



12 June 2023

## PLANNING COMMITTEE - 21 JUNE 2023

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 21 June 2023 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley  
Chief Executive

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

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

## A G E N D A

### PART 1 – PUBLIC BUSINESS

1. Minutes  
To confirm the minutes of meeting held on 24 May 2023.
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 – 4 May to 31 May 2023.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

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

***If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail [veronika.beckova@rugby.gov.uk](mailto:veronika.beckova@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

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

**Planning Committee – 21 June 2023**

**Report of the Chief Officer for Growth and Investment**

**Applications for Consideration**

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R21/0469	Elms Farm, Oxford Road, Marton, Rugby CV23 9RQ Conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.	3
2	R21/0470	Elms Farm, Oxford Road, Marton, Rugby CV23 9RQ Listed Building Consent for conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.	31
3	R22/0303	Land on the North West Side of Brockhurst Lane, Monks Kirby Use of existing land for equestrian purposes, erection of 2no. stable blocks, formation of a permeable menage, and installation of a horse walker. Installation of new metal field gates to the site entrance and access track. Erection of fencing.	46
4	R22/1035	Myson House, Railway Terrace, Rugby CV21 3LS Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping	70
5	R23/0032	The Sarah Mansfield, Main Street, Willey, Rugby CV23 0SH Use of first floor of public house as letting bedrooms and erection of one dwelling in rear car park.	97
6	R23/0196	42 Main Street, Willoughby, Rugby CV23 8BH Construction of a new dwelling adjacent to No 42.	112

**Reference: R21/0469**

**Site Address: ELMS FARM, OXFORD ROAD, MARTON, RUGBY CV23 9RQ**

**Description: Conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.**

**Recommendation**

1. Planning application R21/0469 be approved subject to:
  - a. Referral to the secretary of state
  - b. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

- 1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development and is a departure from the Development Plan.

**2.0 Description of site**

- 2.1 The application site is located outside the village boundary of Marton in the West Midlands Green Belt. Marton is located 9.0 miles south-west of Rugby, 8.0 miles north-east of Leamington Spa and 9.0 miles south-east of Coventry. The busy A423 Oxford Road runs through the centre of the village. The site is located to the north of the village with the river Leam meandering 100m to the south-east of the site.
- 2.2 The site is a traditional farm complex with a courtyard type arrangement. The buildings to be converted are all brick built and generally in a poor state of repair and redundant to the farming business. The most substantial of these is the Grade II listed barn [List Entry: 1299401] which sits approximately 10m north of the main farmhouse 'The Elms', also a Grade II listed building [List Entry: 1365076] but not included within the application.
- 2.3 To the north of the traditional buildings are a series of larger steel frame buildings with a mix of corrugated metal and concrete roofs. They have a mix of concrete block walls and either open timber or metal sheet cladding. These are mainly used for storage with some farm vehicle maintenance.
- 2.4 Although the site is close to Marton village it is within Frankton Parish.

**3.0 Description of proposals**

- 3.1 This application seeks full planning permission for the conversion of barns and stables to 6 dwellings, including an annex to house 1, along with the construction of 5 new detached dwellings and all associated access, drainage and landscaping works.

### 3.2 Conversions:

House 1: 155m<sup>2</sup> of internal living space with 3 attic bedrooms.

1 bedroom annex: 38m<sup>2</sup> of internal living space.

House 2: 169m<sup>2</sup> of internal living space with 3 attic bedrooms.

House 3: Single Storey providing 70m<sup>2</sup> of internal living space with 2 bedrooms.

House 4: Single Storey providing 65.5m<sup>2</sup> of internal living space with 2 bedrooms.

House 5: Single Storey providing 68m<sup>2</sup> of internal living space with 2 bedrooms.

House 6: Single Storey providing 182m<sup>2</sup> of internal living space with 3 bedrooms.

### 3.3 New Builds:

House 7: Single Storey providing 123m<sup>2</sup> of internal living space with 3 bedrooms.

House 8: Two Storey providing 226.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 9: Two Storey providing 226.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 10: Two Storey providing 212.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 11: Single Storey providing 123m<sup>2</sup> of internal living space with 3 bedrooms.

## **Planning History**

R19/0793 – Full Planning application. Demolition of existing agricultural buildings and erection of 5 new dwellings, conversion of existing barns and stables to create 6 new dwellings and independent annex with associated landscaping, parking and infrastructure. Withdrawn 20/11/2019.

R21/0470 – Listed Building Consent for conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works. Decision pending.

## **Relevant Planning Policies**

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

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

## **Legislation**

The Planning (Listed Buildings and Conservation Areas) Act 1990

### National Planning Policy Framework, 2021

Section 9: Promoting sustainable transport.

Section 12: Achieving well-designed places.

Section 13: Protecting Green Belt Land.

Section 15: Conserving and enhancing the natural environment.

Section 16: Conserving and enhancing the historic environment.

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

Policy GP1: Securing Sustainable Development.

Policy GP2: Settlement Hierarchy.

Policy GP5: Neighbourhood level documents.

Policy SDC1: Sustainable Design.

Policy SDC2: Landscaping.

Policy SDC3: Protecting and enhancing the historic environment.

Policy HS1: Healthy, Safe and Inclusive Communities.  
Policy HS4: Open Space, Sports Facilities and Recreation.  
Policy HS5: Traffic Generation and Air Quality.  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets.  
Policy NE3: Landscape Protection and Enhancement.  
Policy D1: Transport.  
Policy D2: Parking Facilities.

#### Supplementary Planning Documents

RBC Climate Change & Sustainable Design and Construction SPD January 2023; including Residential Design Guide.

Historic England: Historic Environment Good Practice Advice in Planning  
GPA4 - Enabling Development and Heritage Assets.

#### **Technical consultation responses**

- WCC Highways – no objection.
- WCC Local Lead Flood Authority – no objection, conditions requested.
- WCC Fire & Rescue – no objection.
- WCC Fire & Rescue Water Officer – no objection, condition requested.
- WCC Ecology – no objection, conditions requested.
- WCC Police – no objection.
- WCC Archaeology – no objection, conditions requested.
- WCC Planning Infrastructure Team – no objection.
- RBC Parks and Cemeteries – no comments received.
- RBC Trees and Landscape Officer – no objection, condition requested.
- RBC Environmental Health – no objection, conditions and informatives requested.
- RBC Works Services Unit – no comments received.
- RBC Housing Department – no comments received.
- Environment Agency – no objection, condition requested.
- National Grid – no objection.
- National Highways – no comments.
- Severn Trent – no comments received.
- Historic England – comments received.
- Victorian Society – no comments received.
- Council for British Archaeology – Support and echo Historic England's comments.
- Ancient Monuments Society – Support and echo Historic England's comments.
- The Georgian Group – no comments received.
- Twentieth Century Society – no comments received
- Society for the Protection of Ancient Buildings – no comments received.
- Council for the Protection of Rural England – no comments received.
- Rugby Disability Forum – no comments received.
- University Hospitals Coventry and Warwickshire NHS Trust – request for contributions to address hospital funding gap.

#### **Third party comments**

Ward councillors notified and no comments were received.  
Marton Parish Council – objection; comments provided as follows:

- Case for enabling development not justified.
- Overdevelopment of the site.
- Scheme is disproportionate in relation to the size of Marton Village.
- Negative impact on the character of Marton village.
- Marton village cannot cope with an increase to its population.
- Conflicts with the National Planning Policy Framework policies. Specifically in relation to Greenbelt, outside the settlement boundary and sustainability.
- No affordable housing provision.
- Financial information and valuations are out of date.
- No estimated cost of repairs.
- Concerns over the size and scale of the dwellings.
- Unsustainable location.
- Concerns over the main access to the site.
- The new proposal also includes “a substantial new build extension” for unit 6 though no plans for this have been submitted.

Close proximity neighbours were notified, and a site notice was displayed.

An objection was received from one address, raising the following points:

- No positive impact in respect to carbon emission targets.
- No renewable energy incorporated into the scheme.

A letter of support was received from one address for the following reasons:

- The external appearance of the listed barns will be enhanced.
- Low visual impact from the development, due to the design which complements the setting.
- Residential dwellings are more in keeping with the farmhouse than commercial uses.

#### **4.0 Background information**

4.1 The application was submitted in 2021 and the originally submitted scheme proposed new build element that included a very large property to plot 7 and basic modern house designs. The original application also lacked the required information to enable full heritage and financial viability assessments to be undertaken for the site.

4.2 Since the original submission the application has been substantially altered in terms of the design of the proposed new build elements and has provided both heritage and financial assessments to support the proposed scheme. However due to the extensive time period since the original submission and subsequently the changes to construction costs, it has been necessary to revise the financial assessments to demonstrate that the calculations in relation to the viability of the site, are both current and robust.

4.3 The scheme has been subjected to a number of negotiations and re-consultations and this report deals with the most recent consultation responses from each technical consultee. This final reconsultation was carried out on the updated financial and viability information and the final designs for the converted and new build dwellings as set out at paragraphs 3.2 and 3.3 of this report.

#### **5.0 Assessment of the proposals**

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

6. Principle of Development
7. The case for enabling development
8. Character, Design and Impact upon the Grade II Listed Buildings
9. Impact neighbouring properties
10. Arboricultural Matters
11. Biodiversity and Ecology
12. Highways and Transport
13. Drainage and Flooding
14. Planning Obligations
15. Other Matters

#### 6.0 Principle of development

- 6.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 6.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 6.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 6.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 6.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located within the Green Belt as defined in Policy GP2 of the Local Plan; as such new development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 6.6 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.7 Paragraphs 149 and 150 list a number of exceptions to this rule, where development and the construction of new buildings is considered acceptable. The barn and stables

conversions can be considered acceptable in principle under paragraph 150 (d) which states that the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction; and they preserve its openness and do not conflict with the purposes of including land within it.

- 6.8 The structural report submitted with the application confirms the suitability of the barns and stables for conversion and states that subject to various degrees of intervention, the conversion and refurbishment of the buildings is achievable. As such the re-use of the buildings will help in preserving the openness of the Green Belt.
- 6.9 Notwithstanding this, the five new build detached dwellings fail to comply with any of the exceptions listed under paragraphs 149 and 150 and therefore the application is required to demonstrate 'very special circumstances' in order to be considered acceptable.
- 6.10 Paragraph 208 of the NPPF refers to enabling development for Listed Buildings and states that development, which would otherwise conflict with planning policies may be acceptable if the future conservation of a heritage asset is secured, and it outweighs the disbenefits of departing from those policies.
- 6.11 Historic England Good Practice Advice (GPA) Note 4: Enabling Development and Heritage Assets sets out advice on enabling development, against the background of the NPPF. The case for enabling development rests on there being a conservation deficit. Simply put, this is the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.
- 6.12 The applicant advised that the conversion of the Listed Barns would not by itself be financially viable and that the development of the proposed houses is required as enabling development in order for the scheme to be viable and the conservation and conversion of the barns.
- 6.13 The LPA instructed White Land Strategies to conduct a viability appraisal of the proposed scheme. The purpose of the assessment was to consider the cost of repair and conversion and whether this creates a conservation deficit requiring the enabling development.
- 6.14 The initial report from White Land Strategies confirmed a conservation deficit for the site. Following the revision of all of the financial information, the LPA instructed White Land Strategies to revise the report based on the updated information. The conclusion of the revised report is that a conservation deficit for the development has been established.
- 6.14 Given the proven conservation deficit, it is considered that the application demonstrates 'very special circumstances' making the enabling development acceptable as the scheme secures the future conservation of the heritage asset, outweighing the disbenefits of departing from national and local policies.

## 7.0 The case for enabling development.

- 7.1 Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases (as detailed above and in NPPF paragraph 208), and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured.

- 7.2 To make a case for enabling development, 'Enabling Development and Heritage Assets. Historic Environment Good Practice Advice in Planning Note 4' hereafter referred to as GP4, has set out a seven step approach to providing a full case that meets the requirements of paragraph 208. The seven steps are:
1. Carry out a condition survey of the heritage asset or assets in need of conservation repairs.
  2. Undertake an options analysis comprising an assessment of alternative solutions by which the asset's future might be secured.
  3. Carry out an assessment of the cost of repairs and how future maintenance liabilities might be met.
  4. Make an assessment of the market value of the heritage asset in current and repaired condition. This enables the conservation deficit to be calculated.
  5. Draw up a detailed scheme design for the preferred option.
  6. Produce a development appraisal that demonstrates the financial contribution the development will make to the conservation of the heritage asset.
  7. Create a delivery plan that demonstrates how the heritage benefits will be secured in a timely manner.
- 7.2 Step 1: A full structural investigation has been undertaken by Blackwell Structural Consultants and a report provided. The main barn, stables, outbuilding adjacent to front entrance and rear stable block were all surveyed. The report concludes the suitability of the barns and stables for conversion and states that subject to various degrees of intervention, the conversion and refurbishment of the buildings is achievable.
- 7.3 Step 2: An addendum planning statement has been submitted to address step 2 of this advisory document. In the GP4 guidance, the owner or developer is advised to fully explore a range of possible options, which may include public or charitable ownership, grant funding, alternative uses or ownership. It encourages market testing of the asset in its entirety. Elms Farmhouse has Grade II listed status, and the barns also have Grade II listed status. The listing for the barns states that they are 'Included for group value.'
- 7.4 Whilst GP4 does not support the fragmentation of an historic entity, in this particular case there is a practical constraint why the whole of Elms Farm including the farmhouse, which is separately listed, has not been marketed. The farmhouse is occupied by the farmer's daughter and her family. The Local Planning Authority considers it to be both onerous and unreasonable, to insist upon the marketing of the site including the farmhouse, when it is providing accommodation for a family, and could result in their eviction and subsequent homelessness. GP4 is guidance, not planning policy and therefore carries less weight in the determination process.
- 7.5 At this point it is prudent to refer to the Marton Parish Councils claim that 'the farmhouse was separately for sale during the application process (for an asking price of £1.25m).' Whilst Zoopla shows this listing, it does not confirm any marketing of or sale at this price. Notwithstanding this any new owner of the whole site would be faced with the same issue as the present owner with superfluous redundant buildings. The sale of the whole would not raise any additional monies to fund conversion or renovation. The size of the buildings to be converted is too large to be used as outbuildings incidental to the farmhouse and an economically viable use is needed.

- 7.6 The farm buildings that were built and historically used for the purposes of farming are no longer suitable for this use. Modern farming practises and the required standards that must be adhered to prohibit the use of these old buildings, as they cannot adhere to the requirements of modern farming practices. This is a common problem that has led to the conversion of many of these old buildings.
- 7.7 In terms of alternative uses and strategies, the buildings lack any historical association other than their former farming use that would interest members of the public and thus a museum and grant assistance for the same is not an option. The same reasoning applies to a sale to a charitable trust.
- 7.8 In terms of a commercial use the LPA did not require market testing for other uses as the only use that was considered suitable was residential. This use supports the residential farmhouse and provides the most sustainable option in this location as it will generate fewer vehicle trips than potential commercial uses.
- 7.9 Step 3: A full assessment of the cost of both repairs and the new build units has been provided in the updated cost plan from Goodrich Consulting LLP received by the council on 05/04/2023. It is also recognised that the future maintenance liabilities would be met by the new homeowners.
- 7.10 Step 4: This has been undertaken and proven through the report provided by White Land Strategies.
- 7.11 Step 5: The current proposal provides all of the details for the development conversions and proposed new residential units.
- 7.12 Step 6: In providing viability and confirmation of the conservation deficit, the proven financial contribution the development will make to the conservation of the heritage asset, has been met.
- 7.13 Step 7: This will be achieved through the planning process which will secure the heritage assets optimum viable use and securing its long term future.
- 7.14 Historic England have provided comments on the proposed scheme and have stated that they have 'concerns on heritage grounds' Their concerns centre on their guidance document 'Enabling Development and Heritage Assets. Historic Environment Good Practice Advice in Planning Note 4' referred to as GP4 and the fact that the steps within this have not been fully adhered to.
- 7.15 Document GP4 provides guidance. It is not a policy that planning schemes must accord with. For the reasons discussed in this section of the report, the options analysis referred to in step 2 of GP4 has been considered and discussed in the addendum planning statement.
- 7.16 Paragraph 202 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, where appropriate, securing its optimum viable use.

- 7.17 In addition the governments Planning Practise Guidance on the historic environment, cautions local planning authorities in regard to the implications of cumulative change. A series of failed ventures could result in a number of unnecessary harmful changes being made to the asset and it is important to secure the optimum viable use.
- 7.18 The LPA is satisfied that all potential end uses have been considered and discounted on either policy, suitability or viability grounds. Residential end use will secure the optimum viable use and also the long term conservation of the heritage asset, and the scheme will sit well alongside the existing residential farmhouse.

#### 8.0 Character, Design and Impact upon the Grade II Listed Building

- 8.1 As the site affects a Grade II Listed Building and its setting, it falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the duty of Local Planning Authorities to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which it possesses, when considering whether to grant planning permission. In addition, the council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest.
- 8.2 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Development affecting the significance of a designated heritage asset and its setting, will be expected to preserve or enhance its significance.
- 8.3 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.
- 8.4 As discussed in Section 4 of this report, the scheme has been redesigned extensively. The original scheme did not bear any relationship to the heritage of the site and Historic England initially had 'serious concerns' stating they were harmful to the setting of the designated heritage assets. The submission of the Heritage Impact Assessment and revised designs for the new build dwellings have all been reconsulted on and the most recent response from Historic England was in January 2023. At this time, they provided a response stating they had 'concerns on heritage grounds'. Historic England have not made comments on the revised design or provided further comments to the latest information, including the addendum planning statement, which seeks to address their main concern, which appears to be the adherence to the process set out in their guidance document GP4. This document is not planning policy and has been fully discussed in Section 7 of this report.
- 8.5 In regard to the character and design the applicants have worked with RBC and the Heritage Consultants Richard K Morris and Associates, who have provided on-going advice as well as the Heritage Impact Assessment (HIA) in regard to design for the new builds.

- 8.6 Potential mitigation strategies for the new builds have been advised in the HIA to minimise any potential impact upon the heritage setting. Consequently, the following changes were made:
- The overly large house proposed for unit 7 was completely changed.
  - The garaging for the west range (unit 6) was removed and changed to habitable accommodation reflecting the original open arcade of its eastern side.
  - The new properties were kept to the northwest portion of the site to leave the north-eastern section clear and retain the link between the farmhouse and open countryside beyond.
  - The design of some of the new builds were altered to a Dutch barn style.
  - Two of the dwellings to the north-west of the site were positioned to form an L shape with a suitable separation.
- 8.7 The HIA also advises that, “the retention and renovation of the farm buildings will ensure the retention of the basic historic setting of the listed farmhouse and the barns.” The removal of the early 20<sup>th</sup> Century covered yard building which is built up against the farmhouse’s garden wall is described as an enhancement within the HIA. “This will open up the historic view of the listed buildings from the farmhouse, removing a modern intervention.”
- 8.8 The ‘National Heritage List for England’ states that the barns were listed for their group value along with the other listed buildings on the site. They therefore draw their significance from the association with Elms Farmhouse, but also from their setting.
- 8.9 The Heritage Impact Assessment states that “Planning guidance recognises that change to historic buildings is part of their history and rather than allowing the buildings to continue to deteriorate the basic ideology put forward by Viollet-le-Duc in the 19th century that ‘the best way to preserve a building is to find a use for it’ is pertinent in this case.” And further that “Current guidance by Historic England is that ‘change’ does not equate to ‘harm’.”
- 8.10 Historic England’s guidance ‘Adapting Traditional Farm Buildings (2017)’ states the following, recognising the changing nature of the farming industry:
- ‘Structural changes in the farming industry have required farmers to construct new buildings that reduce labour costs and conform to animal welfare standards. As a result of this, the majority of traditional farm buildings are redundant for modern agricultural purposes.
- also
- In future, the pace of change will accelerate in response to the restructuring and diversification of farm businesses and an increasing demand for living and working in rural landscapes. Maintaining and reusing farm buildings which no longer have viable agricultural use is a sustainable option, taking into account the wide range of benefits that they afford’.
- 8.11 As highlighted within the HIA, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the listed building or its setting’.

- 8.12 As stated by HH Judge David Cooke in a judgment of 22 September 2015 regarding impact on the setting of a listed building: 'It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.' The judgment was endorsed by Lord Justice Lewison at the Court of Appeal, (Palmer and Herefordshire Council & ANR 2016) who stated that: 'It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused'.
- 8.13 The concerns of Historic England have been taken into consideration and weighed against the condition and continued deterioration of the listed barns. In weighing the planning balance in regard to the heritage impacts, the optimum viable use is residential, and the conversion of the listed barns would ensure their future conservation. Whilst the site would affectively be split, it would all become residential and the setting and views between the buildings would be retained and enhanced, through the removal of the corrugated tin roof to the early 20th Century covered yard building.
- 8.14 It is therefore considered that any potential impact on the setting of the listed buildings has been considered and the less than substantial harm of the new build units would be balanced by the restoration of the listed and non-listed buildings. It is therefore in accordance with Policy 16 of the National Planning Policy Framework and Policies SDC3 and SDC1 of the Rugby Borough Council Local Plan 2011-2031.

#### 9.0 Impact neighbouring properties

- 9.1 In addition to seeking development to respect the character of an area, Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.
- 9.2 The closest residential property to the application site would be Elms Farmhouse. This property has a separation distance of approximately 20 metres with the closest residential conversion and property being proposed. This unit would also be single storey and the existing garden wall belonging to Elm Farmhouse would ensure that any potential overlooking issues would be kept to an acceptable level. There are no concerns in regard to overshadowing or overbearing. The conversion would not include any increase to built form, retaining the existing footprint and scale.
- 9.3 The village of Marton is located to the southeast of the Farm on the opposite side of the River Leam. The closest residential property in the village is over 100 metres away from the proposed dwellings. There are therefore no concerns in regard to residential amenity impacts.
- 9.4 In the interests of neighbour amenity, **Condition 25** will remove permitted development rights in order for the LPA to secure the development as approved and consider any future changes to the dwellings.

9.5 It is considered that the proposed scheme is in accordance with Policy SDC1 of the Rugby Local Plan in that the new development appropriately safeguards the amenities of neighbouring occupants.

#### 10.0 Arboricultural Matters

10.1 Policy NE3 of the Local Plan requires development proposals to consider the landscape context and to relate well to the local topography. Following a site visit from the RBC Tree Officer a request was made for a Landscape and Visual Impact Assessment (LVIA) to be provided and this was prepared and submitted by a qualified Landscape Architect, using best practise guidance including guidance from Natural England.

10.2 Comments from the RBC Tree Officer have been provided and the conclusions of the LVIA taken into consideration. The LVIA recommends the use of appropriate boundary treatments to help reduce potential impacts on the openness of the greenbelt and keep impacts to a minimal level. **Condition 22** has been applied to secure these.

10.3 A condition for proposed tree planting has also been applied as requested - **Condition 21**. Subject to this the proposed scheme is in accordance with Policy NE3 of the Rugby Local Plan.

#### 11.0 Biodiversity and Ecology

11.1 Policy NE1 looks at delivering a net gain in biodiversity. The application submission included a preliminary roost assessment for bats and a phase 1 bat survey.

11.2 WCC Ecology have considered the proposals and requested conditions to secure the mitigation measures within the 'Bat Assessment: Preliminary Roost Assessment & Roost Characterisation Surveys' prepared by Ecolocation' - **Condition 10**, and the provision of bat and bird nesting boxes, **Condition 11**. They also request any details for any external lighting to be submitted **Condition 12**, and the submission of a combined ecological and landscaping scheme **Condition 13**.

11.3 Subject to the conditions the impact on ecology and biodiversity is considered acceptable in accordance with the NPPF, ODPM Circular 2005/06 and Policy NE1 of the Local Plan.

#### 12.0 Highways and Transport

12.1 Policy D2 seeks to ensure adequate car, cycle and electric vehicle parking should be achieved on site in line with Appendix 5 of the Local Plan. The proposed site plan shows a total of 17 no. formal parking spaces set out within the site, with plenty of space for further parking within the courtyard formed by the new build dwellings.

12.2 The required number of spaces for the development is 23.5 for low access parking and the additional 6.5 spaces required can easily be accommodated within the informal parking area. WCC Highways have been consulted and not objected to the application, subject to **Conditions 14, 15 and 16**. This includes a requirement for the parking and manoeuvring of vehicles to be provided prior to occupation and the provision of a visibility splay for the main vehicular access to the site.

- 12.3 In addition **Conditions 26 and 27** have been added to secure the provision of electric vehicle charging points and details of cycle parking for each dwelling. Subject to these it is considered that the proposal accords with Policy D2.

### 13.0 Drainage and Flooding

- 13.1 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
  - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 13.2 The application site is located within flood zone 2 with flood zone 3 bordering the site to the south/southeast and Warwickshire County Council (Local Lead Flood Authority) team and the Environment Agency have been consulted on the application.
- 13.3 The Environment Agency have responded and confirmed that the majority of the development lies within Flood Zone 2 with a small portion of the site located within Flood Zone 3. Also, that the Flood Risk Assessment undertaken by RAB Consultants, dated 08 August 2022, has shown the buildings and the site to lie outside of the 1 in 100 year plus 21% climate change event, shown in Figure 9 Map showing the Route of the River Leam in Appendix D. All the buildings are outside the 1 in 100 year plus 21% for climate change flood event and may only flood in the extreme event. They have recommended a condition to secure the development to the submitted Flood Risk Assessment. **Condition 17.**
- 13.4 Warwickshire County Council (Local Lead Flood Authority) initially objected to the application on the grounds that insufficient information has been submitted which demonstrates that the development will not increase risk elsewhere and where possible reduces the flood risk overall. A request was made to the agent for the additional information; to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Local Lead Flood Authority) that they have no objections subject to **Conditions 18, 19 and 20**

### 14.0 Planning Obligations

- 14.1 Paragraphs 55, 57 and 58 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 14.2 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.

- 14.3 A viability report was submitted as part of the process of the application, and it has been established that the site has a conservation deficit requiring the enabling development.
- 14.4 The objection from Marton Parish Council included a requirement for Section 106 contributions however in this particular case, because the site has proven viability issues, contributions are not being sought.
- 14.5 In addition a reconsultation carried out in January 2023, received a response from University Hospitals Coventry and Warwickshire NHS Trust requesting contributions to address a shortfall in their funding. This was the first and only time that the trust had responded to a consultation on the planning application. As above, the proven viability issues of the site means that no contributions are being sought.

#### 15.0 Other Matters

- 15.1 The Council for British Archaeology and the Ancient Monuments Society have commented stating they support and echo Historic England's comments. These have centred around the case for enabling development which has been fully discussed in Section 7 of this report.
- 15.2 It is noted that the Council for British Archaeology raised concerns re the subdivision of the barn along the length of the threshing floor as in their view it would cause an unjustified level of harm to the listed building's significance. Notwithstanding this as discussed at paragraph 8.12 legal precedent has been provided setting out the case for the decision taker to assess the nature and degree of harm caused. This assessment whilst subjective, must be set against the harm perceived verses the future conservation of the asset. In this case the proven viability and conservation deficit established is considered to outweigh this.
- 15.3 Marton Parish Council have provided an extensive objection, as detailed under 'Third Party Comment's' earlier in this report. The following details these and responds to each concern raised:
- 15.4 Case for enabling development not justified: This has been discussed at Section 7 of this report.
- 15.5 Overdevelopment of the site: Scheme is for 5 additional buildings and will remove existing large modern agricultural sheds. In terms of density of development this is very low. The removal of the modern sheds is balanced as in helping to reduce the impact on the openness of the Green Belt resulting from the new build dwellings.
- 15.6 Scheme is disproportionate in relation to the size of Marton Village: Marton village covers an area of approximately 19 hectares and the site measures 0.6 hectares. The site lies outside of the village boundary.
- 15.7 Negative impact on the character of Marton village: the site is located far enough away for any such impact to be a reason for refusal.
- 15.6 Marton village cannot cope with an increase to its population: a population increase of 5.7% is modest and will help to maintain existing amenities and facilities in the village.

There is no evidence to support the claim that the village has capacity constraints, and it is considered there are more benefits in the planning balance.

- 15.7 Conflicts with the National Planning Policy Framework policies. Specifically in relation to Green Belt, outside the settlement boundary and sustainability: These have been discussed in Section 6 of this report.
- 15.8 No affordable housing provision: discussed at Section 14 of this report.
- 15.9 Financial information and valuations are out of date: these have all been updated as of April 2023.
- 15.10 No estimated cost of repairs: full details of these are included in the updated cost plan from Goodrich Consulting LLP received on 05/04/2023.
- 15.11 Concerns over the size and scale of the dwellings: design matters have been discussed at Section 8.
- 15.12 Unsustainable location: this has been weighed and the best way to protect and conserve the buildings is an economic end use and residential is the only option in that regard.
- 15.13 Concerns over the main access to the site. Conditions to secure highways requirements discussed at Section 12 of this report.
- 15.14 The new proposal also includes “a substantial new build extension” for unit 6 though no plans for this have been submitted: not accurate. Unit 6 has been changed and a car port that was going to be provided has now been altered to include this area as part of unit 6. Full drawings have been provided and consulted on.
- 15.15 An additional objection was also received from one address. This raised concerns in regard to the lack of renewable energy within the scheme and no positive impact upon carbon emission targets This is addressed by **Condition 5** requiring air quality mitigation and **Condition 27** requiring electric vehicle charging points.
- 15.16 Policy GP5 states that neighbourhood level documents, such as Parish Plans, are a material consideration in determining planning applications. The application site falls within Frankton Parish which does not have any neighbourhood level documents.
- 15.7 Due to the size of the development policy HS5 requires the development to achieve air quality neutral standards or provide mitigation. As the site is currently in agricultural use any built development would result in an impact on air quality. It therefore would not be possible for development to be air quality neutral, and mitigation will be required. This is secured by **Condition 5** requiring air quality mitigation and **Condition 27** requiring electric vehicle charging points.

## 16.0 Planning Balance and Conclusion

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

- 16.2 The development would cause less than substantial harm to the setting of designated heritage assets. This carries weight against the proposals which must be weighed against the public benefits of the proposals.
- 16.3 The NPPF identifies three interdependent and overarching objectives to sustainable development, economic, social and environmental.
- 16.3 In terms of public benefits, the preservation of the asset would be secured and its long term maintenance. The asset would be brought back into a viable use consistent with its conservation and preventing further deterioration and potential loss of the asset.
- 16.4 Economically the development will create jobs during the construction phase and help to maintain and support existing amenities and facilities within Marton village and the locality, once completed and occupied.
- 16.5 The social objective in the NPPF also refers to the need to provide homes and the development provides accommodate of 11 dwellings in total.
- 16.6 From an environmental aspect, the proposal would not have an adverse impact on the Listed Building, and the impact on the natural environment has been fully considered and mitigation agreed to ensure the proposals would enhance and conserve the natural environment.
- 16.3 Very special circumstances have been demonstrated for the new build within the Green Belt and the proposal for residential use is considered to be acceptable in the location and in keeping with the listed Elms Farmhouse.
- 16.4 It is therefore concluded that the benefits of the proposed development outweigh the factors against the proposals. The proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social and environmental benefits.

## **17.0 Recommendation**

1. Planning application R21/0469 be approved subject to:
  - a. Referral to the Secretary of State.
  - b. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R21/0469

**DATE APPLICATION VALID:**  
23-Apr-2021

**APPLICANT:**  
Mr Ellis C/o Land & Planning Consultants Ltd, Crick, NN6 7TX

**AGENT:**  
Mr Ian Gidley, Land & Planning Consultants Ltd Land & Planning Consultants Ltd, Northgate House, 42 Main Road, Crick, NN6 7TX

**ADDRESS OF DEVELOPMENT:**  
ELMS FARM, OXFORD ROAD, MARTON, RUGBY, CV23 9RQ

**APPLICATION DESCRIPTION:**  
Conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.

### CONDITIONS, REASONS AND INFORMATIVES:

**CONDITION 1:**  
The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

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

**CONDITION 2:**  
The development shall be carried out in accordance with the plans and documents detailed below:

Application Form received on 23/04/2021

### Documents:

Howkins and Harrison Valuation Report ref VAL23.10 27-02-23 received on 24/03/2023  
Heritage Impact Assessment by Richard K Morriss & Associates received on 07/03/2023  
Elms Farm, Marton, Addendum Planning Statement by Land & Planning Consultants Ltd March 2023 received on 28/03/2023  
Financial Appraisal (Spreadsheet) received on 04/04/2023  
Addendum Viability Appraisal by IG Estates April 2023 received on 04/04/2023  
Financial Appraisal received on 04/04/2023  
Viability Appraisal Report with appendices by White Land Strategies Ltd May 2023 received on 02/06/2023  
Elms Farm Marton - Surface Water Drainage Design 17th May 2023 Version 2 RAB 3104 received on 18/05/2023  
Goodrich Consulting LLP Cost Plan No.1 received on 05/04/2023  
Design and Access Statement received on 10/04/2023  
Elms Farm Marton Flood Risk Assessment by RAB Consultants Limited 08/08/2022 Version 1.0 received on 09/08/2022  
Structural Investigation and Report by Blackwell Structural Consultants. File no. 13469 received on 23/04/2021

Landscape and Visual Impact Assessment 14th October 2021 revision one 1st June 2023 by Danielle Jeynes and Richard Billingsley received on 05/06/2023

Internal External Phase 1 & Bat Survey Elms Farm, Marton June 2019 by Dr. Stefan Bodnar received on 23/04/2021

Elocation Bat Assessment 23rd November 2021 received on 24/11/2021

**Drawings:**

Site Location Plan @1:2500 received on 25/05/2023.

Drawing number 3012-101 Existing Site Plan received on 10/10/2022

Drawing number 3012-102F Proposed Site Plan received on 28/11/2022

Drawing number 3012-103 House 1 and 2 Existing Plans received on 10/10/2022

Drawing number 3012-104 Rev B H1 and H2 Proposed Plan received on 10/10/2022

Drawing number 3012-105 Rev C H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-106 Rev C H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-107 Rev A H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-108 Barn 2 Existing Plan received on 10/10/2022

Drawing number 3012-109 Rev D Unit 3, 4 and 5 Proposed Plan received on 10/10/2022

Drawing number 3012-110 Unit 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-111 Rev B Units 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-112 Rev C Units 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-113 Rev B Unit 3, 4, 5 Existing and Proposed Elevations received on 28/11/2022

Drawing number 3012-114 Rev B Annex to House 1 received on 16/01/2023

Drawing number 3012-115 Existing Plan Unit 6 received on 10/10/2022

Drawing number 3012-116 Rev D Proposed Plan Unit 6 received on 10/10/2022

Drawing number 3012-117 Rev B Unit 6 Existing and Proposed Front Elevation received on 10/10/2022

Drawing number 3012-118 Rev A Unit 6 Existing and Proposed Side Elevations received on 10/10/2022

Drawing number 3012-119 Rev A Unit 6 Existing and Proposed Rear Elevations received on 10/10/2022

Drawing number 3012-120 Rev A Unit 7 Proposed Plan received on 10/10/2022

Drawing number 3012-121 Rev A Unit 7 Proposed Front and Side Elevation received on 10/10/2022

Drawing number 3012-122 Rev A Unit 7 Proposed Rear and Side Elevation received on 10/10/2022

Drawing number 3012-123 Rev C Unit 8 Proposed Floor Plans received on 14/12/2022

Drawing number 3012-124 Rev C Unit 8 Proposed Front and Side Elevations received on 14/12/2022

Drawing number 3012-125 Rev B Unit 8 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-126 Rev C Unit 9 Proposed Plan received on 14/12/2022

Drawing number 3012-127 Rev C Unit 9 Proposed Front and Side Elevations received on 14/12/2022

Drawing number 3012-128 Rev B Unit 9 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-129 Rev B Unit 10 Proposed Plan received on 16/11/2022

Drawing number 3012-130 Rev B Unit 10 Proposed Front and Side Elevations received on 16/11/2022

Drawing number 3012-131 Rev B Unit 10 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-132 Rev A Unit 11 Proposed Plan received on 10/10/2022

Drawing number 3012-133 Rev A Unit 11 Proposed Front and Side Elevations received on 10/10/2022

Drawing number 3012-134 Rev A Unit 11 Proposed Rear and Side Elevations received on 10/10/2022

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 above ground 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:**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall 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 shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

(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 shall be prepared and subject to approval in writing by the local

planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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 shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall 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 shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by 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, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**CONDITION 5:**

No above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON: In the interests of air quality in accordance with Policy HS5 of the Rugby Local Plan.

**CONDITION 6:**

Prior to the commencement of any works, a Demolition and Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from demolition and construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Demolition and Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON: in the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts in accordance with Policy SDC1 of the Rugby Local Plan.

**CONDITION 7:**

Prior to first occupation a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing noise levels that could adversely affect the proposed development. Regard shall be had to noise from traffic, existing farming activities and general residual noise from other existing operations in the area. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017. The report shall include recommendations for any necessary acoustic mitigation works, to protect the occupants both inside the dwelling and the external amenity spaces, having regard to current guidance for the residential development. Any recommended works shall be completed prior to occupation of the development and should be maintained thereafter.

REASON: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Rugby Local Plan.

**CONDITION 8:**

No development shall take place 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 fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This 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 approved documents, shall be undertaken in accordance with those documents.

REASON: In the interest of the site having significant archaeological potential and to ensure that features of archaeological interest are properly examined and recorded.

**CONDITION 9:**

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

REASON: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

**CONDITION 10:**

The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in Section 5 of the

document 'Bat Assessment: Preliminary Roost Assessment & Roost Characterisation Surveys' prepared by Ecolocation, received by the Local Planning Authority on 25th November 2021.

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

**CONDITION 11:**

No part of the development hereby permitted shall be commenced until a scheme for the provision of three bat boxes and a ridge access tile to be installed on buildings, and at least 8 nest boxes suitable for garden bird species erected on trees and buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON: In the interests of biodiversity and in accordance with NPPF, ODPM Circular 2005/06.

**CONDITION 12:**

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted along the watercourses and railway embankment at the site boundary and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

REASON: In the interests of biodiversity and in accordance with NPPF, ODPM Circular 2005/06.

**CONDITION 13:**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/shrub planting and provision of wildlife access gaps in garden fences. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: In the interests of biodiversity and in accordance with NPPF, ODPM Circular 2005/06.

**CONDITION 14:**

The development shall not be occupied until a visibility splay has been provided to the south of the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 70 metres to the near edge of the public highway carriageway A423 Coventry Road. 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 interests of highway safety in accordance with Policy D1 of the Rugby Local Plan

**CONDITION 15:**

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of vehicles in accordance with drawing number 3012-102 rev F received by the council on 28/11/2022.

REASON: In the interests of highway safety in accordance with Policy D1 of the Rugby Local Plan

**CONDITION 16:**

The development shall not be occupied until a bin collection point has been provided within the site, in accordance with details approved in writing by the local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy D1 of the Rugby Local Plan.

**CONDITION 17:**

The development shall be carried out in accordance with the submitted flood risk assessment (ref RAB 2714L version 1.0 dated 8 August 2022 undertaken by RAB Consultants Limited) and the following mitigation measures it details:

- Finished floor levels of the five new dwellings (unit 6-10) shall be set no lower than 62.81 metres above Ordnance Datum (AOD)
- Finish floor levels of the existing barn, stables and annex shall be set no lower than 62.60 metres above Ordnance Datum (AOD) which is (390mm above the 1 in 100 year plus 21% for climate flood level)
- Flood resilience measures shall be incorporated into the design of the building as outlined in paragraph 4.1.3 of the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To ensure that the risk of flooding to the proposed development and future users is reduced.

**CONDITION 18:**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority 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:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the betterment runoff rate of 6l/s for the site in line with the approved surface water drainage design (version 2, dated 17 May 2023) and Flood Risk Assessment (version 1, dated 08 August 2022).
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design. Where further above ground SuDS features are incorporated, features should be situated within Flood Zone 1 and/or outside of modelled flood extents to ensure there is no ingress of fluvial flood waters which may affect feature capacity.
3. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that

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

4. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events. Calculations representing a surcharged outfall into the River Leam.
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
  
5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
  - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
  - c. Include topography and site level details up to the proposed outfall into the River Leam to support and demonstrate that network flooding as a result of a surcharged outfall will not have an adverse effect to the development or nearby third party property and land. Such information should ensure properties will not flood in a range of return period events.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

**CONDITION 19:**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (Version 1, dated 08 August 2022) and Surface Water Drainage Design (Version 2, dated 17 May 2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

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

**CONDITION 20:**

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan for the sustainable drainage structures is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

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

REASON: To ensure the future maintenance of the sustainable drainage structures.

**CONDITION 21:**

No above ground works shall commence unless and until final specification of all proposed tree planting has been submitted and approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON: In the interests of biodiversity, visual amenity and environmental site enhancement.

**CONDITION 22:**

No above ground development shall commence unless and until details of all proposed walls, fences and gates, including elevations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interest of visual amenity in accordance Policy SDC1 of the Rugby Local Plan and in the interests of the character and appearance of the listed buildings and the West Midlands Greenbelt.

**CONDITION 23:**

Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

REASON: To provide broadband connectivity for future occupiers.

**CONDITION 24:**

The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

REASON: In the interests of sustainability and water efficiency.

**CONDITION 25:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no

development shall be carried out which comes within Classes A, B, C, D E or 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 26:**

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 dwellings.

REASON: In the interest of visual and residential amenity and to accord with Policy D2 of the Rugby Local Plan

**CONDITION 27:**

Prior to the first occupation of each dwelling a passive electric vehicle charging point shall be provided to that dwelling.

REASON: To encourage the use of electric vehicles in the interest of sustainability.

**INFORMATIVE 1:**

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal.

**INFORMATIVE 2:**

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**INFORMATIVE 3:**

The development is within farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest.

**INFORMATIVE 4:**

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should 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 5:**

As per the condition the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or

provision of secure cycle storage. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here: [https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute as mitigation for air quality purposes.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

**INFORMATIVE 6:**

Condition number 14 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

**INFORMATIVE 7:**

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

**INFORMATIVE 8:**

The LLFA are a statutory consultee in regards to surface water drainage and flood risk. The above conditions reflect this. As this development proposes to discharge into a main river, the Environment Agency are a statutory consultee whom are also responsible for reviewing any modelled data submitted as part of this application. From correspondence provided, the LLFA believe the modelled data has been reviewed by the appropriate consultee. Due to the proposals made, an Environmental Permit will be required from the Environment Agency. This is to allow for the construction of an outfall into the River Leam. Further proposed activities may also require permitting. Further information can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1098117/Environment\\_Agency\\_EPR\\_and\\_Abstraction\\_Licensing\\_Charging\\_Scheme\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098117/Environment_Agency_EPR_and_Abstraction_Licensing_Charging_Scheme_2022.pdf)

**INFORMATIVE 9:**

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

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

**INFORMATIVE 10:**

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

**INFORMATIVE 11:**

With Rugby's Hedgehog Improvement Area status for this planning application all fencing/gravel boards/gates/walls on boundary lines should be specified to have occasional CD size gaps (13cm x 13cm) as a simple very low cost measure for ensuring boundaries are accessible for hedgehogs and wide range of species to enable roaming for habitat/food/mates etc across the development providing links between gardens and also provide links to and from public open space, encouraging colonisation and preventing habitat fragmentation.

**Reference: R21/0470**

**Site Address: ELMS FARM, OXFORD ROAD, MARTON, RUGBY CV23 9RQ**

**Description: Listed Building Consent for conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.**

**Recommendation**

1. Planning application R21/0470 be approved subject to:
  - a. Referral to the secretary of state;
  - b. the conditions and informatives set out in the draft decision notice appended to this report;
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

- 1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development and is a departure from the Development Plan

**2.0 Description of site**

- 2.1 The application site is located outside the village boundary of Marton in the West Midlands Green Belt. Marton is located 9.0 miles south-west of Rugby, 8.0 miles north-east of Leamington Spa and 9.0 miles south-east of Coventry. The busy A423 Oxford Road runs through the centre of the village. The site is located to the north of the village with the river Leam meandering 100m to the south-east of the site.
- 2.2 The site is a traditional farm complex with a courtyard type arrangement. The buildings to be converted are all brick built and generally in a poor state of repair and redundant to the farming business. The most substantial of these is the Grade II listed barn which sits approximately 10m north of the main farmhouse 'The Elms', also a Grade II listed building but not included within the application. the 'National Heritage List for England' provides the following listing description:

FRANKTON OXFORD R0A0 SP46NW (East side) 5/74 Barn range approx. ion N of The Elms GV II Barn range. Probably mid/late C18, with C19 additions to left and right. Flemish bond red brick. Old tile roof. Barn of 3 bays. Central plank doors. Pitch door to left. Rear largely hidden. Interior: queen strut through purlin roof. Left range has brick dentil cornice. 2 storeys; one-window range. Brick round-arched double-leaf doors. 2-light windows, under brick segmental arch on ground floor. Right range has outshut. Included for group value.

- 2.3 To the north of the traditional buildings are a series of larger steel frame buildings with a mix of corrugated metal and concrete roofs. They have a mix of concrete block walls and

either open timber or metal sheet cladding. These are mainly used for storage with some farm vehicle maintenance.

2.4 Although the site is close to Marton village it is within Frankton Parish.

### **3.0 Description of proposals**

3.1 This application seeks listed building consent for the conversion of barns and stables to 6 dwellings, including an annex to house 1, along with the construction of 5 new detached dwellings and all associated access, drainage and landscaping works.

#### **3.2 Conversions:**

House 1: 155m<sup>2</sup> of internal living space with 3 attic bedrooms.

1 bedroom annex: 38m<sup>2</sup> of internal living space.

House 2: 169m<sup>2</sup> of internal living space with 3 attic bedrooms.

House 3: Single Storey providing 70m<sup>2</sup> of internal living space with 2 bedrooms.

House 4: Single Storey providing 65.5m<sup>2</sup> of internal living space with 2 bedrooms.

House 5: Single Storey providing 68m<sup>2</sup> of internal living space with 2 bedrooms.

House 6: Single Storey providing 182m<sup>2</sup> of internal living space with 3 bedrooms.

#### **3.3 New Builds:**

House 7: Single Storey providing 123m<sup>2</sup> of internal living space with 3 bedrooms.

House 8: Two Storey providing 226.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 9: Two Storey providing 226.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 10: Two Storey providing 212.8m<sup>2</sup> of internal living space with 4 bedrooms.

House 11: Single Storey providing 123m<sup>2</sup> of internal living space with 3 bedrooms.

### **Planning History**

R19/0793 – Full Planning application. Demolition of existing agricultural buildings and erection of 5 new dwellings, conversion of existing barns and stables to create 6 new dwellings and independent annex with associated landscaping, parking and infrastructure. Withdrawn 20/11/2019.

R21/0469 – Full Planning application. Conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works. Decision pending.

### **Relevant Planning Policies**

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

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

#### **Legislation**

The Planning (Listed Buildings and Conservation Areas) Act 1990

#### **National Planning Policy Framework, 2021 (NPPF)**

Section 12: Achieving well-designed places.

Policy 16. Conserving and enhancing the historic environment

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy SDC3: Protecting and enhancing the historic environment.

**Technical consultation responses**

- Historic England – comments received.
- Victorian Society – no comments received.
- Council for British Archaeology – Support and echo Historic England's comments.
- Ancient Monuments Society – Support and echo Historic England's comments.
- The Georgian Group – no comments received.
- Society for the Protection of Ancient Buildings – no comments received.
- Twentieth Century Society – no comments received.

**Third party comments**

Ward councillors notified and no comments were received.

Marion Parish Council – objection; comments provided as follows:

- Case for enabling development not justified.
- Overdevelopment of the site.
- Scheme is disproportionate in relation to the size of Marion Village.
- Negative impact on the character of Marion village.
- Marion village cannot cope with an increase to its population.
- Conflicts with the National Planning Policy Framework policies. Specifically in relation to Greenbelt, outside the settlement boundary and sustainability.
- No affordable housing provision.
- Financial information and valuations are out of date.
- No estimated cost of repairs.
- Concerns over the size and scale of the dwellings.
- Unsustainable location.
- Concerns over the main access to the site.
- The new proposal also includes “a substantial new build extension” for unit 6 though no plans for this have been submitted.

Close proximity neighbours were notified, and a site notice was displayed.

An objection was received from one address, raising the following points:

- No positive impact in respect to carbon emission targets.
- No renewable energy incorporated into the scheme.

A letter of support was received from one address for the following reasons:

- The external appearance of the listed barns will be enhanced.
- Low visual impact from the development, due to the design which complements the setting.
- Residential dwellings are more in keeping with the farmhouse than commercial uses.

**4.0 Background information**

- 4.1 The application was submitted in 2021 and the originally submitted scheme proposed new build element that included a very large property to plot 7 and basic modern house designs. The original application also lacked the required information to enable full heritage and financial viability assessments to be undertaken for the site.
- 4.2 Since the original submission the application has been substantially altered in terms of the design of the proposed new build elements and has provided both heritage and financial assessments to support the proposed scheme. However due to the extensive time period since the original submission and subsequently the changes to construction costs, it has been necessary to revise the financial assessments to demonstrate that the calculations in relation to the viability of the site, are both current and robust.
- 4.3 The scheme has been subjected to a number of negotiations and re-consultations and this report deals with the most recent consultation responses from each technical consultee. This final reconsultation was carried out on the updated financial and viability information and the final designs for the converted dwellings as set out at paragraphs 3.2 and 3.3 of this report.

## **5.0 Assessment of proposals**

The key issues for consideration in this application are:-

6. Principle of works

7. Impact upon the special architectural and historic significance of Barn Range approximately 10 metres north of the elms.

8. The case for enabling development.

### 6.0 Principle of works

- 6.1 Section 66(1) and Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting), to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which it possesses.
- 6.2 Policy 16 of the National Planning Policy Framework requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.
- 6.3 This proposal is subject to an evaluation of the impact upon the significance of the building and whether the works would serve to preserve or enhance the listed building.

### 7.0 Impact upon the special architectural and historic significance of Barn Range approximately 10 metres north of the elms.

- 7.1 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Proposals should provide sufficient information and assessment of the impacts of the proposal on the significance of heritage assets and their settings. Development affecting the

significance of a designated and non-designated heritage asset and its setting, will be expected to preserve or enhance its significance.

- 7.2 Policy 16 (paragraph 206) of the National Planning Policy Framework, requires local planning authorities to ensure that development within the setting of a heritage asset, enhances or better reveals the significance of that asset.
- 7.3 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 7.4 The listed barns sit approximately ten metres to the north of Elms Farmhouse. They are no longer in use as part of farm related activities and adaptive reuse is required in order to secure their long term future. The barn range is grade II listed whilst some of the other farmstead buildings are undesignated heritage assets. The proposals require a degree of enabling development to make the scheme financially viable and this aspect of the proposal will be discussed at Section 8 of this report.
- 7.5 The glossary of the Planning Practice Guidance (PPG) to the NPPF defines significance as:
- 7.6 The 'National Heritage List for England' states that the barns were listed for their group value along with the other listed buildings on the site. They therefore draw their significance from the association with Elms Farmhouse, but also from their setting.
- 7.7 The Heritage Impact Assessment offers the following narrative in regard to the impact upon the building –

“All buildings need a purpose if they are to be maintained. In the recent past, planning guidance has recognised that change to historic buildings is part of their history and that buildings are not and should not be fossilised in time and allowed to become ruins”.

“The adaptive re-use of farm buildings reflecting changes in agricultural techniques and the rural economy has always been a constant theme in the development of farmsteads – including conversion of once-working buildings to dwellings.”

“It is considered that residential use represents an ‘optimum viable use’ that will ensure the long-term future of the heritage asset. The proposals will, in providing an optimum viable use for the buildings, both preserve and enhance a set of non-designated heritage asset in the countryside, thus complying with the National Planning Policy Framework.”

“The careful retention and renovation of the farm buildings will also ensure the retention of the basic historic setting of the listed farmhouse. Indeed, the proposed demolition of the early-20th century Covered Yard (Building E) built up against the farmhouse’s garden wall is considered a more obvious enhancement of that setting by removing the present

corrugated iron covered roof that blocks the views of the listed Barn and adjacent buildings from the farmhouse.”

- 7.8 The potential impact upon the listed buildings has been fully assessed within the HIA. Whilst there would be a degree of change to the external appearance of the listed barns, the buildings are suitable for conversion and reuse. The designs submitted for this show the reuse of openings and **Condition 3** will secure the detail of any new materials that will be used.
- 7.9 It is considered that the group value of the barns in association with Elms Farmhouse also a listed building, will still be able to be appreciated from views within the public realm. The removal of a 20<sup>th</sup> century corrugated roof intervention on the covered yard, will enhance this relationship and open up the views between the buildings, returning them to their original historic appearance.
- 7.10 The intelligent management of change is a key principle necessary to sustain the historic environment for present and future generations to enjoy. Paragraphs 4-10 of Historic England’s Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications (for planning permission and listed building consent) have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the asset’s fabric to which the significance relates and the level of importance of that significance.
- 7.11 The original scheme did not bear any relationship to the heritage of the site and Historic England initially had ‘serious concerns’ stating they were harmful to the setting of the designated heritage assets. The submission of the Heritage Impact Assessment and revised designs for the new build dwellings have all been reconsulted on and the most recent response from Historic England was in January 2023. At this time, they provided a response stating they had ‘concerns on heritage grounds’. Historic England have not made comments on the revised design or provided further comments to the latest information, including the addendum planning statement, which seeks to address their main concern, which appears to be the adherence to the process set out in their guidance document GP4. This document is not planning policy and has been fully discussed in Section 8 of this report.
- 7.12 In regard to the character and design for the new buildings, the applicants have worked with RBC and the Heritage Consultants Richard K Morris and Associates, who have provided on-going advice as well as the Heritage Impact Assessment (HIA) in regard to design for the new builds.
- 7.13 Potential mitigation strategies for the new builds have been advised in the HIA to minimise any potential impact upon the heritage setting. Consequently, the following changes were made:
- The overly large house proposed for unit 7 was completely changed.
  - The garaging for the west range (unit 6) was removed and changed to habitable accommodation reflecting the original open arcade of its eastern side.
  - The new properties were kept to the northwest portion of the site to leave the north-eastern section clear and retain the link between the farmhouse and open countryside beyond.

- The design of some of the new builds were altered to a Dutch barn style.
  - Two of the dwellings to the north-west of the site were positioned to form an L shape with a suitable separation.
- 7.14 In terms of the impact upon the significance of the listed buildings, the new buildings are considered to be sensitively designed to complement and enhance the historic buildings and the setting. The larger of the properties will be set away from the main listed buildings, with the smaller ones having a close proximity to the barn conversions. The design and scale of these smaller units corresponds well being of single storey height. Materials will be secured by **Condition 3**.
- 7.15 The Heritage Impact Assessment states that “Planning guidance recognises that change to historic buildings is part of their history and rather than allowing the buildings to continue to deteriorate the basic ideology put forward by Viollet-le-Duc in the 19th century that ‘the best way to preserve a building is to find a use for it’ is pertinent in this case.” And further that “Current guidance by Historic England is that ‘change’ does not equate to ‘harm’.”
- 7.16 Historic England’s guidance ‘Adapting Traditional Farm Buildings (2017) states the following, recognising the changing nature of the farming industry:
- ‘Structural changes in the farming industry have required farmers to construct new buildings that reduce labour costs and conform to animal welfare standards. As a result of this, the majority of traditional farm buildings are redundant for modern agricultural purposes.
- also
- In future, the pace of change will accelerate in response to the restructuring and diversification of farm businesses and an increasing demand for living and working in rural landscapes. Maintaining and reusing farm buildings which no longer have viable agricultural use is a sustainable option, taking into account the wide range of benefits that they afford’.
- 7.17 As highlighted within the HIA, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the listed building or its setting’.
- 7.18 As stated by HH Judge David Cooke in a judgment of 22 September 2015 regarding impact on the setting of a listed building: ‘It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.’ The judgment was endorsed by Lord Justice Lewison at the Court of Appeal, (Palmer and Herefordshire Council & ANR 2016) who stated that: ‘It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused’.

7.19 The concerns of Historic England have been taken into consideration and weighed against the condition and continued deterioration of the listed barns. In weighing the planning balance in regard to the heritage impacts, the optimum viable use is residential, and the conversion of the listed barns provides for their conservation and long term maintenance, through conversion to residential dwellings. Without this, the buildings would continue to deteriorate and potentially become 'listed buildings at risk'.

7.20 It is therefore considered that there will be no substantial harm to the significance of the Listed Buildings or their setting, which is in accordance with the aims and objectives of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3, of the Rugby Borough Local Plan.

#### 8.0 The case for enabling development.

8.1 Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases (NPPF paragraph 208), and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured.

8.2 To make a case for enabling development, 'Enabling Development and Heritage Assets. Historic Environment Good Practice Advice in Planning Note 4' hereafter referred to as GP4, has set out a seven step approach to providing a full case that meets the requirements of paragraph 208. The seven steps are:

1. Carry out a condition survey of the heritage asset or assets in need of conservation repairs.
2. Undertake an options analysis comprising an assessment of alternative solutions by which the asset's future might be secured.
3. Carry out an assessment of the cost of repairs and how future maintenance liabilities might be met.
4. Make an assessment of the market value of the heritage asset in current and repaired condition. This enables the conservation deficit to be calculated.
5. Draw up a detailed scheme design for the preferred option.
6. Produce a development appraisal that demonstrates the financial contribution the development will make to the conservation of the heritage asset.
7. Create a delivery plan that demonstrates how the heritage benefits will be secured in a timely manner.

8.3 Step 1: A full structural investigation has been undertaken by Blackwell Structural Consultants and a report provided. The main barn, stables, outbuilding adjacent to front entrance and rear stable block were all surveyed. The report concludes the suitability of the barns and stables for conversion and states that subject to various degrees of intervention, the conversion and refurbishment of the buildings is achievable.

8.4 Step 2: An addendum planning statement has been submitted to address step 2 of this advisory document. In the GP4 guidance, the owner or developer is advised to fully explore a range of possible options, which may include public or charitable ownership, grant funding, alternative uses or ownership. It encourages market testing of the asset in its entirety. Elms Farmhouse has Grade II listed status, and the barns also have Grade II listed status. The listing for the barns states that they are 'Included for group value.'

- 8.5 Whilst GP4 does not support the fragmentation of an historic entity, in this particular case there is a practical constraint why the whole of Elms Farm including the farmhouse, which is separately listed, has not been marketed. The farmhouse is occupied by the farmer's daughter and her family. The Local Planning Authority considers it to be both onerous and unreasonable, to insist upon the marketing of the site including the farmhouse, when it is providing accommodation for a family, and could result in their eviction and subsequent homelessness. GP4 is guidance, not planning policy and therefore carries less weight in the determination process.
- 8.6 At this point it is prudent to refer to the Marton Parish Councils claim that 'the farmhouse was separately for sale during the application process (for an asking price of £1.25m).' Whilst Zoopla shows this listing, it does not confirm any marketing of or sale at this price. Notwithstanding this any new owner of the whole site would be faced with the same issue as the present owner with superfluous redundant buildings. The sale of the whole would not raise any additional monies to fund conversion or renovation. The size of the buildings to be converted is too large to be used as outbuildings incidental to the farmhouse and an economically viable use is needed.
- 8.7 The farm buildings that were built and historically used for the purposes of farming are no longer suitable for this use. Modern farming practises and the required standards that must be adhered to prohibit the use of these old buildings, as they cannot adhere to the requirements of modern farming practices. This is a common problem that has led to the conversion of many of these old buildings.
- 8.8 In terms of alternative uses and strategies, the buildings lack any historical association other than their former farming use that would interest members of the public and thus a museum and grant assistance for the same is not an option. The same reasoning applies to a sale to a charitable trust.
- 8.9 In terms of a commercial use the LPA did not require market testing for other uses as the only use that was considered suitable was residential. This use supports the residential farmhouse and provides the most sustainable option in this location as it will generate fewer vehicle trips than potential commercial uses.
- 8.10 Step 3: A full assessment of the cost of both repairs and the new build units has been provided in the updated cost plan from Goodrich Consulting LLP received by the council on 05/04/2023. It is also recognised that the future maintenance liabilities would be met by the new homeowners.
- 8.11 Step 4: This has been undertaken and proven through the report provided by White Land Strategies.
- 8.12 Step 5: The current proposal provides all of the details for the development conversions and proposed new residential units.
- 8.13 Step 6: In providing viability and confirmation of the conservation deficit, the proven financial contribution the development will make to the conservation of the heritage asset, has been met.

- 8.14 Step 7: This will be achieved through the planning process which will secure the heritage assets optimum viable use and securing its long term future.
- 8.15 Historic England have provided comments on the proposed scheme and have stated that they have 'concerns on heritage grounds' Their concerns centre on their guidance document 'Enabling Development and Heritage Assets. Historic Environment Good Practice Advice in Planning Note 4' referred to as GP4 and the fact that the steps within this have not been fully adhered to.
- 8.16 Document GP4 provides guidance. It is not a policy that planning schemes must accord with. For the reasons discussed in this section of the report, the options analysis referred to in step 2 of GP4 has been considered and discussed in the addendum planning statement.
- 8.17 Paragraph 202 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, where appropriate, securing its optimum viable use.
- 8.18 In addition the governments Planning Practise Guidance on the historic environment, cautions local planning authorities in regard to the implications of cumulative change. A series of failed ventures could result in a number of unnecessary harmful changes being made to the asset and it is important to secure the optimum viable use.
- 8.19 The LPA is satisfied that all potential end uses have been considered and discounted on either policy, suitability or viability grounds. Residential end use will secure the optimum viable use and also the long term conservation of the heritage asset, and the scheme will sit well alongside the existing residential farmhouse.

## 9.0 Other Matters

- 9.1 The Council for British Archaeology and the Ancient Monuments Society have commented stating they support and echo Historic England's comments. These have centred around the case for enabling development which has been fully discussed in Section 8 of this report.
- 9.2 It is noted that the Council for British Archaeology raised concerns re the subdivision of the barn along the length of the threshing floor as in their view it would cause an unjustified level of harm to the listed building's significance. Notwithstanding this as discussed at paragraph 8.12 legal precedent has been provided setting out the case for the decision taker to assess the nature and degree of harm caused. This assessment whilst subjective, must be set against the harm perceived verses the future conservation of the asset. In this case the proven viability and conservation deficit established is considered to outweigh this.
- 9.3 Marton Parish Council have provided an extensive objection, as detailed under 'Third Party Comment's' earlier in this report. These have been addressed both through the full planning permission application, that accompanies this listed building consent application and in the other sections of this report.

9.4 An additional objection was also received from one address. This raised concerns in regard to the lack of renewable energy within the scheme and no positive impact upon carbon emission targets. This has been addressed through the full planning permission application, that accompanies this listed building consent application.

**10.0 Recommendation**

Planning application R21/0470 be approved subject to:

- a. Referral to the Secretary of State
  - b. the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R21/0470

**DATE APPLICATION VALID:**  
23-Apr-2021

**APPLICANT:**  
Mr Ellis C/o Land & Planning Consultants Ltd, Crick, NN6 7TX

**AGENT:**  
Mr Ian Gidley, Land & Planning Consultants Ltd, Northgate House, 42 Main Road, Crick, NN6 7TX

**ADDRESS OF DEVELOPMENT:**  
ELMS FARM, OXFORD ROAD, MARTON, RUGBY, CV23 9RQ

**APPLICATION DESCRIPTION:**  
Listed Building Consent for conversion of barns and stables to 6 dwellings with annex to House 1. Erection of 5 new detached dwellings. Associated access, drainage and landscaping works.

### CONDITIONS, REASONS AND INFORMATIVES:

**CONDITION 1:**  
The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

**CONDITION 2:**  
The development shall be carried out in accordance with the plans and documents detailed below:

Application Form received on 23/04/2021

#### Documents:

Howkins and Harrison Valuation Report ref VAL23.10 27-02-23 received on 24/03/2023  
Heritage Impact Assessment by Richard K Morriss & Associates received on 07/03/2023  
Elms Farm, Marton, Addendum Planning Statement by Land & Planning Consultants Ltd March 2023 received on 28/03/2023  
Financial Appraisal (Spreadsheet) received on 04/04/2023  
Addendum Viability Appraisal by IG Estates April 2023 received on 04/04/2023  
Financial Appraisal received on 04/04/2023  
Viability Appraisal Report with appendices by White Land Strategies Ltd May 2023 received on 02/06/2023  
Elms Farm Marton - Surface Water Drainage Design 17th May 2023 Version 2 RAB 3104 received on 18/05/2023  
Goodrich Consulting LLP Cost Plan No.1 received on 05/04/2023  
Design and Access Statement received on 10/04/2023  
Elms Farm Marton Flood Risk Assessment by RAB Consultants Limited 08/08/2022 Version 1.0 received on 09/08/2022

Structural Investigation and Report by Blackwell Structural Consultants. File no. 13469 received on 23/04/2021

Landscape and Visual Impact Assessment 14th October 2021 revision one 1st June 2023 by Danielle Jeynes and Richard Billingsley received on 05/06/2023

Internal External Phase 1 & Bat Survey Elms Farm, Marton June 2019 by Dr. Stefan Bodnar received on 23/04/2021

Elocation Bat Assessment 23rd November 2021 received on 24/11/2021

### **Drawings:**

Site Location Plan @1:2500 received on 25/05/2023.

Drawing number 3012-101 Existing Site Plan received on 10/10/2022

Drawing number 3012-102F Proposed Site Plan received on 28/11/2022

Drawing number 3012-103 House 1 and 2 Existing Plans received on 10/10/2022

Drawing number 3012-104 Rev B H1 and H2 Proposed Plan received on 10/10/2022

Drawing number 3012-105 Rev C H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-106 Rev C H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-107 Rev A H1 and H2 Existing and Proposed Elevation received on 05/12/2022

Drawing number 3012-108 Barn 2 Existing Plan received on 10/10/2022

Drawing number 3012-109 Rev D Unit 3, 4 and 5 Proposed Plan received on 10/10/2022

Drawing number 3012-110 Unit 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-111 Rev B Units 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-112 Rev C Units 3, 4, 5 Existing and Proposed Elevations received on 10/10/2022

Drawing number 3012-113 Rev B Unit 3, 4, 5 Existing and Proposed Elevations received on 28/11/2022

Drawing number 3012-114 Rev B Annex to House 1 received on 16/01/2023

Drawing number 3012-115 Existing Plan Unit 6 received on 10/10/2022

Drawing number 3012-116 Rev D Proposed Plan Unit 6 received on 10/10/2022

Drawing number 3012-117 Rev B Unit 6 Existing and Proposed Front Elevation received on 10/10/2022

Drawing number 3012-118 Rev A Unit 6 Existing and Proposed Side Elevations received on 10/10/2022

Drawing number 3012-119 Rev A Unit 6 Existing and Proposed Rear Elevations received on 10/10/2022

Drawing number 3012-120 Rev A Unit 7 Proposed Plan received on 10/10/2022

Drawing number 3012-121 Rev A Unit 7 Proposed Front and Side Elevation received on 10/10/2022

Drawing number 3012-122 Rev A Unit 7 Proposed Rear and Side Elevation received on 10/10/2022

Drawing number 3012-123 Rev C Unit 8 Proposed Floor Plans received on 14/12/2022

Drawing number 3012-124 Rev C Unit 8 Proposed Front and Side Elevations received on 14/12/2022

Drawing number 3012-125 Rev B Unit 8 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-126 Rev C Unit 9 Proposed Plan received on 14/12/2022

Drawing number 3012-127 Rev C Unit 9 Proposed Front and Side Elevations received on 14/12/2022

Drawing number 3012-128 Rev B Unit 9 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-129 Rev B Unit 10 Proposed Plan received on 16/11/2022

Drawing number 3012-130 Rev B Unit 10 Proposed Front and Side Elevations received on 16/11/2022

Drawing number 3012-131 Rev B Unit 10 Proposed Rear and Side Elevations received on 16/11/2022

Drawing number 3012-132 Rev A Unit 11 Proposed Plan received on 10/10/2022

Drawing number 3012-133 Rev A Unit 11 Proposed Front and Side Elevations received on 10/10/2022

Drawing number 3012-134 Rev A Unit 11 Proposed Rear and Side Elevations received on 10/10/2022

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

**CONDITION 3:**

Prior to the commencement of any works on the Grade II Listed Buildings, 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 shall be 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 protect the architectural interest of the listed building in accordance with 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3 of the Rugby Local Plan

**CONDITION 4:**

Prior to the commencement of any works on the Grade II Listed Buildings, 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 prior to first occupation of the converted building. 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 protect the architectural interest of the building in accordance with 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3 of the Rugby Local Plan

**CONDITION 5:**

Prior to first installation, full working drawings of the proposed doors and windows shall be 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: To protect the architectural interest of the building in accordance with 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3 of the Rugby Local Plan

**CONDITION 6:**

Other than those shown on the approved plans No new windows or rooflights shall be formed in any elevation or roofslope of the proposed development, unless non-material variations are agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

**CONDITION 7:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A,B,C,D,E,F,G and H 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.

**INFORMATIVE 1:**

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should 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 2:**

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

**Reference: R22/0303**

**Site Address: LAND ON THE NORTH WEST SIDE OF BROCKHURST LANE, MONKS KIRBY**

**Description: Use of existing land for equestrian purposes, erection of 2no. stable blocks, formation of a permeable menage, and installation of a horse walker. Installation of new metal field gates to the site entrance and access track. Erection of fencing.**

**Recommendation**

1. Planning application R22/0303 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

- 1.1 This application is being reported to Planning Committee for determination because more than 15 letters of objection have been received.
- 1.2 The Planning Committee have voted to visit the site prior to considering the application at the June Planning Committee meeting.

**2.0 Description of site**

- 2.1 The site is located to the north of Brockhurst Lane in Monks Kirby and is mostly within the West Midlands Green Belt. Access is via an existing gated access track off Brockhurst Lane. To the east, west and south of the site are residential dwellings, whilst to the north of the site are open fields. The Smite Brook runs along the revised western boundary of the site and follows along a short section of the northern boundary before leading off to the north and away from the site. Open paddocks currently flank the access track, and at the end of the track the site opens out into a field.
- 2.2 The site has been used as both equine and agricultural grazing land in the past and is considered by the applicant to be equine land although there are no horses currently occupying the site. A timber field shelter/stable is located adjacent to the eastern boundary, and the LPA have records to confirm that it was used for stabling and feed storage by a previous owner of the site. It was still in situ when the LPA conducted a site visit in September 2022 and was based on a concrete plinth, although it was in a poor state of repair.
- 2.3 Trees and hedging bound the side and rear boundaries of the site, but most of the front boundary is marked with a low timber post and rail fence and the entrance gate. This is set back a few metres from the adjacent highway.

**3.0 Description of proposals**

- 3.1 The applicant seeks planning permission to formalise the use of the land for equine purposes, erect 2no. stable blocks, create a permeable menage, and install a covered horse walker. They also seek permission to install new metal field gates and erect post and rail fencing both around the menage and adjacent to the access track and front boundary.

- 3.2 During the course of the application the site curtilage has been significantly reduced, and now encompassed only the access track, the area immediately surrounding the site of the existing field shelter, and the open grassed field where the stable blocks, menage and horse walker are proposed to be erected/installed. The paddocks to either side of the access track, a field to the west of the site (on the opposite side of the Smite Brook), and two small parcels of land to the rear of No.'s 13 and 15 Brockhurst Lane have all been excluded from the revised site curtilage and are not subject to the application to formalise the equine use.

### **Planning History**

R06/1068/PACA Erection of a temporary field shelter and food storage unit. Approved 16/08/06

### **Relevant Planning Policies**

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP5: Neighbourhood Level Documents

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and Enhancement

SDC1: Sustainable Design

SDC2: Landscaping

SDC3: Protecting and Enhancing the Historical Environment

SDC5: Flood Risk Management

The application site is not within the Air Quality Management Area, and the development does not meet any of the relevant criteria set out in Policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031. Nevertheless, air quality will be considered as part of the assessment of the proposals.

Supplementary Planning Documents

Climate Change & Sustainable Design and Construction SPD February 2023

National Planning Policy Framework, 2021 (NPPF)

Monks Kirby Neighbourhood Plan 2022-2031 (Neighbourhood Plan)

Monks Kirby Conservation Area Appraisal June 2010

### **Technical consultation responses**

WCC Ecology - Initially submitted a pre-determinative request for a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain (BNG) and DEFRA biodiversity metric calculation, as well as confirmation that

native species would be planted. Also advised on how to arrange tree planting in certain areas of the site to provide habitat in association with the calculations for the BNG and re. On receipt of the required information and an indicative planting plan for tree provision, WCC Ecology confirmed that they had no objections but requested a pre-commencement condition be applied in the event of an approval requiring submission of a Construction Environmental Management Plan (CEMP) to include details of pre-commencement checks for protected special and mitigation procedures in the event that they are found.

WCC Highways - Provided advice on access requirements. Initial objections withdrawn subject to conditions re use (personal not commercial), gates and barriers (none within 12 metres of the highway), access widening (to be done prior to first occupation), and access surfacing (also pre-occupation/ first use).

RBC Tree Officer - Following consideration of the proposed planting arrangements in relation to the Biodiversity Net Gain, advised on alternative tree positioning, hedging benefits, and species and timing details for planting. Requested a condition be applied in the event of an approval regarding submission of planting details and timescales for planting.

RBC Environmental Health - No objections subject to conditions re manure (no use of stables until scheme for containment and storage submitted and approved), non-commercial use, not having any fires on site, external lighting, and external sound systems. Also recommended informative notes be applied re construction hours and drainage and provided advice for the applicant on manure and insect control which would be applied as a note in the event of an approval.

### **Third party comments**

Ward Councillors - Comment (1) - Councillor Gillias raised concerns over flooding and the impact on Smite Brook, as well as parking and access issues due to school traffic. He also requested a Planning Committee site visit due to concerns regarding Green Belt implications, design, flooding and access that had been raised in a Parish Council meeting.

Parish Council - Objection - Development not consistent with Conservation Area Appraisal; important and historical open space; historical use for grazing horses has ceased, so land now agricultural; flooding; proposed facilities too large to be domestic; implications of floodlighting; pollution concerns relating to septic tank or any form of toilet and general site use; access widening unnecessary; gate design inappropriate; amendments haven't overcome objections. If approved, should be limited and controlled through conditions to reduce impact and prevent commercial use.

Neighbours - Objections (22) - Impact on openness, character and landscape; impact on Conservation Area; impact on Green Belt; archaeological implications and impact on historical significance including how it serves to retain separation between medieval settlements of Monks Kirby and Brockhurst; loss of ancient hedges and trees; traffic hazards associated with access and implications for nearby school and properties; impact of headlights from vehicles leaving the site; loss of agricultural land; pedestrian safety; noise and pollution from vehicles; road unsuitable for larger vehicles like horse boxes; flooding and control of surface and waste water; septic tank would cause nuisance and odours; light pollution; gates and buildings out of keeping with character of the area; impact on protected species and habitats; structures excessive in size and scale; loss of privacy; contrary to Monks Kirby Conservation Area Appraisal, Village Design Statement, and Neighbourhood Plan; proposals indicate potential commercial use; floodplains unsuitable for horses; will cause problems with flies and pests; site unsuitable for any development; amendments haven't overcome objections.

#### **4.0 Assessment of proposals**

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

- the principle of development,
- character and design,
- the Conservation Area and historical significance of the site,
- highway safety,
- impact on neighbouring properties,
- air quality and environmental matters,
- flooding, and
- ecology.

5.0 Principle of development

5.1 The Local Plan for Rugby was adopted on 04 June 2019. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

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

5.3 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy, whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of

sustainable development. However, this presumption in favour of development is on the proviso that there are no conflicts with other local or national planning policies.

- 5.4 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This results in the balancing of material considerations within each individual case at the same time as being mindful of the presumption in favour of sustainable development as defined by Section 2 of the NPPF. Again however, this is subject to there being no other policy conflicts.
- 5.5 Section 12 of the NPPF places great emphasis on supporting development that incorporates high quality design that is responsive to its setting and in keeping with its surroundings. Policy SDC1 of the Local Plan seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated. Elements of this ethos are echoed in Policies NE3 and SDC2 from a landscaping and setting perspective, and in Policy SDC3 from a heritage perspective.
- 5.6 Policy HBE1 of the Neighbourhood Plan notes that land outside the development boundary is in Green Belt, *“where development will be carefully managed in line with local and national strategic planning policies”*.
- 5.7 This site lies outside the settlement boundary of Monks Kirby, which wraps tightly around the built-up areas of the village, although the point of access from Brockhurst Lane is within it. As the village is surrounded by the West Midlands Green Belt, the site is also in Green Belt. Green Belt is considered to be the least desirable location for most forms of development under Policy GP2 of the Local Plan, and this is a significant consideration to be weighed into the balance when assessing this application. Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, but also details developments that are an exception to this, including *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport [and] recreation ...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*. As this development is for the provision of stables and a horse walker for use by the applicant’s family, the proposal falls within this exception. Whilst all structures erected within the Green Belt will affect openness, it is still possible to preserve it if the overall character of a particular area of the site remains largely unaffected by the development. This is a balancing factor that must be weighed as part of the considerations of the proposal.
- 5.8 The site is also within the Monks Kirby Conservation Area, which encompasses a much larger area than that enclosed by the settlement boundary. This also carries weight in terms of considerations and will be assessed in Section 7 of this report.
- 6.0 Character, design, and landscape
- 6.1 Section 12 of the NPPF emphasises from start that it is vital for development to be of a design that is respectful to the character of the locality and enhances the setting it which it is placed. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and
  - where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.2 Paragraph 131 of the NPPF recognises the importance of trees and how they contribute to the character and quality developments, actively encouraging their inclusion in development schemes.
- 6.3 Landscape importance is also highlighted within Section 13 of the NPPF, particularly in relation to the importance of improving and maintaining landscaping as part of the overall enhancement and protection of the Green Belt.
- 6.4 Policy NE3 of the Local Plan states that development proposals will be required to demonstrate that they:-
- Integrate landscape planning into the design of development at an early stage;
  - Consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;
  - Relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;
  - Identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;
  - Aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;
  - Address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing and expanding these features through means such as buffering and reconnecting fragmented areas; and
  - Are sensitive to an area's capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements.
- 6.5 Policy SDC1 of the Local Plan focuses on the importance of demonstrating high quality and good design, including consideration as to how a development relates to its surroundings. Factors such as scale, density, design, massing, height, landscape, layout and materials all require consideration when assessing the suitability of a development in terms of its visual and contextual impact on the appearance and character of the setting it lies within.
- 6.6 Policy SDC2 of the Local Plan requires developments to demonstrate how they respect the landscape around them through responses to the features that already exist and

incorporation of measures to protect them. This includes hard and soft landscaping and opportunities to enhance existing features.

- 6.7 Policy GP5 emphasises the need to consider neighbourhood level documents. In this case the relevant document is the Monks Kirby Neighbourhood Plan 2022-2031, adopted in April 2023. Section 3 of this document identifies the need to protect important open spaces and “ensure that the design of development enhances the Parish’s special character and identity”, and Section 5 desires Monks Kirby to develop in a way that “maintains/protects and enhances the inherent character and diversity of the landscape, preserves the sense of tranquillity and open space, both in the village and wider Parish”, “protects the open spaces and heritage assets of our parish and the views/sight lines into/out of and around the village/Parish”, and “protects the environmental features of and drives sustainability in the Parish”.
- 6.8 Policy HBE5 of the Neighbourhood Plan highlights the desire for development to demonstrate a high quality design, layout and materials.
- 6.9 Policy ENV2 a) of the Neighbourhood Plan identifies “Important Open Spaces” within the village. The proposal site is *not* identified as such in the Neighbourhood Plan, nor does it lie adjacent to such land. However, this policy goes on to identify much of the land surrounding the build environment of the village and lying within the Conservation Area as being “Important Open Areas”, and the development site *does* fall within this identified area. Policy ENV2 b) advises that land with this classification makes an essential contribution to the setting and character of the Conservation Area, and development in these locations should demonstrate that the benefits of it outweigh the value of the open space to the character of the village overall.
- 6.10 Policy ENV8 of the Neighbourhood identifies the proposal site as forming one of the “Important Views” into or out of the village; the point of access to the site from Brockhurst Lane provides a view out from the village that is identified within the Neighbourhood Plan as being of value. Brockhurst Lane is also identified as having value when viewed along it from either end.
- 6.11 Whilst the Neighbourhood Plan doesn’t offer opinions or guidance on stables or equestrian development, there is clearly a desire to preserve the appearance and character of the village, although it is recognised within the Neighbourhood Plan that this should not preclude or prevent development from occurring. This desire to protect the character of the village from change is also borne out in objections from local residents, who are clearly concerned over any form of built development on this site as it would change the view and/or appear incongruous and out of place.
- 6.12 Objections from local residents and the Parish Council also raised concerns over light pollution, the aesthetic of the various structures, the overall size and scale of the development, and conflict with the Village Design Statement and Neighbourhood Plan, as well as concerns over the loss of trees and hedgerows in relation to the widening of the access.
- 6.13 Any above ground development will affect the appearance and character of the area it lies within. However, this does not always mean that the effect is a negative one. The site has experienced equine use in the past, and there has also been a building approved

under planning permission R06/1068/PACA. The concept of animals grazing on the land (including horses) and the erection of buildings is therefore not alien to this site.

- 6.14 The original scheme proposed an “L-shaped” stable block to be located in a similar location to the original timber structure. The stable buildings now proposed both have a rectangular footprint. They are each smaller than the original proposed stable block, and collectively have a smaller overall footprint, but are both larger than the former timber shelter. They meet the British Horse Society standards for size and layout of stabling for horses however, something the existing structure does not. Their location also differs to the existing structure; the existing structure is located close to the western boundary in one of the lowest areas of the site, whereas the proposed stable buildings are to be located in the north-east corner on the highest part of the site. Whilst this means that they would be in the most prominent part of the site, there is a practical reason for this that will be covered within Section 11 of this report (flooding).
- 6.15 The stable blocks are arranged at right angles to each other and would have pitched roofs. The walls are to be blockwork with timber cladding applied to the upper half, and the roofs are to be profiled metal sheeting. These materials accurately reflect materials used in rural settings with similar examples found in open countryside locations throughout the borough. So, whilst they would introduce a new style of structure on the site, they do reflect the expected style of buildings in rural locations.
- 6.16 The other building proposed is a circular covered horse walker used to exercise and train horses. This is to be located close to the proposed stables, but due to the lie of the land its floor level would be lower. Again, it will introduce an alternative building design to the site, the form of these buildings is dictated by their function. As with stable buildings, this type of structure is not uncommon in rural equine locations.
- 6.17 The third key feature proposed is a menage, which would be located in the paddock immediately to the south of the proposed horse walker and stables. Whilst the menage itself would be at ground level, the surfacing would contrast with the grass surrounding it. There would also be a 1 metre high timber post and rail fence enclosing the menage. Again, whilst representing a material change to the current appearance of the site, such features are not uncommon in rural locations as by their very nature they are located outdoors on open land of sufficient size to accommodate them. The fencing would be low level and reflect examples of post and rail fencing within and adjacent to the site.
- 6.18 The remaining changes affect the site entrance and access road. There is already an established site entrance and verge crossing within the southern boundary, together with an access track leading towards the northern end of the site. The applicant proposes to raise the level of a short section of the track leading up to the site access, but the surfacing material (with the exception of a section near the highway that needs to be tarmac to comply with highway safety requirements) will be gravelled as it is at the moment. There is to be a gate installed along the access track, the design of which has been amended to a sympathetic metal five bar design commonly seen on field entrances in the locality. The driveway is to be flanked by timber post and rail fencing which will continue either side of the access off Brockhurst Lane, a style similar to remnants of fencing that still remain around the site boundaries.
- 6.19 This scheme has gone through a series of amendments, including changes to building designs, locations and construction. In the event of approval, a standard condition would

- be used to identify the plans and documents that are pertinent to the final scheme (**Condition 2**). In addition to this, a condition would also be included requiring full details of the materials to be used in the construction of the stables and the surfacing of the menage, as well as details of the external finishes to be applied to the horse walker. This would be **Condition 3** and would ensure that the structures and menage are appropriate in terms of impact they will have on the appearance and character of both the site and the wider setting.
- 6.20 The scheme originally included external lighting around the menage. As well as potential ecological implications this would have significantly increased the visual impact of the development, particularly in low light. Following discussions between the applicant and the LPA it was agreed that external lighting would be omitted from the scheme. To ensure that no inappropriate or uncontrolled external lighting is installed in the future, a condition would be applied in the event of an approval requiring the prior written permission of the LPA for external lighting (**Condition 4**).
- 6.21 As part of the Biodiversity Net Gain (BNG) measures covered in Section 12 of this report, the applicant has proposed to plant a series of trees to improve habitat provision and biodiversity. This planting scheme will also serve a visual purpose by enhancing the existing mature trees around the perimeter of the site and increasing the diversity of planting within it. They will also balance built and natural form within the site and complement the natural landscaping that surrounds Monks Kirby and the mature trees located Brockhurst Lane. Such planting will only create a beneficial impact if it is in the right location and incorporates native rather than non-native species. To ensure this, the planting would be secured by a condition requiring a planting scheme to be submitted prior to commencement that includes details of the species and size of each specimen. This would be **Condition 5** in the event of an approval. There would also be a condition requiring submission of a Construction Environmental Management Plan (CEMP), which would be **Condition 6**.
- 6.22 The substantial reduction of the development site (reduced by 70% from the original plans), together with the relocation of the build structures to enable most of the land to remain open, has significantly improved the aesthetic of the scheme. It recognises the desire of the local community to protect open spaces from over development and to retain openness and ensures that approval of this scheme would not lead to uncontrolled expansion over the areas of the site not currently proposed to be affected. The paddocks that flank the access track remain, and the low level of the menage fencing limits its impact on the openness of the area between the stables and horse walker and the highway. Views to the open countryside will still be possible from a variety of angles including the views from Brockhurst Lane that are highlighted within the Neighbourhood Plan.
- 6.23 The proposed development will change the site, but not in a way that would be harmful to the setting. The abovementioned conditions will both control the development and protect and enhance the natural landscape and views out from Brockhurst Lane towards the open countryside.
- 6.24 With these conditions applied and adhered to, the scheme therefore complies with policies NE3, GP5, SDC1 and SDC2 of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance, with Policies HBE5, ENV2 and ENV8 of the Monks Kirby Neighbourhood Plan, and with the NPPF 2021.

- 7.0 Conservation Area and historical significance of the site
- 7.1 Paragraph 130 of the NPPF sets out the key criteria that development should achieve, emphasising the need for development to be visually attractive and sympathetic to local character and history.
- 7.2 Section 16 of the NPPF specifically looks at conserving and enhancing the historic environment, stating in Paragraph 189 that *“Heritage assets range from sites and buildings of local historic value to those of the highest significance ...These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*. Paragraph 206 of the NPPF states that *“Local Planning Authorities should look for opportunities for new development within Conservation Areas ... to enhance or better reveal their significance”*.
- 7.3 The NPPF defines conservation in relation to heritage assets as being *“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”* It therefore clearly recognises that prohibition of all forms of development is *not* the only way to protect heritage assets, and more importantly recognises the role that development can play in ensuring the management and enhancement of such assets.
- 7.4 Policy SDC3 of the Local Plan addresses the protection and enhancement of the historic environment, including consideration of development that affects such assets. As with the NPPF, the Local Plan does *not* preclude all forms of development that affect such assets.
- 7.5 The Monks Kirby Conservation Area Appraisal 2010 (the Appraisal) notes that the village’s location within the surrounding countryside plays a prominent role within the Conservation Area and encompasses all buildings within the village in addition to open land around it. The application site is identified as being adjacent to the boundary between The Historic Core and The Eastern Area; the Smite Brook marks the transfer from one area to the other, and the application site lies immediately to the east of the brook and within the Eastern Area. The Appraisal describes this area as *“the leaking of the countryside into the settlement”* and focuses on the role that planting and landscaping plays in screening and/or delineating key features within the Conservation Area.
- 7.6 As stated in Paragraph 6.9 of this report, the proposal site lies within land identified within Policy ENV2 of the Neighbourhood Plan as being one of the *“Important Open Areas”*. Policy ENV2 b) advises that such land makes an essential contribution to the setting and character of the Conservation Area, and development in these locations should demonstrate that its benefits outweigh the value of the open space to the Conservation Area.
- 7.7 It is clear that the application site forms an intrinsic part of the Conservation Area, which encompasses the whole village and surrounding land. The views across it towards open countryside from Brockhurst Lane are clearly prized, as is the benefit of landscaping and trees.
- 7.8 The amended layout and overall design of the development maintains a clear view along the western side of the access road, with built development restricted to a comparatively small corner of the site so as not to interrupt the open aspect of the remainder of it. These changes respond to objections raised over the loss of this valued pocket of open land; the

original scheme would have seen the buildings spread further apart and affecting views much more profoundly than the amended scheme. This amended layout would be secured through **Condition 2** in the event of an approval to ensure it has the intended visual effect. Care has been taken to maintain a sense of openness when viewed from Brockhurst Lane, with fencing kept to a low level permitting views over and through it. The applicant does propose to undertake drainage works (see Section 11 of this report) that would involve a degree of excavation, but this will benefit the land in the longer term by reducing standing water and the potential for flooding so is seen on balance as being beneficial to the site overall. The evidence of the excavation will quickly grass over and blend into the general topography of the site.

- 7.9 The amended scheme also recognises the value of mature planting around the fringes of the site, which is left largely undisturbed except for where access requirements necessitate cutting back. The general lie of the land in relation to the surroundings is maintained, with no major excavation or building up of land levels proposed and the natural high point in the north east corner retained with the remainder of the site retaining its natural lines and depressions. The applicant proposes to enhance existing planting by adding trees in key locations to complement the existing mature tree lines and soften the visual impact of the buildings. Over time these additional trees will mature and enhance the fauna of the site that is so valued as part of the Conservation Area, adding vitality and longevity to areas of older planting to secure the continuation of the natural focal point around the steep bend in the Smite Brook towards the north west corner of the site. Tree planting would be secured and controlled through **Condition 5**.
- 7.10 Whilst the character of this part of the Conservation Area will be undeniably altered by the proposals, local and national planning policy as well as the Neighbourhood Plan and the Conservation Area Appraisal recognise that development of such sites, when done sympathetically, can be beneficial. This land will be used for an activity common place in rural locations and entirely in keeping with a rural village. The additional tree planting will ensure that existing clusters of trees are rejuvenated to benefit the area for years to come. The proposals could potentially cause less than substantial harm through the introduction of build forms into an undeveloped landscape, but the proposed planting and the works to improve the drainage of the site are considered to be beneficial to its ongoing maintenance and enhancement as a key focal point within the Conservation Area. On balance, these benefits are considered to outweigh the less than substantial harm to the character and appearance.
- 7.11 With the abovementioned conditions applied and adhered to, the application complies with Policies SDC3 of the Rugby Borough Council Local Plan 2011-2031 and ENV2 of the Neighbourhood Plan. It also accords with both the NPPF 2021 and the ethos of the Monks Kirby Conservation Area Appraisal 2010.
- 8.0 Highways
- 8.1 Local Plan Policy D1 identifies when a Transport Assessment may be required, as well as the need to mitigate for transport impacts arising from development. In this case there is no requirement for a Transport Assessment, but there *is* a need to assess the implications of the access works on the functionality of Brockhurst Lane.
- 8.2 Policy D2 of the Local Plan focuses the need to ensure that sufficient provision is made for the parking and turning of vehicles within developments.

- 8.3 Section 9 of the NPPF identifies the need to consider transport issues and the potential impact of development on transport networks. Paragraph 110 b) states that, when assessing developments, it should be ensured that *“safe and suitable access to the site can be achieved for all users”*. However, Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 8.4 Policy HBE 4 of the Neighbourhood Plan looks specifically at windfall and small scale developments. Clause f) of this policy states that development will be supported if *“It provides for a safe vehicular and pedestrian access to the site and contains off-road parking in line with Rugby Local Plan requirements”*.
- 8.5 Several objections from local residents and the local primary school, as well as correspondence from the Parish Council and a Ward Councillor, raised concerns over the implications of larger vehicles (such as horse boxes and trailers) accessing the site at peak times due to existing on-street parking issues arising from parents dropping off and collecting children from the nearby school (located on Brockhurst Lane). Objections were also raised to the proposed modification of the site access, even though this would improve the safety of the access and reduce for the functionality of Brockhurst Lane.
- 8.6 WCC Highways have confirmed that the widening of the access to improve visibility would ensure that the use of the access posed no materially detrimental issues to the adjacent highway. They also recognised that amendments had been made to the scheme to address initial concerns raised over the location of the access gates in relation to the highway. WCC Highways recommended 4no. conditions be applied in the event of an approval (these would be **Conditions 7-10** inclusive) relating to preventing commercial use, proximity of gates/barriers/enclosures to the highway boundary, and the widening and surfacing of the access. With these conditions in place, WCC Highways confirmed that they would have no objections to the scheme.
- 8.7 In terms of provision for the parking and turning of vehicles, the application includes modification of the access road terminus to incorporate an area near the stables and menage for manoeuvring and parking the applicant’s horse box and personal vehicles. This arrangement would be protected through **Condition 2** in the event of an approval and is considered to be sufficient to meet the likely parking and turning needs associated with the private operation of the site.
- 8.8 Whilst the concerns of the local community are recognised, as the scheme has incorporated changes requested by WCC Highways (who have raised no objections subject to conditions) it would not be reasonable to refuse the application on the basis of highway safety when we have been advised by the Highway Authority that the development would be acceptable.
- 8.9 Subject to the application of and compliance with the abovementioned conditions, the development complies with Policies D1 and D2 of the Local Plan and Policy HBE 4 of the Neighbourhood Plan. It also accords with the NPPF.

- 9.0 Impact on neighbouring properties
- 9.1 Policy GP1 of the Local Plan sets out the social implications of development. The LPA is therefore obliged to consider the implications of development on the local community and those living close to the proposal site.
- 9.2 Policy SDC1 of the Local Plan states that *“Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded”*, and that *“applicants will be expected to work closely with those directly affected by their proposals to evolve designs and take account of the views of the community”*.
- 9.3 Section 2 of the NPPF, like Policy GP1 of the Local Plan, sets out three key objectives of the planning system, including the social objective. Whilst this section of the NPPF is directed more generally to *new* residential development and communities, there is still an argument for considering its principles in relation protecting the amenities of *existing* communities through the assessment of impact on residential amenity.
- 9.4 Whilst the Neighbourhood Plan *does* refer to residential amenity, it makes no specific reference to the implications of private equine development on residential amenity and does not set out any preferential or prescriptive measures that should be put in place regarding protecting residential amenity from such development.
- 9.5 Whilst several local households raised objections to the proposals, those located in close proximity to the site have a higher potential for material impacts on their residential amenity than those living further away. Some of the objections received from residents raised amenity related concerns regarding headlights from vehicles exiting the site illuminating front facing rooms of the properties located opposite to the access on Brockhurst Lane and loss of privacy.
- 9.6 In terms of the impact from headlights on those living opposite the site access, whilst this may well occur it should be noted that there is already an established vehicular access into this site from Brockhurst Lane which could result in a similar effect. It is not therefore considered reasonable to refuse the application on this basis given the fact that this could already occur through use of the existing access.
- 9.7 As mentioned in Paragraph 6.14 of this report, the amended layout of the site puts both the stables and the horse walker in the north-eastern corner of the application site. This means that they would not be immediately adjacent to any residential properties as they would be flanked on three sides by adjacent open land and on the fourth (to the south) by the proposed menage. The closest residential properties to the proposed stables would be located on Stocking Meadow (with the closest being approximately 50 metres from the nearest proposed structure), followed by properties on Brockhurst Lane (which at their closest would be approximately 110 metres away from the nearest proposed structure). From these distances it is not considered likely that the proposed buildings and menage or their use would cause materially detrimental loss of privacy to nearby residential dwellings. Loss of privacy is not therefore considered a reasonable ground for refusal.
- 9.8 The LPA also considered the potential for disruption due to noise arising from the use of the development if approved. **Condition 7** would be applied in the event of an approval to prevent the commercial use of the site and buildings, and it is not considered that the use of the site by the applicant and their family for their own private enjoyment would cause a level of noise that would be sufficiently detrimental as to warrant refusal on that basis.

Nevertheless, Environmental Health have recommended that a condition be applied in the event of an approval to prohibit the use of external sound amplification systems to protect against noise nuisance. This would be **Condition 11**. An informative note would also be included to recommend suitable appropriate hours of construction.

- 9.9 On balance, the LPA do not consider that the proposals would result in any materially detrimental impact on the amenities of neighbouring residents. With the inclusion of and adherence to the abovementioned conditions, the proposals therefore comply with Policies GP1 and SDC1 of the Rugby Borough Council Local Plan 2011-2031 in relation to residential amenity and accords with guidance set out in Section 2 of the NPPF 2021.
- 10.0 Air Quality and Environmental Matters
- 10.1 The environmental implications of new development must be carefully considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus on these issues within Sections 2 and 12 of the NPPF 2021.
- 10.2 Environmental considerations such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements but can also require control at the planning stage through the application of specifically worded conditions and supportive text.
- 10.3 Section B of the Neighbourhood Plan includes considerations relating to the impact of development on the environment encourages consideration of methods to reduce the environmental impact of development and promotes the use of renewable energy where possible and appropriate. There are also considerations of the implications of certain types of development in terms of pollution and carbon reduction found throughout the document (although no specific mention is made of the environmental implications of equine development within the policies). There is significant consideration of the implications of climate change and development on flood risk and resilience within the Neighbourhood Plan, but this will be covered separately within Section 11 of this report.
- 10.4 In this case, the site doesn't lie within the Air Quality Management Area as defined in the Local Plan, and the development wouldn't trigger any of the requirements that would generate the need for some form of mitigation or offsetting in terms of air quality. However, in the event of an approval an informative note would be included to provide guidance on ways in which the applicant can reduce their environmental impact. This approach would also accord with the overall aims and objectives for reduction of pollutants and carbon emissions found within the Neighbourhood Plan.
- 10.5 As part of the proposals, the applicant has introduced a rainwater harvesting system to utilise water running from the roofs of the stable buildings for on-site water supply needs. This measure shows that they recognise the value of water as an environmental resource and the need to make good use of it.
- 10.6 Environmental Health have not raised any significant concerns or objections to any of the initial or amended proposals. However, they *have* advised that, due to the nature of the use, conditions should be applied in the event of an approval to ensure that the use of the site does not lead to a negative environmental impact. These conditions would cover a

pre-operational commencement requirement for details of the storage and disposal of manure (Condition 12), limitation of the use to private purposes only (covered by the aforementioned Condition 7), the prohibition of burning waste or manure (Condition 13), and control of external lighting (covered by the aforementioned Condition 4). They also recommended the inclusion of the noise condition detailed in Paragraph 9.8 of this report (Condition 11).

- 10.7 With these conditions applied and adhered to, the scheme complies with the environmental directions of Policies GP1, HS5, SDC4 and SDC7 of the Rugby Borough Council Local Plan 2011-2031, the general environmental ethos of the Neighbourhood Plan, and the standards and guidance set out in Sections 2 and 12 of the NPPF 2021.
- 11.0 Flooding
- 11.1 Policy SDC5 of the Local Plan addresses flood risk management and sets out expectations for development within identified flood zones to have an appropriate level of assessment in relation to flooding. Crucially it ties in with similar criteria set out in the NPPF and recognises that not all development within a flood zone requires a sequential assessment.
- 11.2 Section 14 of the NPPF focusses on the implications of flooding and climate change. Paragraph 167 states that *“Development should only be allowed in areas at risk of flooding where ... it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) any residual risk can be safely managed; and*
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.*
- 11.3 The Neighbourhood Plan includes a specific section on flood risk resilience and climate change, with the expectation that development within the village should not only show that it is resilient to flooding but also that it will not contribute to the risk or likelihood that flooding would occur in the future. Policy ENV 10 of the Neighbourhood Plan sets out an expectation that development proposed within areas identified as either flood zones or areas likely to be affected by flooding from rivers will demonstrate resilience to flooding and will not conflict with locally applicable flood mitigation strategies and infrastructure. It also states that *“Proposals to construct new (or modify existing) floodwater management infrastructure (ditches, roadside gullies, retention pools, etc.), including within or close to the built-up area, will be supported, provided they do not adversely affect sites and features of natural or historical environment significance”.*
- 11.4 This site lies within the flood plain of Smite Brook, and the majority of the site falls within Flood Zones 2 and 3. Flooding was raised as a significant concern within objections and comments received from local residents, the Parish Council and Ward Councillors, and was one of the reasons given for calling the application in for consideration by the Planning Committee. The site is known to have flooded in 2020 following poor maintenance of land drains and periods of intense rainfall leading to the Smite Brook being inundated and unable to accommodate the ground water from the site and the adjacent highway.

- 11.5 The scale and type of development in this instance means that a sequential assessment for flooding is not required. The applicant has undertaken a Flood Risk Assessment (FRA) and has implemented the recommended measures to limit the likelihood of the development contributing to flooding that the FRA identified. They are also protecting the proposed buildings from the effects of flooding by raising floor levels and locating them on higher ground to ensure that they are resilient and able to return to or maintain their functions in the event of a flood. These measures meet the requirements of both local and national planning policy and as such represent an appropriate response to the flood sensitivity of the site.
- 11.6 Since acquiring the site, the applicant has undertaken works to re-establish and relocate land drains around the perimeter of the site following the identification of the previous drainage arrangements as being possible contributors to the flooding in 2020 due to poor maintenance. They are also proposing additional land drains to accommodate and control standing water within the parts of the site that were most affected by the flooding. In addition to this, the stables and horse walker would be located in the area of the site that lies outside the flood zones and is naturally higher than the rest of the site. The access track is also to be raised at its lowest point to ensure that it remains functional at all times. Both the relocation of the structures and the proposed additional drainage should help to ensure that surface water is adequately controlled within the site, as well as controlling how surface water enters Smite Brook. The raising of the access track will ensure that it remains viable as a means of escape in the event of flooding, a key requirement of both local and national planning policy. Whilst the menage will be located within the flood zones and flood plain, its permeability will not affect the ability of the lower areas of the site to continue to function as a means of flood water control. To ensure that the flood resilience measures proposed are undertaken in a timely and effective manner, a condition would be applied in the event of an approval requiring the proposed drainage works to be undertaken in full prior to the buildings and menage being first brought into use. This would be **Condition 14**.
- 11.7 In addition to the above flood resilience measures, the applicant is proposing to utilise water from the stable roofs within the site as opposed to just letting it run off into the Smite Brook, again lessening the initial demands on the land to accommodate surface water in the event of a deluge. The proposed planting of additional trees will also help to increase the uptake of water within the site, as well as helping to reinforce the banksides of the brook to prevent erosion during periods of high flow levels or flooding.
- 11.8 In summary, the measures already undertaken to improve land drainage and the additional measures proposed through this application mean that the development is considered to be resilient to flooding and unlikely to result in the site increasing the potential for flooding in the area. Indeed, the measures should ensure that the site becomes more resilient than it was in the flooding in 2020. With the abovementioned condition applied and adhered to, the proposal complies with Policy SDC5 of the Local Plan, Policy ENV 10 of the Neighbourhood Plan, and the principles and objectives of Section 14 of the NPPF.
- 12.0 Ecology
- 12.1 Policy NE1 of the Local Plan focuses on protection and provision of biodiversity, habitat and protected species, and encourages enhancement of existing flora to support wildlife. It states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

- 12.2 Section 15 of the NPPF addresses the conservation and enhancement of the natural environment and includes a section specifically covering habitats and biodiversity. Paragraph 182 advises that the presumption in favour of development does not apply where development is likely to have significant effects on habitats unless appropriate assessment has concluded that the development will not adversely affect the integrity of the habitats site.
- 12.3 Policies ENV 3 and ENV 4 of the Neighbourhood Plan focus on the value and significance of the natural environment within and around the village and on the importance of biodiversity and habitat connectivity, specifically encouraging biodiversity provision and protection.
- 12.4 WCC Ecology have provided guidance and advice on the proposal, including requesting the undertaking of a Biodiversity Net Gain (BNG) assessment and additional planting within the site to improve biodiversity and habitat provision. Together with the LPA's Landscaping and Tree Officer they worked with the applicant to agree a scheme of structured native tree planting within the site to enhance and increase the existing biodiversity and habitat opportunities (see Section 6 of this report). This would be controlled in the event of approval through **Conditions 2, 5 and 6** to ensure the development makes a positive contribution towards protected and enhancing the natural environment.
- 12.5 A condition would be applied in the event of an approval to control the installation of external lighting (**Condition 4**). This will provide an opportunity for consideration of the implications of external lighting on protected species and their habitats.
- 12.6 With the abovementioned conditions applied and adhered to, the scheme complies with Policy NE1 of the Local Plan, Policies ENV 3 and ENV 4 of the Neighbourhood Plan, and Section 15 of the NPPF.
- 13.0 Planning balance and conclusions**
- 13.1 The development site lies outside the village boundary in open countryside and is within the Conservation Area. It also provides one of several key views out of the village that is highly prized within the Neighbourhood Plan. Whilst developing this site would undoubtedly change both its appearance and the contribution it makes to the character of this part of the village, the nature of the development and the placement of structures within the site respects the rural and open character of this area. The site arrangements and the proposed maintenance measures are considered to carry sufficient weight to overcome the implications of being in the Conservation and outside the village boundary. Bringing the site into active use will also ensure that it is maintained and cared for, so it continues to make a positive contribution to the village character and significance.
- 13.2 The applicant has responded to concerns raised over the visual impact of the development by modifying the layout and relocating structures to preserve it as an open green space separating the medieval settlements of Monks Kirby and Brockhurst. The designs and materials proposed for the structures are in keeping with rural structures found within the locality and throughout the borough, and the scale of the scheme is not excessive or dominant within the site. Conditions can be applied in the event of an approval to ensure that the development makes a positive visual contribution and safeguard against further expansion or intensification.

- 13.3 The access requirements of the scheme have been carefully managed with guidance from WCC Highways and are both appropriate and sufficient for the scale of traffic that the development is likely to generate. WCC Highways are satisfied that the development will not result in adverse impacts to the functionality of Brockhurst Lane, and conditions will be applied in the event of an approval to ensure that the access is acceptable.
- 13.4 The significant distance between the proposed structures and the nearest residential properties means that there would be no material impact on the levels of privacy. Whilst concerns were raised regarding the impact of headlights from vehicles using the access, it is not considered that this development would result in a materially greater impact than that the existing established access. Conditions relating to lighting, noise generation and waste will all help to ensure that the operation of the site will not result in nuisance arising from unregulated activities.
- 13.5 There are no air quality concerns in relation to this development, and the recommended conditions will ensure that the potential for pollution is very limited and can be controlled. Additional tree planting will benefit and enhance biodiversity and habitat provision.
- 13.6 Flooding has been a specific focus of the LPA assessment of the proposals. Structures have been relocated out of the flood risk zones and lower areas of the site, and additional drainage will improve surface water controls. The harvesting of rainwater from the stables for reuse within the site and the planting of additional trees will further help to control and mitigate for surface water without inundating Smite Brook, and the recommendations of the Flood Risk Assessment have been incorporated into the proposals.
- 13.7 Overall, the development represents a sympathetic and in keeping addition to the area that will preserve and enhance the historical, visual, and ecological importance of this part of Monks Kirby. The proposals incorporate sufficient flood resilience and controls. Access to and from the site is appropriate, and the development will not detrimentally affect residential amenity. The proposal is for private use by the applicant, and commercial activity will be prohibited through the use of a restrictive condition.
- 13.8 **Condition 3** will require the confirmation of materials details for the stables, horse walker, and the surfacing of the access track.
- 13.9 **Condition 4** will require prior written approval from the LPA for the installation of external lighting.
- 13.10 **Condition 5** will require the submission of a tree planting scheme to include details of the precise positioning, species and maturity of specimens to ensure suitability.
- 13.11 **Condition 6** will require the submission and approval of a Construction Environmental Management Plan.
- 13.12 **Condition 7** will prohibit commercial activity.
- 13.13 **Condition 8** will prohibit the installation of additional gates without the prior written approval of the LPA.

- 13.14 **Conditions 9 and 10** will require the widening and surfacing of the access to be completed prior to the buildings being first brought into use.
- 13.15 **Condition 11** will prohibit external sound amplification.
- 13.16 **Condition 12** will require submission of details for how manure will be stored and disposed of.
- 13.17 **Condition 13** will prohibit the lighting of fires and the burning of waste and manure within the site.
- 13.18 **Condition 14** will control the undertaking of flood mitigation and drainage works.
- 13.19 The proposal is to be considered to be in accordance with the NPPF, the Monks Kirby Neighbourhood Plan, and the Local Plan. It is therefore recommended for approval subject to conditions.
- 14.0 Recommendation**
- 14.1 Planning application R22/0303 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report.
- 14.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## **DRAFT DECISION**

**REFERENCE NO:**  
R22/0303

**DATE APPLICATION VALID:**  
13-Sep-2022

**APPLICANT:**

Mrs Coventry, Coventry House, Main Street, Claybrooke Parva, Leicestershire, LE17 5AF

**AGENT:**

Rebecca Walker, Chapman Design LLP, Lelleford House, Coventry Road, Long Lawford, Rugby, CV23 9DT

**ADDRESS OF DEVELOPMENT:**

Land On The North West Side Of Brockhurst Lane, Monks Kirby, Warwickshire

**APPLICATION DESCRIPTION:**

Use of existing land for equestrian purposes, erection of 2no. stable blocks, formation of a permeable menage, and installation of a horse walker. Installation of new metal field gates to the site entrance and access track. Erection of fencing.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

The development shall be carried out in accordance with the plans and documents detailed below:  
Application form (received by the Local Planning Authority on 04 April 2022) WITH THE EXCEPTION OF ANY REFERENCE TO EXTERNAL LIGHTING  
Design and Access Statement (received by the Local Planning Authority on 25 August 2022) WITH THE EXCEPTION OF ANY REFERENCE TO EXTERNAL LIGHTING  
Flood Risk Assessment (received by the Local Planning Authority on 25 January 2023)  
Preliminary Ecological Appraisal (received by the Local Planning Authority on 28 February 2023)  
Biodiversity Metric (received by the Local Planning Authority on 17 April 2023)  
Drawing number 3999-03 Revision C (received by the Local Planning Authority on 18 November 2022)  
Drawing number 3999-07 (received by the Local Planning Authority on 08 December 2022)  
Amended drawing number 3999-01 Revision H (received by the Local Planning Authority on 31 March 2023)  
Amended drawing number 3999-LP Revision B (received by the Local Planning Authority on 16 January 2023)  
Block A elevation plan (received by the Local Planning Authority on 18 November 2022)  
Block B elevation plan (received by the Local Planning Authority on 18 November 2022)

**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 above ground 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 of the stables and horse walker and all surfacing materials to be used on the access track, together with samples of the facing and roof materials for the stable blocks, 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:**

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 5:**

Prior to commencement of any above-ground works, a final specification of all proposed tree planting must be submitted and approved in writing by the Local Planning Authority. This

specification shall include details of the quantity, size, species, position and the proposed time of planting for all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, a tree/shrub/hedge is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted in the same location unless the Local Planning Authority gives its prior written consent to any variations.

**REASON**

In the interests of biodiversity net gain, visual amenity and environmental site enhancement.

**CONDITION 6:**

No above-ground development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expect to see details concerning pre-commencement checks for badgers and breeding birds and appropriate working practices and safeguards for bats, reptiles, amphibians and other wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

**REASON:**

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

**CONDITION 7:**

The proposed development shall only be used for the stabling, exercising and grazing of animals for private purposes and shall not be used for the holding of competitions, exhibitions, hiring of horses or other business activities.

**REASON:**

In the interest of the amenities of the locality.

**CONDITION 8:**

No gates, barriers or means of enclosure shall be erected across a vehicular access within 12 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

**REASON:**

In the interests of public and highway safety.

**CONDITION 9:**

The development shall not be occupied until the existing vehicular access to the site has been widened to a minimum width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway and a public highway footway/verge crossover has been constructed in accordance with the Highway Authority's standard specifications.

**REASON:**

In the interest of public and highway safety.

**CONDITION 10:**

The development shall not be occupied until the proposed access to the site has been surfaced with a bound material for a minimum distance of 12 metres as measured from the near edge of the public highway carriageway.

**REASON:**

In the interests of public and highway safety.

**CONDITION 11:**

There shall be no external sound amplification systems installed at this development.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

**CONDITION 12:**

No horses shall be stabled or kept at the site until a scheme for the containment and storage of manure, including a fly management plan, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be undertaken in full in accordance with the approved details.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

**CONDITION 13:**

No fires or disposal of manure or waste by burning is permitted within the site.

**REASON:**

In the interests of residential amenity.

**CONDITION 14:**

The proposed surface water drainage works shall be completed in full and details submitted to the Local Planning Authority within 3 months of the date of this permission. The mitigations measures identified in the Flood Risk Assessment shall be completed in full and details submitted to the Local Planning Authority within 1 month of the completion of construction of the stable blocks, horse walker and menage hereby approved.

**REASON:**

To ensure the proper development of the site.

**NOTE TO APPLICANT:**

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY above ground development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

#### INFORMATIVE 1:

Condition numbers 9 and 10 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

#### INFORMATIVE 2:

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

#### INFORMATIVE 3:

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.

#### INFORMATIVE 4:

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours:-

Monday-Friday - 07:30 - 18:00

Saturday - 08:30 - 13:00

No work on Sundays and Bank Holidays.

If work at other times is required permission should be obtained from the Local Planning Authority

#### INFORMATIVE 5:

Information on manure and insect control:

Normally manure is collected from the stables and initially stored on a hard surfaced concrete pad, which is linked to the same drains that run past the stables, which helps with controlling risks of contamination of water/drainage courses due to the high nitrogen content. If a skip were used, that would be acceptable as it could be cleaned out periodically (it should be covered however). The applicant may be aware of the following but additional advice can be found at: <https://www.gov.uk/farm-and-livery-horses/dealing-with-waste>:-

With regard to fly control, appropriate preventative measures should be undertaken based around the proposal for the number of horses intended to be stabled. This could include routine

monitoring for fly numbers and checks for the appearance of breeding sites as part of regular horse and stable management.

Non-insecticidal control techniques may include regular and frequent collection of manure to avoid creating large stockpiles and the covering of manure to help prevent it becoming a breeding or feeding ground for flies or other pests (as noted above), the regular cleaning of structures to remove build-up of any waste matter or old feed etc, cleaning down of areas of hardstanding and drains.

If the manure is to be disposed of by contractor you will need to keep a record of the waste transfer notes, to show it has been taken away correctly.

There is some advice on manure heaps which can be found in the following document linked below, however, please note that this is aimed at the farming industry:

[https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-](https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions)

[ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions](https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions)

If at any time flies are using the manure as a breeding site, it should be spread and incorporated into the ground in line with DEFRA guidance 'Protecting our water, soil and air A code of good agricultural practice for farmers, growers and land managers' 2009.

**Reference: R22/1035**

**Site Address: MYSON HOUSE, RAILWAY TERRACE, RUGBY CV21 3LS**

**Description: Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping**

**Recommendation**

1. Planning application R22/1035 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and
  - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

**1.0 Introduction**

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development.

**2.0 Description of site**

2.1 The site is located approximately 300 metres to the west of Rugby Railway Station and 0.5 miles to the north-east of Rugby town centre. The site is bounded by Railway Terrace to the east and by Wood Street to the south. To the west of the site lies a recent three and four storey residential development on the former Woodside Business Park site.

2.2 The railway lies to the north of the site although there remains the benefit of a retained access road and open land. On the opposite side of Railway Terrace lies the existing Stagecoach bus depot and associated parking along with the new six storey development on the former Cattle Market site, just to the south of the depot.

2.3 The site is approximately 0.55 hectares and has been owned by Stepnell Developments Ltd for circa 30 years.

**3.0 Description of proposals**

3.1 This application seeks outline permission with all matters reserved for demolition of the existing six storey office block and construction of two six storey apartment blocks with associated external works and landscaping.

### **Planning History**

R06/0075/PLN Installation of 2no. condenser units to flat roof area of building.  
Approval 20-Feb-2006

### **Relevant Planning Policies**

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

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

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

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

H1: Informing Housing Mix

H2: Affordable Housing Provision

HS1: Healthy, Safe and Inclusive Communities

HS5: Traffic Generation and Air Quality

HS4: Open Space, Sports Facilities and Recreation

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Drainage

SDC9: Broadband and Mobile Internet

SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology

D4: Planning Obligations

D2: Parking Facilities

ED1: Protection of Rugby's Employment Land

#### National Planning Policy Framework, 2021 (NPPF)

#### Climate Change and Sustainable Design and Construction SPD 2023

### **Technical consultation responses**

WCC Archaeology Detailed assessment undertaken for this application and concluded that it is unlikely to have a significant archaeological impact. Therefore, no archaeological comments.

WCC Fire Authority No objection subject to criteria being met

Cadent Gas No objection subject to informative

Stagecoach No objection

NHS Contributions requested

WCC Ecology No objection subject to conditions

WCC Flood Authority Initial objection following receipt of further details no objection subject to conditions

WCC Highways Initial objection following receipt of further details no objection subject to conditions  
RBC Environmental Health No objection subject to conditions and informatives  
WCC Infrastructure Outline of contribution requests provided  
RBC Arboricultural Officer No objection subject to conditions

### **Third party comments**

One neighbour objection- impact on light and extra traffic  
One letter of support- sustainable location, point raised on provision of electric charging points

## **4.0 Assessment of proposals**

4.1 This an outline scheme with all matters reserved.

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

### **5.0 Principle of development**

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

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

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

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

5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located within the Rugby Town which provides the main focus for all development within the Borough. As such, there is a principle in favour of sustainable development subject to all planning matters being appropriately addressed.

5.6 This application is therefore considered to be in accordance with Policy GP2 of the Local Plan.

5.7 Local Plan Policy GP3 states that the council will support redevelopment of previously developed land where proposals are consistent with the policies of the local plan. Policy GP3

states that particular consideration will be given to “the impact on existing services if an intensification of the land is proposed”.

5.8 Local Plan Policy ED1: Protection of Rugby’s Employment Land states *“All land currently or last used for employment purposes will be protected where a site continues to make a viable contribution to economic development within the Borough. However, in order to ensure land used for economic development continues to provide jobs in the local economy, where a site is proven to be no longer viable for employment uses, a proposal for change of use to a non B-use class may be considered acceptable.”*. The definition of “employment land” in Policy ED1 covers all uses that were at the time classified as B uses. This includes offices which were B1(a) uses and are now Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.9 Policy ED1 identifies six tests that will be applied in “order to demonstrate to a sufficient level that market signals indicate that there is no reasonable prospect of the site being used for employment purposes and/or that an alternative land use would support sustainable local communities. The six tests are:

- *Whether the site is allocated or designated for employment land. Such sites will be given greater protection.*
- *Whether there is an adequate supply of employment sites of sufficient quality in the locality to cater for a range of business requirements. This would involve an assessment of vacant units or land currently being marketed.*
- *Whether the site is capable of being serviced by a catchment population of sufficient size. This may include consideration of whether there is a suitable balance between population and employment in the relevant area settlement, what the impact of employment loss on commuting patterns might be and whether there would be a detrimental impact on the local economy from loss of the employment land. This will be particularly relevant in rural locations.*
- *Whether there is evidence of active marketing. For allocated or designated sites evidence of active marketing should be submitted. This should be for a continuous period of 24 months and should be through a commercial agent with local or sub-regional practice connected to Rugby Borough, at a price that genuinely reflects the market value in relation to use, condition, quality and location of the floor space. A professional valuation of the asking price and/or rent will be required to confirm that this is reasonable.*
- *Whether redevelopment of the site for employment use could be brought forward, taking account of site characteristics (including physical factors, accessibility and neighbouring uses). If employment redevelopment is not viable, whether mixed use redevelopment could be brought forward. It must be demonstrated that consideration has been given to alternative layouts and business uses, including smaller premises with short term flexible leases appropriate for SMEs.*
- *Whether firms are likely to be displaced through redevelopment, whether there is a supply of alternative suitable accommodation in the locality to help support local businesses and jobs and whether this would promote or hinder sustainable communities and travel patterns.”*

5.10 In applying these tests:

- the site is not allocated or designated for employment use.
- Evidence has been presented within the application on the supply of employment sites on 9th March 2023. The latest Authority Monitoring Report shows the Local Plan requirement for additional employment land is on track to be met, but this comprises principally industrial and distribution land rather than offices. The recently published Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) records low vacancy for offices within the borough. The HEDNA also provides evidence of significant future need for office space in the borough in the period 2021-2041.

- As the site is located adjacent to the railway station, it is a good location for an office and has access to a wide catchment workforce. The building is partly occupied so its closure is unlikely to impact commuting patterns and the impact of its closure on the local economy would be limited.
- Marketing evidence is only required for allocated or designated sites, so this requirement is not applicable. Notwithstanding that, the applicant states that Drake Commercial were instructed to market the property, as either a single unit, entire floors or smaller units (depending upon the current level of occupancy) from 2014 until 2020 without success.
- The applicant states that refurbishment to make the space more attractive to tenants would not be viable as the costs of the works would not be recoverable in higher rents. No viability evidence is presented to back up this assertion. The HEDNA notes that speculative office development in the borough is unlikely to be viable without a pre-let or cross subsidy from residential in a mixed-use development, due to low office rents. Mixed-use residential/office development could be explored and isn't mentioned in the applicant's material.
- There would be no displacement of existing firms as the design and access statement indicates that building is currently largely unoccupied and the applicant states "The Applicant's (Stepnell) who currently occupy part of the ground floor of Myson House have their head offices located along Lawford Road, Rugby, it is intended therefore that their use of the site will be relocated to their other local premises.". The design and access statement refers to a gradual diminution of occupier demand accelerated by the Covid 19 pandemic.

5.11 The evidence presented does not demonstrate that the site is no longer viable for employment use as required by Policy ED1 as it has not shown that mixed-use development would be unviable.

5.12 However there are a number of other material considerations to consider when assessing the proposal:

- Under Class O to Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) there would be deemed planning permission to change to residential use, subject to a requirement for prior approval.
- The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 to create Class E (Commercial, Business and Service) which incorporates the former Class B(a) use class together with retail, sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, financial, professional and other services uses and various other uses into the same use class. By operation of s55(2)(f) of the Town and Country Planning Act 1990 a change of use within the same use class i.e. to another Class E uses would not constitute development.
- As a building last in Class E use, Myson House will benefit from Class MA (commercial, business and service uses to dwellinghouses) permitted development to change to residential use.
- The Rugby Regeneration Strategy supports development of a residential neighbourhood in this area.

5.13 Additionally Paragraph 123 of the Framework states "*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- (a) *use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and"*

Although Rugby Borough can demonstrate a five-year housing supply the application location is within an area of high housing demand. Myson House redevelopment would not undermine a key economic sector.

5.14 On consideration of the details outlined above the principle of residential development in this location and the re-use of previously developed land would be in accordance with the development plan. Whereas the loss of the existing office use would conflict with Policy ED1 as the employment use has not been demonstrated as no longer viable. However it is considered any conflict is outweighed by other material considerations.

## 6.0 Character and Design

6.1 Policy SDC1 of the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.

6.2 Section 12 of the Framework states that planning policies and decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.3 As this is an outline application with all matters reserved, the comprehensive design of the proposals cannot be assessed at this stage. In terms of the scale of development, it is considered that the site is of sufficient size to accommodate a residential development based on the information submitted.

6.4 Indicative floorplans have been submitted with the proposal. While these are not being considered for approval or refusal as part of this application the officer notes that the room sizes indicated on the plans are smaller than national space standards and when considered at reserved matters stage it will be assessed if these sizes are acceptable for affordable housing provision and an adequate standard of living for future occupiers of all units.

6.5 This application is therefore considered to be in accordance Section 12 of the Framework and Policy SDC1 of the Local Plan as far as is relevant to the development proposal.

## 7.0 Ecological Considerations

7.1 Section 15 of the Framework states that the planning system:

- should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

7.2 Policy NE1 of the Local Plan states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

### *Habitat*

7.3 Warwickshire County Council Ecological Services department have provided detailed ecological comments regarding the proposal. A Preliminary Ecological Appraisal (PEA) prepared

by Phlorum Limited and dated August 2022 was submitted to support the application. A Phase 1 habitat map included in the document shows buildings, hardstanding, amenity grassland, ruderal vegetation, introduced shrub, trees, intact and defunct hedgerows and continuous scrub habitats within the site.

7.4 WCC Ecology recommend that loss of existing vegetation is avoided retained as far as possible, especially the young trees and intact hedge, which could be enhanced through appropriate management and reach maturity. Although they appreciate space appears to be limited, they also recommend the introduction of additional native species planting in line with Framework. Enhancements for bats, birds and hedgehogs should be included in the scheme. Bat and bird boxes can be incorporated into the building. By preference they would recommend that bat and bird boxes are integrated into the fabric of buildings as they are more robust, reduce the risk of being removed and do not require maintenance. Specialist units are available to suit many types of facing materials, including brick and render so the boxes can be almost invisible or used as an architectural feature. Areas to the edges of the site could be left untidy to retain natural shelter for hedgehogs. These recommendations can be secured via **condition (20)** subject to the granting of any approval.

#### *Protected Species*

7.5 Constraints for nesting birds and hedgehogs were identified. A bat note is recommended as the building has negligible potential to support bat roosts. As roof areas of tall buildings such as that proposed for demolition a nest bird timings/supervision option **condition (18)** would be attached to any approval. A general trench note is also proposed in relation to potential hedgehogs as the report identifies low potential for hedgehog presence across the site, but they are recorded nearby.

7.6 It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 and Section 15 of the Framework.

## 8 Impact on Highway Safety

8.1 Policy D1 seeks to ensure that transport impacts will be mitigated and that safe and convenient access to the site can be achieved. Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities, based on the Borough Council's Standards.

8.2 As this is an outline application with all matters reserved, layout of the proposal is not being considered at this stage. At the Reserved Matters Stage, it is considered that it would be possible to achieve a layout that has adequate car parking to confirm with policy D2. Exact parking levels should conform with the Parking Standards contained within Annex 5 of the Local Plan as well as minimum cycle parking.

8.3 WCC Highways had provided an initial objection to the proposal however following the submission of revised details they removed their objection and provided **conditions (11-13)** subject to the granting of any approval.

## 9.0 Open Space, Sport Facilities and Recreation

9.1 Policy HS4 of the Local Plan seeks to ensure that residential development of 10 dwellings and above, shall provide or contribute towards the attainment of the Council's open space

standards. Off-site contributions to open space, sport and recreation are necessary as part of this scheme. The contribution, together with the details of the relevant projects can be secured via a S106 contribution. The contribution will be calculated by formula as the contribution will be linked to the reserved matters detailing. It is considered that the proposal conforms with policy HS4.

9.2 Contribution secured by S106 agreement would link to Caldecott Park and Millennium Green and Great Central Way.

## 10.0 Archaeology

10.1 Section 16 of the Framework and Policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

10.2 WCC Archaeology has undertaken a detailed assessment for this application and have concluded that it is unlikely to have a significant archaeological impact and therefore have no archaeological comments to make on this application. As a result, the proposal complies with the Framework and Policy SDC3.

## 11.0 Flooding

11.1 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- o Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- o Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

11.2 Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team have been consulted on the application.

11.3 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information has been submitted relating to surface water drainage. The additional information was submitted with the application and re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to **conditions (17 and 18)**.

## 12.0 Housing

12.1 The proposed development will boost the supply of housing and will contribute to the Council's five year housing supply. Policy H1 states that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock.

12.2 The Council will consider an alternative mix in the following circumstances where it is clearly demonstrated how the delivery of a mix which has regard to the SHMA, or relevant update, is compromised:

- Where the shape and size of the site justifies the delivery of a mix of housing; or
- The location of the site, for example sustainable and very accessible sites within or close to Rugby town centre or the train station; or
- Sites with severe development constraints where the housing mix may impact on viability, where demonstrated through submission of viability appraisal; or
- Where a mix of housing would compromise the ability of the development to meet a specifically identified affordable or specialist housing need; or
- Conversions, where the characteristics of the existing building prohibit a mix to be delivered; or
- Where market factors demonstrate an alternative mix would better meet local demand.

12.3 The location of the site in proximity to the town centre and train station is a consideration in the mix of units provided at the proposal.

12.4 As layout is not being considered at this stage, the exact housing mix has not been established. An indicative housing mix of 1 and 2 bedroom apartments has been shown which is considered appropriate for the very accessible site close to the train station and town centre.

### 13.0 Affordable Housing

13.1 Policy H2 of the Local Plan states affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions). On previously developed sites a target affordable housing provision of 20% will be sought.

13.2 It is anticipated that suitable clauses can be inserted into a Section 106 agreement to fully comply with policy H2 and secure permanent affordable housing at 20%.

### 14.0 Residential Amenity

14.1 Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.

14.2 As the application is in outline form and layout is not being considered at this stage. It is considered that a scheme within the developable area is capable of being provided to ensure that the impact in relation to light, privacy and amenity would be acceptable.

14.3 RBC Environmental Health have recommended a noise **condition (15)**. It is therefore considered that a scheme could be designed that would not have a detrimental impact on residential amenity or noise, in accordance with policy SDC1.

### 15.0 Air Quality

15.1 Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.

15.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”

15.3 It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant. The proposal introduces new boilers to each unit.

15.4 Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. An Air Quality Assessment has been submitted with the application and assessed by RBC Environmental Health. The report is accepted subject to additional air quality neutral/mitigation works with regard to Policy HS5 are undertaken.

15.5 A **condition (14)** requiring the reserved matters to incorporate measures to improve air quality to control on-site emissions, including the use of ultralow emission boilers (<40 mg/NOx/kWh) or technological equivalent. This includes measures such as the electric heating/photovoltaics or air/ground source heat pumps, cycle parking, electric vehicle charging, landscaping, and/or green walls and roofs.

15.6 As a result, subject to a suitably worded condition, Environmental Health raise no objection to the scheme subject to **condition (16)** and informative which relate to air quality matters. As a result, it is considered that the scheme is therefore policy compliant with HS5.

#### 16.0 Sustainable Buildings

16.1 Policy SDC4 requires all new buildings meet the Building Regulations requirement of 100 litres of water/person/day unless it can be demonstrated that it is financially unviable. A **condition (9)** would be applied to the granting of any permission to comply with this requirement.

16.2 In line with the Climate Change and Sustainable Design and Construction SPD a **condition (3)** would be applied to the granting of any permission to require the submission of an energy statement. In general terms, the energy statement will require details of the equipment and technology to be incorporated to achieve carbon emissions and reductions.

#### 17.0 Broadband

17.1 Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure.

17.2 A **condition (6)** is included in the attached draft report to ensure the provision of broadband. As a result, the proposal complies with policy SDC9.

#### 18.0 Fire and Rescue

18.1 Warwickshire Fire and Rescue have suggested an informative associated with compliance with Building Regulations which is suggested in informative. With the detailed design reserved at this stage the informative is considered necessary for Fire and Rescue safety reasons.

#### 19.0 Trees

19.1 A Tree Report relating to Demolition and Construction has been submitted for consideration with the proposal. An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan is provided.

19.2 The proposal identifies 7 trees and 1 hedge for removal to facilitate the development. Trees and hedging proposed for removal are generally of low quality with limited long term value. However, collectively they do offer a degree of amenity/biodiversity value, therefore it is important that a landscape strip is retained adjacent to Railway Terrace and new tree/hedge planting incorporated to mitigate the losses and to enhance the scheme using appropriate species that will add value to the surrounding urban landscape and development.

19.3 RBC Arboricultural Officer has no objection subject to the provision of a detailed landscaping plan and a finalised Arboricultural Method Statement for the protection of retained trees during the development phase. These **conditions (22 and 23)** are included in the draft decision notice subject to the granting of any approval.

## 20.0 Planning Obligations

20.1 Paragraphs 54, 56 and 57 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

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

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

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

### 20.3 *Open Space*

Policy D4 of the Local Plan Policy along with the Planning Obligations SPD states that the type, amount and phasing of contributions sought from developers will be necessary to make the development acceptable, directly related, and fairly and reasonably related in scale to the development proposed. Policy HS4 states that residential development of 10 dwellings and above shall provide or contribute towards the attainment of the Council's open space standards.

The SPD on Planning Obligations states that an off-site contribution is required, subject to negotiation with the Council, in this instance a contribution is required towards the costs of the open space provision. It has been confirmed that the contribution would be used to provide the following:

Caldecott and Millennium Green for play/young people and general parks and amenity space. Caldecott specifically for 'parks and gardens' and for any sports contributions  
Great Central Way for any natural and semi-natural.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

### 20.4 *Libraries*

Warwickshire County Council seeks a financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing

development will mean an expected increase in numbers of people using those facilities. This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improved family facilities and targeted promotions to inform new residents of services available to them. In this instance the contribution would support Rugby Library. The level of contribution is currently estimated until the housing make up is confirmed at reserved matters.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

#### 20.5 *Education*

Warwickshire County Council expects to secure financial contributions towards education provision as a result of this development. The County Council does not seek education contributions in respect of one-bedroom properties and therefore dependent on the final housing make up only larger relevant units will be considered for calculating education contributions. The contributions will be used to deliver additional or enhance existing facilities and provision. The site falls within the Rugby North Central Primary Planning Area. The funding would cover early years, primary and secondary education.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

#### 20.6 *Public Transport*

Warwickshire County Council requested contributions to maintain the bus service at appropriate times from the closest bus stops (Murray Road) to the employment areas of Rugby Gateway and Castle Mound Way, and to Elliot's Field Shopping Area. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

Warwickshire County Council also requested contributions for provision of Real Time Information at the pair of bus stops on Murray Road near the junction with Railway Terrace. This did not form part of the IDP linked to the Local Plan. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

#### 20.7 *Sustainable Transport*

Warwickshire County Council is keen to promote sustainable travel and requests that either the Developer contributes £10 per dwelling towards the cost of the provision of such information, or that they provide it under a planning condition as part of their new dwelling welcome information. This has been included **Condition (21)** in the draft decision.

#### 20.8 *Road Safety*

Warwickshire County Council sought a contribution to support road safety initiatives within the community associated with the development. No details could be provided how the funds will be spent. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

#### 20.9 *Health*

NHS Coventry and Warwickshire Integrated Care Board in order to support the additional growth anticipated from the proposed housing development requests contributions for which may be by way of a new build facility or improvement works which will be for the primary care and healthcare estate within the area of the planned development which includes Market Quarter Medical Practice and Beech Tree Medical Practice.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

**20.10 Affordable Housing**

20% of final unit numbers decided at reserved matters stage in line with the requirements of Policy HS2 of the Local Plan.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

**Heads of Terms**

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

<b>Obligations</b>	<b>Requirement</b>	<b>Trigger</b>
Affordable Housing	20% of total units	Upon first occupation of the development
Open Space	Formula based on final housing mix approved	Upon first occupation of the development
WCC Libraries	£1,510 approx. The level of contribution is currently estimated on the housing make up as detailed in the planning application.	Upon first occupation of the development
WCC Education	To secure education provision £796,695 approx	Upon first occupation of the development
WCC Monitoring Fee	To contribute towards the cost to the County of monitoring the implementation and compliance with the legal agreement	Due upon signing of the agreement
NHS Integrated Care Board	To facilitate primary care £42,105 approx.	Upon first occupation of the development
Rugby Borough Council-Monitoring contribution	To contribute towards the cost to the Council of monitoring the implementation and compliance with the legal agreement	Upon first occupation of the development

20.12 Figures included in the table above may be subject to change to reflect the final housing number and mix when approved at reserved matters stage.

20.13 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.

20.14 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.

20.15 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition,

any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

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

## 21.0 Planning Balance and Conclusion

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

21.2 The Framework 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 Framework 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.

21.3 From an economic perspective the proposed new residential units would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. This has been balanced against the loss of the office units at the site. As such, the proposed development would satisfy the economic role of sustainable development.

21.4 From a social perspective the proposed development, would make a positive contribution towards housing needs within the Borough. As such, the proposed development would satisfy the social role of sustainable development.

21.5 From an environmental perspective any potential adverse impacts of the proposed development have been considered and can be mitigated through conditions while providing residential units at the most sustainable location in the Borough.

21.6 Therefore, the development of the site would result in social and economic benefits as well as environmental benefits. Paragraph 8 of the Framework is clear that the 3 roles should not be taken in isolation but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The identified benefits would mean, on balance, that the proposal would represent sustainable development in terms of the Framework and is therefore considered to accord with the Development Plan and the Framework.

## 22.0 **Recommendation**

- 1 Planning application R22/1035 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and

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

## DRAFT DECISION

**REFERENCE NO:**  
R22/1035

**DATE APPLICATION VALID:**  
27-Sep-2022

**APPLICANT:**

Jim Smith, Stepnells Ltd, Myson House, Railway Terrace, Warwickshire, Rugby, CV21 3HT

**AGENT:**

Helen Lowe, Stansgate Planning The Coutyard Timothy's Bridge Road Stratford-Upon-Avon  
CV37 9NP

**ADDRESS OF DEVELOPMENT:**

MYSON HOUSE, RAILWAY TERRACE, RUGBY, CV21 3LS

**APPLICATION DESCRIPTION:**

Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 2:**

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

**REASON:**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 3:**

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance,
- d - Access
- e - Landscaping &
- f - Energy Statement

**REASON:**

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

**CONDITION 4:**

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

- Application form received by the Local Planning Authority on 27th September 2022
- Site location Plan Dwg No. 2821-HBA-DR-A-P01 received by the Local Planning Authority on 27th September 2022
- Air Quality Assessment by NoiseAir Report Ref: P5540-R2-V2 Issue Date 26th August 2022 Version 2 received by the Local Planning Authority on 27th September 2022
- Preliminary Ecological Appraisal August 2022 by phlorum received by the Local Planning Authority on 27th September 2022
- Additional Ecology letter from phlorum dated 6th December 2022 received by the Local Planning Authority on 7th December 2022
- LLFA Response Cover Letter dated 06.12.2022 received by the Local Planning Authority on 7th December 2022
- Drainage Strategy Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, December 2022 received by the Local Planning Authority on 7th December 2022
- Flood Risk Assessment, Document Reference HSP2022-C3812-C&S-FRAS1-784, July 2022 received by the Local Planning Authority on 27th September 2022
- Phase I Geo-Environmental Desk Study Report Myson House July 2022 HSP2022-C3812-G-GPI-751 by HSP Consulting Engineers Ltd received by the Local Planning Authority on 27th September 2022
- Noise Impact Assessment Report by NoiseAir Report Ref: P5540-R2-V2 Issue Date 7th August 2022 Version 2 received by the Local Planning Authority on 27th September 2022
- Refuse Vehicle Tracking Dwg No. C3812-HSP-00-00-DR-C-900 received by the Local Planning Authority on 10th May 2023
- Transport Assessment C3812-Myson House, Rugby July 2022 by HSP Consulting Engineers Ltd received by the Local Planning Authority on 27th September 2022
- Transport Assessment C3812-Myson House, Rugby July 2022 by HSP Consulting Engineers Ltd Appendices received by the Local Planning Authority on 7th November 2022
- Transport Technical Note for Planning Application R22/1035 24th March 2023 by HSP Consulting Engineers Ltd Appendices received by the Local Planning Authority on 28th March 2023
- BS5837 Tree Report by Bawden Tree Care 4th August 2022 Revision 1 received by the Local Planning Authority on 27th September 2022

**REASON:**

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

**CONDITION 5:**

The details required to be submitted in accordance with Condition 3 above shall include 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 6:**

Prior to the first occupation of each apartment broadband infrastructure shall be provided to that apartment to allow broadband services to be provided.

**REASON:**

To provide broadband connectivity for future occupiers.

**CONDITION 7:**

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

**REASON:**

In the interest of visual amenity.

**CONDITION 8:**

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 apartment.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION 9:**

The apartments hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

**REASON:**

In the interests of sustainability and water efficiency.

**CONDITION 10:**

No above ground development of the car parking areas shall commence until full details of electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

**REASON:**

To encourage the use of electric vehicles in the interest of sustainability, to reduce air pollution and in the interests of visual amenity.

**CONDITION 11:**

Access for refuse collection vehicles to the site shall not be made or maintained from any public highway other than D3209 Railway Terrace.

**REASON:**

In the interests of highway safety.

**CONDITION 12:**

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of vehicles in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

**REASON:**

In the interest of highway safety.

**CONDITION 13:**

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

- (i) The control of noise and vibration emissions from demolition and construction activities including groundworks and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the demolition and construction phase;
- (ii) The control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase;
- (iii) The parking of vehicles of site operatives and visitors during the demolition/construction phase; &

(iv) Measures to prevent deleterious material being carried onto the highway network  
Development shall not be carried out other than in accordance with the approved demolition and construction management plan.

**REASON:**

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

**CONDITION 14:**

No above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet the air quality mitigation requirements of policy HS5 has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

**REASON:**

In the interests of air quality.

**CONDITION 15:**

Prior to above ground works commencing, a scheme detailing the type of glazing and passive ventilation or mechanical ventilation to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be in accordance with the recommendations of the 'NoiseAir Air Quality Assessment Myson House, Railway Terrace, Rugby, CV21 3HT report ref: P5540-R2-V2 issue 26th August 2022 document status Version 2'. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

**REASON:**

In the interests of air quality.

**CONDITION 16:**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall 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 shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

(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 shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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 shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall 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 shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by 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, ecological systems, property and

residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**CONDITION 17:**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022) 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:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the 50% betterment runoff rate of 59.2l/s for the site in line with the approved Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022).
2. As the drainage scheme proposes to connect into the Severn Trent Water public sewer, further information should be provided regarding the right to connect. This should consist of proof of an initial Developer Enquiry supporting proposals, which at the discharge of conditions stage, should progress to approval for indirect connection under Section 106 of the Water Industry Act (1991).
3. As stated within the Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022), undertake a CCTV survey of the existing drainage network on site, providing the results of such. Results of the survey should also include details on any remedial works or areas of the existing drainage network to be utilised which may require replacing.
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
  - a. This includes further exploration and inclusion of permeable paving as stated within the Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022). Small source control features such as rain gardens and tree pits should also be considered where there are proposed green areas on site, ensuring appropriate water quality mitigation is provided.
5. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide exceedance and overland flow routing plans that are supported by topography and levels of the site. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**REASON:**

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

**CONDITION 18:**

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the Local Planning Authority in consultation with the Local Lead Flood Authority. Such maintenance plan should

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

**REASON:**

To ensure the future maintenance of the sustainable drainage structures.

**CONDITION 19:**

The development hereby permitted shall either:

1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

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.

**REASON:**

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

**CONDITION 20:**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of any habitat creation. The development shall be carried out and subsequently managed in accordance with the scheme so approved.

**REASON:**

In accordance with NPPF.

**CONDITION 21:**

No apartment shall be occupied until a sustainable travel pack has first been provided within that apartment for the occupiers.

**REASON:**

In the interest of sustainability.

**CONDITION 22:**

A final specification of all proposed tree planting must be submitted and approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedge 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:**

In the interests of biodiversity, visual amenity and environmental site enhancement.

**CONDITION 23:**

No works, demolition or development shall take place until a final arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. This arboricultural method statement and tree protection plan must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring. The approved arboricultural method statement and tree protection plan shall be implemented in full prior to any works, demolition or development taking place. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Prior to any works, demolition or development taking place, a site meeting between the applicant, the Local Planning Authority arboricultural officer and designated arboricultural consultant responsible for the site will take place to inspect tree protection measures.

**REASON:**

To ensure all retained trees are protected from damage during the construction phase.

**CONDITION 24:**

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.

**INFORMATIVE 1:**

The development is in close proximity to existing commercial /industrial operations, as well as the railway line and roads. It will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with the activities. Such activities may extend into the night time period, particularly any repair works on the railway line.

**INFORMATIVE 2:**

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**INFORMATIVE 3:**

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

**INFORMATIVE 4:**

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

**INFORMATIVE 5:**

The applicant / occupiers should consult with RBC waste services team regarding waste collection proposals for the proposed development.

**INFORMATIVE 6:**

It is a legal requirement that all new properties are numbered and roads named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity for both new or changes to existing properties, including development revisions. Failure to do this in good time can delay the installation of services and/or prevent the sale of properties.

To register the properties on a development and receive correct addressing or to amend an existing address please complete an application form for Street Naming and Numbering. The form can be accessed at:

[https://www.rugby.gov.uk/info/20084/planning\\_control/76/street\\_naming\\_and\\_numbering](https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering) .

**INFORMATIVE 7:**

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car

parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

[https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute towards improving air quality.

Further information can be obtained from Environmental Health on 01788 533857 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

**INFORMATIVE 8:**

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning) Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

**INFORMATIVE 9:**

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

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

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

No work on Sundays & Bank Holidays.

**INFORMATIVE 10:**

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

**INFORMATIVE 11:**

This development is subject to a s106 legal agreement.

**INFORMATIVE 12:**

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

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

**INFORMATIVE 13:**

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptiles, sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136.

Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed a protected species.

**INFORMATIVE 14:**

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 Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a 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 0208 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

**INFORMATIVE 15:**

It is strongly encouraged that the development hereby approved shall utilise green construction methods. This should include utilising natural, recycled and sustainable building materials. Measures to minimise damage to the local area and ecosystem during and after construction should also be employed.

**INFORMATIVE 16:**

The Energy Statement included in Condition 3 shall include will require details of the equipment and technology to be incorporated to achieve carbon emission reductions. The following list is not exhaustive, however it is recommended that the following information is included:

- Energy efficiency of the building fabric
- Predicted annual carbon emissions of the development
- The contribution of each proposed renewable energy technology
- Feasibility of district or community heating
- Summary of the benefits of various low energy technologies
- The total estimated reduction in the development's baseline carbon emissions and/or energy demand.

A non-technical summary should be included outlining the conclusions of the statement.

**INFORMATIVE 17:**

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)  
Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**INFORMATIVE 18:**

With Rugby's Hedgehog Improvement Area status for this planning application all fencing/gravel boards/gates/walls on boundary lines should be specified to have occasional CD size gaps (13cm x 13cm) as a simple very low cost measure for ensuring boundaries are accessible for hedgehogs and wide range of species to enable roaming for habitat/food/mates etc across the development providing links between gardens and also provide links to and from public open space, encouraging colonisation and preventing habitat fragmentation.

DRAFT

**Reference: R23/0032**

**Site Address: THE SARAH MANSFIELD, MAIN STREET, WILLEY, RUGBY CV23 0SH**

**Description: Use of first floor of public house as letting bedrooms and erection of one dwelling in rear car park**

**Recommendation**

Approval, Subject to Conditions

**1. Introduction**

1.1. This application is being reported to Planning Committee in accordance with the Scheme of Delegation, 5.2.3 (e) which requires applications which have received 15 or more letters of objection to be referred to the Planning Committee for determination.

**2. Description of site**

2.1. The application site is the PH the Sarah Mansfield located in Willey. The PH has a prominent positioning sited abut the highway, on a curve on Main Street. The pub itself is made of brickwork with timber windows and uses a white colour scheme. The site itself is entirely hard surfaced and the rear of the property is used for the associated parking for the PH. The character of the area is that of a small rural village mostly residential with examples of farmhouses, terraces, bungalows and a thatched cottage all contributing to an aesthetic typical to a small village. There are also two Listed Buildings in the Locality The Church of St Leonard Grade II\* listed (Entry No 1116337) and the Grade II Cottage Nurseries (Entry No 1034859).

**3. Description of proposals**

3.1. This is a full planning application for the use of first floor of public house as letting bedrooms and erection of one dwelling in rear car park.

3.2. The proposed dwelling would house 3 bedrooms over two storeys and measure 9.8 metres in length by 5.75 metres in width and would use a gabled roof profile with a ridge height at 7.49 metres and an eave height of 4.95 metres.

3.3. The dwelling would have a gross internal floor area of 91 Sqm over the two floors and an external footprint of 56.3 sqm (not including the canopy porch).

3.4. Details on the proposed dwellings materials is stated to use facing brick further details on the materials would need to be supplied to the Local Planning Authority (LPA) under condition.

3.5. The dwelling would use 5 windows to the front elevation (the first floor are to be obscure glazed as shown on the submitted floor plans) and a canopy porch, a bi fold door to the side elevation and 6 windows to the rear.

3.6. The first floor of the PH would consist of 6 letting rooms all with ensuite bathrooms with access made from an internal and external staircase. To the ground floor the PH would be developed to include a lounge/dining and public area with WC, servery, a bar, a cellar and a kitchen.

#### 4. Planning History

Application Reference	Description	Decision	Date
Appeal for R22/0012 Reference APP/E3715/W/22/3307675	Use of first floor of public house as letting bedrooms and erection of two dwellings in rear car	Appeal Allowed	15-May-2023
R22/0012	Use of first floor of public house as letting bedrooms and erection of two dwellings in rear car	Refusal	18-Aug-2022
R/96/0608/10276/P	Retention of external staircase and flue	Approval	31-Oct-1996
R/95/0745/10276/P	Provision of new roof to existing first floor building and single storey outbuilding, erection of single storey side extension, covered way and erection of chimney.	Approval	6-Dec-1995
R78/1279/10276/pb	Erection of two storey side extension and use of ground floor as bar and first floor as bedroom and use of part of existing ground floor as restaurant	Approval	15-Nov-1978
N/A	Site Listed as an asset of Community Value 11-March-2021 and then appealed and removed as of 9 - July -2021	N/A	N/A

## 5. Relevant Planning Policies

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

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

### 5.3. Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development	Complies
GP2: Settlement Hierarchy	Complies
GP3: Previously Developed Land and Conversions	Complies
HS3: Protection and Provision of Local Shops, Community Facilities and Services	Complies
HS5: Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE3: Landscape Protection and Enhancement	Complies
SDC1: Sustainable Design	Conflicts
SDC2: Landscaping	Complies
SDC4: Sustainable Buildings	Complies
D2: Parking Facilities	Complies

### 5.4. Supplementary Planning Documents (SPDs)

Air Quality SPD (2021)

Climate Change and Sustainable Design and Construction SPD (2023)

### 5.5. Material Considerations

National Planning Policy Framework, 2021 (NPPF)

National Design Guide (2021)

## 6. Technical consultation responses

RBC Work Services unit	No Response Received
RBC Trees and Landscapes	No Response Received
RBC Planning Ecology	No Response Received Conditions to be carried over from R22/0012
RBC Environmental Health Department	No Objection Subject to Condition
Warwickshire Fire & Rescue	No Objection
Warwickshire County Council Highways	No Objection Subject to Conditions

## 7. Third party comments

15 Letters of objection received concerning.

- Insufficient parking
- Traffic issues

- Concerns with alterations to HMO
- Out of character
- Increase in noise
- Unsustainable development
- Impacts on village water supply and sewage works

## **8. Assessment of proposals**

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

### 8.2. Principle of development

8.3. Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

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

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

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

8.7. Several objections were raised in relation to the unsustainability of the proposed development. In assessment of this the application is within the village boundary of Willey and therefore although sequentially is not considered to be the most desirable location for new dwellings and letting rooms the proposal would not be considered an unsustainable location in accordance with the Settlement Hierarchy within Policy GP2.

8.8. Section 2, paragraph 7 of the NPPF states that the planning system should contribute to the achievement of sustainable development. There are three dimensions of sustainable development, those being the economic; social and environmental roles. The planning balance will be carried out by assessing each of these strands:

- 8.9. Economic Objective: If this proposal were to be approved it would result in the creation of a number of short-term construction jobs in relation to the erection of the dwellings. On a long-term basis, the dwellings would also make Council-tax contributions.
- 8.10. Environmental Objective: The proposal would meet a biodiversity net gain via condition which requires one integrated bat and bird box to be erected on the new building proposed.
- 8.11. Social Objective: The dwelling would contribute towards providing a sufficient range of homes for future generations.
- 8.12. The rationale of the planning application is to create the dwellings first, to finance the PH as referenced in the planning statement. In terms of the deliverability of this proposal, this would not be considered a reason to warrant a refusal further evidenced by the allowed appeal decision APP/E3715/W/22/3307675 for the previous refusal on site. The appeal states that dwellings on the site to the rear of the PH are acceptable irrespective of the other elements of the appeal proposal and the inspector found there to be no requirement for the refurbishment of the public house to be carried out prior to or concurrently with the construction of the proposed dwellings.
- 8.13. Policy HS3 states that proposals that would result in a significant or total loss of a site and/or premises currently or last used for a ... public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement or the urban area will not be permitted. The policy indicates that this is unless alternative provision of equivalent or better quality ... is made available prior to redevelopment or there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment and a reasonable effort to secure alternative business for a minimum of 12 months.
- 8.14. In assessment of Policy HS3 and any objections which are purposed to protect the PH as a building of community value (although not currently designated), as a core function of the proposal is that the PH remains as a PH and in fact would be renovated from its existing state, the principal of this aspect of the proposal is considered acceptable which would be in accordance with the previous Appeal Decision.
- 8.15. It is determined that on balance this proposal can be considered to comply with Policy GP2 and HS3 of the Local Plan and Section 2 of the NPPF.

## **9. Character and Design**

- 9.1. Policy SDC1 of the local plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.
- 9.2. The only proposed changes to the PH are the minor roof alteration to make space for a 1st-floor window and a new window with a new door to the ground floor. These changes do not significantly impact the aesthetic of the PH and do not feature in a prominent location and therefore are considered acceptable.

- 9.3. The materials for the new dwelling would be required to be submitted and agreed to under **CONDITION 3** as part of any approval, in order to ensure satisfactory appearance.
- 9.4. The proposed dwelling would be largely screened from the street scene by existing dwellings that sit closer to the highway, vegetation or the PH. The proposed dwelling positioning behind the building line has received objections. As the development is on developed land, within the village boundary and the pattern of development within Willey is not of a consistent building line with a number of existing backland developments, the siting of the development would be deemed acceptable if all other planning matters are addressed.
- 9.5. The Appeal decision APP/E3715/W/22/3307675 allowed for two dwellings to be approved on the site. This proposal was previously refused at planning committee due to substandard size and inadequate amenity space. The appeal decision establishes that the size of the dwellings within the previous submission do provide adequately proportioned living space and amenity space.
- 9.6. It is therefore considered that as there is an extant planning permission for two dwellings of similar scale and positioning on site that one dwelling is also considered acceptable in respect to living space and amenity space.
- 9.7. Therefore, in accordance with the previous planning appeal it is therefore considered that the proposed is in accordance with Policy SDC1 of the Local Plan.

## **10. Impact on Residential amenity**

- 10.1. Section 12 of the NPPF states that planning should always seek a high standard of amenity for existing and future users of developments. Policy SDC1 also states that proposals for new development will ensure that living conditions of existing and future neighbouring occupiers are safeguarded
- 10.2. The Appeal decision APP/E3715/W/22/3307675 determined that the appeal proposal would not create a dominant or oppressive feature or have an overbearing effect upon the rear amenity space of the neighbouring property and as such there would be no harmful loss of outlook to the occupiers of Star Cottage.
- 10.3. The resubmission proposal consists of 1 dwelling and lesser development than the currently extant permission for two dwellings. With consideration that the current 1 dwelling proposal is in fact less harmful than that of the extant permission, on balance, the proposed dwelling is not deemed to have an overbearing impact on Star Cottage.
- 10.4. The current proposal would not be deemed to cause a significant loss of privacy by means of overlooking due to the first-floor windows of the proposed dwelling being obscure glazed.
- 10.5. As the proposal does not cause any significant impacts to residential amenity the proposal can be determined as in accordance with Policy SDC1 and Section 12 of the NPPF.

## 11. Highways

- 11.1. Section 9 of the NPPF states that development should achieve a safe and suitable access to a site for all users. Policy D2 of the local plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities including the provision for motorcycles, cycles and for people with disabilities.
- 11.2. Warwickshire County Council Highways were consulted to assess the proposal. The application is a reduced scale re-submission of the previous application R22/0012. The Leading Highway Authority had no objection to the previous application for letting rooms and 2 dwellings. Therefore, the reduction in dwellings from 2 dwellings to 1 is determined by the leading highway authority to not impact the highway significantly over that already agreed as part of the previous application.
- 11.3. The leading Highways Authority therefore take a stance of no objection subject to **CONDITIONS 5 & 6**.
- 11.4. The proposal is therefore considered to be in accordance with Section 9 of the NPPF and Policy D2 of the Local Plan.

## 12. Air Quality, Noise and contamination.

- 12.1. Policy HS5 of the Local Plan states proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Paragraphs 174, 183 and 184 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 12.2. Environmental Health were consulted on the application in order to assess the impacts of the proposal. Environmental Health had no objection to the proposal subject to **CONDITION 7** for potentially contaminated land.
- 12.3. The appeal decision notice also included a noise condition. In consultation with RBC Environmental Health the condition was not requested in this instance. This is due to the pub vacancy. There is therefore no noise breakout to assess and potentially mitigate against under the noise condition. Instead, If the pub were to commence noisy activities then action may be taken under statutory nuisance and / or licensing legislation
- 12.4. As the leading technical consultee has no objection subject to conditions, the proposal is considered to be in accordance with Policy HS5.

## 13. Biodiversity

- 13.1. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and

enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. Policy NE1 seeks to safeguard priority habitats/species of conservation concern and requires developers to take mitigating measures for their protection.

13.2. Warwickshire County Ecology did not provide a response for this application. However, due to the similar nature of the proposed works and reduction in overall development the recommendations from planning application R22/0012 are applicable. The previous consultee response highlighted that the site has no specific nature conservation designation and therefore had no objection to the proposal subject to **CONDITION 8** requiring bird and bat boxes being included in the fabric of the buildings to ensure a gain for biodiversity as part of the development. This was also deemed appropriate and applied to the decision notice of the Appeal Decision APP/E3715/W/22/3307675.

13.3. The proposal is therefore considered to be in accordance of Chapter 15 of the NPPF and Policy NE1 of the Local Plan

#### **14. Planning Balance and Conclusion**

14.1. The proposal is considered suitable in principle and all valid objections raised by respondents have been assessed and considered in the decision. No technical consultees take a final stance of objection to the proposal subject to conditions and informatives.

14.2. Planning History does form a material consideration for planning decisions. In this case there is an appeal decision allowing for the refurbishment of the PH and the erection of two dwellings which is currently extant and therefore could be developed within the included time condition. The proposed must therefore be weighed against the appeal decision already established and determined whether this proposal is more harmful and thus would require a refusal. This proposal offers a reduction in the amount of development via the net loss of one dwelling. The appeal decision establishes the principle, an acceptable character and design and that there are no significant impacts of residential amenity. The proposed development is deemed less harmful than the extant permission and therefore on balance should be recommended for approval.

14.3. Overall, it is considered that the proposal would be acceptable and accords with the Local Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and having regard to material considerations including the Framework, it is considered that the application should be approved.

#### **15. Recommendation**

15.1. Planning application R23/0032 be approved subject to:

- b. the conditions and informatives set out in the draft decision notice appended to this report; and

15.2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**DRAFT DECISION**

**REFERENCE NO:**  
R23/0032

**DATE APPLICATION VALID:**  
06-Jan-2023

**APPLICANT:**

Adam Taylor, A T Contracting and Plant Hire A T Contracting and Plant Hire, care of agent, Loughborough, LE128ED

**AGENT:**

Lance Wiggins, Lion Planning Lion Planning, 14 Woodhouse Road, Quorn, Loughborough, LE12 8ED

**ADDRESS OF DEVELOPMENT:**

THE SARAH MANSFIELD, MAIN STREET, WILLEY, RUGBY, CV23 0SH

**APPLICATION DESCRIPTION:**

Use of first floor of public house as letting bedrooms and erection of one dwelling in rear car park

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1**

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

**REASON:**

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

**CONDITION 2**

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

Received by Council 06-Jan-2023

Site Plan Drawing No 102 C  
Dwellings Plans and Elevations Drawing No 105 D  
PH Plans and Elevations Drawing No 104  
Site Location Plan Drawing No 100

**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 above ground 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 the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no windows/dormer windows or rooflights other than those expressly authorised by this permission shall be constructed on the front or side elevations of the dwellings hereby permitted.

REASON:

In the interests of residential amenity

CONDITION 5

The development shall not be occupied until space has been provided within the site for the parking of cars in accordance with drawing number 102 revision C. These areas shall thereafter be kept available for the parking of vehicles.

REASON:

In the interests of highway safety and appropriate parking provisions

CONDITION 6

No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be complied with throughout the construction period for the development and shall include details of:

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including;  
arrangements to monitor noise emissions from the development site during the construction phase;
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- measures to prevent mud and debris deposition on the public highway from vehicles leaving the site; and
- suitable areas for the parking of contractors and visitors and the unloading and storage of materials.

REASON:

In the interest of highway Safety

CONDITION 7

No development other than that required to be carried out as part of an approved scheme of remediation shall commence in any phase of the development until condition (a) to (d) below have been complied with for that phase. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall 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 shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;  
(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and  
(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

(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 shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme shall 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 shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall 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 shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by 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, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### CONDITION 8

Prior to the commencement of any above ground works details of a scheme for the provision of one bat box and one bird box to be installed on the new dwelling, to include details of box type, location and timing of works, shall be submitted to and approved in writing by the Local Planning

Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be retained thereafter.

**REASON:**

In accordance with NPPF, ODPM Circular 06/2005.

**CONDITION 9**

Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

**REASON:**

To provide broadband connectivity for future occupiers.

**INFORMATIVE:**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and roosts are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000, and The Conservation of Habitats and Species Regulations 2017 (as amended). It is a criminal offence to disturb, obstruct or destroy a 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 02080 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

**INFORMATIVE:**

If it is essential to fell or lop any trees or part of the vegetation, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2017 to have regard to the Habitats Directive when exercising their functions.

**INFORMATIVE:**

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further

information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089

**INFORMATIVE:**

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

**INFORMATIVE:**

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh) where gas is used for space or water heating, increased tree planting/landscaping, solar photovoltaic or thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here: [https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute towards improving air quality.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

**INFORMATIVE:**

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**INFORMATIVE:**

**Construction hours**

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

Monday – Friday                      7.30 a.m. – 6.00 p.m.

Saturday                                      8.30 a.m. – 1.00 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:**

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal.

**INFORMATIVE:**

It should be noted by the applicant and any occupiers that the development is in very close proximity to an existing licensed premises, therefore may be subject to an increased level of reasonable noise from lawful activities that take place there, both internally and externally.

**INFORMATIVE:**

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice may be sought from Housing Enforcement on (01788) 533857 prior to any work commencing. All fire precautions should be considered to ensure an effective means of escape from the property.

**INFORMATIVE:**

The applicant / occupiers should consult with RBC waste services team regarding waste collection proposals for the proposed development.

DRAFT

**Reference: R23/0196**

**Site Address: 42 MAIN STREET, WILLOUGHBY, RUGBY CV23 8BH**

**Description: Construction of a new dwelling adjacent to No 42**

**Recommendation**

1. Planning application R23/0196 be approved subject to:
  - a) the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

1.1 This application is being reported to Planning Committee for determination because the application has been submitted by a staff member of Rugby Borough Council.

**2.0 Description of site**

2.1 The application site comprises of an existing area of garden land associated with No.42 Main Street, Willoughby. No.42 is the end of a terrace of four two storey dwellings, set back from the highway by some 20 metres. The terrace has large front gardens with parking for two to four vehicles on each frontage and similar sized gardens to the rear. No.42 has a side garden which abuts a public footpath, which separates the plot from the adjacent property to the west. Apart from the terrace, the properties in the area are mainly detached or semi-detached. The detached properties are individual in design, and there are other small groupings of similar properties.

**3.0 Description of proposals**

3.1 The application seeks permission for a new dwelling adjoining No.42, with associated parking.

**Planning History**

R22/0251 - Erection of a free standing wooden Gazebo with pitched roof in rear garden.  
Approval - 13/05/2022

R22/1044 - Alterations and home office in garden  
Withdrawn by Applicant/Agent - 16/12/2022

R22/1047 - Construction of a new dwelling adjacent No 42 on double width plot  
Withdrawn by Applicant/Agent - 16/12/2022

R23/0194 - Alterations and home office in garden – Approved 25<sup>th</sup> May 2023

**Relevant Planning Policies**

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

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

GP1: Securing Sustainable Development  
GP2: Settlement Hierarchy  
GP3: Previously Developed Land and Conversions  
GP5: Neighbourhood Level Plans  
H5: Replacement Dwellings  
NE1: Protecting Designated Biodiversity and Geodiversity Assets  
SDC1: Sustainable Design  
SDC4: Sustainable Buildings  
SDC5: Flood Risk Management  
D2: Parking Facilities

Supplementary Planning Documents  
Climate Change and Sustainable Design and Construction SPD

Willoughby Neighbourhood Plan 2019-2031

W1: Protecting and Enhancing Rural Landscape Character  
W5: Reducing Flood Risk in Willoughby  
W7: Encouraging High Quality and Sustainable Design  
W8: Providing Suitable Homes

National Planning Policy Framework, 2021 (NPPF)

### **Technical consultation responses**

WCC Highways Authority – No objections subject to conditions  
RBC Environmental Services – No objections subject to conditions  
WCC Ecology – No objections subject to conditions

### **Third party comments**

Willoughby Parish Council - No comments  
14 representations received concerned with:

- Exacerbate sewer issues in area
- Not a positive contribution to the overall housing mix not for first time buyers or older people
- Not local people and not housing for local need
- The proposed dwelling is at odds with the well-established character of the area
- Strong building line to rear is not respected
- It will appear overdeveloped and overbearing impact
- Impact on privacy to nearby gardens by windows in the north elevation
- Loss of light and overshadowing
- The property is 'shoehorned' in
- Windows potentially not building regulations compliant
- Parking arrangement is not ideal and creates a dependence between No.42 and new dwelling for manoeuvring
- Ownership and maintenance issues of shared crossover
- Omission of air source heat pump from new drawing – but still mentioned in the D&A Statement
- Solar panel placement is not optimal – raises questions of environmental credentials of property

- Conflict of interest
- Spoils symmetry of terrace and character of area
- Insufficient ground floor room for a study
- Flood risk issues

#### **4.0 Assessment of proposals**

4.1 The key issues to assess in the determination of this application are the principle of development; the impact the proposed development has on the character and appearance of the area; and impact on neighbouring properties and parking/highway safety.

#### 5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

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

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

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

5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.

5.6 The application site is located within the Rural Village of Willoughby as defined in Policy GP2 of the Local Plan where Development will be permitted within existing boundaries, this is reflected in the Neighbourhood Plan provided the schemes are small in scale, on infill or brownfield sites; do not have an unacceptable impact upon the character of the immediate locality; suitable access is provided; car parking is provided and the site is not in an area of risk of flooding. This application complies with Policy GP2 of the Local Plan and W1 and W8 of the Neighbourhood Plan.

#### 6.0 Character and Design

6.1 Policy SDC1 of the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. This is supported by W1 of the Neighbourhood Plan which ensures that new

development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.

6.2 The Council, when assessing a planning application for new development, will consider the effect on the scale and character of the existing building and the surrounding area; and the impact on residential amenities enjoyed by the occupiers of surrounding properties. The height, scale, roofline and form of any new buildings should not disrupt the visual character of the street scene and impact on any significant wider landscape views.

6.3 Whilst the application proposes a new dwelling, it would be created by way of extending the existing terrace of properties. There has been objection to the design of the dwelling, in particular that it would unbalance the existing row of properties which have quite a uniform appearance. Furthermore, that whilst the proposal may appear as an extension to No.42, it is a new dwelling, therefore should be assessed as such.

6.4 The Climate Change and Sustainable Design SPD says that extensions should not have an overbearing appearance and should not dominate the existing building or be over-prominent in the street scene, this is reflected in policy W7 of the Neighbourhood Plan which says extensions should be sympathetic in design to the principal building and be proportionate in terms of scale.

6.5 The new dwelling would be two storeys in height with a room in the roof space. The dwelling would be lower in height and set back from the front elevation of No.42, therefore, would appear subservient in height and overall scale than the existing properties in the terrace. There is sufficient space at the side of the property to extend the terrace without it appearing cramped, and a 3m gap would remain between the dwelling and the western boundary, retaining sufficient 'breathing' space between the terrace and the property to the west. As such, there would not be an adverse impact upon the street scene or character of the area. The property would have a 13m long garden which is comparable to the rest of the properties in the terrace and therefore would not detrimentally alter the grain of existing development or character of the area.

6.6 The front aspect would be designed to look like an extension to No.42, but the front door would be on the side. Whilst this is unusual, it does not cause visual harm to the terrace or the character of the area. The design of the roof and the external materials would also reflect those of No.42.

6.7 In terms of unbalancing the existing terrace, it is considered that the terrace is not of such significant design or feature within the street scene that a new dwelling in this location would be visually harmful. It would therefore comply with policy SDC1, and W7 in this regard.

## 7.0 Impact on Residential Amenity

7.1 Section 12 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SDC1 of the Local Plan states that proposals need to ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

7.1 New residential development should not result in any significant loss of privacy to adjoining dwellings or gardens. The main priority is privacy to habitable rooms and private gardens. Therefore, extensions should not be built with side facing windows near to boundaries that overlook a neighbour's property. There would be one window located at first floor in the side

elevation of the proposed dwelling. This would serve the landing area, therefore can be obscure glazed to prevent any overlooking to No.44.

7.2 The proposed dwelling would project beyond the building line to the rear of No.42. There has been concern raised that this would result in loss of light and outlook to occupiers of No.42. However, whilst the projection would slightly infringe a 45-degree sightline taken from the middle of the nearest habitable room window in the rear of No.42, this is one of two windows serving the room. As the second window would not be impacted, a satisfactory level of light and outlook to this room would be maintained, complying with the guidance to prevent such loss of amenity. It is therefore considered that the amenity of neighbouring residents is maintained and compliant with Policy SDC1 and W7.

## 8.0 Ecological Considerations

8.1 Section 15 of the NPPF states that the planning system:

- should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

8.2 Policy NE1 of the Local Plan states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

8.3 Warwickshire County Council Ecological Services department have been consulted and have no objections to the proposal provided a condition is imposed requiring a Landscape and Ecological Management Plan (LEMP) to be submitted to ensure a net biodiversity gain. Subject to this condition and advisory notes, the proposal complies with policy NE1.

## 9.0 Highways and Parking Impacts

9.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motorcycles, cycles and for people with disabilities, based on the Borough Council's Standards.

9.2 The local planning authority requires a total of two allocated parking spaces for a three bedroomed house. The applicant would be providing this for both the existing property and proposed. The dropped kerb is accessed from a road with a speed limit of 30mph. This requires a visibility splay of 'x' distance of 2.4m and 'y' distance of 43 meters. The desired visibility splays can be achieved from the proposed and existing access. The proposal complies with policy D2 of the Local Plan and W8 of the Neighbourhood Plan.

## 10.0 Flood Risk

10.1 There has been concern raised regarding potential exacerbation of flooding if the site is developed. The site is within flood zone 1 so it at a low risk of fluvial flooding. No flood risk assessment is required in this instance. The southern tip of the site is within an area of surface water flooding, but this is the area proposed as turning area/driveway and soft landscaping. A condition requiring the driveway/turning area to be constructed of permeable material would overcome any exacerbation of surface water issues. Subject to this condition the proposal would comply with policy SDC5 and W5 of the Neighbourhood Plan.

## 11.0 Housing Need

11.1 Concern has been raised about the housing type, that the proposed dwelling does not meet the housing need in Willoughby. Policy W8 of the Neighbourhood Plan states that all proposals for new housing and conversions of existing buildings should meet local housing needs in terms of house type, size and tenure or a need identified in an updated Local Housing Needs Assessment. It goes on to say that the following house types will be particularly supported: 1. Smaller starter homes (1-2 bedrooms) for young people. 2. Homes for young families (2-3 bedrooms) with gardens. As this is a 3 bedroom property with a garden, it would be suitable for a young family and would comply with policy W8 in this regard.

## **12.0 Planning Balance and Conclusion**

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

12.2 The proposed new dwelling would contribute a sustainable family home in the village of Willoughby, contributing to local housing need. It would not cause harm to the visual amenities of the street scene, the character of the area or nearby residential amenity. It would not exacerbate flood risk in the area and would provide a net gain in biodiversity, subject to conditions. The proposal would comply with all relevant Plan Policies and the underpinning principles of the NPPF 2021 and is recommended for approval.

## **13.0 Recommendation**

1. Planning application R23/0196 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R23/0196

**DATE APPLICATION VALID:**  
10-Feb-2023

**APPLICANT:**

Angela and David Collins, Toft Edge, Southam Road, Dunchurch, Rugby, CV22 6NW

**AGENT:**

Angela Collins, Toft Property Developments Ltd, Toft Edge, Southam Road, Dunchurch, Rugby, CV22 6NW

**ADDRESS OF DEVELOPMENT:**

42, Main Street, Willoughby, Rugby, CV23 8BH

**APPLICATION DESCRIPTION:**

Construction of a new dwelling adjacent to No 42

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

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

Application Form; Location Plan P1a; Existing Site Plan Drg 20; Existing Floor Plan Drg 1; Existing Elevations Drg 2; Proposed Plan Layouts Drg 103; Proposed Elevations 104C; Proposed Site Layout Drg 118A; Planning Statement.

**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 shall be as specified on the application form received by the Council on 10th February 2023 and Drg 104C, received by the Council on 24th April 2023.

**REASON:**

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

**CONDITION 4:**

The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

REASON:  
In the interests of sustainability and water efficiency.

CONDITION 5:  
Prior to the first occupation of the dwelling a passive electric vehicle charging point shall be provided to the dwelling.

REASON:  
To encourage the use of electric vehicles in the interest of sustainability.

CONDITION 6:  
During the construction period, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:  
In the interest of highway safety.

CONDITION 7:  
The development shall not be commenced until an access for cars has been provided to the site not less than 3.5 metres, as measured from the near edge of the public highway carriageway.

REASON:  
In the interest of highway safety.

CONDITION 8:  
The access to the site for cars shall not be used in connection with the development until it has been surfaced with a bound, permeable, macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON:  
In the interest of highway safety.

CONDITION 9:  
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 10:  
The access to the site for cars shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON:  
In the interest of highway safety.

CONDITION 11:  
The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, etc). Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

**CONDITION 12:**

Other than those shown on the approved plans, no new windows/rooflights shall be formed at first floor in the east or west elevations/roof slopes of the proposed development, unless non-material variations are agreed in writing with the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 13:**

The window to be formed in the west elevation of the proposed development shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**INFORMATIVE:**

Condition numbers 7-10 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

B. 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.

**INFORMATIVE:Air quality neutral/mitigation**

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh) where gas is used for space or water heating, increased tree planting/landscaping, solar photovoltaic or thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here: [https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute towards improving air quality.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

**Asbestos**

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**Construction hours**

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

Monday – Friday                    7.30 a.m. – 6.00 p.m.  
Saturday                                8.30 a.m. – 1.00 p.m.

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

If work at other times is required permission should be obtained from the local planning authority

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Delegated Decisions - 4 May to 31 May 2023
<b>Name of Committee:</b>	Planning Committee
<b>Date of Meeting:</b>	21 June 2023
<b>Report Director:</b>	Chief Officer - Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Chief Officer - Growth and Investment
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) <a href="#">Corporate Strategy 2021-2024</a> <input type="checkbox"/> This report does not specifically relate to any Council priorities but
<b>(C) Climate</b> <b>(E) Economy</b> <b>(HC) Health and Communities</b> <b>(O) Organisation</b>	
<b>Summary:</b>	The report lists the decisions taken by the Chief Officer for Growth and Investment under delegated powers.
<b>Financial Implications:</b>	There are no financial implications for this report.
<b>Risk Management Implications:</b>	There are no risk management implications for this report.

**Environmental Implications:** There are no environmental implications for this report.

**Legal Implications:** There are no legal implications for this report.

**Equality and Diversity:** There are no equality and diversity implications for this report.

**Options:**

**Recommendation:** The report be noted.

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

**Planning Committee - 21 June 2023**

**Delegated Decisions - 4 May to 31 May 2023**

**Public Report of the Chief Officer - Growth and Investment**

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 21 June 2023

**Subject Matter:** Delegated Decisions - 4 May to 31 May 2023

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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

---

Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Delegated

### 8 Weeks Advert

#### Applications Refused

R23/0341	LAND ADJACENT TO FARM	Advertisement consent for the
8 Weeks Advert	LANE, EASENHALL	retention of a free standing sign
Refusal		(retrospective)
22/05/2023		

---

### 8 Weeks PA Applications

#### Applications Refused

R23/0286	18, Arnold Street, Rugby, CV21	Construction of a fence.
8 Weeks PA	3HD	
Refusal		
12/05/2023		

---

R20/0596	PARK FARM, FOSSE WAY,	Conversion and extension of 2
8 Weeks PA	PRINCETHORPE, RUGBY,	(no) existing redundant buildings
Refusal	CV23 9PG	to a single residential dwelling
15/05/2023		house.

---

R22/0664	Plot 16, Top Park, Top Road,	Retention of 1no. pitch for Gypsy
8 Weeks PA	Barnacle, Coventry, CV7 9FS	and Traveller use, including
Refusal		retention of 1no. tourer caravan,
15/05/2023		1no. utility building (timber), 1no.
		shed, gravel hardstanding, small
		area of block paving, small grass

---

## Delegated

### 8 Weeks PA Applications Applications Refused

area, vehicular access off access track, and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing.  
Replacement of 1no. existing tourer with 1no. static caravan and siting of a second static caravan.

R23/0191  
8 Weeks PA  
Refusal  
23/05/2023

1, GRANGE ROAD, RUGBY,  
CV21 1EJ

Erection of Detached 3 Bed  
Dwelling

R22/1301  
8 Weeks PA  
Refusal  
26/05/2023

10, THE ORCHARD, MARTON,  
RUGBY, CV23 9RP

Installation of air source heat  
pump to rear of the property

R23/0090  
8 Weeks PA  
Refusal  
26/05/2023

MERLIN FIELD FARM,  
GIBRALTAR LANE,  
LEAMINGTON HASTINGS

CONVERSION OF  
AGRICULTURAL BUILDING TO  
4 NO. DWELLINGHOUSES

### Applications Approved

R21/0685  
8 Weeks PA

69, LUTTERWORTH ROAD,  
BRINKLOW, RUGBY, CV23 0LL

Installation of a dropped kerb to  
serve an existing access

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

Approval  
04/05/2023

R23/0161  
8 Weeks PA  
Approval  
04/05/2023

37 MAIN STREET, RUGBY,  
CV23 8BH

New two storey rear extension to provide new living area and dining room at ground floor and new bedroom at first floor and enlargement of existing front porch.

R23/0209  
8 Weeks PA  
Approval  
04/05/2023

42, ST LEONARDS WALK,  
RYTON-ON-DUNSMORE,  
COVENTRY, CV8 3FD

Single storey rear/ side extension and front porch (part retrospective)

R23/0346  
8 Weeks PA  
Approval  
04/05/2023

17, Oxlip Close, Rugby, CV23  
0JQ

Single storey side and rear extension

R23/0124  
8 Weeks PA  
Approval  
05/05/2023

Rugby Borough Football Club,  
KILSBY LANE, RUGBY, CV21  
4PN

Single Storey extension to west elevation to enlarge clubhouse kitchen

R23/0192  
8 Weeks PA  
Approval

15, Crick Road, Rugby,  
Warwickshire, CV21 4DU

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

05/05/2023

Rear extension, construction of new roof over existing roof increasing height and alteration to form dormer windows

R23/0329  
8 Weeks PA  
Approval  
05/05/2023

34, ELDER AVENUE, RUGBY,  
CV21 1TE

Proposed single storey rear extension, single storey front porch extension, replacement of sunroom glass roof with solid roof and alterations to existing windows

R23/0335  
8 Weeks PA  
Approval  
05/05/2023

85 , Murray Road, Rugby,  
Warwickshire, CV21 3JP

Construction of a new single storey flat roof rear extension.

R22/1121  
8 Weeks PA  
Approval  
08/05/2023

GLEBE FARM INDUSTRIAL  
ESTATE, 1, TIBER WAY,  
RUGBY, RUGBY, CV21 1ED

Erection of a 2.4m fence and entrance gate to front of premises

R22/0644  
8 Weeks PA  
Approval  
12/05/2023

GEMINI, SOUTHAM ROAD,  
DUNCHURCH, RUGBY, CV22  
6NW

Erection of two new dwellings

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

R22/1340

8 Weeks PA

Approval

15/05/2023

GIBBETT CROSS SERVICE  
STATION, WATLING STREET,  
CHURCHOVER,  
LUTTERWORTH, LE17 6AR

Removal of hand car wash facility  
and replacement with food-to-go  
building and associated car  
parking and forecourt alterations.

R23/0295

8 Weeks PA

Approval

15/05/2023

1, Bronze Road, Rugby, CV22  
7XN

PROPOSED SINGLE STOREY  
REAR EXTENSION AND LOFT  
CONVERSION TO DWELLING.

R23/0354

8 Weeks PA

Approval

15/05/2023

Adjacent to Forge Cottage, Main  
Street, Willoughby, Rugby, CV23  
8BH

The insertion of two new  
rooflights onto the north (inner)  
elevation of the development to  
provide additional natural light  
and ventilation into habitable  
rooms.

R23/0246

8 Weeks PA

Approval

16/05/2023

BRICKHILL COTTAGES, 111,  
COVENTRY ROAD, RUGBY,  
CV22 7RY

Proposed extensions to form  
ground floor WC & entrance  
vestibule and first floor bathroom.

R23/0259

8 Weeks PA

Approval

222, RUGBY ROAD, BINLEY  
WOODS, COVENTRY, CV3 2BD

Full Demolition of Existing  
Property & Erection of  
Replacement New Dwelling

## Delegated

### 8 Weeks PA Applications Applications Approved

16/05/2023

---

R23/0401 8 Weeks PA Approval 16/05/2023	26, Vicarage Hill, Clifton Upon Dunsmore, Rugby, CV23 0DG	Proposed Single Storey Side Extension
R23/0358 8 Weeks PA Approval 17/05/2023	106, THE HEATH, LEICESTER ROAD, WOLVEY, HINCKLEY, LE10 3HJ	Proposed single storey rear and side extension, porch and introduction of a 150mm thick insulated external render to the existing wall structures.
R23/0367 8 Weeks PA Approval 17/05/2023	WOOD HOUSE, MAIN STREET, GRANDBOROUGH, RUGBY, CV23 8DQ	Single storey rear extension (including part garage conversion)
R23/0376 8 Weeks PA Approval 18/05/2023	2, MAIN STREET, LONG LAWFORD, RUGBY, CV23 9AY	RETROSPECTIVE PLANNING FOR REPLACEMENT OF EXISTING CONSERVATORY (WITH EXTENDED FOOTPRINT) TO A SOLID BUILT SUNROOM
R23/0305 8 Weeks PA Approval	THE NOOK, 8, OXFORD ROAD, MARTON, RUGBY, CV23 9RT	Erection of an outbuilding

---

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

19/05/2023

R23/0364 8 Weeks PA Approval 19/05/2023	19, AIKMAN GREEN, GRANDBOROUGH, RUGBY, CV23 8DR	Resubmission of previously approved R22/0632 for a single storey flat roof extension to the rear / side.
R23/0400 8 Weeks PA Approval 19/05/2023	WOODSIDE, CHURCH WALK, RUGBY, CV22 7NA	Integral garage conversion to gym and replacement of garage door with windows & infill brickwork
R23/0404 8 Weeks PA Approval 22/05/2023	48, Norton Leys, Bilton, Rugby, Warwickshire, CV22 5RJ	Single storey front extension and single storey side extension
R23/0414 8 Weeks PA Approval 22/05/2023	RUGBY BUSINESS CENTRE, 21-23, CLIFTON ROAD, RUGBY, CV21 3PY	Erection of tubular steel shopping trolley guard (retrospective)
R23/0129 8 Weeks PA Approval 25/05/2023	82, NEWBOLD ROAD, RUGBY, CV21 2NQ	PROPOSED PART SINGLE STOREY PART 2 STOREY EXTENSION TO THE REAR OF EXISTING DWELLING.

## Delegated

### 8 Weeks PA Applications Applications Approved

R23/0184 8 Weeks PA Approval 25/05/2023	9, Wheatfield Road, Rugby, CV22 7LN	Proposed two storey and single storey rear extension
R23/0278 8 Weeks PA Approval 30/05/2023	150, ALWYN ROAD, RUGBY, CV22 7RA	Front, side and rear single storey extension (part retrospective) and new dropped kerb
R23/0366 8 Weeks PA Approval 30/05/2023	85, Montgomery Drive, Rugby, CV22 7LA	Re-build of the existing shed including creation of a cellar.
R22/0615 8 Weeks PA Approval 31/05/2023	REAR OF, LODGE FARM, OXFORD ROAD, RYTON-ON- DUNSMORE, COVENTRY, CV8 3EJ	Unit 2 - Redevelopment of fire damaged building and adjoining former agricultural building (comprising demolition of existing buildings) to provide for new research and development workspace; and installation of solar pv panels.
R23/0377 8 Weeks PA Approval	8, CRITCHLEY DRIVE, DUNCHURCH, RUGBY, CV22 6PJ	Single storey front and rear extensions

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

31/05/2023

---

#### Conditions

#### Applications Approved

<p>R23/0247 Conditions Approval 04/05/2023</p>	<p>ABBEY FARM, HINCKLEY ROAD, WOLVEY, HINCKLEY, LE10 3HQ</p>	<p>Discharge of conditions 3,7 &amp; 8 from original application R21/0330 for a Barn conversion to form no. 1 dwelling with erection of conservatory and porch.</p>
--	--	---

---

<p>R22/1213 Conditions Approval 09/05/2023</p>	<p>MALVERN HALL FARM, SOUTHAM ROAD, LEAMINGTON HASTINGS, RUGBY, CV23 8EY</p>	<p>Discharge of Condition 11 (archaeology) of R21/0887 (Demolition of existing dwellinghouse and construction of a replacement dwellinghouse, conversion and extension of barns to a dwellinghouse including demolition of agricultural buildings, construction of a building for ancillary use, construction of stable block and associated diversion of Public Bridleway R222)</p>
--	--	--

---

32, THE GREEN, LONG  
LAWFORD, RUGBY, CV23 9BL

Application to discharge  
conditions 5,6, 7, 8, 11 & 15 from

## Delegated

### Conditions Applications Approved

R23/0049 Conditions Approval 09/05/2023		approved application R19/0464.
R23/0198 Conditions Approval 11/05/2023	LAND ADJACENT TO 26 THE GREEN, LONG LAWFORD, RUGBY	Discharge of Condition 3 for (R22/1117) Erection of new dwelling with associated parking
R23/0189 Conditions Approval 15/05/2023	272, Bilton Road, Rugby, CV22 7EG	Discharge of Conditions 3,4,12,13,14 for (R22/0410) The Erection of 4 bed dwelling with parking for 3no. parking bays and hardstanding.
R23/0322 Conditions Approval 16/05/2023	LAND TO REAR OF 36 WARREN ROAD, BOWEN ROAD, RUGBY	Discharge of condition 10 (air quality neutral standards) imposed on planning permission reference R20/0740 'Proposed detached dwelling on land to the rear of 36 Warren Road' approved 26th November 2020
R22/0364 Conditions Approval 17/05/2023	RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, CV23 0AS	Application to partially discharge condition 9 (District Centre Key Phase Definition Statement) relating to outline planning

# Delegated

## Conditions Applications Approved

application R17/0022 dated 28th June 2017 for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications,

## Delegated

### Conditions Applications Approved

and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane – Variation of condition 5 attached to outline planning permission R11/0699 dated 21/05/2014 to cover minor material changes to the approved Parameter Plans and Development Specification and deletion and/or amendment of conditions already discharged to reflect approvals already granted pursuant to the outline planning permission.

## Delegated

### Conditions

#### Applications Approved

Approval

17/05/2023

FORMER RIVERSIDE  
CANTONESE, 424 LONDON  
ROAD, STRETTON ON  
DUNSMORE, RUGBY, CV23  
9HN

Approval of details related to  
Condition 14- Construction  
Management Plan and 15  
Contamination of R20/0363  
Erection of 7 detached new  
dwellings, blocking up existing  
site access points, and re-  
establishment of existing  
redundant site access with  
associated external works and  
landscaping.

R23/0216  
Conditions  
Approval  
17/05/2023

HILLMORTON WHARF, CRICK  
ROAD, RUGBY, CV21 4PW

Approval of details related to  
Condition: 7- Levels, 10-  
Construction Methodology, 13-  
Protected Species, 14- CEMP,  
15-LEMP, 16- Tree protection,  
17- WSI, 18- air quality  
assessment, 20- contamination,  
21- noise assessment, 22- CMP  
of R19/1025 (Use of land for  
siting of 23 No. mobile timber  
holiday lodges with associated  
works)

R23/0463  
Conditions  
Approval  
17/05/2023

ZONE C: LAND NORTH OF  
COVENTRY ROAD, COVENTRY  
ROAD, THURLASTON

Details for condition 15: HGV  
routing strategy of R16/2569  
(Outline application Use Class B8  
buildings with associated  
infrastructure) in relation to Zone

## Delegated

### Conditions Applications Approved

C of site covered by R22/0803.

R23/0517 Conditions Approval 17/05/2023	LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, LONG LAWFORD	Sustainable Urban Drainage System (SUDS) management scheme in relation to Schedule 1 Clause 7.6(a) of the s106 agreement of R17/1089 (Development of 149 dwellings with associated infrastructure).
R23/0518 Conditions Approval 17/05/2023	LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, LONG LAWFORD	On site open space scheme in relation to Schedule 1 Clause 6.1 of the s106 agreement of R17/1089 (Development of 149 residential dwellings with associated infrastructure).
R23/0070 Conditions Approval 23/05/2023	Coton House, Churchover, Rugby, CV23 0AA	Application to discharge condition 26 (trees) in relation to planning permission reference R12/1353 for '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

## Delegated

### Conditions Applications Approved

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 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) approved 9/5/2014

R22/1283  
Conditions  
Approval  
24/05/2023

UNITS 1 & 2 LAND NORTH OF  
COVENTRY ROAD, COVENTRY  
ROAD, THURLASTON

Details in relation to condition 9:  
External plant or storage and 20:  
External services, plant or  
equipment - noise mitigation of  
R20/1026 (Erection of 2 logistics  
units with associated  
infrastructure).

R22/1327  
Conditions  
Approval  
24/05/2023

LAND NORTH OF ASHLAWN  
ROAD, ASHLAWN ROAD,  
RUGBY, CV22 5SL

Approval of details in relation to  
Condition 6: Vehicle parking for  
sports pitches of R19/0854 -  
Infrastructure including

## Delegated

### Conditions Applications Approved

landscaping for Ashlawn Road development.

R23/0264  
Conditions  
Approval  
24/05/2023

LAND ADJACENT TO 26 THE  
GREEN, LONG LAWFORD

Discharge of Condition No 18  
R22/1117 for the Erection of new  
dwelling with associated parking

R22/1093  
Conditions  
Approval  
26/05/2023

Units 1 & 2 LAND NORTH OF  
COVENTRY ROAD, COVENTRY  
ROAD, THURLASTON

Details in relation to condition 26:  
bus stop of R20/1026 (Erection of  
2 logistics units with associated  
infrastructure)

## Committee

### Discharge of Conditions Applications Approved

R20/0919

Land on west side of A5, Watling  
Street, Clifton Upon Dunsmore,  
Rugby, CV23 0AJ

17/05/2023

Demolition of existing buildings.  
Erection of three buildings and  
use of site for purposes of an  
alcohol distillery and hydrocarbon  
warehouse (Use Classes B2 and  
B8) and on office building (Use  
Class B1a). Plus external tank  
farms; sprinkler tanks and  
pumphouse; access; parking and  
servicing; earthworks and

## Discharge of Conditions Applications Approved

landscaping; drainage; fencing.

## Delegated

### Listed Building Consent Applications Applications Approved

R23/0355                      Adjacent to Forge Cottage, Main  
Listed Building Consent   Street, Willoughby, Rugby, CV23  
Approval                      8BH  
15/05/2023

Listed Building Consent for the  
insertion of two new rooflights  
onto the north (inner) elevation of  
the development to provide  
additional natural light and  
ventilation into habitable rooms.

R23/0327                      27, SOUTHAM ROAD,  
Listed Building Consent   DUNCHURCH, RUGBY, CV22  
Approval                      6NL  
23/05/2023

Property has a thatched roof  
which needs to be re-thatched .  
A professional Thatcher will strip  
the top layer of the current thatch  
from the roof, before applying the  
new thatch to a depth of 12-13  
inches, using the same material  
currently in place - namely  
combed wheat reed.

R23/0330                      17, Broad Street, Brinklow,  
Listed Building Consent   Rugby, CV23 0LS  
Approval  
23/05/2023

Replacement render to gable

## Delegated

### Prior Approval Applications

#### Prior Approval Applications

R22/0785 Telecoms Prior Approval Required and Approved 05/05/2023	LONDON MIDLAND RAILWAY CLUB ASSOCIATION, HILLMORTON ROAD, RUGBY, CV22 5AL	Installation of a 20m telecommunications mast supporting 6 no. antennas, 2 no. transmission dishes, 4 no. proposed equipment cabinets and ancillary development thereto
R23/0473 Agriculture Prior Approval Not Required 09/05/2023	MILETHORN FARM, LEICESTER ROAD, Withybrook, Coventry, CV7 9LZ	Application under Schedule 2 Part 6 of the General Permitted Development Order for the erection of an agricultural building to provide modern housing and new milking technology.
R23/0408 Prior Approval Extension Withdrawn by Applicant/Agent 10/05/2023	93, CAMBRIDGE STREET, RUGBY, CV21 3NH	Single storey rear extension
R23/0442 Agriculture Prior Approval Not Required 16/05/2023	HILLCREST FARM, CLAYHILL LANE, LONG LAWFORD, RUGBY, CV23 9BG	Erection of a side extension to existing shed to create a straw and fodder store.
		Side apex extension steel framed

# Delegated

## Prior Approval Applications Prior Approval Applications

R23/0519  
Agriculture Prior  
Approval  
Not Required  
18/05/2023

ARBURY HOUSE FARM,  
WITHYBROOK ROAD,  
WOLVEY, BEDWORTH, CV12  
9JW

building

---