupation of the development, details of the equipment and technology to be incorporated to achieve carbon emission reductions for that phase shall be submitted to the Local Planning Authority in writing and include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with this approval and shall be retained in working order in perpetuity.

**REASON:**

To ensure energy efficiency is achieved through sustainable design and construction.

**CONDITION: 17**

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

**REASON:**

In the interests of fire safety.

**CONDITION: 18**

Unless otherwise agreed in writing by the Local Planning Authority development must not occur outside of the following hours: Monday-Friday 07:30 - 18:00, Saturday 08:30-13:00 with no work on Sundays or Bank Holidays.

**REASON:**

In the interests of residential amenity.

**CONDITION: 19**

Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of the first occupation of the development the following highway improvement works shall be carried out:

- works at the junction of Back Lane and the A428 Rugby Road as shown on plan WTD/SA/06/004A received by the Local Planning Authority on 25/9/2013 in relation to R12/1188 &
- works including a signalisation scheme for the bridge between Back Lane and School Street, footway works and bus stop improvements as shown on plan WTD/SA/06/001F received by the Local Planning Authority on 25/9/2013 in relation to R12/1188.

**REASON:**

In the interest of highway safety.

**CONDITION: 20**

No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

**REASON:**

In the interest of highway safety.

**CONDITION: 21**

Unless otherwise agreed in writing by the Local Planning Authority public footpath R129 (where it crosses the site) shall be constructed to Warwickshire County Council adoptable standards with a minimum width of 2 metres.

**REASON:**

To protect and enhance the public right of way.

CONDITION: 22

Unless agreed in advance in writing by the Local Planning Authority:

- a) No development shall commence across Areas A and B which are striped blue on figure 1 until the archaeological fieldwork detailed in the University of Leicester Archaeological Services document 'Written Scheme of Investigation for Archaeological Strip, Plan and Sample Excavation' received by the Local Planning Authority on 27/10/2016 in relation to planning permission R12/1188 has been completed to the satisfaction of the Local Planning Authority.

The programme of post-excavation analysis, publication of results and archive deposition set out in this University of Leicester Archaeological Services document shall be undertaken.

- b) No development shall commence across Area C which is dotted in pink on figure 1 until:
- i) the trial trenching and associated post-excavation analysis and report production detailed within the Cotswold Archaeology document 'Back Lane, Long Lawford, Warwickshire. Written Scheme of Investigation for an Archaeological Evaluation. Revision A' received by the Local Planning Authority on 17/11/2016 in relation to planning permission R12/1188 has been undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

ii) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological work proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate any impacts that the proposed development may have upon any archaeological deposits which survive across Area C and should be informed by the results of the archaeological trial trenching across that area.

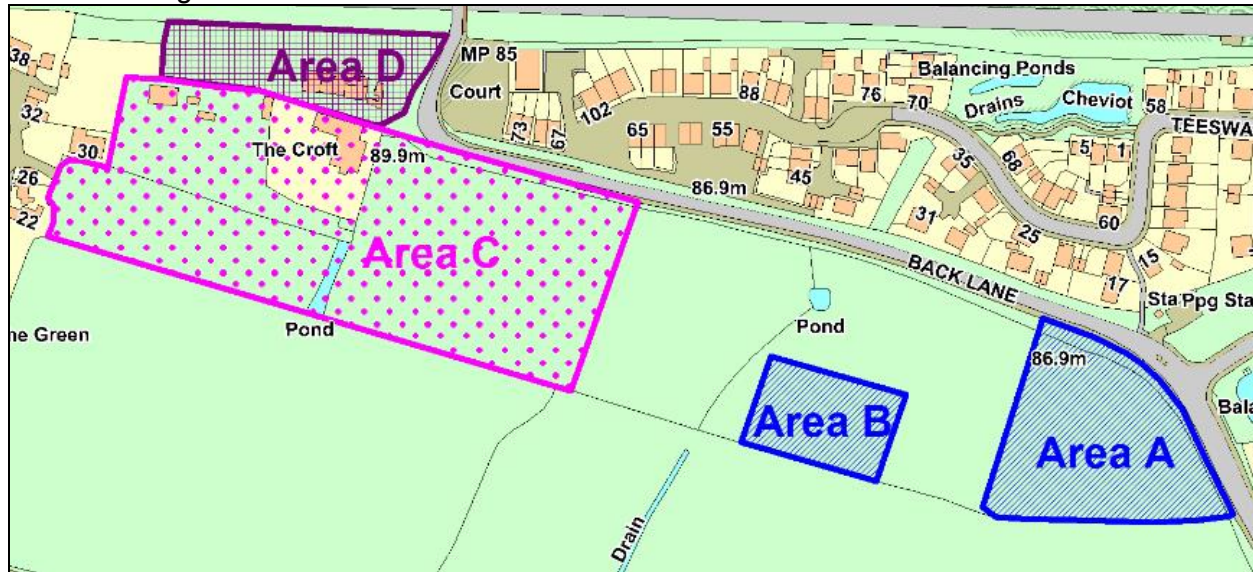
- c) No development shall take place across Area D which is crosshatched in purple on figure 1 until:
- i) a Written Scheme of Investigation (WSI) for a programme of archaeological trial trenching has been submitted to and approved in writing by the Local Planning Authority.

ii) the archaeological trial trenching and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

iii) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological work proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate any impacts that the proposed development may have upon any archaeological deposits which survive across Area D and should be informed by the results of the archaeological trial trenching across that area.

The development, and archaeological fieldwork, post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the documents referred to above and the approved documents.

R16/1933: Figure 1



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**REASON:**

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

**CONDITION: 23**

No development shall commence unless and until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the Local Planning Authority.

The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

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

**REASON:**

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

**CONDITION: 24**

No works shall commence, including site clearance, unless and until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all aspects of; landscaping including details native species planting, habitat enhancement and habitat management.

The agreed scheme shall be fully implemented before/during development of the site as appropriate.

**REASON:**

In the interest of biodiversity.

**CONDITION: 25**

The development shall be carried out in accordance with the Protected Species Contingency Plan, October 2016 submitted in relation to R12/1188 and received by the Local Planning Authority on 12/10/2016.

No works shall commence to plots 101-112, including site clearance, unless and until a Protected Species Contingency Plan for this part of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a reptile survey and pre-commencement checks for bats, breeding birds and appropriate mitigation measures and safeguards for wildlife that are to be employed whilst works are taking place on site.

The agreed mitigation measures shall thereafter be implemented in full.

**REASON:**

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

**CONDITION: 26**

Unless otherwise agreed in writing by the Local Planning Authority external lighting shall be erected in accordance with Street Lighting Sheet 1 - 20.11.216/08/SL & Street Lighting Sheet 2 - 20.11.216/08/SL received by the Local Planning Authority on 12/10/2016 in relation to R12/1188 and Street Lighting Columns - SL100/2/C & Aspect Eco Luminaire datasheet received by the Local Planning Authority on 17/10/2016 relation to R12/1188.

**REASON:**

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

**CONDITION: 27**

Prior to the occupation of any dwelling the noise mitigation measures detailed in the Noise and Vibration Assessment reference AA742/R1 received on 13/03/2013 shall be provided.

These shall include passive ventilation inside walls of habitable rooms with windows overlooking the railway, passive acoustic ventilators for habitable rooms fronting Back Lane and 1.8m close boarded fencing for rear gardens adjacent to Back Lane.

**REASON:**

In the interest of residential amenity.

**CONDITION: 28**

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction Dust Management Plan, October 2016 Revision A, submitted in relation to R12/1188 and received by the Local Planning Authority on 14/11/2016.

**REASON:**

To protect the amenity of the area and surrounding residents.

**CONDITION: 29**

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence 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.

#### STATEMENT OF POSITIVE ENGAGEMENT:

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

#### INFORMATIVE: 1

This development is subject to a s106 legal agreement originally completed in relation to planning permission R12/1188.

#### INFORMATIVE: 2

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering.

This can be downloaded at:

[http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223&categoryID=200295](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295) .

Alternatively, you can contact the Street Naming and Numbering Team for an application form at: [SpecialistSupport@rugby.gov.uk](mailto:SpecialistSupport@rugby.gov.uk) or by ringing 01788 533885

#### INFORMATIVE: 3

The granting of planning permission is not authority to divert or obstruct Public Footpath R125. A legal order is required and an application must be made to Rugby Borough Council, under the Town and County Planning Act 1990. Until a legal order is made, confirmed and certified, R125 must remain open and available for public use, at all times, free of obstructions.

#### INFORMATIVE: 4

Glazing, doors, lighting and boundary treatments should be designed to ensure the occupants do not become victims of crime or anti-social behaviour. The Warwickshire Police Crime Prevent Design Advisor can provide more information if required.



**INFORMATIVE: 5**

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 2003 and it is not possible to build close to, directly over or divert a public sewer without consent. It is suggested that Severn Trent Water are contacted to discuss the proposals, they will seek to assist in obtaining a solution which protects both the public sewer and the proposed development.

**INFORMATIVE: 6**

Network Rail advise that:

- any earthworks or excavations within 20m of the Network Rail boundary will need to be approved by the Network Rail Asset Protection Engineer. Network Rail will need to review all excavation works to determine if they impact upon the support zone of Network Rail land and infrastructure as well as determining relative levels in relation to the railway. There must be no excavation into, nor deep continuous excavations near, the toe of embankments or retaining walls or bridge support slopes;
- no trees are planted next to the boundary with Network Rail land and the operational railway;
- only evergreen shrubs should be planted and these should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height;
- the developer should ensure there is a minimum 2 metres gap between the buildings and structures on site and Network Rail boundary fencing.

**INFORMATIVE: 7**

The Environment Agency advise that the applicant contact the Lead Local Flood Authority, as a Flood Defence Consent may be required for the culverting/trash screen installation on the ordinary watercourse on site.

**INFORMATIVE: 8**

The applicant is advised to give due regard to the advice contained in BS5228:2008 Noise and vibration control on construction and open sites.

This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
- Eradicate offensive behaviour and language from construction sites
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN, Tel 0800 783 1423,  
[www.considerateconstructors.co.uk](http://www.considerateconstructors.co.uk)

**INFORMATIVE: 9**

The estate roads including footways, verges and footpaths should be designed, laid out and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

**INFORMATIVE: 10**

The proposals 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: 11

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

**Reference number:**

R16/0968

**Site address:**

Coombe Abbey Hotel, Brinklow Road, Binley, Warwickshire, CV3 2AB

**Description :**

Continuation of use of enlarged temporary marquee

**Case Officer Name & Number:**

Richard Holt 01788 533687

This application is being reported to Planning Committee as it is a major development which constitutes inappropriate development in the Green Belt and is over 1,000m<sup>2</sup> in floorspace so has to be referred to the National Planning Casework Unit for consideration.

**Description of Site:**

The site is located within the grounds of Coombe Abbey, a Grade I listed building, a Grade II\* Registered Historic Park & Garden and Coombe Abbey Conservation Area, approximately 9 miles north-west of Rugby and 2 miles east of Coventry. The marquee will remain in the area of the site known as the Great Garden, a level lawned area to the immediate east of the main building whose eastern wing is constructed from more modern ashlar stone. The grassed area is surrounded by earthworks, a Grade II listed stone wall and mature deciduous trees, which results in it being slightly sunken adjacent to land to the north, east and south of the site. This part of the site is considered to lie within the historic core of the Abbey.

To the south is a moat and weir with the private car park for the hotel beyond. To the east is an access road that serves buildings within the complex to the north of the site as well as a staff car park, whilst to the immediate north is the red brick Abbeygate building, a former stable block which is Grade II listed, and car park which serves as one of the function suites of the hotel.

The main access to the marquee is through the hotel adjacent to the large conservatory on the northern elevation of the main building.

**Description of Proposals:**

The application is for the continued retention of a marquee on a temporary basis until 31<sup>st</sup> July 2023. Whilst the previous applications for a temporary marquee on the site do not expire until 2018, the hotel operators are seeking an element of certainty on retaining the marquee beyond this period for a further temporary timeframe as they are already receiving enquires for events for 2018 and beyond.

The marquee is primarily an elongated structure measuring approximately 15 metres wide by 50 metres in length with a curved topped roof of 10 cream coloured tarpaulin segments. The sides of the marquee comprise of approximately 3 metre high tarpaulin sections in a cream colour, although along the western (side) elevation facing the existing hotel buildings they are interspersed with clear panels to enable views in and out. There are also a series of projections along the eastern flank to provide toilets and an enlarged function/dining area compared to the previously approved scheme. A porch on the western side acts as the main access point into the marquee from the hotel, although there are other access points surrounding the marquee to enable access in to the gardens.

Since the previous approval the marquee has been extended to include a larger function/dining area, disabled toilet and plant/equipment area which results in just under 300m<sup>2</sup> more of floorspace which results in an overall footprint of the entire marquee to just over 1000m<sup>2</sup>. In general the marquee rises to approximately 3 metres to the eaves and 5 metres to the top section of roof.

The marquee will continue to provide additional function space so that larger events including bigger weddings and conferences can be accommodated at the site. As before, there are no intrusive foundations or invasive groundworks for infrastructure serving the marquee as drainage runs and water

services are provided by pipe work sitting at ground level and foul drainage will be connected into existing manhole openings. The marquee will not be demounted between events and it is envisaged that the proposal would result in the employing the equivalent of 20 full time staff.

A Design & Access Statement, Heritage Impact Statement, Noise Assessment and Financial Information also accompanied the application.

**Relevant Planning History:**

The site is subject to extensive planning history. However, the most relevant applications are those that relate to the change of use of the hotel in 1991 and various applications to increase the size of the hotel in relation to the number of bedrooms in 1991, 1993, 1996 & 2006. The most recent applications relating to the marquee are as follows:

R11/0418 Erection of a temporary marquee – Temporary Approval 18<sup>th</sup> May 2012 (until 31<sup>st</sup> July 2018)

R12/2356 Erection of a temporary marquee (amended design following approval of R11/0418) – Temporary Approval 20<sup>th</sup> June 2013 (until 31<sup>st</sup> July 2018)

An application to remove 1 Beech tree and 1 Sycamore tree due to poor form and prune back a yew hedge in close proximity to the marquee was approved in May 2013.

**Technical Consultations:**

Historic England	No comments	Content for Local Planning Authority to determine in accordance with local and national policy guidance based on specialist conservation advice.
Natural England	No comments received to date	
WCC Ecology	No comments	
WCC Highways	No objection	
WCC Archaeology	No comments received to date	
RBC Trees	No objection	
RBC Environmental Services	No objection, subject to conditions	
WCC Flood Risk & Drainage	No objection	
Severn Trent Water	No comments received to date	
Coventry City Council	No objection	

**Third Party Consultations:**

Coombe Fields Parish Council	No objection	
Neighbour (1)	Object	Since erection of marquee suffered from loud music on regular basis and in early hours of morning; Disturbance from loud music increased over last few years; In 2015 revealed noise restrictions/requirements for marquee not in place. Once in place levels went down considerably but only for a time; Music would go on until 1am and bass would vibrate

the cottage;  
 Have complained more recently but Community Service Officers did not visit;  
 Feel powerless against hotel;  
 Disturbance every weekend in afternoons, evenings and early hours – cannot enjoy garden or inside house which is double glazed;  
 Thumping bass and loud microphone goes on for 9 hours at a time;  
 Music needs to finish by 11.30-12.00 and go through a limiter with speakers directed away from houses; &  
 Council officials previously advised a problem.

**Relevant Planning Policies & Guidance:**

Rugby Borough Council Local Plan 2006 – Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
E17	Historic Parks & Gardens	Complies
T5	Parking Facilities	Complies
LR10	Tourism & Visitor Facilities	Complies

Rugby Borough Council Core Strategy 2011:

CS1	Development Strategy	Complies
CS11	Transport & New Development	Complies
CS16	Sustainable Design	Complies

National Guidance & Policies:

National Planning Policy Framework, 2012  
 National Planning Practice Guidance, 2012

Other:

Coombe Abbey Conservation Appraisal, June 2010  
 Temporary Structures in Historic Places, English Heritage, 2010  
 Sustainable Design & Construction Supplementary Planning Document (February 2012)  
 Planning Obligations Supplementary Planning Document - Parking Standards (March 2012)

**Assessment of Proposals:**

Principle:

The key issues in relation to this application are whether the principle of the proposed development is acceptable in this Green Belt, countryside location outside of the town centre. In addition, the impact upon the setting of adjacent listed buildings, the registered historic park and garden, the conservation area, archaeology, ecology, trees and residential amenity, particularly with regard to noise, must also be considered.

The site lies within the designated West Midlands Green Belt. Policy CS1 of the Core Strategy classifies development within the Green Belt as 6<sup>th</sup> priority in the hierarchy for development where new development will be resisted unless it is permitted by national policy. Section 9 of the National Planning Policy Framework (NPPF) refers to the protecting of Green Belt land and states that the essential characteristic of them is their openness and their permanence. It considers that the construction of new buildings should be regarded as inappropriate in the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, the NPPF now considers that extensions and alterations of all buildings in the Green Belt are an appropriate form of development, provided they are not disproportionate additions based on the size of the original building. The proposed marquee is to serve as an extension to the

hotel and conference functions that operate from the premises and based on the previous extensions at the Abbey the proposal cannot be considered to be appropriate development.

The continued retention of the enlarged marquee will constitute inappropriate development and will impact on the openness of the Green Belt. Nevertheless, as the temporary marquee is located within the sunken lawn close to a series of existing large and substantial buildings within an area surrounded by mature trees, it is not considered to have a significant impact on the openness of the Green Belt. However, the footprint of the temporary marquee is now greater than 1,000m<sup>2</sup> in floorspace (previously approved at 733m<sup>2</sup>) and therefore based on its size and inappropriate nature will have to be referred to the Secretary of State (National Planning Casework Unit) if the application is approved.

The original Business Plan and Financial Analysis that was submitted to support the previous planning applications for a temporary marquee identified that Coombe Abbey is reliant on the success of both the wedding and conference markets and currently owing to the constraints of the premises are unable to cater for larger groups, (eg greater than 120 wedding guests or 100-300 conference delegates). This information identified that whilst the provision of the marquee will not be specifically necessary to secure the viability of the business, it is accepted that the continued presence of the marquee will facilitate short to medium term revenue growth to assist the company through the current economic climate. Reference was made to rising fixed costs, particularly food and fuel, and how the general cost of living has risen resulting in individuals having less disposable income available.

Additional financial information has been submitted to support the retention of the enlarged marquee on site up until July 2023. Based on these figures the extra revenue stream created by the marquee is extremely positive with an increase of nearly 200% in the number of events being hosted from when the marquee was first erected in 2013, boosting both cash flow and profit and reducing the levels of debt burdened on the overall business. The supporting information has also identified a direct benefit to the local economy through additional staffing needs which is equivalent to 20 full time positions. However, it would be remiss for the Local Planning Authority not to acknowledge that challenging market conditions remain.

The continued presence of the marquee will enable the hotel to keep securing new revenue streams to ensure the future viability of the company and ultimately the running of the Grade I listed building. It is considered that the provision of the marquee on a temporary basis will be sufficient time to allow the economic situation and associated banking requirements to have hopefully improved. When considering the previous Business Plan & Financial Analysis, together with the updated financial calculations, it is considered sufficient information has been submitted to demonstrate that on a temporary basis very special circumstances do outweigh the presumption against inappropriate development within the Green Belt and therefore the proposal would accord with Policy CS1 and the NPPF.

Para 24 of the NPPF states that a sequential test should be applied to planning applications for main town centre uses [eg hotel use] that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Saved Policy LR10 of the Local Plan refers to the extension of existing tourism and visitor attractions, including hotels. Whilst the site is not within or adjacent to a Town Centre location or within an Urban Area or existing settlement boundary, it is an existing major visitor attraction.

The NPPF does state that a sequential approach should not be applied to applications for small scale rural development, however, it is not considered that a marquee of the intended size would constitute small scale development. Nevertheless, the provision of the marquee compared to the overall size of the existing hotel complex is not considered to be substantial and is being provided solely on a temporary basis.

It is not considered that the proposal would adversely affect the vitality and viability of the Town Centre of both Rugby and Coventry and in the context of Saved Policy LR10, its scale would be appropriate to its surroundings adjacent to the existing complex of buildings. The supporting text to this policy states that it may exceptionally be acceptable to accommodate development in the countryside where there is

a need for the development and it is appropriate to such a location and could include existing major visitor attractions.

Owing to the site's location close to the edge of Coventry, that the site benefits from an existing hotel and country park, and that the proposal overall is of a relatively modest scale and temporary in nature, the scheme would be in the spirit of Saved Policy LR10 and would not conflict with it nor the guidance contained within the NPPF. Notwithstanding current housing land supply, the Rugby Borough Core Strategy is up-to-date and the retention of the marquee on a temporary basis is not considered to conflict with the Development Plan. Therefore, whilst the site lies outside a main town centre/existing centre it does accord with an up-to-date Development Plan and therefore no sequential test is required as per para 24 of the NPPF. The applicant's agent has also confirmed that in the context of the significance of the marquee to the existing hotel no planning purpose would be served by undertaking some form of sequential test, as the location of this accommodation remotely from the hotel would not provide any practical or economic purpose for the operation of the hotel.

The NPPF identifies three dimensions to sustainable development, economic, social and environmental. The NPPF states that at its heart is the presumption in favour of sustainable development and that in delivering such sustainable developments the Government attaches significant weight to supporting economic growth in order to create jobs and prosperity through the planning system, including the expansion of tourist and visitor facilities, to enable a prosperous rural economy. The provision of the temporary marquee has to date and will continue to provide a valuable financial income for the hotel as well as provide vital jobs.

Although the site is within a countryside location and the NPPF seeks to safeguard the intrinsic character and beauty of such locations, the specific position of the marquee would be within the existing grounds of the hotel close to large buildings on previously developed land. Therefore, based on the individual characteristics of the site and the assessment below, particularly in terms of heritage, it is not considered that when assessed holistically that the erosion of the countryside would be to such an extent that it would jeopardise the countryside policies of the Development Plan.

Whilst it is accepted that the site is remote from other facilities and services not associated with the hotel or country park where there is already a reliance on private vehicles, the marquee is to support an existing well established business and has already been in situ in some form for the last 3 years.

Therefore, based on the above, together with the assessment below it is not considered to undermine planning policies designed to create sustainable patterns of development and not be in conflict with the overall principles of Policy CS1 and the NPPF.

#### Design & Appearance:

The NPPF states that good design is indivisible from good planning and that proposals need to result in high quality schemes that promote or reinforce local distinctiveness. It also confirms that poor design should be refused.

The marquee reflects a simple structure with a relatively low roof height. Its appearance is very functional and whilst it does not reflect good design in terms of a building/structure its provision is solely on a temporary basis and is of an overall design that is common with many marquees often found in the grounds of hotels, including those that are heritage assets. The cream coloured canvas to the walls and roof assists in softening the appearance of the marquee within the immediate area compared to a conventional white marquee. The impact on adjacent heritage assets is detailed below but in terms of the design and appearance of the marquee, on balance, it is judged to be good quality for this type of temporary structure and reflects the sensitive location it has been constructed in.

In addition, the applicant has provided extra incidental soft landscaping between the existing hotel buildings and the main entrance into the marquee which further reduces the contrast between the historic buildings and the temporary marquee.

### Heritage Impact:

The marquee will clearly impact upon the setting of not just the Grade I listed building of Coombe Abbey, bridge and moat, but also the Grade II\* listed former tennis court building and the Grade II listed stable block and garden walls as well as the Grade II\* Registered Historic Park & Garden and the Coombe Abbey Conservation Area. The rectangular area of lawn to the immediate east is a sunken lawn that corresponds to an early 17<sup>th</sup> Century Great Garden and is enclosed to the north, south and east by raised banks, which form part of the Registered Historic Park & Garden.

Section 12 of the NPPF refers to heritage assets being an irreplaceable resource and that they should be conserved in a manner that is appropriate to their significance. There is no question of the importance of the overall site in heritage terms and their significance individually and collectively, however, a balance has to be struck between whether the proposal would result in substantial harm or loss to any of the heritage assets and the relatively short term revenue produced by the temporary application to support the management and maintenance costs of a Grade I listed hotel. This is reiterated in the Coombe Abbey Conservation Appraisal, 2010 which acknowledges that the use of the Abbey as a hotel is a beneficial use of the building.

Although the marquee will be in a lower part of the grounds, views of it will be apparent from the existing staff car park and the main driveway, particularly during the winter months when the leaves have fallen from the trees. Historic England's own publication on Temporary Structures advises that there should not be a presumption against temporary structures simply because they are visible in the historic environment. This document also refers to the presence of marquees within the grounds of listed properties and how they can be a number of potential benefits especially in assisting in the viability and vitality of the heritage asset. Nevertheless, minimising the visual impact and preventing physical damage to the heritage assets, including archaeology, balanced against the operation of a commercial venue and the maintenance of the hotel and its grounds is key in the overall assessment of this proposal.

Ultimately the proposed retention of the marquee will harm the setting of the identified heritage assets but this harm is considered to be less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As detailed above, it is considered that a fair balance has been struck between public benefit of the additional income stream to assist in safeguarding the future of the heritage asset whose surrounding grounds are open to the public and the business needs of the hotel operation. Overall the proposal, on balance, is considered to comply with Saved Policy E17, Policy CS16 of the Core Strategy, and the NPPF purely on a continued temporary basis.

Owing to the marquee's intended location close to existing buildings on site and within the sunken garden the impact on the openness of the Green Belt is minimised. As stated above, the marquee will be visible and impact upon the setting of numerous heritage assets, however, owing to its design (including colour) any loss of openness will be minimised particularly as it is for a temporary period only and therefore the impact on openness is not considered significant. On balance, it is not considered that the transient loss of openness at the level proposed would justify a reason for refusal.

The former site of the Great Garden does provide a view across to the Abbey which is framed by the landscaping as mentioned in the Coombe Abbey Conservation Appraisal, 2010 and contributes positively to the setting of the Registered Historic Park and Garden and Conservation Area. Whilst it is accepted that the marquee's presence does impact upon the relationship of the Abbey and the sunken garden to the east, it is not considered that the marquee's presence significantly impinges on key views of the listed building to such an extent to warrant refusal of the application on a temporary basis, even until 2023. In addition, it is not judged that the proposal would jeopardise the aims and objectives of the Coombe Country Park Management Plan 2012-2017 which primarily focuses on the management of visitor services, management of the historic landscape and management of nature conservation.



Whilst Historic England did raise concerns in 2012 about the provision of the marquee additional details at that time were submitted to mitigate their views. Following consultation on this latest application, Historic England have advised that they do not wish to make any comments and are content for the application to be determined in accordance with national and local planning policy and that it is not necessary to consult them again.

Under the original application for the provision of the marquee on site the applicant's agent advised that no invasive ground works are required for the development with all services being placed above ground level. They have also confirmed that the proposal is fully reversible and once the marquee has been dismantled the lawn will be re-seeded and they are content to have a suitable restoration condition imposed. These are also important aspects in the overall assessment of the proposal.

Whilst no comments have been received from WCC Archaeology in connection with this latest application, they previously confirmed that whilst the site lies within an area of significant archaeological potential, provided there are no groundworks, the scheme will not impact upon any buried archaeological deposits and they raised no objection to the development.

#### Amenity & Noise:

The closest residential property to the marquee is approximately 330 metres to the north east. Since the marquee has been erected and in use to support the hotel's operations, the Council's Environmental Services Section has received complaints about noise levels, particularly with regard to amplified music and microphones. Concerns have also been raised by a third party about noise levels emanating from the site as part of this application. This has prompted the hotel to revisit the equipment installed and submit a new Noise Assessment as part of this current application. A Zone Array speaker system and process limiter is now proposed which involves a system that minimises music noise levels, especially low frequencies, from being directed toward the nearest noise sensitive receptors. It is understood that the speaker system is located directly above a designated area and designed to be highly directional resulting in the music source being closer to individual's ears thereby reducing the noise level required to provide a satisfactory music volume.

The submitted Noise Management Plan advises that all amplified music will cease by 12:30am, it will be limited to 98 decibels on the dance floor and there is a 24/7 telephone number individuals can call if there are any concerns. In addition, the equipment will also be set up and password protected in conjunction with Rugby Borough Council to prevent tampering and all amplification and processing equipment will be fixed and locked to a rack in the kitchen away from the dance floor.

The new Noise Assessment concluded that based on live testing of the equipment noise levels at the nearest residential receptors would be both subjectively and objectively acceptable and have a negligible impact on the background noise level. The Council's Environmental Services Section concluded that the assessment was acceptable and that the technology now installed will resolve outstanding noise complaints. They have also confirmed that the submitted noise management plan is deemed sufficient and subject to conditions raise no objection to the proposal. Therefore, the proposal would accord with that part of Policy CS16.

#### Trees:

The site lies within the Coombe Abbey Conservation Area and therefore the trees surrounding the site are protected. When the marquee was originally positioned on site a sycamore and a beech tree were removed and various yew trees were trimmed back in conjunction with the Council's Arboricultural Officer and he accepted this was done in the interests of sound arboricultural management. Therefore, as the marquee will continue to sit on the existing manicured lawn surrounded by extensive vegetation no additional landscaping works are deemed necessary. Therefore, it is considered that the proposal would not conflict with saved Policy GP2.

#### Ecology:

The proposed marquee will lie in close proximity to Coombe Pool Site of Special Scientific Interest (SSSI). WCC Ecology have previously advised that the actual location of the marquee is of low ecological value and provided the works are confined to the sunken garden area the impact on ecology and especially protected species is minimal. On this latest application WCC Ecology has raised no objection to the proposal and on this basis the proposal is considered to accord with Saved Policy E6 and the NPPF.

Highways:

Coombe Abbey Hotel is served by its own private car park with approximately 300 spaces. In addition and adjacent to this private car park is a public car park that serves the Country Park which has over 500 spaces. The floorspace of the marquee will be around 1000m<sup>2</sup> and has the potential to generate more traffic movements and demand for extra car parking. However, there is considered to be ample capacity across both private and public car parks. In addition, the site is set back approximately 700 metres from the B4027 which serves the premises and therefore it is not considered any additional car parking would overflow on to the surrounding highway network. The Highway Authority has raised no objections and thus the proposal is not considered to conflict with Saved Policy T5, Policy CS11 or the NPPF.

Drainage:

Policy CS16 states that Sustainable Drainage Systems (SUDS) should be proportionately incorporated in all new development and infiltration SUDS should be promoted where it is practical. The applicant's agent has stated on the submitted form that surface water will be disposed of via a soakaway. As the marquee will be sat on and surrounded by an existing grassed area, it is considered that the drainage of surface water through the existing grassed area is acceptable.

In the past concern was raised by third parties regarding the capacity of the sewage pumping station and whether it would be capable of accommodating the additional flow of effluent from the extra guests using the marquee. At that time Severn Trent Water raised no objections and the Local Planning Authority received correspondence between the hotel and company involved in routinely servicing and cleaning the pumping station confirming that it is considered the current facilities are adequate to cope with the anticipated use and they cannot see any foreseeable issues with the increased use. They have stated that should any problem occur the pumping station is on a 24/7 telemetry system which is direct to the maintenance company. The Local Planning Authority has not received any further concerns and thus it is considered that this matter has been addressed.

Conclusion:

Overall it is considered that the whilst the development is inappropriate within the Green Belt very special circumstances do exist to justify on balance a recommendation of further temporary planning permission for the marquee. In the light of the guidance contained within the National Planning Policy Framework and the short to medium term revenue stream that would assist in maintaining one of the Borough's most important listed buildings this conclusion is considered fair and reasonable.

Whilst the proposal is judged to represent sustainable development, the footprint of the marquee is greater than 1,000sqm in the Green Belt and therefore has to be referred to the National Planning Casework Unit for consideration.

**Recommendation:**

Subject to the referral of the application to the National Planning Casework Unit, the Head of Growth & Investment is granted delegated powers to grant planning permission subject to conditions and an informative.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R16/0968

### **DATE VALID**

04/08/2016

### **ADDRESS OF DEVELOPMENT**

COOMBE ABBEY HOTEL  
BRINKLOW ROAD  
BINLEY  
COVENTRY  
CV3 2AB

### **APPLICANT/AGENT**

Peter Frampton  
Framptons  
Oriel House  
42 North Bar  
Banbury  
Oxfordshire  
OX16 0TH

On behalf of Mr Gordon Bear, Coombe Abbey Hotel

### **APPLICATION DESCRIPTION**

Continuation of use of enlarged temporary marquee

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### CONDITION 1:

This permission shall be temporary for a period expiring on 31st July 2023. Prior to the 31st July 2023 the marquee and associated infrastructure hereby permitted shall be removed and the land reinstated (including re-seeding/re-turfing of the lawn) to its previous condition within three months of the marquee and associated infrastructure being removed from site, unless further written permission from the Local Planning Authority has been obtained to retain the marquee and associated infrastructure.

#### REASON:

This type of structure is not considered by the Local Planning Authority to be suitable for retention on a permanent basis in view of its design and appearance, particularly in this sensitive, historic, Green Belt location.

#### CONDITION 2:

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

Site Location Plan ref PF/8688.01 received by the Local Planning Authority on 15th April 2016;

Elevations Plan ref 160325 1of1;

Measured Building Plan ref 160325 1of1;

Topographical Survey Plan ref 160325 1of1;

Polymer 8212 112 Natur sample sheet;

all of the above received by the Local Planning Authority on 20th July 2016;

Noise Control Report ref 694/001 COOMREP001 dated 06/10/2016 by Direct Acoustics received by the Local Planning Authority on 20th October 2016; &

Noise Management Plan & Management Check List both dated 12th October 2016 received by the Local Planning Authority on 18th November 2016.

**REASON:**

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

**CONDITION 3:**

Unless otherwise agreed in writing with the Local Planning Authority, the temporary marquee hereby approved shall only be used in connection with private hire functions in association with the hotel and conference facilities at Coombe Abbey.

**REASON:**

For the avoidance of doubt and in the interests of the amenities of the locality.

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**INFORMATIVE 1:**

Notwithstanding the approved noise control/management plan as detailed in Condition 2 of this decision, this does not necessarily prevent action being taken by this Council or members of the public to secure the abatement, restriction or prohibition of statutory nuisances actionable under the Environmental Protection Act 1990 or any other statutory provisions.

**Reference number: R16/1387**

**Site address: Former Tribune Estate, Leicester Road, Rugby**

**Description: Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works**

**Case Officer Name & Number: Owain Williams – 01788 533789**

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

### **Site Description**

The application Site consists of an area of land situated off the A426 Leicester Road, which links Rugby to Junction 1 of the M6 motorway and is known as the Former Tribune Trading Estate (FTTE). The site is currently derelict land with a mixture of hard paved, compacted stone and brick, and vegetated areas. The Site extends to approximately 5.22ha.

The site is bound to the north-west by the Oxford Canal, with Glebe Farm Industrial Estate situated beyond. To the north-east of the Site sits an electricity substation. The A426 Leicester Road runs along the South of the site and Old Leicester Road forms the eastern boundary. To the west are a cluster of warehouses, including a car dealership, which are accessed from Consul Road.

A band of semi-mature and mature trees exist to the north of the site, predominantly along the canal side. A small number of trees are also present to the south of the site, along the A426. Forum Drive provides vehicular access to the site, intersecting the site from the south west corner to the north.

Beyond Old Leicester Road is Elliott's Field Retail Park (EFRP) which consists of a central terrace comprising 11 retail units occupied by a range of tenants including Next, H&M and River Island, as well as a western terrace of 3 retail units. To the east of the central terrace is a larger anchor unit occupied by Debenhams and to the south, three restaurant units are located at the vehicular entrance off Leicester Road.

A further freestanding unit is located in the south west corner of EFRP and is currently occupied by Halfords. A separate planning application (Ref. No. R16/1367) is currently under consideration which seeks to relocate this unit to the western end of the central terrace.

To the south of the site beyond the A426 are the Junction One Retail and Leisure Park and Technology Drive Retail Park. Tenants of the parks include retailers such as Maplin, The Range, Homebase and Wickes, in addition to Cineworld, Nuffield gym and a number of restaurants including Frankie & Benny's and KFC. Access is via Technology Drive, situated directly opposite the site. A large 24-hour Tesco Superstore is also situated adjacent to Junction One.

Two residential areas are located within proximity to the site, Newbold to the west and Brownsover to the east. The closest residential property is Wharf Cottage located upon Consul Road. A large area of industrial and warehouse units are located to the north, beyond the Oxford Canal, including Glebe Farm Industrial Estate.

### **Proposal Description**

The proposed development comprises the erection of a terrace of nine retail units running approximately east to west across the centre of the Site. A further single retail unit occupies the south west corner of the site. The planning application also proposes transport and landscaping alterations and enhancements.

It is proposed that units 1 to 8, as well as the freestanding Unit will operate under a Class A1 use which will provide 11,794sqm of retail floor space, of which 7,767sqm is at ground floor and 4027sqm is at mezzanine. These units will be occupied by a range of national retailers selling bulky goods such as

furniture, floor coverings, household textiles and bathroom/kitchen furniture. The remaining unit number 9 will be used as a café/restaurant (Class A3) and will have a floor space of 167sqm of Class A3.

Car parking is provided in an efficient layout to the south of the site between the retail units and the A426. The car parking area will provide 484 customer car parking spaces, including 24 disabled spaces, in addition to 90 dedicated staff car parking spaces (including 4 disabled spaces) which will be provided to the rear of the proposed units.

The primary vehicular access point into the development is to be provided to the south west of the site off the A426, opposite the access to Junction One Retail and Leisure Park, this access would only be for vehicles entering the site. The customers leaving the site will exit onto the A426 via the Old Leicester Road via a proposed new junction to the east of the site which will connect EFRP and Old Leicester Road to the site. This link will mean customer vehicles are able to move between the two sites without needing to use Leicester Road.

### Relevant Planning History

Use of land for the erection of 2 warehouse units (Class B8) and a car showroom (Powergen Site) (Outline)	approved 08.03.01
Erection of front extensions and external alterations to car dealership	approved 18.10.01
Use of land for non-food retail development, car dealership and fast food restaurant	refused 18.06.03  appeals against refusal and duplicate non-determined application dismissed 10.11.03
Outline application for the redevelopment of land to provide retail development comprising a DIY retail store with ancillary areas for the display and sale of building materials and garden centre products plus two retail (A1) units and a car dealership together with an access road, associated car parking, landscaping and ancillary works (R06/1070/MAJP) *duplicate application ref. R06/0233/MAJP	refused 07.09.06  appeal against duplicate non-determined application withdrawn
Outline application for the redevelopment of land to provide a DIY retail store with ancillary areas for the display and sale of building materials and garden centre products together with an access road and associated car parking, landscaping and ancillary works (R07/1344/MAJP)	approved 03.04.08
Full application for the erection of 3 retail units and use for purposes within Class A1 (R08/0865/MAJP)	approved 08.10.08
Full application for the redevelopment of land for the erection of two retail units comprising a DIY store with ancillary areas for the display and sale of building materials and garden centre products and a retail warehouse for the sale of bulky goods together with access road, associated car parking, servicing, landscaping and ancillary works (R08/1540/MAJP)	applicant/developer in administration/not progressed

### Technical Consultation Responses

Environmental Services – No objections subject to conditions

Landscaping/Tree Officer – No objections

WCC Highways – No objections subject to conditions and contributions via a S106

WCC Ecology – No objections subject to conditions and a financial contribution to biodiversity offsetting

WCC FRM – No objections subject to conditions

WCC Archaeology – No objections

Highways England – No objections

Canal and River Trust – No objections subject to conditions

Environment Agency – Final comments yet to be received

Severn Trent – No objections

Police – No objections

Fire Services – No objections

Health and Safety Executive – Do not advise against development

Stagecoach – Commented on the following:-

- Making provision for convenient access by sustainable modes and bus services in particular, we believe is essential to the overall success of the development, allowing the proposals to maximise the value of the restricted parking provision; enhance the overall level of accessibility and thus footfall especially at peak periods and, connect every socio-economic group to the opportunities the development will present, including jobs and training.
- In light of the applicants commitment to fund the southbound bus stop on the A426 stagecoach have no objections to the application.
- A separate agreed contribution towards improvements at Avon Mills is also welcome and will no doubt indirectly assist us in ensuring buses in the wider area make efficient progress

Rugby First – Objection on the following grounds:-

- The retail units are too small to accommodate large furniture stores and will target smaller shops that could have the same offer as the town centre. E.g. Dunelm who could possibly leave the town centre for the retail site.
- Bulky units do not require the amount of parking specified. We feel this will not only service the already busy retail park but provide additional capacity for alternative units.
- Extremely concerned about further traffic congestion around Leicester Road. The additional planned traffic junction will not be enough to ease the current problems let alone further development and will result in problems for visitors to the Town Centre.
- Would like a clear definition of what the restrictive conditions entails. Our experience with the JC1 site, which had similar conditions, did not stop the Range or Matalan opening, resulting in a direct comparison offer to the town centre. A robust condition needs to be introduced to stop any changes likely in the future if the units cannot be occupied with bulky goods as proposed.
- We understand the importance of attracting new shops into the borough and preventing the leakage, but would ask that this application is put on hold until the following conditions for the town centre are met – The Town Centre vacancy level has dropped to 4%; The investment of the Town Centre currently through Hall of Fame, Public Realm and the upgrade of the Clock Towers is complete; confirmation that traffic measures around Leicester Road will not cause congestion and deter customers trying to get into the town centre.
- If the application is to be approved we would seek a financial contribution towards public realm improvements to mitigate against the impact of the development.

### **Third Party Responses**

Neighbours (2) – Objection

- Concerned about the noise of deliveries being made, i.e. audible reverse warnings, tail lifts, engines running etc. as the service road is planned to be directly to the rear of house.
- Lorries constantly park up for rest outside of my house which creates a nuisance especially with their refrigerated units constantly turning off and on. This proposal will make this situation worse giving me even less peace and privacy.
- This proposal will only worsen the situation and affect the amenities of the dwelling and cause even more sleep deprivation and stress.
- The Council's adopted planning policies seek to protect the vitality and viability of Rugby Town Centre. Further out-of-centre retail floor space at the expense of the town centre enhancement is contrary to this overall vision.
- The Council's own Retail Study advises that demand for new retail floorspace should be met through reoccupation of vacant prime retail floorspace in the town centre, rather than out of centre redevelopment;
- The Council's emerging Local Plan acknowledges that the full impact of out-of-centre retail parks in Rugby has not been established by their own retail consultants. Approval of further retail floorspace in an out-of-centre location would be perverse given this background and policy support to protect the town centre;
- The approval of the Elliott's Field Retail Park Phase II scheme will put planned investment in the town centre at risk.
- High Street retailers have already relocated from the town centre to Elliott's Field Retail Park;
- Further High Street retailers are at risk of relocating to Elliott's Field Retail Park from the town centre if this application is approved;
- Elliott's Field Retail Park is becoming a more attractive destination for shoppers than the town centre. High Street retailers such as Debenhams, Fat Face, H&M, Next and River Island have opened at Elliott's Field Retail Park at the expense of town centre representation;
- Rugby town centre's visitation rates and turnover is falling in the face of out-of-centre competition. Planning policy at the national and local level seeks to protect town centres in the face of such competition.
- If approved the proposal would have a significant adverse impact on existing, committed and planned private investment in Rugby town centre (first bullet point paragraph 26, NPPF) and would have a significant adverse impact on the town centre's vitality and viability as a whole, given the cumulative trade draw anticipated from the centre in 2021.
- In the event that further out of centre facilities are approved then the planned investment in the Clock Towers Shopping Centre will not take place.
- A bulky goods condition does not legitimise out of centre development in this context.
- Bulky goods retailers from might relocate from Elliott's Field Retail Phase 1 to Phase 2 and free up open A1 floor space.

## **Relevant Planning Policy**

### Core Strategy 2011

Policy CS1 – Development Strategy  
 Policy CS6 – Development in Rugby Town Centre  
 Policy CS8 – Town Centre Retail Allocations  
 Policy CS10 – Developer Contributions  
 Policy CS11 – Transport and New Development  
 Policy CS14 – Enhancing the Green Infrastructure Framework  
 Policy CS16 – Sustainable Design  
 Policy CS17 – Reducing Carbon Emissions

### Saved Policies of Local Plan 2006

Saved Policy GP2 – Landscaping  
 Saved Policy E6 – Biodiversity

### Supplementary Planning Documents



### National Guidance

National Planning Policy Framework 2012  
National Planning Policy Guidance

### **Assessment of Proposals**

The determining issues to take into account in this case are the principle of the development in this out of centre location, the impact upon the town centre, the impact upon the character and appearance of the site and surrounding area, the impact on neighbouring amenities, the impact upon the highway network and the impact upon biodiversity.

### Principle of development

Policy CS1 defines the settlement hierarchy for the Borough with Rugby Town centre stated as the preferable location for facilities and services.

Policies CS6 through to CS8 outline the strategy for Rugby Town Centre and outline the content of future policies that will guide development of the town centre. This includes the allocation of two sites for the development of up to 21,000sqm of comparison retail; Evreux Way and North Street.

Paragraph 2.4.1 of the supporting text to Policy CS1 states: "Proposals for new services and facilities that aim to serve more than a local community of neighbourhood must demonstrate that they cannot be located within or on the edge of the town centre before alternative locations will be considered." The policies of the Core Strategy are silent as to how retail development proposals outside of the town centre will be judged however. It is therefore necessary to refer to the content of the NPPF when considering this application.

An objector to the application has made reference to the policies within the draft local plan which at the time this report has been written the consultation period has just been further extended. The local plan therefore has yet to be fully assessed and the policies referred to have yet to be tested and therefore should be afforded limited weight in decision making.

However the policies highlighted from the emerging local plan were policies TC1, Development in Rugby Town Centre; TC2, Rugby Town Centre Comparison and Convenience Floor space Requirements and TC3, Directing Development in the Town Centre. These policies have been drafted and formed to coincide with the directives within the NPPF and adopt the Town Centre first approach. They also refer to the need to undertake sequential tests and impact assessments to demonstrate that the proposal will not harm the vitality or viability of any nearby centres and to ensure that the development is on the most central site available as per the NPPF. The application submitted and the assessments undertaken by the applicant take account of national policy and guidance so would be robust enough and withhold sufficient information to enable a full assessment to be made in the absence of local policies to the impact of the development upon the Town Centre.

### The National Planning Policy Framework

There are many parts of the NPPF that are relevant to the deciding of this planning application.

As stated above, Core Strategy policies are silent as to how retail development outside the town centre will be judged. Paragraph 14 of the NPPF provides a framework for decision making where a local development plan is silent or out of date. The presumption in favour of sustainable development is outlined; planning applications should be approved unless any adverse impact of doing so would significantly and demonstrably outweigh the benefit.

Of most significance are the sections that relate to ensuring the vitality and viability of town centres. Paragraph 23 of the NPPF states the need for planning policies to be positive and promote competitive town centre environments. It also sets out policies for the management and growth of centres over the Plan

period and states the importance of meeting retail need in full without being compromised by limited site availability.

Paragraph 24 requires a sequential impact assessment for proposals that are not located in a town centre and not in accordance with an up to date development plan. The overall principles of the sequential impact assessment have continued from the previous Planning Policy Statement 4; this includes the need for both applicants and developers to demonstrate a flexible approach.

Paragraph 26 specifies the circumstances in which an impact assessment must be submitted. Applications for retail, leisure and office development outside of town centres which are not in accordance with an up to date development plan must be supported by an impact assessment where the development is over a default threshold of 2,500 sqm (this is in the absence of a locally set threshold). This should include the assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made – for major schemes where the full impact will not be realised in five years, the impact should be assessed up to ten years from the time the application is made.

These proposals are clearly above this threshold and both a sequential and impact assessments are therefore required to support the application. Officers agree with the applicant's assessment that the full impact of this scheme will be realised within five years and the assessment therefore relates to this time frame.

In addition to the NPPF guidance, the Practice Guidance Notes on Need, Impact and the Sequential Approach which would apply to this planning application.

Whilst policies ensuring the vitality of town centres are the most relevant to this application there are other parts of the NPPF that must also be considered. Paragraphs 6 and 7 emphasise the Government's commitment to sustainable development by stating that the achievement of this is the purpose of the planning system. The three stated dimensions of sustainable development are economic, social and environmental. The building of a strong and competitive economy is also an important part of the NPPF. Paragraph 19 states that planning should act to encourage growth and not act as an impediment. Significant weight should therefore be attributed to the need to support economic growth in the planning system when deciding planning applications. Paragraph 70 also states "...decisions should ensure that shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community".

#### *Sequential Test:*

The sequential test involves a sequential site analysis of alternative sites which may be considered to be in a preferable location because of their relationship to existing centres. It is aimed at ensuring that all possible site alternatives are considered before an application is permitted in a less desirable location and is used to support a 'town centre first' policy which promotes the provision of developments providing main town centre uses in town centres on a hierarchical basis. It ensures that, where possible such proposals will complement existing centres rather than resulting in developments which will compete with, and draw trade from them.

The applicant has undertaken a sequential assessment. In assessing the suitability of alternative sites, RBC must have regard to the type of development that is being proposed by the applicant and the suitability of a site for this. The NPPF is clear however that the application of the sequential approach requires flexibility from developer, retailers and planning authorities.

A comprehensive list of theoretical sites was collated. This list of sites was then audited, with all those falling significantly below the 1.9ha minimum site size being immediately discounted, many of which included small vacant retail units and commercial premises.

Beyond those discounted sites, eight remaining larger sites were identified as follows:

- Victoria House and Car Parks - 0.28ha
- Castle Street Car Park - 0.3ha
- Brotherhood House and adjacent Car Park - 0.15ha
- Gas Street Car Park - 0.2ha
- Herbert Grey College, Little Church Street - 0.6ha
- Cattle Market, Railway Terrace – 1.3ha
- North Street Car Park - 0.8ha
- Evreux Way site - 1ha

Carter Jonas LLP (CJ) an independent retailer assessor employed by the Council to review the application has indicated that three of the sites, North Street Car Park, Evreux Way and the Cattle Market Site are of sufficient potential size that could support the proposal as a whole although below the theoretical minimum size of 1.9 ha adopted by the applicant. The sequential test undertaken in detail assesses the three larger sites in detail looking at other restrictions and operational requirements which render these sites unsuitable and unavailable such as multiple ownerships and extant planning permissions. The test concludes these sites are not sequentially preferable and should be discounted. The test against the three sites has been assessed by CJ who, together with officers, are satisfied with the assessment applied and the sites should be discounted.

The appraisal of the sequential approach and the evidence submitted undertaken by CJ has been not only prepared in the context of national and local plan policy and the advice set out in the NPPG, but also other material considerations including recent and relevant Supreme Court, High Court, appeal and call in decisions.

In relation to the material considerations CJ have highlighted a recent appeal decision issued on 22<sup>nd</sup> September 2016 in Great Yarmouth. This gives further interpretation and clarification of the sequential test; and specifically on the issues of format, scale and the principle of “disaggregation”. In summary the inspector concluded that while the overall size of the scheme should be regarded as being that applied for with some limited flexibility, there is no imperative for all the units to have the same relationship or precisely the same configuration. They could be divided up within the existing retail parks which would provide no sequential advantage or they could be accommodated in similar size units within the town centre. The inspector further stated that by appropriately adjusting or separating these large proposals so that their scale would fit better, the proposals could be accommodated within the town centre without disaggregating any of the individual units, albeit in a different form. As a result of this appeal decision that has established the case for disaggregation CJ considered it necessary for the applicant to consider the remaining 5 sites in more detail in terms of their potential to accommodate the proposed scheme in part or individually.

The applicant has responded to the request by CJ and submitted further assessment of the 5 remaining sites which each is summarised below:-

1/ The Victoria House site has been assessed and found not to be available in the immediate term and it is likely that it will be subject to further redevelopment proposals in due course. Furthermore the nature of the retail considered appropriate for the site in the Council's retail evidence base is not consistent with the form, size and scale of the units with the proposed development therefore has been considered in the test as not sequentially preferable.

2/ The Castle Street Car Park has previously been discounted for significant retail provision, instead indicating that smaller scale retail as part of a mixed used development would be appropriate. The site is located away from the heart of the retail core, which is proposed to be consolidated further as part of the emerging Local Plan. The configuration of the site and the nature of the surrounding residential houses alongside the servicing requirements of a bulky goods development, realistically mean that the site is not sequentially preferable.

3/ The Brotherhood House has been recently acquired and taken off the market, which suggests its reuse and/or development are actively being considered. Furthermore, the car parking element of the site was recently subject to a successful planning permission ref R13/0340 for residential redevelopment granted in June 2014. This part of the site is therefore likely to be redeveloped in the near future and should be discounted a sequential option.

4/ The Gas Street Car Park site was previously considered within the Council's 2008 retail evidence base study which commented that in view of the small scale nature of the site, limited retail development may be possible at ground floor as part of a mixed used development, and that the ground floor retail units may accommodate food and drink uses to complement the character of this part of the town centre, specifically the study states that the site "is not considered suitable for the provision of significant new retail and/or leisure floor space". The 2015 Carter Jonas report explains that having reviewed the original sites some have been excluded as potential development opportunities, which includes specific reference to the removal of the Gas Street Car Park. Therefore it is clear from the Council's retail evidence base that the site is not appropriate in the form of retail development proposed and can be discounted as a sequential option.

5/ The Former Herbert Grey College Site is the subject of a recently consented residential care development (ref No R13/0128) granted in June 2016 and therefore can reasonably be discounted on this basis.

CJ have commented on the further detail and stated that they are satisfied that these sites are not suitable, available or viable to accommodate the scheme even if aggregated. So to conclude the applicant has demonstrated that there are no suitable or available sequentially preferable sites that can accommodate the proposed development in accordance with paragraph 26 of the NPPF. If this type of retail development is to take place in Rugby in the short to medium term, it will need to be located outside the town centre.

#### *Impact Assessment:*

The proposed submitted impact assessment assesses the impact of the proposed bulky goods retail floorspace on shopping patterns within the catchment area. This assessment follows the guidance contained within the NPPF and the PPG and assesses the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential tests or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

Both national planning policy and appeal decisions are clear in that an application should not be refused on the basis of a perceived impact; instead there must be some evidence to demonstrate that any impact is likely to be significant. This is an important factor to take into account when balancing the effects (both positive and negative) of the proposal.

Having regard to the nature of the application proposals and the catchment area within which the proposals will serve, the impact assessment has focused on the impact on Rugby Town Centre and Lutterworth Town Centre. The remaining centres within the catchment area are not of a scale, role or function appropriate to these application proposals.

#### *Impact on Investment:*

The key considerations when assessing the effect of a proposal on planned investment are:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan);
- The progress made towards securing the investment (e.g. if contracts are established); and
- The extent to which an application is likely to undermine planned developments or investments based on the effects of current/forecast turnovers, operator demand and investor confidence (PG, para 016).

The assessment provided within the retail assessment submitted covers the issues for a number of sites within both Rugby and Lutterworth centres and concludes that:

Evreux Way – The proposed bulky goods development at the FTTE will not prejudice any of the three extant permissions at Evreux Way as it will have a different role and function to the permitted schemes. Thus, it is unlikely that prospective tenants for the FTTE scheme would otherwise consider taking a unit at Evreux Way, even if one of the schemes were to provide a non-food unit of sufficient size;

North Street – The development prospects for this site are likely to be long term reflecting the land ownership issues and lack of market interest despite its current allocation for retail development in the Core Strategy. It is not being actively progressed at the present time and a number of the buildings/units on the site are still occupied/in use. As a result the current proposals for the FTTE site are unlikely to undermine or prejudice the delivery of this complex site in the short term;

Herbert Grey College – The former Herbert Grey College building has now been partially demolished and the site cleared although construction work has yet to start on the recently permitted scheme for 73 extra care residential units (ref: R13/0128). This investment would not be prejudiced by the proposed bulky goods retail development at FTTE; and

Lutterworth – The need for additional retail development is identified in the Harborough District Council Core Strategy although no specific sites are allocated and a more recent Retail Study suggests requirements are now more limited. A potential site to meet short to medium need is identified but would only provide around 1,000 sqm of new comparison floor space in 4-5 units. There is no active progress in securing this investment but proposals would not be prejudiced by the proposals at FTTE given the different role and function of the retail offer.

CJ are in agreement with the above conclusions and stated that all the appropriate proposed investment schemes have been assessed. However during the planning application process the Council received an objection from CT Properties Ltd who own the Clock Towers which highlighted the retail assessment was silent in relation to the planned investment at the Clock Towers Shopping Centre and therefore a significant flaw in the assessment. The objection stated that the works planned by CT Properties Ltd has a significant role in underpinning the vitality and viability of the town centre as a whole. If these plans are put at risk by out-of-centre redevelopment at the former Tribune Trading Estate then this would be a 'significant adverse impact'. They indicate that the planned investment works are a clear endorsement of investor confidence in Rugby town centre. The investment seeks to improve the centre to attract new retailers and fill voids that have a negative impact on the town centre as a whole. The owners further state that these planned enhancement works at Clock Tower Shopping Centre will be prejudiced by further out-of-centre approvals, the consequences of which is reduced footfall and lost expenditure for the town centre. These planned works amount to a potential investment of over £3.5m. This investment will be put on hold if the threat of further out-of-town development continues in Rugby and the application for the redevelopment of the former Tribune Trading Estate is approved.

As part of the planning process the applicants have responded to the objection and extended the assessment to include the impact it would have upon the investment of the Clock Towers. The assessment indicates that CT Properties Ltd acquired the Shopping Centre in September 2015, therefore these investment decisions were taken in the context of existing out of centre retail activity i.e. the investment at Elliott's Field Shopping Park, Technology Drive Retail Park, Junction 1 Retail and Leisure Park etc. The development now proposed is limited to a specific range of bulky goods retailing and the applicant has made it clear within the application submission that they are willing to accept an appropriately worded condition to control the sale of goods. To this end the type and size of retail units that will be created and the potential occupants of those units, are qualitatively different to the retail role and function of the Clock Towers Shopping Centre. CJ have confirmed that types of goods that it is proposed to sell at the FTTE site are not generally well represented in the town centre.

The application proposals now submitted will deliver 9 retail warehouse units which will be limited to selling a range of bulky retail goods, including furniture, floor coverings, household textiles, bathroom/kitchen items, soft furnishings, homewares, etc. The applicant has highlighted that as evidenced by the household survey undertaken in support of the Rugby Retail Study and that supporting this planning application, a significant amount of market share expenditure on such goods leaks beyond the Borough boundary. Indeed Figure 4-1 of the Rugby Retail Study confirms that 66.4% of the furniture, carpets and textiles market share, and 69.4% of the DIY and garden products market share is lost beyond the Borough boundary. The application proposals seek to reduce this trend.

The assessment concluded that the proposals are therefore qualitatively different to the retail offer across the town centre, and given that CT Properties Ltd had confidence in the town to make the investment decisions in light of other retail activity across the Borough (including at Elliott's Field Shopping Park), the proposed bulky goods retail development is considered highly unlikely to prejudice that investment being realised. Based on the information provided within the application and the findings of their own appraisal,

CJ do not consider that the proposed scheme would have a significant adverse impact on the town centre, including on Clock Towers or its future investment. This opinion is on the basis that the scheme is for bulky goods retail only therefore not competing directly with the town centre and presenting a different offer. This is aided by the fact the majority of retailers have been named such as, DFS, Furniture Village, Sofology and Tapi. The potential for trade draw will be more limited than say general comparison retail and/or where no named retailers are identified.

Taking the above into account it is considered that the proposed development will not have a significant adverse impact upon planned investment within the Town Centre therefore comply with the NPPF in particular paragraphs 26 and 27.

*Impact on Town Centre Vitality and Viability, Local Consumer Choice and Trade:*

In order to provide an informed assessment of the likely impact of the application proposal it is important to understand currently shopping patterns and how centres are currently trading before seeking to predict trade diversion and the likely effects on town centre turnover. It has been stated by CJ that the analysis adopted within the impact assessment is consistent with national guidance.

The retail impact assessment submitted concluded that Rugby Town Centre would have a turnover of £106.76m in 2021 from their defined catchment and that the draw from the Town Centre would be £2.99m resulting in a 2.8 % impact upon the Town Centre. CJ's have assessed the RA submitted by the applicants and have identified that they have only included turnover from their defined catchment area when assessing impacts, when in practice the majority of centres will draw from a wider area. For instance the Carter Jonas 2015 report estimated a turnover of £195m in 2020, based on the wider study area so therefore this would result in the impacts being proportionally less than set out in the RA submitted.

CJ are of the opinion that given the nature of the goods to be sold and the accepted principle the trade draw pattern is likely to be influenced by current bulky goods shopping patterns rather than comparison goods overall. Given that a number of bulky goods operators are not currently represented in the town there is clearly potential for the proposed development to draw back trade currently being lost from Rugby. As stated above Rugby Retail Study confirms that 66.4% of the furniture, carpets and textiles market share, and 69.4% of the DIY and garden products market share is lost beyond the Borough boundary. The application proposals seek to reduce this trend similar to that which was achieved by EFRP in relation to comparison goods. Evidence of this is already highlighted with confirmed retailers DFS, Sofology, Furniture Village and Tapi who are not within Rugby Borough ready to take occupation on the site if approved. There are also discussions on going with a further 3 national retailers who are also not in Rugby.

However, it also has to be recognised that for many residents of the other zones that make up the catchment area, existing retail outlets are likely to remain as accessible. As a result of this CJ have reviewed the trade draw patterns and estimated that the trade draw of from the town centre could be in the region of £3.5m rather than the £2.99m. However although the trade draw maybe more than estimated in the Retail Assessment submitted due to the turnover being underestimated the overall percentage impact would be less than 2% resulting in a reduced impact to that highlighted by the applicants in the Retail Assessment.

Whether or not the impact can be considered significantly adverse depends also largely on the current health of the centre. The applicants have undertaken a health check of Rugby Town Centre which sits broadly in line with the UK average. The health check can be summarised as follows:

On balance Rugby town centre is considered to be relatively healthy and attractive for the role that it fulfils, although it is recognised that its role as a comparison retail destination, particularly for national retailers, has reduced.

The centre is considered to have a comparison retail composition broadly in line with national averages, selling a range of day to day goods. However, there are few aspirational comparison retailers, as evidenced by the Verdict scores set out in the Rugby Retail Study. Additionally, the centre has a good overall range of convenience shopping, while also having a large number of independent retailers and service providers. The centre is recorded to have a level of unit vacancy which is in line with the national average and vacancy levels have reduced since 2012. There are a number vacant units (9 units) in the Swan Centre development, however, this does not detrimentally impact on the 'feel' of the heart of the centre overall,

which along the main shopping streets in particular was recorded to be fairly active, although it was noted that the largest unit on the High Street (the former M&S) is vacant.

The centre benefits from a pleasant and attractive environment, which benefits from Rugby's rich heritage and varied architectural landscape. The centre is well maintained by the Rugby First's initiatives, which ensure the safe perception of the centre. The centre is easily accessed from a large residential population, with a compact layout that is convenient to navigate and walk around.

Since this application was submitted further monitoring of the Town Centre has been undertaken by the Council which highlighted there have been a reduction in vacancies since the last count, undertaken in July and an increase in A1 uses within the town.

CJ consider the centre is currently a vital and viable Town Centre but one which remains fragile. However the types of goods that are proposed to be sold at the Former Tribune Trading Estate are not generally well represented in the town centre and therefore the impact would be significantly less than if it was directly competing. CJ have indicated that to contain the impact at an acceptable level that a condition should be included in an approval to restrict the goods which can be sold and also being explicit in what cannot be sold. Another step to contain that impact would be to attach a no poaching agreement in order to stop any retailers such as Dun Elm leaving the town centre to relocate at the new retail park. These conditions have been accepted by the applicant and will be present on any approval given.

### *Conclusion*

Taking into consideration the above and the appraisal undertaken by CJ the Council is of the opinion that the development would not have a significant adverse impact upon on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; nor will have significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area particularly when considered with the positive benefits of the proposal which include:

- Creation of around 120 new local job opportunities, as well as construction jobs;
- Increased retail expenditure retention within the Borough;
- Potential for associated spending within the town centre and enhanced investment opportunities;
- Enhance the retail presence of Rugby's wider retail offer;
- Improved retail choice to the catchment; and
- Significant financial investment from Hammerson, as well as retailer investment.

It is therefore the view of Officers that the proposal is compliant with Policy CS1 of the Core Strategy and paragraphs 23, 25 and 26 of the NPPF. The proposal is therefore acceptable in principle and subject to the consideration of more detailed matters, should be approved.

### Character and Appearance of Development

As set out in the NPPF, the Government attaches great importance to the design of the built environment. One of the core planning principles within paragraph 17 states that planning should "always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings". Paragraph 56 of the NPPF indicates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to make places better for people.

The emphasis put on good design by the Framework has been highlighted and picked up on within the Core Strategy 2011. Policy CS16, Sustainable Design, states that "all development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they area situated"

The existing site is a vacant disused piece of land on the Leicester Road which used to be an industrial estate with many industrial units of varying sizes and uses. The site has since been cleared and left with some deleterious material still on site, which has left an unappealing appearance on one of the main distributors into the town.

The scheme is designed to address Leicester Road with the main retail terrace set back from the carriageway with car parking to the front. The building line of the main terrace continues from the western part of EFRP to allow a strong link between the two sites along the shop frontages.

All of the units have a distinct feel providing character and interest across the park, whilst being bound together by a canopy and timber cladding above similar to EFRP. A variety of high quality materials are to be utilised within the development including stone cladding, coloured fibre cement, panels and timber cladding as already stated. The units will have large areas of glazing to complement the new materials and will provide active frontages and provide interest to the development.

A standalone feature Class A1 unit, is located at the site entrance. This is designed as a gateway building to the site, forming a visual stop to the park when looking south and enclosing the customer car park. The materials used for this unit are again similar to EFRP with a gabion wall feature to the side elevation fronting the highway and timber cladding, a canopy and timber louvres all used. This building along with the other units would bring interest to the street scene and the site itself and would tie into EFRP nicely without it appearing as a monotonous run of units. Taking the above into account it is considered that the proposed development will provide an attractive development on the main gateway to the Town Centre complying with policy CS16 of the Core Strategy 2011.

With regards to accessibility the site caters for service vehicles and staff separately to that of customers so the conflict between uses has been designed out. The site also caters for those arriving on site via cycle with a dedicated cycle access which links the Leicester Road cycle lane to the car parking aisle in front of Unit A which connects to the 30 covered cycle spaces located to the north of Unit A. The internal layout of the site has also taken into account for ease of access for disabled people, push chairs and trolleys with flush kerbs across the site and steps and ramps introduced where necessary, ensuring easy transitions for all.

The built form of the new development would dominate the retail park; however helping to soften its appearance would be the associated landscaping. Saved Policy GP2 of the Local Plan 2006 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”.

The landscaping will provide the essential softening affect to the car park by breaking up the hard surfacing of the car park whilst also providing an attractive visual appearance. It is proposed to remove 19no. trees to allow for the development; however replacement trees are to be planted which gives the opportunity to create a strong landscaped frontage running along Leicester Road at the front of the site and into Old Leicester Road. These trees are proposed to have some height which will create a good green screen whilst still allowing for views into the retail park underneath the canopies of the trees. A green screen would also be created between the car park and the service zone.

The landscape strategy for the canal embankment seeks to preserve and enhance its ecological value and importance as a part of Rugby's wider Green Infrastructure and importance as a wildlife corridor adjacent to the Oxford Canal. The areas of existing shrub vegetation and semi-improved grassland habitats will be retained along the northern site boundary of the site supplemented by new habitat features such as shallow grassland scrapes to create ephemeral ponds and native planting to site boundaries to diversify the existing site ecology. Taking the above into account it is considered that the proposed landscaping would comply with saved policy GP2 of the Local Plan 2006 and Policy CS14 of the Core Strategy 2011.

### Residential Amenity

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

The site is located within the urban area of Rugby on the main distributor into the Town Centre with commercial and industrial sites clearly visible adjacent, close to and within the vicinity of the site. However it has been highlighted by the Environmental Protection Officer that there are a number of noise sensitive receptors that could be subject to potential noise nuisance from external mechanical plant, delivery vehicles



using the access road (Old Brownsover Road) unloading/loading activities, reversing beepers and plant typically used in service yards like compactors/bailers.

Such sensitive receptors are a permanent mooring at Willow Wren Canal Boat Centre, a residential property on Consul Road and temporary moorings on the canal arm leading onto the Oxford Canal at the rear of the development site.

The residential property on Consul Road, to which objections regarding noise have been received, is located approximately 80 metres away from the site and has two buildings in the ownership of Peugeot sited between it and the site. The canal to the north is on a higher level and separated from the site by a band of dense vegetation. The proposed service yard to the new development will be approximately 60 metres away from the canal.

Taking into consideration the above and the previous uses upon this site, the Environmental Protection Officer has assessed the proposals and is satisfied the impact of the proposal would be acceptable in principle. However in order to ensure the impact is contained and doesn't increase the officer has deemed it necessary that prior to any development commencing, the applicant shall submit an assessment from a competent person to accurately assess the potential impact from the effect of noise emitted from vehicle movements, unloading/loading activities and fixed plant (including air handling plant) associated with the redevelopment. The assessment results would be used to define any necessary mitigation measures to be put in place to protect the amenity of the neighbours.

With regards to the other impacts on amenity such as loss of light, overbearing nature or loss of privacy the positioning and nature of the development would not impact upon the surrounding neighbouring amenities. Taking into account the above it is considered that the proposed development would comply with policy CS16 of the Core Strategy 2011.

#### Highway, Transport & Parking

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

The retail park is located off the Leicester Road upon the main gateway into the town centre, however it is classified as a low access area within the Rugby Council Planning Obligations SPD. As stated previously the main access into the site from the Leicester Road is to be provided to the south west of the site off the A426, opposite the access to Junction One Retail and Leisure Park which will be for entry only. Alterations will be made to this junction to accommodate the right hand turn from the southbound carriageway and left hand turn from the north bound carriageway.

The Old Leicester Road is to be utilised for egression from the site via a junction within the site which would also allow vehicles to move from the Former Tribune Estate to EFRP without using the Leicester Road. Little alteration will be required for this junction.

A new service/delivery access is to be created to the south west of the Site, connecting to Forum Drive. This will be for servicing and delivery vehicles and staff vehicles only so therefore reducing conflict with customers using the retail park.

### *Transport Assessment:*

The Highway Authority has undertaken a full assessment of the submitted Transport Assessment, which has been prepared on the applicants behalf by Watermans Group.

The document has been prepared in accordance with national planning policy and guidance and provides a robust methodology through which the impact of the development has been assessed.

The development does demonstrate additional pressure on the Avon Mill Junction with queuing and delay observed at this location most notable during the Saturday Peak Period 11am to 2pm. The Highway Authority has therefore requested a contribution towards the highway improvement scheme which has been identified for the Avon Mill Junction. The contribution towards the scheme is based on the number of vehicles impacting at this location during the Saturday Inter Peak, which equates to 4.9% of the total traffic flow. Based on the cost of the scheme and proportion required from developer's contributions the required contribution is £120,000.

Apart from Avon Mill Junction the modelling has demonstrated that the proposed development can be accommodated on the surrounding highway network. The Highway Authority concludes that the Transport Assessment is robust and that the development can be accommodated on the network with suitable mitigation.

### *Access Arrangements:*

The Highway Authority has undertaken assessment of the access arrangements based on the information which has been submitted in support of the development proposals.

The Highway Authority has appraised these in partnership with the Transportation, Road Safety, Highway Design and Signal Engineering Teams. Based on this assessment the Highway Authority is satisfied that the junctions will operate within capacity and will not have a detrimental impact upon the safe and efficient operation of the highway network.

### *Sustainable Transport:*

The Highway Authority has requested a contribution to enable the implementation of a bus stop on the A426 southbound carriageway. This will be in the form of a bus layby with associated infrastructure. The scheme will be delivered by Warwickshire County Council, and therefore the applicants have agreed to the provision of a financial contribution through a S.106 Agreement.

The proposal is CIL compliant as it will provide direct benefit to the development site allowing pedestrians to and others to access the retail the park from northern areas, but also a viable bus stop to access the town centre.

The Highway Authority has also requested a contribution towards cycle infrastructure improvements as part of the cycling strategy for Rugby on behalf of Warwickshire County Council's Cycling Officer. The request is for £50,000 to provide cycling infrastructure improvements on the Leicester Road Corridor. This request has been accepted by the applicants.

To conclude the Highway Authority is satisfied that the development proposals can be accommodated without detriment to the safe and efficient operation of the highway networks subject to conditions being attached to an approval given and that planning obligations are entered into via a Section 106 agreement. It is therefore considered the proposal would comply with the policies and guidance given within the NPPF.

With regards to the provision of parking the standards are set out in the Planning Obligations SPD 2012. It is important to note that the parking standards for retail are maximum standards and not minimum standards. The standard indicated for A1 non-food retail and general retail is 1 space per 20sqm which would equate to a maximum number of 590 parking spaces for the development. The number of parking spaces being provided is 484 for the public and 90 for the staff therefore overall 574 spaces will be provided. This number is close to the maximum specified for a development of this size so would more than adequately provide for the site therefore comply with saved policy T5.

## Energy Conservation

Core Strategy policies CS16 and CS17 refer to sustainable design, water efficiency and reducing carbon emissions. The Sustainable Design and Construction Supplementary Planning Document (SDC SPD) 2012 further expands upon this and sets out the potential to reduce carbon emissions through improving energy efficiency in construction and design. This is consistent with chapter 10 of the NPPF which supports the inclusion of renewable and low carbon energy within new development.

An energy statement has been submitted as part of the application which makes recommendations as to the best means of incorporating low and zero carbon technologies into the development. The buildings are to be designed and constructed to meet BREEAM Excellent standards. The statement proposes a strategy that positively responds to the policy structure that requires developments to be energy efficient to establish the baseline emissions then use renewable technologies to reduce the emissions by at least 10%. Energy efficiency measures will be implemented to provide a regulated carbon saving of 37% in comparison to the Target Emission Rate and 28% emissions reduction from the development once all unregulated emissions have been incorporated. The energy efficiency measures include: improved fabric insulation, very efficient heating, cooling and ventilation services. The lighting installations will be very efficient, high levels of glazing are present along the front elevation and daylight compensation controls will be implemented to dim the lighting where possible.

The development will be also provided with a 129.6kWp photovoltaic installation distributed across all the building roofs to reduce the total emissions by 10.15% from the baseline

Taking into account the above it is considered that the proposed development would comply with policy CS16 and CS17 in regards to sustainable design, water efficiency and reducing carbon emissions.

## Ecology

Policy E6 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, policy CS14 of the Core Strategy requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network. These policies are consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

It is within the context of the above that the applicant has submitted a Preliminary Ecological Appraisal (PEA) and Protected Species Report.

The application site was previously used as a light industrial trading estate which was demolished approximately 10 years ago. Approx. 40% of the site is early successional vegetation which encompass the most species diverse areas of the site, in addition to approx. 30% tall herb vegetation, 10% scrub, and the remainder comprising bare ground, neutral grassland and ephemeral pools and ditches.

From the habitat survey it is noted the application site contains at least 8 Warwickshire Notable Species and 1 Warwickshire Scarce species. These comprise kidney vetch *Anthyllis vulneraria*, yellow-wort *Blackstonia perfoliata*, carline thistle *Carlina vulgaris*, southern marsh-orchid *Dactylorhiza praetermissa*, blue fleabane *Erigeron acris*, ploughman's-spikenard *Inula conyzae*, fairy flax *Linum catharticum*, bee orchid *Ophrys apifera* and sickle medick *Medicago sativa ssp falcata*. A significant number of at least 40 inflorescences of southern marsh orchid are present along the unmanaged grassland verge towards the north-eastern boundary of the site. Little mouse-ear *Cerastium semidecandrum* is a Warwickshire Scarce species. The site contains a number of calcareous indicator species, including common centaury *Centaureum erythraea*, wild strawberry *Fragaria vesca* and mouse-ear hawkweed *Pilosella officinarum* which are rare in the local area and unusual in an urban location. A number of notable invertebrates, some of which are rare in the local context are also present on site.

From the surveys undertaken and the assessment from the County Council Ecologists they have considered that the site is likely to qualify as an LWS in accordance with the Local Wildlife Site criteria ('The Green Book'). As such the ecologists have recommended that habitat enhancement opportunities should be maximised on site, before consideration of off-site provision, in accordance with the mitigation hierarchy within the NPPF. Further to this they have recommended that the notable species are retained where possible within the development, which may be possible within the area of habitat proposed to be retained along the north of the site. It may also be considered more appropriate to translocate some rare species off-site to a suitable location within the local area.

It is important to note that Local Wildlife Sites (LWS) are non-statutory sites that are wildlife-rich and selected for their local nature conservation value. Local Wildlife Sites are of County importance, these sites are not protected by law like SSSI's or National Nature Reserves and their only protection is through the planning system. Whilst SSSI's are a representative sample that meets national criteria, LWS's include all sites that meet local selection criteria.

Leading on from the County Council Ecologists comments the applicant has submitted an Open Mosaic Habitat vegetation types plan showing the location of the notable plant species within the site, a Biodiversity Impact Assessment calculation and the proposed landscaping scheme.

The landscaping plan includes the retention of the most valuable area of unimproved calcareous grassland, scrub and ephemeral vegetation in the north of the site, along with the creation of areas of marshy grassland in scrape features as well as restoration and creation of additional areas of grassland through seeding with an appropriate mix or allowing natural regeneration with some additional seed application from seed harvesting within this area. The orchids located in the eastern part of the site would be translocated to the retained habitat area in the north of the application site. Elsewhere a SUDs feature in the south of the site would include marshy grassland. The remaining habitats in the site would be lost to the proposed scheme. The Biodiversity Impact Assessment has concluded that the proposed development would result in a net biodiversity loss of 8.88 units and therefore a financial contribution should be sought for offsetting the loss.

The County Council Ecologists have assessed the further submitted information including that of the Biodiversity Impact Assessment and are of the opinion that this loss can be mitigated against if the on-site habitats are suitably managed and a suitable off-site receptor site is located and managed appropriately. This can all be secured via condition and through a section 106 agreement.

In the short term the development would result in the loss of a proportion of a LWS, however, it is considered that, the proposed mitigation, once it has been established, would have wider benefits in terms of biodiversity, as it is envisaged, and would be secured through conditions and a section 106 agreement, that the mitigated area and other identified areas off site are created in such a manner that it will become a wildlife-rich area. It is therefore considered that taking into account the proposed mitigation there will be a no net loss of biodiversity in accordance with 'saved' local plan policy E6 and the NPPF. In the long-term it is envisaged that there would be net gains in terms of biodiversity in the locality.

### Air Quality & Contamination

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

As part of the submission an Air Quality assessment has been undertaken to which the Environmental Protection Officer generally supports. However a pre-commencement planning condition is recommended for the proposed development that ensures dust, mud and debris generated from demolition, ground preparation, construction, and vehicle movement is prevented from migrating off site and impacting on surrounding residential receptors, the wider environment and the local highway network. This information could be submitted in the form of a Construction Environmental Management Plan.

Taking into account the acceptability of the air quality assessment with recommended conditions to support any approval the development would comply with Core Strategy and NPPF with regards to air quality.

The officer has stated that it is essential that road sweeping is undertaken frequently and in full throughout the working day, as stated in the assessment, so that site and local roads (particularly roads accommodating HGV loads) are maintained to a suitably clean standard.

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

As part of the submission a Preliminary Environmental Risk Assessment was submitted, this has been assessed by the Contamination Officer at the Council and found to be acceptable. The report recommends additional investigation to address potentially unacceptable risks identified in the preliminary risk assessment, to which the contamination officer has stated can be adequately addressed by a planning condition. Taking this into account the proposal would comply with the policies above.

### Flooding and Drainage

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

The applicant has been in detailed discussions with both the Flood Risk Management department at the County Council and the Environment Agency which has resulted in a revised flood risk assessment being submitted. The FRA has demonstrated that the development has a low risk of flooding from groundwater, pluvial, reservoir, canal and artificial sources. Whilst the south east of the site is shown to lie within Flood Zone 3, the proposed retail units are located to the north and west with car parking and landscaping in the lower lying areas in the south east.

It is considered further that the development does not increase flood risk at the Site or elsewhere, and can be evacuated safely during fluvial flood events. It also confirms that surface water from the Development can be drained sustainably to ensure that flood risk is reduced at the Site and elsewhere.

The FRM have assessed the revised FRA and have agreed with its findings and have no objections subject to conditions and informatives therefore the development would comply with policy CS16 of the Core Strategy and policy GP2 of the Local Plan. At the time of writing this report the EA have yet to comment however it is understood they are largely acceptant of the details submitted. The EA's final comments will be verbally presented to the committee on the night.

### Planning Obligations

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

Notwithstanding the above, paragraph 204 of the NPPF and 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 require this.

As already stated within this report there are financial contributions being sought towards highway improvements, cycle improvements, the installation of a bus stop on the south bound carriageway and offsetting of biodiversity. These contributions are all justified with the above criteria and have been accepted by the applicant.

There has been a request from Rugby First that a contribution be sought towards improvements to the Public Realm of the town centre as means to mitigate against the impact that the new development would have upon the town centre. As detailed in the report it has been concluded that the impact upon the town centre would not be significantly adverse and would therefore comply with the guidance given within the NPPF in particular paragraphs 26 and 27. As it is deemed the impact is acceptable it would not be justifiable, necessary or reasonable to insist that a contribution is paid by the applicants towards public realm improvements of the town centre.

### Planning Balance and Sustainability of Development

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

From an economic perspective the proposed development would offer a number of considerable benefits including the creation of 120 new local job opportunities, increased retail expenditure retention within the Borough and significant financial investment from Hammerson in the region of £20m, as well as retailer investment.

From a social perspective the proposed development would make public transport enhancements in the form of a new bus stop, enhance the retail presence of Rugby’s wider retail offer and improve retail choice to the catchment. The economic and socio economic benefits of the Proposed Development are considered to be extensive and will be given significant weight in the planning balance.

From an environmental perspective whilst the site would generate more movements and therefore potentially give rise to the harm on the environment, the visual aspects of the site would be significantly improved, the build will include renewable forms of energy to reduce carbon emissions, the site will promote more sustainable forms of transport through the installation of a new bus stop and also improvements to cycle routes along the Leicester Road and there will be landscaping management plans and mitigation measures put in place to ensure the net loss of biodiversity is neutralised in the area.

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

With reference to the bullet points above the proposal would seek to provide more local job opportunities, whilst also improving the conditions in which people live by offering a wider retail choice. The provision of a bus stop on the southbound carriageway would improve the conditions in which people travel.

In conclusion the Proposed Development complies with the three dimensions of sustainable development as set out in the NPPF (social, economic and environmental) and there should therefore be a presumption in favour of it.

## Conclusion

The Council are of the opinion that the proposed development is a sustainable development that would not have a significant adverse impact upon the vitality and viability of the Town Centre or planned investment in the centre due to the type of goods it will be offering and due to the many benefits that have already been highlighted throughout the report. The redevelopment of this brownfield site will improve the visual aspects of the area and enhance the approach into the Town along one of the main distributors. The impact upon the highway network has been considered acceptable with contributions and improvements to the highway gained to ensure the impact is reduced, including encouraging other means of transport with the installation of a new bus stop and cycle improvements to the highway. There will be an impact on biodiversity in the short term however enhancements to the site, long term management and offsetting contributions will ensure that the site and local area will become a wildlife-rich area. The proposed development has taken into consideration matters of flooding and contamination and has been designed in a way which would use renewable energies to reduce its carbon emissions. Therefore it is considered that the proposed development would comply with all policies within the Core Strategy and the National Planning Policy Framework.

## **Recommendation**

Subject to the referral of the application to the National Planning Casework Unit, as the development results in out of town development of more than 5000sqm of floorspace, the Head of Planning & Culture be granted delegated powers to grant planning permission subject to conditions, informatives and a Section 106 agreement.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R16/1387

### **DATE VALID**

15/09/2016

### **ADDRESS OF DEVELOPMENT**

FORMER TRIBUNE TRADING ESTATE  
LEICESTER ROAD  
RUGBY  
CV21 1NY

### **APPLICANT/AGENT**

Mr Phil Murphy  
Quod  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0AX  
On behalf of , Hammerson Rugby Ltd

## **APPLICATION DESCRIPTION**

Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

Notable Plant Species Plan - WIE10766-108\_GR\_EC\_5  
Biodiversity Impact Assessment

Received by the Local Planning Authority on the 17th November 2016

Proposed Site Layout - EFP2-PWA-00-00-DR-A-0005 G9  
Site Layout - EFP2-PWA-00-00-DR-A-0006 G6  
RT East & West Elevation - EFP2-PWA-R0-ZZ-DR-A-0023 G4  
RT Sections Zone 1 - EFP2-PWA-R1-ZZ-DR-A-0030 G4  
Phase 2 Soft Landscape Plan - EFP2-HED-00-00-DR-L-0001 P3  
EFP2-WIE-00-ZZ-RP-D-0003-B03 - Flood Risk Assessment

Received by the Local Planning Authority on the 11th November 2016

EFP2-WIE-00-ZZ-RP-J-0002-B03 - Air Quality Assessment

Received by the Local Planning Authority on the 10th November 2016

EFP2-WIE-00-ZZ-RP-J-0003-B01\_PSR - Protected Species Report;

Received by the Local Planning Authority on the 28th September 2016

RT North Elevation - EFP2-PWA-R0-ZZ-DR-A-0021 G4  
RT Ground Floor Plan Zone 1 - EFP2-PWA-R1-00-DR-A-0010 G4

Received by the Local Planning Authority on the 26th September 2016

Location Plan - EFP2-PWA-00-00-DR-A-0001  
Existing Site Plan - EFP2-PWA-00-00-DR-A-0002  
RT Ground Floor Plan Zone 2 - EFP2-PWA-R2-00-DR-A-0011  
RT Roof Plan Zone 1 - EFP2-PWA-R1-02-DR-A-0014  
RT Roof Plan Zone 2 - EFP2-PWA-R2-02-DR-A-0015  
RT South Elevation - EFP2-PWA-R0-ZZ-DR-A-0020  
RT Sections Zone 2 - EFP2-PWA-R2-ZZ-DR-A-0031  
RT Section R7 - EFP2-PWA-R0-ZZ-DR-A-0032  
Unit A Ground Floor Plan - EFP2-PWA-A0-00-DR-A-0040  
Unit A Roof Plan - EFP2-PWA-A0-02-DR-A-0041  
Unit A Elevations 1 - EFP2-PWA-A0-ZZ-DR-A-0045  
Unit A Elevations 2 - EFP2-PWA-A0-ZZ-DR-A-0046  
Unit A Sections - EFP2-PWA-A0-ZZ-DR-A-0047  
Site Elevations - EFP2-PWA-00-ZZ-DR-A-0060  
Phase 2 Site Boundary Conditions Plan - EFP2-HED-00-00-DR-L-0003  
Phase 2 Tree Removal Plan - EFP2-HED-00-00-DR-L-0005  
Phase 2 Site Boundary Sections - EFP2-HED-00-00-DR-L-0004  
EFP2-PWA-00-ZZ-RP-A-0100-G2 - Design and Access Statement;  
Q60555 - Retail Assessment;  
EFP2-WIE-00-ZZ-RP-D-0004-B02 - Transport Assessment;  
EFP2-SDP-00-ZZ-RP-M001 - Energy Statement;  
EFP2-WIE-00-ZZ-RP-U-0001-B01 - Preliminary Environmental Risk Assessment;  
EFP2-WIE-00-ZZ-RP-J-0001-B02\_PEA - Preliminary Ecological Appraisal

Received by the Local Planning Authority on the 15th September 2016



REASON:

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

CONDITION: 3

Prior to commencement of development samples of the external materials specified within the design and access statement and shown upon the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The development is to be carried out in accordance with the approved materials.

REASON:

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

CONDITION: 4

No development, groundworks or remediation shall take place until a Construction Management Plan, which must contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, arrangements to monitor noise emissions from the development site during the construction phase and HGV Routing Plan has been submitted to and approved by both the Planning and Highway Authorities. Development shall only take place in full accordance with the plan hereby approved.

REASON:

In the interests of highway safety and to safeguard surrounding amenities

CONDITION: 5

No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 - 09:00 and 16:30 - 18:00, to ensure that HGV movements are limited during the peak travel periods on the surrounding highway network.

REASON:

In the interests of highway safety

CONDITION: 6

No built construction shall take place until detailed plans for the access arrangements have been submitted and approved in writing in general accordance with drawing number WIE10766/0003 Rev.P02 (Appendix E of the TA).

No occupation shall take place until the access arrangement has been implemented in accordance with the approved detailed plans.

REASON:

In the interest of highway safety

CONDITION: 7

No built construction shall take place until the proposed access arrangement for Old Leicester Road has been submitted and approved in writing. This will require the submission of technical drawings, vehicle tracking for a HGV movements and a Road Safety Audit Stage 1.

No occupation shall take place until the access arrangement has been implemented in accordance with the approved detailed plans.

REASON:

In the interest of highway safety

CONDITION: 8

Six months after first occupation of the development, a detailed Travel Plan to reduce single occupancy employee car trips to/from the site in favour of more sustainable modes of transport shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be adhered to thereafter

REASON:

In the interest of sustainability

CONDITION: 9

No development shall commence unless and until a slope stability assessment of the embankment to the Oxford Canal (Rugby Arm) has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall identify any necessary mitigation measures required to ensure the stability of the embankment is maintained and notwithstanding the information shown on the submitted plans this shall include a retaining wall to all parking areas proposed to the western site boundary where they impact on the canal embankment. Thereafter the development shall be carried out in full accordance with the approved details.

REASON: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Oxford Canal and canal embankment, this needs to be required prior to commencement of development and to comply with the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework March 2012

CONDITION: 10

No development shall take place until a Method Statement detailing all proposed earthmoving, demolition and construction works (including foundation details) within 20 metres of the toe of the adjacent Oxford Canal embankment (including any works to the embankment itself and construction of any retaining walls or structures), including identification of potential adverse impacts on the canal embankment arising from such works and the proposed means of mitigating any such impacts, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigations measures identified therein.

REASON:

In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Oxford Canal and canal embankment, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework March 2012.

CONDITION: 11

Notwithstanding the submitted information prior to the occupation of the development hereby approved the details of boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority and thereafter shall be carried out in full accordance with the approved details within 3months of the first occupation of any of the retail units hereby approved.

REASON:

To ensure that the development does not adversely impact on the character of the waterway in accordance with policies CS14 & CS16 of the adopted Rugby Borough Core Strategy June 2011

#### CONDITION: 12

The development hereby approved shall proceed only in accordance with detailed landscaping plans which have been submitted to and approved in writing by the Local Planning Authority. The planting shall be completed in all respects within the first planting season following the first use of development hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 -Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

#### REASON:

To ensure a satisfactory standard of appearance and screening of the development in the interests of the visual amenities of the area in accordance with Policies CS14 & CS16 of the adopted Rugby Borough Core Strategy June 2011.

#### CONDITION: 13

No development shall take place (including demolition, ground works or vegetation clearance) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features including reptiles and nesting birds
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

#### REASON:

In accordance with NPPF and to ensure that retained priority habitats and protected species are not harmed..

#### CONDITION: 14

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

#### REASON:

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

#### CONDITION: 15

Prior to any development commencing, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to accurately assess the potential impact from the effect of noise emitted from vehicle movements, unloading/loading activities and fixed plant (including air handling plant) associated with the operation of the finished development.

REASON:

In the interest of residential amenities

CONDITION: 16

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence 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, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

REASON:

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

#### CONDITION: 17

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

#### REASON:

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

#### CONDITION: 18

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall be in accordance with the approved Flood Risk Assessment (FRA) - EFP2-WIE-00-ZZ-RP-D-0003-B03, November 2016 and the statement received on 15/11/2016, regarding safe storage of surface water. In particular the following points should be considered:

\* To ensure that any attenuation provided above ground, within areas of the site, is at depths and velocities that will allow for the safety of users to the site or further mitigation is provided as detailed in the application.

\* Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

Your ref: R16/1387 Our ref: WCC000530 R1/FRM/HR/002 Your letter received: 15/11/2016

\* Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 20% (allowance for climate change) critical rain storm to the runoff rates defined within the approved FRA for the site.

\* Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

\* Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

\* Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

#### REASON:

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

#### CONDITION: 19

No works to commence on site, including demolition or site clearance, until a Landscape and Ecological Management Plan (LEMP) ensuring long-term management has been submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire County Council Ecological Services). The plan must include:

- a) Description and evaluation of features to be managed
- b) Details of habitat creation measures
- c) Ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives
- f) Prescriptions for management actions
- g) Preparation of a work schedule
- h) Details of the body/organisation responsible for the implementation of the plan

i) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism by which the implementation of the plan for 30 years will be secured by the developer with the management body responsible for its delivery. The agreed scheme to be fully implemented before/during development of the site as appropriate, in accordance with the approved details.

REASON:

In accordance with NPPF to ensure no loss in biodiversity and to ensure that no protected species are harmed

CONDITION: 20

Prior to works commencing, including demolition and site clearance, a lighting strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The 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)

All external lighting shall be installed in accordance with the 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

CONDITION: 21

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

REASON:

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

CONDITION: 22

The 11,794 sqm GIA of Class A1 non-food retail floorspace hereby permitted shall only be used for the sale and the display of the following goods: furniture, carpets & floor coverings including rugs; bathrooms and kitchens (including appliances); furnishings to include household fabrics and linen; household accessories; office goods and supplies; art and crafts related goods; motor and cycle goods and accessories; camping, boating & caravanning goods; building goods and materials; and DIY and home improvement; pets and pet care products; plus ancillary items up to a maximum of 10% of the net floorspace of each unit. The sale of food for consumption off the premises; clothing and footwear; fashion accessories and beauty products and toys and will not be permitted from the development even as an ancillary items.

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITON: 23

No retail floorspace hereby approved shall be occupied by Dunelm Group Plc or any subsidiary or related company of Dunelm Group Plc which has occupied, or at any time occupies, retail floorspace in Rugby Town Centre.

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITION: 24

The retail units within the retail park hereby permitted shall not be subdivided to create any additional independent retail units or combined to create any larger units, unless having received prior approval in writing by the Local Planning Authority

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITION: 25

The gross internal Class A1 floor space of the retail park hereby permitted shall not exceed 11,794 sqm<sup>2</sup> (which for the avoidance of doubt includes mezzanine floor space) and there shall be at no time any additional floor space created whether by extension or internal alterations including the installation of further mezzanine floors or roofing of open yards

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITION: 26

The net sales area of the Class A1 retail units (including the catering unit) shall not exceed 9569sqm GIA

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITION: 27

The Class A1 mezzanine floorspace shall not exceed 4027sqm and mezzanines up to this level shall only be provided in the specified units shown on the application drawings, unless agreed in writing by the Local Planning Authority

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

CONDITION: 28

The Class A1/A3/A5 unit should not exceed 167sqm GIA and shall only be used for the sale of food and drink consumption on or off the premises

REASON:

To ensure the development does not adversely impact on the vitality and viability of Rugby Town Centre.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Whilst it is not envisaged that there will be any surface water discharge to the waterway the applicant is advised that any such discharge will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement. Please contact Chris Lee from the Canal & River Trust Utilities team ([chris.Lee@canalrivertrust.org.uk](mailto:chris.Lee@canalrivertrust.org.uk)).

INFORMATIVE: 2

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

INFORMATIVE: 3

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority.

INFORMATIVE: 4

Condition 18 should not be altered without our prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

INFORMATIVE: 5

Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

INFORMATIVE: 6

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible

INFORMATIVE: 7

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.



***AGENDA MANAGEMENT SHEET***

<b>Report Title:</b>	Delegated Decisions – 13 <sup>th</sup> October 2016 to 2 <sup>nd</sup> November 2016
<b>Name of Committee:</b>	Planning Committee
<b>Date:</b>	30 <sup>th</sup> November 2016
<b>Report Director:</b>	Head of Growth and Investment
<b>Portfolio:</b>	
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Dan McGahey 3774
<b>Public or Private:</b>	Public
<b>Report subject to Call-In:</b>	Not applicable
<b>Report En-Bloc:</b>	Not applicable
<b>Forward Plan:</b>	Not applicable
<b>Corporate Priorities:</b>	
<b>Statutory / Policy Background:</b>	Planning and Local Government Legislation
<b>Summary:</b>	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
<b>Financial Implications:</b>	N/A
<b>Risk Management Implications:</b>	N/A
<b>Environmental Implications:</b>	N/A
<b>Legal Implications:</b>	N/A

**Equality and Diversity:**

N/A

**Options:**

N/A

**Recommendation:**

The report be noted.

**Reasons for Recommendation:**

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

**Planning Committee - 30th November 2016**

**Delegated Decisions – 13<sup>th</sup> October 2016 to 2<sup>nd</sup> November 2016**

**Report of the Head of Growth and Investment**

**Recommendation**

The report be noted.

**1. BACKGROUND**

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

Name of Meeting:  
Planning Committee

Date of Meeting:  
30th November 2016

Subject Matter:  
Delegated Decisions – 13<sup>th</sup> October 2016 to 2<sup>nd</sup> November 2016

Originating Department:

## List of Background Papers

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

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

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\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER  
DELEGATED POWERS FROM 13.10.2016 TO 02.11.2016

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R16/1879 Refused 26.10.2016</i>	2 Noble Drive Cawston Rugby	Erection of a first floor rear extension.
<b>Applications Approved</b>		
<i>R16/1926 Approved 13.10.2016</i>	26 David Road Bilton Rugby	Erection of a porch.
<i>R15/1810 Approved 14.10.2016</i>	Makins Fishery Bazzard Road Bramcote	Erection of 1x 3 bed unit, 1x 2 bed unit and 1x 1 bed unit to be used as additional fishing lodges.
<i>R16/1967 Approved 17.10.2016</i>	75 Fareham Avenue Hillmorton Rugby	Erection of a single and two storey rear extension including the re-siting of the conservatory.
<i>R16/1921 Approved 17.10.2016</i>	Land rear of 87 Hillmorton Road Rugby	Variation of Condition 2 of approval R15/1612 (Residential development for 12 dwellings together with access, parking and bin store) dated 23/10/15 to allow for the erection of a detached storage/garage building for use by plot 1.
<i>R16/1968 Approved 17.10.2016</i>	47 Overslade Lane Rugby	Proposed new patio area to the rear of the property (Part retrospective).
<i>R16/1778 Approved 17.10.2016</i>	The Willow Mill Lane Wolvey Rugby	Change of use of agriculture land to pasture land to include the erection of a stable in the north east corner of the site.
<i>R16/1810 Approved 18.10.2016</i>	29 Millfields Avenue Rugby	Erection of two storey side and single storey rear extensions.

<i>R16/1903 Approved 18.10.2016</i>	Village Hall Trustees Village Hall Brockhurst Lane Monks Kirby Rugby	Erection of shed to rear of village hall.
<i>R16/1877 Approved 18.10.2016</i>	24 Main Street Rugby	Erection of a single storey rear extension, together with an extension to the rear roof slope and the provision of 2no. Roof lights, and replace all existing windows with grey UPVC.
<i>R16/1767 Approved 18.10.2016</i>	Thornfield Barby Road Rugby	Demolition of an unlisted bungalow within a conservation area.
<i>R16/1769 Approved 18.10.2016</i>	Thornfield Barby Road Rugby	Erection of a netball and tennis court.
<i>R16/1872 Approved 18.10.2016</i>	120 Tennyson Avenue Rugby	Erection of two storey side extension .single storey front extension, re-positioning of first floor front facing window and widening of existing dropped kerb access.
<i>R16/1987 Approved 20.10.2016</i>	52 Catesby Road Rugby	Retrospective application for a loft conversion.
<i>R16/1495 Approved 20.10.2016</i>	18 Sidney Road Rugby	Erection of a single storey rear extension (conservatory).
<i>R16/1703 Approved 20.10.2016</i>	Macbrae Farm 57 London Road Dunsmore Heath Rugby	Erection of a 20 metre by 40 metre menage.
<i>R16/1859 Approved 20.10.2016</i>	50 New Street New Bilton Rugby	Erection of a new dwelling.
<i>R16/1950 Approved 21.10.2016</i>	Princethorpe College Leamington Road Rugby	Retention of temporary classrooms.
<i>R16/1932 Approved</i>	4 Plott Lane Stretton on Dunsmore	Erection of first floor rear extension.

21.10.2016	Rugby	
<i>R16/1954 Approved 21.10.2016</i>	10 Kings Newnham Road Church Lawford Rugby	Erection of a single storey side extension.
<i>R16/1017 Approved 25.10.2016</i>	Former Bilton Social Club 34 The Green Bilton Rugby	Erection of 11 dwelling houses, together with the provision of a new vehicular access and associated landscaping and works (Variation of condition 2 of planning permission Ref: R15/2047 dated 22/02/2016 to amend approved drawing to Plot 4 to include the insertion of an additional obscured glazed window within the west side elevation of Plot 6) (part retrospective).
<i>R16/1465 Approved 25.10.2016</i>	14 Russell Avenue Dunchurch Rugby	Erection of a first floor side, two storey rear and a single storey rear extension.
<i>R16/1517 Approved 25.10.2016</i>	24 Faraday Road Rugby	Erection of a two storey side and rear extension and a single storey rear extension.
<i>R16/1688 Approved 25.10.2016</i>	94 Lower Hillmorton Road Rugby	Retrospective change of use of the building from a computer repair shop to A1 retail shop.
<i>R16/1711 Approved 25.10.2016</i>	The Presbytery Oak Street Rugby	Retrospective application for the partial removal of boundary wall, proposed rebuilding of previously removed section and proposed widening of existing access with installation of replacement gates.
<i>R16/1989 Approved 25.10.2016</i>	7 Orson Leys Rugby	Erection of single storey side and rear extension, replacement porch to front elevation and detached garage to rear.
<i>R16/2008 Approved 25.10.2016</i>	35 Church Road Shilton Coventry	Increase in roof height together with the provision of two front dormer windows, together with alteration to the roof of the existing single storey rear extension.
<i>R16/1889 Approved 26.10.2016</i>	Home Farm Rugby Road Bretford Rugby	Conversion of barns to 1 no. dwellinghouse including demolition of modern agricultural building and construction of an attached double garage (identical to scheme previously approved under R13/1177 dated 18th March 2014).



<i>R16/1983 Approved 26.10.2016</i>	91 Kingsley Avenue Hillmorton Rugby	Erection of two storey side extension and single storey rear extension.
<i>R16/1753 Approved 27.10.2016</i>	83 High Street Hillmorton Rugby	Erection of single storey side extension.
<i>R16/1863 Approved 27.10.2016</i>	Konstrukta Site Accommodation Hire Sparta Close Brownsover	Provision of additional parking spaces, erection of fencing and gates.
<i>R16/1930 Approved 27.10.2016</i>	Makins Fishery Bazzard Road Wolvey	Variation of Condition 2 of Planning Permission R11/0071 (Change of use of land to provide 35 touring caravan / camping pitches, erection of an amenity building and construction of an access track with associated landscaping and works) to change the materials on the permitted amenity building from brick to timber cladding.
<i>R16/1975 Approved 28.10.2016</i>	Plot 3, Glebe Lodge Draycote Water Kites Hardwick  Rugby	Substitution of house type for plot 3 of approval R14/1910 (Demolishing of existing 5 residential properties and associated outbuildings and erection of 6 detached properties together with associated works) dated 24/07/2015. This substitution of house type includes the erection of a detached garden shed.
<i>R16/1976 Approved 28.10.2016</i>	Plot 4, Kingfishers Rest Draycote Water Kites Hardwick Rugby	Substitution of house type for plot 4 of approval R14/1910 (Demolishing of existing 5 residential properties and associated outbuildings and erection of 6 detached properties together with associated works) dated 24/07/2015. This substitution of house type includes the erection of a detached garden shed.
<i>R16/2043 Approved 28.10.2016</i>	9 Charles Lakin Close Shilton Coventry	Erection of single storey rear extension.
<i>R16/1955 Approved 28.10.2016</i>	54 Regent Street Rugby	Proposed change of use of upper floor from office to three bedroom house of multiple occupancy and partial conversion of ground floor to provide facilities for the upper floor.
<i>R16/2028</i>	Grange Farm	Erection of a stable, tack room and store.

<i>Approved</i> 28.10.2016	Sawbridge Road Grandborough Rugby	
<i>R16/2045</i> <i>Approved</i> 28.10.2016	37 Epsom Road Bilton Rugby	Erection of granny annex in rear garden (retrospective).
<i>R16/1886</i> <i>Approved</i> 31.10.2016	39 Main Street Long Lawford Rugby	Erection of a side extension to accommodate a garage.
<i>R16/2052</i> <i>Approved</i> 31.10.2016	17 Birchwood Road Binley Woods Coventry	Erection of a two storey side extension.
<i>R16/1814</i> <i>Approved</i> 31.10.2016	2 Dalkeith Avenue Bilton Rugby	Erection of new dwelling to include juliet balconies to the first floor (retrospective).
<i>R16/2039</i> <i>Approved</i> 31.10.2016	10 Bromwich Road Hillmorton Rugby	Erection of two storey side extension
<i>R16/0896</i> <i>Approved</i> 31.10.2016	19 Hillmorton Road Rugby	Erection of single storey rear extension and associated works to existing dwelling to include erection of new parapet wall to side elevation, demolition of garage and erection of two storey annex in rear garden with associated turning area (re-submission of planning application reference R15-2537)
<i>R16/2038</i> <i>Approved</i> 01.11.2016	14 Nightingale Gardens Rugby	Erection of single storey rear extension.
<i>R16/2072</i> <i>Approved</i> 01.11.2016	20 Barley Close Hillmorton Rugby	Erection of a first floor side extension and garage conversion
<i>R16/2073</i> <i>Approved</i> 01.11.2016	Smeaton Paddocks Smeaton Lane Rugby	Erection of a Dayroom (resubmission of previously refused planning permission ref: R16/1709 dated 03/10/2016)
<b><i>Prior Approval Applications</i></b>		
<i>R16/2033</i>	43 Handleys Close	Rear extension measuring 4 metres in depth;

<i>Prior Approval not required</i> 28.10.2016	Ryton-on-Dunsmore Coventry	2.5 metres in height; and 2.1 metres to the eaves.
<i>R16/2044</i> <i>Prior Approval not required</i> 31.10.2016	Top House Farm Broadwell Road Rugby	Prior approval for the change of use of an agricultural building to residential dwelling house under Class Qa and Qb.
<b>Listed Building Consents</b>		
<i>R16/1617</i> <i>Listed Building Consent</i> 28.10.2016	Glebe Farm Glebe Farm Road Draycote Rugby	Building Consent for the repair and replacement of timbers and mortar, together with associated works to the exterior and the supporting tie. (Retrospective).
<i>R16/2003</i> <i>Listed Building Consent</i> 28.10.2016	The Dress Shop Unit 11 Swan Centre Chapel Street Rugby	Listed building consent for the reconfiguration of internal stud walls.
<b>Advertisement Consents</b>		
<i>R16/1692</i> <i>Advertisement Consent</i> 25.10.2016	94 Lower Hillmorton Road Rugby	Provision of 1 no. externally illuminated fascia sign and 2 no. non-illuminated signs to the side elevation.
<b>Approval of Details/ Materials</b>		
<i>R12/1353</i> <i>Approval of Details</i> 13.10.2016	Old Dairy Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).

<p><i>R15/2219</i> <i>Approval of Details</i> <i>13.10.2016</i></p>	<p>The Hall Rugby Road Wolston</p>	<p>Change of use from residential care home (C2 Use Class) to four residential dwellings (C3 Use Class) and associated residential parking area.</p>
<p><i>R16/0395</i> <i>Approval of Details</i> <i>13.10.2016</i></p>	<p>The Hall Rugby Road Wolston</p>	<p>Change of use from residential care home (C2 Use Class) and part of social club (Sui-Generis Use Class) to offices (B1 Use Class) and one residential dwelling (C3 Use Class) and associated parking area (resubmission following withdrawal of application R15/2220).</p>
<p><i>R12/1353</i> <i>Approval of Details</i> <i>14.10.2016</i></p>	<p>Coton House Lutterworth Road Churchover Rugby</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J &amp; K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R12/1353</i> <i>Approval of Details</i> <i>17.10.2016</i></p>	<p>Coton House Lutterworth Road Churchover Rugby</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J &amp; K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>

<p><i>R12/1353</i>  <i>Approval of Details</i>  17.10.2016</p>	<p>Coton House  Lutterworth Road  Churchover  Rugby</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J &amp; K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R16/0661</i>  <i>Approval of Details</i>  17.10.2016</p>	<p>Land rear of  87 Hillmorton Road  Rugby</p>	<p>Variation of Conditions 2 and 12 and Removal of Condition 13 of approval R15/1612 (Residential development for 12 dwellings together with access, parking and bin store) dated 23/10/15 to allow alterations to be made to the access junction onto Caldecott Street.</p>
<p><i>R14/2199</i>  <i>Approval of Details</i>  18.10.2016</p>	<p>Coton House  Lutterworth Road  Churchover  Rugby</p>	<p>Change of use of Coton House to a single dwelling house, erection of associated garaging, gym and spa, re-instatement of former north drive, alterations to the access onto A426 with associated boundary treatments and provision of bat barns.</p>
<p><i>R15/2074</i>  <i>Approval of Details</i>  19.10.2016</p>	<p>Land South of  Technology Drive  Technology Drive  Rugby</p>	<p>Erection of 230 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works.</p>
<p><i>R15/2074</i>  <i>Approval of Details</i>  19.10.2016</p>	<p>Land South of  Technology Drive  Technology Drive  Rugby</p>	<p>Erection of 230 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works.</p>
<p><i>R14/0407 &amp; R15/2239</i>  <i>Approval of Details</i>  19.10.2016</p>	<p>Land adj Ridgeway Farm  Ashlawn Road  Hillmorton  Rugby</p>	<p>Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for</p>

		residential development and associated works, including access.
<i>R14/0407 &amp; R15/2239 Approval of Details 19.10.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton Rugby	Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R16/0092 Approval of Details 19.10.2016</i>	Warwickshire Wildlife Trust Brandon Marsh Nature Centre Brandon Lane Brandon Coventry	Erection of a timber bird hide and the formation of a new access path.
<i>R12/1353 Approval of Details 21.10.2016</i>	Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<i>R15/2047 and R16/1017 Approval of Details 25.10.2016</i>	Former Bilton Social Club 37 The Green Bilton Rugby	Erection of 11 dwelling houses, together with the provision of a new vehicular access and associated landscaping and works.  (Variation of condition 2 of planning permission Ref: R15/2047 dated 22/02/2016 to amend approved drawing to Plot 4 to include the insertion of an additional obscured glazed window within the west side elevation of Plot 6) (part retrospective).
<i>R11/0476 and R14/1641</i>	Former Ballast Pits and Railway Sidings	Application for Reserved Matters for 76 dwellings relating to appearance, landscaping,

<i>Approval of Details</i> 27.10.2016.	Lower Street Hillmorton Rugby	layout and scale against outline planning permission R11/0476 for upto 76 dwellings with associated access, roads and infrastructure.
<i>R12/2356</i> <i>Approval of Details</i> 27.10.2016	Coombe Abbey Hotel Brinklow Road Coventry	Erection of a temporary marquee (amended design following approval of R11/0418).
<i>R15/1143</i> <i>Approval of Details</i> 27.10.2016	Toft Manor Southam Rod Toft Rugby	Change of use of the attached barn to a separate dwelling.
<i>R15/1881</i> <i>Approval of Details</i> 27.10.2016	Units 12 and 14 Tripontium Business Centre Newton Lane Newton Rugby	Retention of levelling of land to front of building and laying of a 0.1M permeable surface comprising hardcore blinded by quarry dust. Erection of 2.35m high palisade fencing around the site and a 4m high acoustic fencing along site boundary with the site access road.
<i>R15/0540</i> <i>Approval of Details</i> 28.10.2016	Land at Williams Fields Coventry Road Cawston Rugby	Erection of 113 dwellings including new vehicular access to Coventry Road.
<i>R16/0614</i> <i>Approval of Details</i> 01.11.2016	Hill House Farm Birdingbury Road Leamington Hastings	Outline application (all matters reserved except for access) for erection of rural worker's dwelling
<i>R15/2452</i> <i>Approval of Details</i> 01.11.2016	Coop Late Shop Townsend Lane Long Lawford Rugby	Proposed new local convenience store, ancillary customer parking with associated external works, together with the demolition of the existing store and adjacent dwelling
<b><i>Withdrawn/ De-registered</i></b>		
<i>R15/1786</i> <i>Withdrawn</i> 28.10.2016	Workshop Main Street Stretton under Fosse Rugby	Retrospective Listed Building Consent for demolition of a wall and associated works.