



25 October 2019

PLANNING COMMITTEE - 6 NOVEMBER 2019

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 6 November 2019 in the Council Chamber at the Town Hall, Rugby.

3.00pm Rear of 139 – 143 Clifton Road, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 9 October 2019.
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. Planning Appeals - update.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 12 September – 22 October 2019.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers are attached.

Membership of the Committee:

Councillors Miss Lawrence (Chairman), Bearne, Mrs Brown, Brown, Butlin, Eccleson, Ellis, Mrs Garcia, Gillias, Picker, Roodhouse and Sandison.

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

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

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

Planning Committee – 6 November 2019

Report of the Head of Growth and Investment

Applications for Consideration

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R18/1676	The Trossachs, Parrotts Grove, Coventry, CV2 1NR Erection of three modern industrial units within Class B1 and B2 (outline - access only).	3
2	R19/1203	Bush Hill Farm, Bush Hill Lane, Wolfhampcote, Rugby, CV23 8AX Alterations to existing access and redevelopment of existing caravan site for six residential dwellings (following withdrawal of application reference R19/0800).	16

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
3	R18/0829	Land opposite Draycote Water, Southam Road, Rugby Outline planning permission for the construction of 18 (no) holiday lodges, with all matters reserved.	30
4	R19/1210	58 Hillary Road, Rugby, CV22 6ET Proposed replacement rear extension	48
5	R19/1118	8, Turnstone Close, Rugby, CV23 0WF Retrospective application for conversion of the integral garage.	53
6	R19/0510	Rear of 139-143 Clifton Road, Rugby, CV21 3QN Erection of a dwelling house (retrospective change of house type).	57
7	R19/1147	7, Grosvenor Road, Rugby, CV21 3LF Removal of condition 3 of application R18/0067 (change of use of existing dwelling to a HMO) to enable occupiers to apply for parking permits (for a maximum of 3 parking permits and 1 visitor space).	70
8	R18/0167	Oakdale Nurseries, Rugby Road, Coventry, CV8 3GJ Outline planning permission for the redevelopment of the former Garden Centre / Nursery site to provide a 'Care Village' residential retirement development of 124 independent living units and a 36 bed care centre (Use Class C2). All matters except access reserved. (amended scheme).	76

Reference: R18/1676

Site Address: THE TROSSACHS, PARROTTS GROVE, COVENTRY, CV2 1NR

Description: Erection of three modern industrial units within Class B1 and B2 (outline - access only).

Case Officer Name & Number: Jo Orton, 01788 533549

Recommendation

Refusal on the grounds of inappropriate development within the Green Belt.

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as the application constitutes major development as more than 1000 square metres of industrial buildings are being proposed.

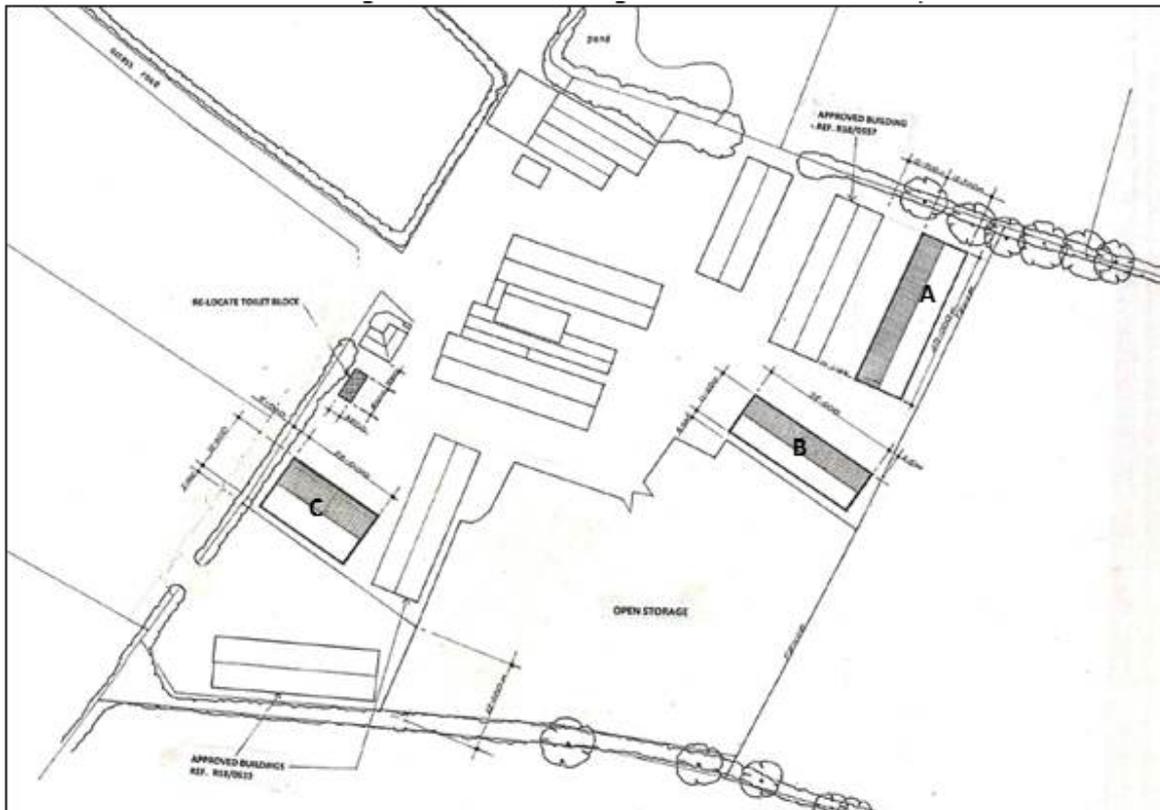
Application Proposal

This application seeks outline planning permission for erection of three commercial units with access being the only matter for consideration under this application with all other matters being reserved for consideration at a later stage.

Three Modern Industrial Unit

The proposed industrial units would have indicative scale parameters which have been detailed below:

- Unit A – maximum height of 7 metres; a length of 40 metres and a depth of 12.5 metres;
- Unit B – maximum height of 7 metres; a length of 32 metres; and a depth of 11 metres; and
- Unit C – maximum height of 7 metres; a length of 26 metres and a depth of 15 metres.



All units would be similar in nature to these previously approved under R18/0533. The units are to be used for B1/B2 use classes utilising the existing access to the site with the illustrative site plan submitted indicating where the proposed unit would be positioned.

During the course of the application officers raised concerns due to the urbanisation of the Green Belt. Amended plans have been received relocating the proposal so that it is sited within the area of previously developed land. This application will therefore be considered using these plans.

Site and Surrounding Area

The application site is located outside of any defined settlement boundary and is located within the West Midlands Green Belt. The site is situated to the South of Parrott's Grove, with access being taken off Hawksbury Lane which consists of an extended concrete surfaced road, part of the access is located with the administrative boundary of Nuneaton and Bedworth Borough Council. The application site is bound to the North-East and South-East by existing industrial buildings, parking areas and areas of outside storage. Marisburn House to the North-West of the application site has been granted planning permission, on appeal, for use as a permanent gypsy and traveller site.

The site consists of a complex of buildings, the majority of which have various B1 uses granted by Certificates of Lawfulness in 2001 and 2008. Other uses which exist on the site include a residential unit for security purposes granted in 2006.

Relevant Planning History

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
R01/0789/0690/CL	Certificate of lawfulness for use of land and buildings for vehicle repairs, joinery workshop and electrician, stables and keeping greyhounds.	Approved	17 th December 2001
R06/03841/PLN	Change of use of existing storage building and conversion to a single dwelling.	Approved	29 th April 2008
R08/0737/CLE	Certificate of lawfulness for use of buildings for vehicle maintenance, repair and light welding.	Approved	3 rd July 2008
R10/2254	Creation of a raised hard-standing for car parking (retrospective).	Refused	24 th January 2011
R11/0917	Creation of a raised hard-standing for car parking (retrospective) (Resubmission of previously refused planning application R10/2254 dated 24/01/2011).	Approved	25 th October 2011
R17/1396	Outline planning permission for the demolition of existing commercial buildings/structure, the removal of storage containers, and erection of managers/owners dwelling and one industrial building for B2/B8 use and retention of widened access road (all matters reserved with the exception of access).	Approved	3 rd November 2017
R18/0533	Demolition of four commercial units, removal of storage containers, wire pens and outside storage and the erection of two	Approved	18 th July 2018

	modern industrial units (outline - access and layout only).		
R18/0557	Erection of a commercial unit (outline – access only).	Approved	19 th July 2018
R18/0558	Change of use of land to open storage for use class B8.	Approved	17 th July 2018

Technical Responses

Nuneaton and Bedworth Borough Council have objected to the application on the grounds that:

1. The application site is located within the Green Belt and as such is considered to be inappropriate development; and
2. Very special circumstances have not been demonstrated as part of this application with the information submitted.

No objections have been received from:

Warwickshire County Council (Flood Risk Management)
Warwickshire County Council (Highways)
Rugby Borough Council (Environmental Services)
Environment Agency

Third Party Responses

Shilton and Barnacle Parish Council have objected to the application for the following reason:

1. Allowing the proposal would permit further development in the Green Belt.

Following the re-consultation with Shilton and Barnacle Parish Council on the amended plans it has been confirmed that there are no comments to make on the application.

Neighbours notified and a site and press notice have been displayed. One letter of observation has been received raising the following:

1. Would want assurance that top soil is retained to ensure that water course on farmland is not contaminated and would therefore require its own independent drainage; and
2. The bank would stop wind blowing rubbish and act as a screen retaining rural feel.

Relevant Planning Policies and Guidance

National Planning Policy Framework – 2019

Section 6: Building a Strong, Competitive Economy
Section 12: Achieving Well-Designed Places
Section 13: Protecting Green Belt Land

Local Plan 2011-2031

Policy GP1: Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land
Policy ED1: Protection of Rugby's Employment Land
Policy ED2: Employment Development Land within Rugby Urban Area
Policy ED3: Employment Development Outside Rugby Urban Area
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy HS5: Traffic Generation and Air Quality
Policy SDC1: Sustainable Design
Policy SDC5: Flood Risk Management

Determining Considerations

The main considerations in the determination of this application are the principle of development, design and character and the impact the proposed extension has on the Green Belt, and the impact on neighbouring properties.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan defines the settlement hierarchy. The site lies within the Green Belt and Countryside and is a green field site. Policy GP2 defines Green Belt and Countryside and determines what development is acceptable;
- Countryside: New development will be resisted, only where national policy on countryside locations allows will development be permitted.
 - Green Belt – New development will be resisted: only where national policy on Green Belt allows will development be permitted.
- 1.2 Policy ED1 and ED2 of the Local Plan set out protected employment allocations and new proposed allocations within the Rugby Urban Area. Both policies set out areas within the Borough which are acceptable for employment uses and are meeting the economic needs of the Borough up to 2032.
- 1.3 Policy ED3 Employment Development Outside Rugby Urban Area aims to deal with proposals which are outside the safeguarded and allocated sites. The criteria for acceptable development in the policy are; the conversion of a building for employment uses, the redevelopment at a similar scale, the sustainable expansion of an existing group of buildings where the site is accessible by means of transport other than the private car or a building or structure related to agriculture where it is genuinely required as an ancillary use for existing rural development.
- 1.4 In all cases where the principle of development is considered acceptable, any proposals must also demonstrate compliance with all relevant policies in the Local Plan, in particular where a proposal is in the Green Belt.

- 1.5 The Local Plan is underpinned by a number of sub regional and Borough wide evidence studies. The Employment Background Paper provides an overview of the employment needs of the Borough and allocation requirements for the new Local Plan up to 2032. In summary the overall employment land requirement for Rugby Borough of 110 hectares is justified by the evidence base and uses data informing labour demand, labour supply and past take-up, as recommended in national planning practice guidance.
- 1.6 All strategic employment land in supply to be brought forward through the local plan totals approximately 114 hectares. This includes completions since the beginning of the plan period in 2011, currently committed employment development either with an extant planning permission or under construction, and the allocations of new employment sites proposed in the local plan. Furthermore, land in supply provides additional flexibility over and above the land required purely based on quantitative need, to allow for further growth in not only Rugby's local economy but also the sub-regional Coventry & Warwickshire economy. 98 hectares have been allocated at Ansty Park and the Former Peugeot Site at Ryton to provide for Coventry's unmet needs.
- 1.7 The new Local Plan therefore retains and allocates sustainable employment sites for the economic needs of the Borough for the duration of the Local Plan.
- 1.8 There are three issues to consider in relation to Green Belt. First whether the use would be inappropriate development. Second what the harm would be on the openness of the Green Belt the purposes of Green Belt and thirdly, if development is inappropriate whether the harm is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.
- 1.9 The illustrative plan submitted, as amended, demonstrates that proposed development would be contained within the application site that has been developed and constitutes previously developed land and therefore would not encroach further into the Green Belt. The Trossachs have had numerous permissions granted over the years and the erection of this structure would result in development being granted in excess of 30% increase allowed within the Green Belt. The proposed construction of 3 new employment units within the Countryside and Green Belt is considered as inappropriate development within the Green Belt in Policy terms.
- 1.10 Paragraph 143 states that 'inappropriate development is, by definition, harmful to the Green Belt'. Paragraph 144 states that substantial weight must be given to any harm to Green Belt in an assessment of whether very special circumstances exist. As the proposal would be adding additional structures within the Green Belt not previously in situ it is considered that very special circumstances need to be submitted in order to justify the development. Justification has been requested from the agent and has been received which details the types of business currently operating from the premises as detailed below:

<u>Unit</u>	<u>Use/Occupation</u>
A	Car Parts to Export

B	General Storage
C	Mini Stock Cars (Build and Race)
C1	Storage and Maintenance of Road Working Machines
D	Vehicle Breakers
D1A	Car Mechanic
D1	Car Mechanic
D2	Plumber Storage
D3	Car Mechanic
L	Restoration of Classic Cars (Model T Fords)
K	Vehicle Engine Rebuilds
O	Storage
M	Volkswagen Caravanette Rebuilds
NA	Vintage Car Rebuilding and Body Manufacturer
NB	Banger Racing Cars
HA	Storage
F1	Car Valeting
F5	Classic Motor Cycles
J	Greyhound Kennels
Cottage	Accommodation
F10	Storage

- 1.11 The business occupying the industrial estate are predominately automotive businesses. A number of which are occupied by very specialised automotive business including classic car and motorcycle specialties, a VW camper specialist, mini stock car and banger specialists. The proposal would allow for the continued support of this sought after location in which there is already demand of potential tenants who would like to take up a unit. It has been confirmed that there are also monthly enquiries from prospective tenants seeking a unit on the site. Due to the relatively small scale of the units, they are highly sought after. The industrial estate provides support for small businesses which may otherwise operate unsuitable businesses from residential areas creating unwanted enforcement issues.
- 1.12 Further additional information has been received from the applicant in an attempt to support the justification for the erection of the new buildings the information submitted

includes the following with comments received from colleagues within Development Strategy:

- The information supporting the application makes reference to the Employment Land Study 2015 which forms part of the evidence base for the new Local Plan. This study does identify a shortage of new industrial units of a smaller size however this need is being met through the allocation at Coton Park East which seeks to restrict the uses and sizes of unit. Coton Park East provides a sustainable location on the edge of the urban area, next to the M6 and not in the Green Belt. Equally there appear to be multiple vacant sites within the Rugby Urban Area which is a far more sustainable location;
- Further supporting information makes reference to statements made as part of the Local Plan Examination to the Inspector from the Chamber of Commerce and the LEP. The Inspector considered these and at this point has not suggested any changes are required to the employment strategy. As such this information does not contribute to very special circumstances for the site;
- A report from Bromwich Hardy surveyors and property advisors outlines the local need for smaller industrial units of the type found at the site. They state that 838 applicants are currently looking for a freehold industrial or warehouse property of 10,000 sq ft or less in the Coventry and Warwickshire area. This does sit in line with the findings of the ELR and evidence from Warwickshire Economics. As above the Local Plan does look to provide new allocations to meet this need and supports the reuse of existing sites through its policies;
- Additional evidence in the form of a rent book detailing the continuous use of the site has also been provided. The book showed the owners record of occupancy from 2009 onwards. He also gave details of records prior to this time that could be produced if required. The books show very low vacancy rates from 2009 onwards which indicates that the site may be offering units and a location close to Coventry which is desirable and cannot be offered elsewhere in the Borough;
- Supporting evidence suggests that the site is within a semi-rural area as opposed to open countryside and that it is well screened by perimeter vegetation. The site sits within parcel C2 in the Coventry and Warwickshire Joint Green Belt Review 2015, which forms part of the Local Plan Examination Library. Parcel C2 covers the site and a larger area around this with the boundary to the parcel running along Hawkesbury Lane directly to the west of the site. The analysis states that the land within the parcel has the characteristics of countryside with clusters of farm buildings and associated residential dwellings. It also states that there are no significant boundaries within the immediate vicinity of the parcel that would protect the surrounding Green Belt from encroachment; and
- An approval at the site would allow the applicant to increase his income and look to improve the existing site by improving the road. Works are currently underway to remove stored vehicles at the site.

1.13 Policy ED3 Employment Development Outside Rugby Urban Area applies to proposals which are outside existing and allocated employment sites. The proposed development

does not meet any of the exceptions of ED3. The employment land requirement set out within the Local Plan is for 110 hectares for B1, B2, and B8. The Local Plan retains and allocates 114 hectares for all B1, B2 and B8 to allow flexibility and an additional 98 hectares to meet the needs for Coventry's unmet needs on sustainable employment sites to meet the economic needs of the Borough up to 2032.

- 1.14 The proposal for 3 new (Use Class B1, B2) modern units is within the Countryside, and Green Belt. The employment needs for the Borough are set within ED1 and ED2. ED3 applies to proposals outside the Rugby Urban Area and the proposed units do not meet the criteria within ED3. The impact on the openness of the Green Belt will now be considered below.

Impact on Openness of the Green Belt

- 1.15 The paddock land within the application site is used in association within the applicant's ownership and used in connection with the existing stables. The paddock land and stables are segregated and separated by low level hit and miss fencing resulting in distinctly separate paddocks within the physical layout of the site. The paddocks are not so integral or intimately associated with the group of buildings as to be part of the main stables and paddocks.
- 1.16 Units A and B as indicated within the report are sited within existing paddock land whereas Unit C could be considered as being sited within previously developed land. The proposal however would see an increase in the cubic volume of an additional 8,694 cubic metres in a location which does not currently have buildings in situ. As such; allowing the proposal would further urbanise the Green Belt and result in demonstrable harm to the openness of the Green Belt and the surrounding area.
- 1.17 It is therefore considered that the proposal fails to justify the detrimental adverse impact upon the amenities of the area and to prevent urban sprawl by keeping Green Belt land permanently open.
- 1.18 It is therefore considered that this application is contrary with Section 13 of the NPPF; Local Plan Policies GP1; GP2; GP3; ED1; ED2 and ED3.

2. Design and Character

- 2.1 Policy SDC1 of the Local Plan states that 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 area.
- 2.2 Section 12 of the National Planning Policy Framework (NPPF) states that developments will function well and add to the overall quality of the area, not just for the short term but also the lifetime of the development. With proposals being visually attractive as a result of good architecture, layout and appropriate and effective landscaping including proposals are sympathetic to the landscape setting.

- 2.3 The proposal would be sited within close proximity to the existing buildings and would be located at least 150 metres away from the main road frontage of Parrotts Grove at its closest point and as such would not have an adverse impact on the character and appearance of the street scene.
- 2.4 In terms of the character and design of the proposed building as this application is outline for access only these would need to be agreed within a later application should the current one be recommended for approval to ensure there would not be an adverse impact upon the visual amenity of the surrounding area.

3. Impact on Residential Amenity

- 3.1 Policy SDC1 of the Local Plan states that new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 3.2 As previously identified the main consideration under this application is for access only, as such, design, scale and massing details would be reserved for full consideration at a later date.

4. Flooding Issues

- 4.1 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.
- 4.2 Whilst the application constitutes major development the Warwickshire County Council (Flood Risk Management) team and the Environment Agency have been consulted on the application. The Environment Agency have responded to the consultation and confirmed that having reviewed the information submitted it has confirmed that the proposal is assessed as to having a low environmental risk.
- 4.3 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information had been submitted to allow a formal response to be provided. 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 (Flood Risk Management) that they have no objections subject to conditions.

5. Highway Safety

- 5.1 Warwickshire County Council (Infrastructure Delivery Team) have assessed the application confirmed that the No. 30 bus operates every hour from the junction of Hawkesbury Lane and Lentons Lane by IGO is the nearest bus stop to the location. However, this is based within the Coventry City boundary area approximately half a mile away. It has been requested that a suitable proposal for transport rather than diverting an existing bus route is put forward. Therefore, a Green Travel Plan giving proper consideration to how promotion of alternative modes of travel needs would need to be conditioned as part of any approval. The Green Travel Plan should also include percentage targets covering the total number of employees occupying the site accessing the site (travel to work) by the alternative modes of transport.
- 5.2 Warwickshire County Council has assessed the access and considered that the proposal would not have an adverse impact upon highway safety. In addition to this Nuneaton and Bedworth have also assessed the application and concluded that it would not have a detrimental impact upon highway safety.

6. Air Quality

- 6.1 Local Plan Policy HS5 states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 6.2 Rugby Borough Council (Environmental Services) confirmed that whilst the proposed development is not within the Air Quality Management Area it does meet the threshold of being above 1000 square metres and therefore, I would recommend that a condition is application with an appropriate informative with regards to the air quality neutral standard.
- 6.3 This application is therefore considered to be in accordance with Policy HS5 of the Local Plan.

7. Conclusion

- 7.1 It is considered that the proposal would not result in any adverse impacts on the occupiers of neighbouring properties. However, by virtue of the inappropriate nature of the development that would have a detrimental impact on the character, appearance and openness of the Green Belt it is considered that the proposal would be contrary to Section 13 of the National Planning Policy Framework and GP1; GP2; GP3; ED1; ED2; and ED3 of the Local Plan and should be refused.

Report prepared by: Jo Orton, Principal Planning Officer

DRAFT DECISION

REFERENCE NO:
R18/1676

DATE APPLICATION VALID:
13-Sep-2018

APPLICANT:
Mr Alan Whitcroft THE TROSSACHS PARROTTS GROVE COVENTRY CV2 1NR

AGENT:
Mrs Sinead Turnball, DLP Planning Limited 18a Regent Place Rugby CV21 2PN

ADDRESS OF DEVELOPMENT:
THE TROSSACHS, PARROTTS GROVE, COVENTRY, CV2 1NR

APPLICATION DESCRIPTION:
Erection of three modern industrial units within Class B1 and B2 (outline - access only).

CONDITIONS, REASONS AND INFORMATIVES:

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

Therefore the proposed erection of three modern industrial units within Class B1 and B2 would constitute inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for the industrial units in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy GP1; GP2; GP3; ED1; ED2; and ED3 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

National Planning Policy Framework – 2019

Section 13: Protecting Green Belt Land

Local Plan 2011-2031

Policy GP1: Sustainable Development
Policy GP2: Settlement Hierarchy

Policy GP3: Previously Developed Land
Policy ED1: Protection of Rugby's Employment Land
Policy ED2: Employment Development Land within Rugby Urban Area
Policy ED3: Employment Development Outside Rugby Urban Area

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

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

DRAFT

Reference: R19/1203

Site Address: BUSH HILL FARM, BUSH HILL LANE, WOLFHAMPCOTE, RUGBY, CV23 8AX

Description: Alterations to existing access and redevelopment of existing caravan site for six residential dwellings (following withdrawal of application reference R19/0800)

Case Officer Name & Number: Jo Orton, 01788 533549

Recommendation

Refuse due to the unsustainable location of the development.

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as Councillor Heather Timms has requested that the application be determined by the Planning Committee. The request has been made on the following grounds:

- There are policies which support the redevelopment of previously developed land in the countryside; and
- This is an opportunity to support the vitality and viability of the village in accordance with these policies.

Application Proposal

This application seeks outline planning permission for the erection of six new dwellings. The main considerations in this application are the principle of development along with matters relating to access. Layout and landscaping along with scale and appearance are being considered in detail at reserved matters stage.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 under Part 1 and the Communities and Local Government Guidance on Information Requirements and Validation; March 2010 details information which needs to be submitted to allow for the determination of an outline planning application. This information has been received by the agent through the submission of the Sketch Scheme (25-18-08 C).

Site and Surrounding Area

The application site is located within the grounds of the former caravan and camping park which previously sited fourteen platforms for caravans along with an amenity building. The existing access road off Bush Hill Land it to be utilised to serve the proposed development.

The application site itself comprises 0.397 hectares of land; with a significant amount of hardstanding which sited the caravans; within the ownership of the applicant which forms part of Bush Hill Farm.

Relevant Planning History

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
R18/2150	Erection of six new dwellings (outline – access, landscaping and layout only).	Refused	22 nd January 2019
R19/0800	Erection of six new dwellings (outline – access only).	Withdrawn	15 th August 2019

Relevant Planning Policies

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development
Section 5: Delivering a Sufficient Supply of Homes
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving Well Designed Places
Section 15: Conserving and Enhancing the Natural Environment
Section 16: Conserving and Enhancing the Historic Environment

Local Plan 2011-2031

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land
Policy HS5: Traffic Generation and Air Quality, Noise and Vibration
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy SDC1: Sustainable Design
Policy SDC3: Protecting and Enhancing the Historic Environment
Policy D2: Parking Facilities

Supplementary Planning Documents – 2012

Planning Obligations

Technical Consultation Responses

No objections have been received from:

Warwickshire County Council (Ecology)
Warwickshire County Council (Highways)
Warwickshire County Council (Archaeology)
Rugby Borough Council (Environmental Services)
Rugby Borough Council (Arboriculture Officer)
Rugby Borough Council (Work Services)
Ancient Monument Society
Ramblers Association
Seven Trent Water

No comments have been received from:

Warwickshire County Council (Public Rights of Way)

Third Party Responses

Wolfhampcote Parish Council have commented on the application and raised the following:

1. Issues with the site in relation to water supply and sewage disposal;
2. Managing any build would require strong conditions regarding time of day for operation/lorries along with keeping Bush Hill Lane swept and clean;
3. The part regarding transport duplicates the issues and does not expose the ongoing issue of $\frac{3}{4}$ large coaches destroying and polluting the environment;
4. The sustainability information is inaccurate:
 - a. Thomas of Flecknoe does not operate lorries and is not within the village environs;
 - b. Flecknoe Consulting is a husband and wife company who both have other jobs;
 - c. Feedshed and Wildside are on the Warwickshire/Northamptonshire Parish boundary some distance from the village and offer no local employment;
 - d. Hollands Fishing Lake (plural);
 - e. There is no caravan park; and
 - f. The Chopping Block has largely relocated.
5. Likewise, the social information is also inaccurate:
 - a. There is a whist (card game) evening once a week;
 - b. Holiday Club is 15/20 hours per annum;
 - c. There is no allotment society; and
 - d. There is no village hall charity.
6. There is very little for young families, teenagers, older people and non-drivers to do in Flecknoe.

Neighbours notified and a site and press notice has been displayed and one letter of objection has been received raising the following:

1. There is no pavement at the top end of Bush Hill Lane;
2. There are no calming measures and vehicles drive too fast;
3. Due to the location of the businesses there are already more cars using the street as would normally be expected on a no-through-road;
4. The proposal would see up to an additional 12 cars using the road; and
5. Affordable housing should be proposed as opposed to more executive homes.

Determining Considerations

The main considerations in respect of this application are the principle of development; the impact the proposed development has on the character and appearance of the area; impact on neighbouring properties; highway safety and ecology.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that the location and scale of development must comply with the settlement hierarchy and that the most sustainable locations are considered ahead of those further down the hierarchy.
- 1.2 The application site is located within the Countryside and along Flecknoe Village Road which is outside of the village boundary of Flecknoe and as such new development will be restricted and only where National Policy on countryside locations permits will development be permitted.
- 1.3 Section 5 of the NPPF states that planning policies should avoid the development of isolated homes in the countryside unless certain exceptions are met. Paragraph 78 of the NPPF states that Local Authorities should promote sustainable development in rural areas with housing being located where it will enhance or maintain the vitality of the community; however; Section 11 of the NPPF states that Local Planning Authorities should make as much use of previously-developed land as possible.
- 1.4 Local Plan Policy GP3 states that Local Planning Authorities will support the redevelopment of previously developed land where proposals are compliant with the policies within the Local Plan in particular where the stated criterion is met. Likewise Section 2 of the NPPF and Local Plan Policy GP1 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 1.5 As the proposal seeks the outline approval for the erection of six new dwellings on a site which has been used as a former caravan and camping site, with associated hardstanding, this use would constitute previously developed land, however it should not be assumed that the whole of the curtilage should be developed. As such the proposal is considered to be in accordance with Section 11 of the NPPF and Local Plan Policy GP3.
- 1.6 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision taking this means approving development that accords with an up-to-date development plan without delay. Following the adoption of the Local Plan on 4th June 2019 the Borough Council has a five year housing land supply.
- 1.7 Supporting information has been submitted with the application as an evidence base to outline the sustainability of the village of Flecknoe. This information is summarised in the sections below:

1.7.1 *Transport*

- Bus service on a Thursday into Rugby, operated by Flexibus;
- Lift shares offered to pensioners by other residents;
- School buses to the independent schools of Princethorpe and pick-ups close by for Warwick Prep, Warwick boys and Kings High School all in Warwick;
- Catteralls run a service to/from Flecknoe village hall to Southam College;
- WCC run a service from Flecknoe to the Rugby state schools; and

- A high percentage of children in Flecknoe attend the Independent schools of Warwick, Kings and Princethorpe and parents operate lift shares/drop off on the way to/from work as well as the bus service.

1.7.2 *Businesses*

- The Chopping Block;
- VBE Restorations;
- Airline Services- vehicle repair shop;
- The Feedshed/Wildside land management;
- Thomas of Flecknoe (transport, heavy lorries);
- Flecknoe Farm Horse Stud;
- Bush Hill Farm Caravan Park;
- Flecknoe Consulting Ltd;
- The Old Olive Bush public house;
- Farming activities at Bates Farm, Bush Hill Farm, Boundary Farm, TOF Farm;
- Fishing lakes; and
- Horse Racing stud.

1.7.3 *Social*

- Pilates classes;
- Twice weekly yoga classes;
- Bridge evenings;
- Bonfire night gathering;
- Village produce show;
- Holiday club for children held during the long summer holiday;
- An allotment society;
- Carol singing;
- Harvest supper and charity auction;
- Annual sports day;
- Progressive supper evening;
- Fun bike ride;
- Cricket club;
- Skittles team;
- Circuit training weekly in the village hall; and
- Flecknoe Motor Show.

1.8 It is also stated within the supporting evidence that the church holds various services throughout the year which is the centre of the community within Flecknoe. With other key elements coming from the Council Tax the development will generate benefiting the Borough Council and its residents. All homes will have modern construction built to high environmental standards including access to superfast broadband encouraging home working. Furthermore it has been stated that the project will provide local people with work and income for the duration of the build.

1.9 Within the recent Court of Appeal decision following the refusal to grant planning permission for the erection of 4 new dwellings in Braintree DC v Secretary of State for Communities and Local Government (2017) which found that isolated homes in settlements without facilities and services recognises that development in a small village may enhance and maintain services in a neighbouring village. Whilst the application site

is located outside of the defined village boundary the proposal in this instance is not considered isolated given the location of residential dwellings within the vicinity of the application site.

- 1.10 In another recent appeal decision (ref: APP/Q1153/W/18/3198937) at Sungates in Tavistock the Planning Inspector dismissed this appeal for the change of use from agriculture to residential along with the construction of 2 4-bedroomed dwelling houses. The appeal was dismissed on the grounds that it does not necessarily follow that a site that is not isolated in the terms of Paragraph 55 (now 79) will be reasonable accessible to services when considered in the context of other requirements of the Framework. In this instance a distance of 580 metres to the centre of one of the Main Settlements which had access to a wide variety of services was considered in this instance to be an unsustainable location.
- 1.11 In a recent appeal decision (APP/E3715/W/19/3226761) Land adjacent to West View, Stockton Road, Birdingbury the Planning Inspector accepts that the Local Planning Authority can demonstrate a five year supply of deliverable housing sites and as such the tilted balance in this instance is not engaged. The Inspector also states that lack of isolation does not necessary mean that a site will be reasonably accessed to services when considered with the other aspects of the NPPF. Birdingbury in this instance was considered to be an unsustainable location; accessibility to services; and limited public transport would make the reliance of the private car likely. The inspector concludes that the proposal would be in conflict with the NPPF and Local Plan which seek to direct development towards sustainable locations.
- 1.12 Likewise appeal decision (APP/E3715/W/19/3233944) 8 Swedish Houses, Birdingbury Road, Hill the Planning Inspector cites that the potential for future residents to make a meaningful contribution to the vitality of Hill is severely limited given the narrow range of local services. Furthermore, Leamington Hastings and Birdingbury have few facilities, thereby limiting the potential for residents to affect or maintain the vitality in the other nearest settlements. Whilst the proposal would not be isolated it was considered that the proposal would not promote use of sustainable modes of transport and would fail to have any meaningful effect on the vitality of a rural community.
- 1.12 An Additional appeal decision (APP/E3715/W/19/3231710) Flecknoe Farm Stud & Livery, Flecknoe Village Road, Flecknoe, which was originally refused; on sustainability grounds; by Planning Committee on 6th February 2019, supports the Local Planning Authority's decision. The appeal decision acknowledges that there would be an overwhelming reliance of the private car and that this reliance on the private car would hinder social integration between new and existing residents in the village. It then goes onto say that the remoteness of the appeal site would mean that the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at the identified main settlements without reliance on the private car.
- 1.13 The inspector concludes that the dwellings would be within a location with poor access to services and facilities. Whilst it is accepted that the Framework recognises the opportunity to maximise sustainable transport, solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or

maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location. Thus, resulting in a proposal which would be in conflict with the National Planning Policy Framework.

- 1.14 Furthermore the table below details the relative distances from services of Grandborough and Flecknoe to a main settlement with associated travel time and distance:

<u>Rural Settlement</u>	<u>Main Settlement</u>	<u>Travel Time/Distance</u>
Grandborough	Rugby	15 minutes 6.4 miles
Grandborough	Dunchuch	7 minutes 3.5 miles
Flecknoe	Daventry	10 minutes 5.4 miles
Flecknoe	Braunston	6 minutes 2.5 miles
Flecknoe	Napton	8 minutes 4.5 miles

- 1.15 It has been indicated that whilst Flecknoe maybe more isolated than Grandborough in terms of facilities within the jurisdiction of Rugby Borough Council when you take into consideration the surrounding hinterland it is considered it has shorter access time and less mileage to County/Town services with equivalent distance and time to Braunston and Napton compared with Dunchurch for village services. Both Braunston and Napton have Post Offices, convenience stores with Braunston also benefiting from a butchers, fish and chip shop, hairdressers and café which is similar to Dunchurch. In relation to this it is considered that Rugby, Dunchurch and Daventry are significantly larger settlements and thus have access to an increased range of services and facilities when compared to Braunston and Napton on the Hill. Whilst it is accepted that these places will draw individuals from Flecknoe in some instances, key elements such as schools would not, for instance all the primary, junior, secondary and catholic school's priority catchment areas for Flecknoe lie a considerable distance from the village and further away from Grandborough in all instances.
- 1.16 Likewise, Braunston and Napton can also match the facilities of Dunchurch and jointly match its population. In relation to access to school catchment areas pupils are bussed from Grandborough and Flecknoe to their choice of schools and also states that Staverton Primary School takes Flecknoe children and is closer to the village than Leamington Hastings/Hill Primary School is to the children in Grandborough. In relation to this Warwickshire County Council (WCC) is clear that whilst you can choose your school to apply for, if you live within a school's priority area you have more chance of your child being offered a place at that school.
- 1.17 Whilst some schools have their own selection criteria many follow the WCC allocation of places in the following order:
- Children in the care of, or provided with accommodation by, a local authority and children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangement order or special guardianship order);
 - Children living in the priority area who will have a sibling at the school at the time of admission;
 - Other pupils living in the priority area;

- Children living outside the priority area who will have a sibling at the school at the time of admission; and
 - Other children living outside the priority area.
- 1.18 Whilst it is acknowledged that children satisfying stages 1-3 will be offered a place before children outside the priority area. Whilst this is less of an issue at primary schools, although the vast majority of children at school still tend to be those from the priority area, there is an acute shortage of places at secondary level therefore the parental/education choice is not that simple.
- 1.19 The above referenced appeal in Birdingbury and Tavistock is further supported in this instance that whilst not an adopted policy; the Rural Sustainability Study 2015 which was carried out as part of the Local Plan review; and therefore, provides up to date evidence which sets out the most sustainable locations within the Borough according to settlement. In this instance Flecknoe is within the bottom 10 of the least sustainable villages within the Borough in terms of access to services and public transport. In terms of services Flecknoe benefits from a Village Hall/Community Centre; Public House; Café; Place of Worship and Open Space.
- 1.20 Section 9 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development for its location ensuring that safe and suitable access to the site can be achieved for all users. The 214 bus operates from the Olive Bush in Flecknoe which stops off in Dunchurch and Rugby, both of which are sustainable settlements, however the bus is only operational on a Thursday with one out and one return journey upon request. The majority of settlements surrounding the village of Flecknoe are small scale settlements with limited access to services the closest main rural settlement to Flecknoe is Dunchurch which is approximately 4.6 miles away; Rugby which is approximately 6.6 miles away; and Daventry which is approximately 2.6 miles away; all distances measured as the crow flies. As such this indicates a heavy reliance on the private car in order for residents to access employment opportunities; services and facilities within the surrounding settlements.
- 1.21 This position was emphasised within appeal decision APP/E3715/W/19/3231710 at Flecknoe Farm Stud ad Livery which supports the fact that the remoteness of the site would mean that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location as such; the proposal does not meet the requirements of Section 2 of the NPPF and Policy GP1 of the Local Plan.
- 1.22 It is therefore considered that this application is contrary to Section 2; 5 and 9 of the NPPF; and Local Plan Policies GP1, GP2 and GP3.

2. Character and Design

- 2.1 Local Plan Policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. Section 12 of the National Planning Policy Framework (NPPF) states 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 whilst being visually attractive as a result of good architecture.

- 2.2 The proposal would be sited approximately 125 metres, as the crow flies, from the access to the main public highway and would have generous gardens proposed. The front elevations are set back from the access road and follow a staggered form of development which works well within the tight constraints of the site. Whilst appearance is not to be considered until reserved matters stage indicative details provided along with the layout indicate that an attractive street scene could be created by this proposal.

3. Impact on Residential Amenity

- 3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded with Section 12 of the NPPF stating that developments will provide a high standard of amenity for existing and future users.
- 3.2 As previously identified the main considerations under this application is for the principle of development only, as such design, scale and massing details would be reserved for full consideration at a later date. The indicative layout submitted has however identified that the site can accommodate up to 6 new dwellings. As referred to above, the impacts on the amenities of neighbouring properties would be appropriately addressed at the reserved matters stage should outline planning consent be granted.

4. Highway Safety

- 4.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 4.2 Whilst the number of bedrooms within this proposal is currently unknown the proposal indicates parking for 18 vehicles to be parked to the front and within the detached garages which have been included within the indicative layout. As such, it is therefore considered that there will not be an adverse impact on parking within the vicinity and it is therefore considered to be in accordance with Appendix 5 of the Local Plan and Planning Obligations SPD.
- 4.3 Warwickshire County Council (Highways) have confirmed that they have no objection to the proposal and in this instance do not recommend any conditions and informatives.
- 4.4 It is therefore considered that the proposal is in accordance with Saved Local Plan Policy T5 and Local Plan Policy D1.

5. Impact on Biodiversity

- 5.1 Local Plan Policy NE1 seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development

should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost.

- 5.2 Warwickshire County Council (Ecology) have responded to the application and confirm that the site has no specific nature conservation designation, and there are no records of protected species within the application site. The site is located approximately 230m South-West of Ecosite 09/56, Flecknoe Churchyard, a non-statutory site of nature conservation interest. It is confirmed that this Ecosite will not be impacted by the proposals. It is however noted that there are records for pipistrelle bats, hedgehog, brown hare, spotted flycatcher, swift and swallow nearby. As such it is confirmed that there are no objections to the proposal subject to conditions and informatives.
- 5.3 This application is therefore considered to be in accordance with Local Plan Policy NE1.

6. Impact on Archaeology

- 6.1 Section 16 of the NPPF states that Local Planning Authorities should consider the impacts which cause any harm to; or loss of; the significant of a designated heritage asset. Furthermore, Local Plan Policy SDC3 which states that applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment on the impacts the proposal has on the heritage asset.
- 6.2 The proposed development lies within an area of significant archaeological potential within the extent of the medieval settlement of Flecknoe (Warwickshire Historic Environment Record MWA3042). The Scheduled Medieval Settlement Remains at Flecknoe lie adjacent to the eastern boundary to the site and to the north east of the site. A Heritage Impact Assessment; Written Scheme of Investigation and Archaeological Evaluation has been submitted with the supporting information accompanying this application.
- 6.3 The evaluation identified a number of features mostly associated with domestic and agricultural activity and which included evidence for 19th and 20th century buildings show on the First and later Editions of the Ordinance Survey mapping for the area. The fieldwork also identified undated linear features aligned with the modern boundary system and a shallow ditch which was interpreted as a possible former boundary ditch. Following the results of this trial trenching Warwickshire County Council (Archaeology) have confirmed that they do not consider that it would be necessary for any further archaeological work to be undertaken across this site.
- 6.4 It is therefore considered that this application is in accordance with Section 16 of the NPPF and Local Plan Policy SDC3.

7. Landscaping

- 7.1 Local Plan Policy SDC2 seek to ensure that landscaping forms an integral part of the development and new development should maintain and extend the landscaping network.
- 7.2 Rugby Borough Council (Arboriculture Officer) has confirmed that there are 3 mature trees located within the application consisting of two Ash and a mature Apple. The trees are not currently protected or located within a conservation area. The trees are of a low

value in terms of their condition, age, longevity and public visibility and appear to now be in decline.

- 7.3 Whilst the trees are highlighted for retention, the formation of a new access and close proximity of Plots 1 and 6 to these trees may be too close to them in terms of impact on root protection areas and canopies of these trees. If these trees are being retained, a BS5837:2012 tree report should be completed, the results of which should be used to inform a successful layout so trees and development can co-exist successfully. However, the trees could be replaced with new planting to enhance the development.
- 7.4 To the south of the site is dense predominately coniferous tree planting which whilst partially screening the site they would have an adverse impact upon the relatively small south facing gardens, which would inevitably lead to post development removal. Likewise, additional tree planting within Plots 2 and 3 for screening along the southern boundary would be encouraged with new tree planting within the development to replace the Ash/Apple trees.
- 7.5 Whilst the Arboriculture Officer has confirmed that there is no objection to the proposal in principle it is considered that the layout would need to be amended in relation to existing tree cover and how a successful layout could be achieved. Whilst some issues have been raised in this instance given the nature of them it is considered in this instance it would not be sufficient grounds to warrant refusal of the application.
- 7.6 As such this application is therefore considered to be in accordance with Local Plan Policy SDC2.

8. Air Quality

- 8.1 Local Plan Policy HS5 states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 8.2 Rugby Borough Council (Environmental Services) have confirmed that they have no objection subject to appropriate informatives relating to air quality neutral standards.
- 8.3 This application is therefore considered to be in accordance with Policy HS5 of the Local Plan.

9. Planning Balance

- 9.1 In terms of the planning balance the Local Planning Authority benefits from an up to date adopted Local Plan along with a five-year supply of land and therefore the tilted balance in this instance is not engaged. The NPPF is however a document which should be considered as a whole and does state that in achieving sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 9.2 It is acknowledged the scheme would bring a number of benefits including the provision of additional dwellings to the local stock and associated benefits to the local economy, however, the positive effects of a small-scale development over long term would be limited. The harm however in respect of the location of the application site would be in

conflict with one of the Framework's core planning objectives in that the proposal would not demonstrate sustainable development and as such significant weight should be given to this conflict.

10. Conclusion

- 10.1 In the opinion of the Local Planning Authority, having regard to the location of the development outside of the village boundary of Flecknoe being sited within the Countryside, the proposal would result in a development which would result in future residents being heavily reliant on the private car to access services and facilities as well as employment which in turn fails to mitigate and adapt to climate change and support moving to a low carbon economy. As such the proposal fails to comply with Sections 2 of the National Planning Policy Framework (2019); and Local Plan Policies GP1, GP2; and GP3.

Report prepared by: Jo Orton, Principal Planning Officer

DRAFT DECISION

REFERENCE NO:
R19/1203

DATE APPLICATION VALID:
10-Sep-2019

APPLICANT:

Richard Johnson and Jill Sinclair BUSH HILL FARM, BUSH HILL LANE, WOLFHAMPCOTE, RUGBY, CV23 8AX

AGENT:

Richard Palmer, HB Architects HB Architects, The Old Telephone Exchange, Albert Street, Rugby, CV21 2SA

ADDRESS OF DEVELOPMENT:

BUSH HILL FARM, BUSH HILL LANE, WOLFHAMPCOTE, RUGBY, CV23 8AX

APPLICATION DESCRIPTION:

Alterations to existing access and redevelopment of existing caravan site for six residential dwellings (following withdrawal of application reference R19/0800)

CONDITIONS, REASONS AND INFORMATIVES:

REASON FOR REFUSAL: 1

The proposed development is located within an area of the borough designated as Countryside. Local Plan policy GP2 states that new development within the countryside would be resisted and only where national planning policy allows will development be permitted. It is considered that the development is located within an area with limited services and facilities, resulting in a overreliance of the private car. As such the proposal would therefore have an adverse impact upon the environmental conditions of the area, and as a result would not fulfil the environmental dimension of sustainable development identified by section 2 of the NPPF 2019 and therefore does not constitute sustainable development. The proposal is therefore contrary to Local Plan Policies GP1 and GP2, and guidance contained within the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

National Planning Policy Framework - 2019

Section 2: Achieving Sustainable Development

Local Plan 2011-2031

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy GP3: Previously Developed Land

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

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

DRAFT

Reference number: R18/0829

Site address: Land opposite Draycote Water, Southam Road, Rugby

Description: Outline planning permission for the construction of 18 (no) holiday lodges, with all matters reserved.

Case Officer Name & Number: Paul Varnish 01788 533771

Recommendation: Approval subject to appropriate conditions.

Introduction

This application has been brought before the Planning Committee as it is a major application.

Application Proposal

This application is for outline planning permission for the construction of 18 (no) holiday lodges, with all matters reserved.

The planning application is accompanied by the following information:

- Site Location Plan
- Proposed Site Plan “For Illustrative Purposes Only”
- Proposed Holiday Lodge Plans & Elevations “For Illustrative Purposes Only”
- Supporting Information

The site layout plan indicates the proposed plots, and indicates, for illustrative purposes, the appearance of the lodges, the layout of the lodges and how they will be accessed.

This application will determine whether the principle is considered acceptable, with the final – Layout, Scale, Appearance, Access and Landscaping to be considered as reserved matters, which will be submitted later.

Supporting information

In support of the application, the agent has provided the following information: -

The application site forms part of a larger site which has the benefit of an extant planning permission, granted under R12/0617, for the change of use of land to form a Centre of Rural Excellence (CRE). The site is located within close proximity to Draycote Reservoir, the Leam Valley Golf Centre and the settlement of Kites Hardwick.

The Warwickshire Visitor Economy Framework 2013-2018 (since updated to the Warwickshire Visitor Economy Forward Plan 2018-2022) explains how tourism is a key economic contribution to the Warwickshire Economy and the quality of life for the county's resident population. The Framework identifies priorities and interventions by both the public and private sectors to grow the visitor economy in Warwickshire.

A specific action of the Framework, namely 'Programme 2: Gateways to the Countryside', is to develop the rural tourism and recreation infrastructure of Warwickshire's countryside, including specifically, amongst other things, the development of rural accommodation and rural attractions.

It is considered that the proposal will help to support a prosperous rural economy by enabling the sustainable growth and expansion of the Centre of Rural Excellence (CRE) (granted permission under reference R12/0617), by expanding the elements on offer at the centre and the linkages with the existing surrounding established recreational and leisure uses, and thus enabling a sustainable rural tourism and leisure development which fully respects the character of the countryside. Furthermore, the proposal will help to grow the visitor economy in the Borough and the County through the provision of rural holiday accommodation and the development of this rural attraction.

The proposed holiday lodges are linked both physically and intrinsically with the CRE. Physically access to the site for the holiday lodges runs through the remainder of the CRE site. Intrinsically holiday accommodation forms part of a leisure and tourism development and is another element of use alongside the already improved elements of the CRE building, caravan and camping pitches and craft and animal elements.

The agent considers that if the CRE was not developed, there is still planning policy support for the provision of holiday accommodation as a stand-alone planning application.

Site and Surrounding Area

The application site is located opposite to the Draycote Water entrance and covers approximately 0.8 hectares.

The site has already been granted planning permission for a Centre of Rural Excellence (CRE) (granted permission under reference R12/0617) for the erection of a new two storey building, smaller ancillary buildings, caravan and camping pitches and the formation of a new vehicular access.

The purpose of the CRE is to promote rural activities to include walking, fishing, animal husbandry and other outdoor pursuits such as gardening and crop cultivation.

Although the site has yet to be developed, work has commenced, and the permission would now be considered extant. The approved site layout for the CRE allowed for a

small section (0.8 hectares) of pasture land to the west of the site to remain. This is the area where the holiday lodges will be located.

The site is located close to Leam Valley Golf Centre to the south, and beyond that the local rural settlement of Kites Hardwick, Draycote Reservoir and its recreational facilities to the west and to the north and east, open countryside.

Adjacent to the south of the site there is a single access track, accessed off Southam Road. Beyond the access track is an embankment and fishing lakes, within the ownership of the Leam Valley Golf Centre.

To the north, east and west of the site are hedgerows which surround the site. The hedgerows, to a certain extent, screens the site from view.

Relevant Planning History

R12/0617	Change of use of the land to form a centre of rural excellence to include the erection of a new two storey building, smaller ancillary buildings, caravan and camping pitches and the formation of a new vehicular access	Approved	14/03/2013
R19/0006	Lawful Development Certificate (existing), for clarification that the applicant has commenced works, in compliance with Condition 1 of the Planning Application R12/0617: Change of use of the land to form a centre of rural excellence to include the erection of a new two storey building, smaller ancillary buildings, caravan and camping pitches and the formation of a new vehicular access	Approved	07/02/2019

Technical Responses

RBC Environmental Health – No objection, subject to conditions. Further correspondence – Request for conditions and informatives

RBC Tree Officer – Request for a tree survey

RBC Landscaping – No objection, subject to conditions

RBC Works Services – No response

WCC Ecology – Request for a Preliminary Ecological Appraisal (PEA) of the application site is undertaken prior to determination.

WCC Highways – Objection. Further Correspondance – No objection, subject to conditions.

Warwickshire Fire and Rescue – Request for further information. Further information received – no objection, subject to conditions

Environment Agency – No objection (low environmental risk).

Public Rights of Way – No objection to the proposals - There are no recorded public rights of way crossing or immediately abutting onto the application site.

Severn Trent Water – No objection, subject to conditions

Third Party Responses

The Parish Council and neighbours have been notified and a site notice has been posted. The Parish Council have commented, and ten letters of objection have been received by neighbours raising the following concerns. One letter of support has been received.

Parish Council -

- Impact on Highway safety
- Request for details of the holiday lodges

Neighbour Objection (10) –

- Creeping Urbanisation
- Concerns regarding Highway safety and increase in traffic
- Questionable whether there is a need or demand for holiday lodges
- Potential Flood Risk
- Character and appearance
- Loss of privacy
- Noise and disturbance
- Traffic generation and access
- Impact on the rural landscape
- Impact on ecology and biodiversity
- Sustainability
- No Business Plan
- Potential of permanent housing in the future
- Harm to existing businesses
- Non-compliance with policy

Neighbour Support (1) -

- Lodges on this site would be much welcomed by people attending craft and skill courses. great idea. Lots to do with Draycote Water nearby plus the golf course. I would certainly book a stay here for 'Thatching' courses and make use of the fishing and golf next door.

Relevant Planning Policies and Guidance

Rugby Borough Council Local Plan 2011-2031

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC4: Sustainable Buildings

Policy D1: Transport
Policy D2: Parking Facilities
Policy D3: Infrastructure and Implementation
Policy ED4: The Wider Urban and Rural Economy
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy NE3: Landscape Protection and Enhancement.

Supplementary Planning Guidance – 2012

Planning Obligations
Sustainable Design and Construction

Guidance

National Planning Policy Framework

The Warwickshire Visitor Economy Framework 2013-2018
Warwickshire Visitor Economy Forward Plan 2018-2022

Determining Considerations

The main issues concerning this application are the principle of the proposal and whether (once the reserved matters application has been submitted) the design and appearance of the proposal; the impact of the proposal upon the amenities of the neighbouring properties; the impact on the visual and residential amenities of the area, impacts on ecology and the impacts on highway safety are acceptable.

Principle of development

- 1.1 The Local Plan Policy GP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 1.2 Emerging Plan Policy GP2 states that new development will be resisted; only where national policy on countryside locations allows will development be permitted.
- 1.3 Section 2 of the NPPF states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 1.4 The application site is located within the open countryside, as defined in the Local Plan Policy GP2. The Policy states that new development, within the Countryside, will be resisted; only where national policy on countryside locations allows will development be permitted.

- 1.5 The National Planning Policy Framework within Paragraph 83 - Supporting a prosperous rural economy – states that planning decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new building and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 1.6 Local Plan Policy ED4 that certain forms of development and uses are acceptable in principle both in and outside the urban area, to include small-scale tourism, visitor accommodation and leisure-based uses, subject to the content of other policies in the Local Plan. Policy ED4 stresses that schemes will be assessed against the impact that is likely to be caused to the character of the local area as well as the benefit that would arise for rural communities, business and the wider local economy.
- 1.7 Within the previous application (for the CRE - R12/0617) it was established that the provision of a tourist facility would be in principle acceptable. It is considered that as the CRE is aimed at rural activities the best location for the centre would be in a rural area. In addition, it would be located near to Draycote Water, the Leam Valley Golf centre and fishing lakes. The CRE is located within close proximity to Dunchurch, which has facilities to include restaurants and shops.
- 1.8 The agent has stated, within the supporting information that the holiday lodges would be integral to the Centre of Rural Excellence (CRE). The proposed holiday lodges would help to support a prosperous rural economy by enabling the sustainable growth and expansion of this. By expanding the elements on offer at the centre and the linkages with the existing surrounding established recreational and leisure uses, and thus enabling a sustainable rural tourism and leisure development which fully respects the character of the countryside. Furthermore, the proposal will help to grow the visitor economy in the Borough and the County through the provision of rural holiday accommodation and the development of this rural attraction.
- 1.9 The proposed holiday lodges are linked both physically and intrinsically with the CRE. Physical access to the site for the holiday lodges runs through the remainder of the CRE site. Intrinsically holiday accommodation forms part of a leisure and tourism development and is another element of use alongside the already improved elements of the CRE building, caravan and camping pitches and craft and animal elements.
- 1.10 The agent considers that if the CRE was not developed, there is still planning policy support for the provision of holiday accommodation as a stand-alone planning application, which would also support the nearby leisure attractions and other tourist attractions within the borough and county

- 1.11 The proposed lodges are for the purpose of supporting tourism and leisure, due to the rural locality, permanent dwellings would not be considered acceptable. A condition will be included which requires a break of one month where the accommodation remains vacant to ensure the lodges are only used on a temporary basis.
- 1.12 The NPPF within paragraph 84 states that 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.
- 1.13 The site is not easily accessible for pedestrians, as there is no footpath, however, the site is accessible by bicycle and there is a bus stop to the front of the site. The proposal is sensitive to its surroundings, as the holiday lodges will provide linkages with the existing surrounding established recreational and leisure uses.
- 1.14 Within the 'The Warwickshire Visitor Economy Framework 2013-2018' it is stated that the focus of the policy and work programme is to ensure that the whole of Warwickshire benefits from the growth of tourism. The policy seeks to grow the visitor economy's contribution to economic prosperity, employment and quality of life across the County. To include the key priority of creating compelling places to visit. The proposed holiday lodges will be linked both physically and intrinsically with the CRE. It was considered that The CRE was acceptable and is located within an ideal location and would support the established facilities, Draycote Water, the Leam Valley Golf centre and fishing lakes, Dunchurch and the other visitor attractions within the borough and county, which the holiday lodges will help to benefit and support. As the holiday lodges are integral to the CRE, it is considered they will also benefit the above recreational and tourist activities.
- 1.15 It is therefore considered that the proposal is in principle acceptable and complies with National and Local Policy, subject to all planning matters being appropriately addressed.

2. Design and Appearance

- 2.1 Policy SDC1 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. All developments should aim to add to the

overall quality of the areas in which they are situated. Policy SDC1 will be supported by the Council's 'Sustainable Design and Construction SPD'.

- 2.2 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 2.3 The location of the holiday lodges is to the west of the site, approximately 200 metres from the highway. The lodges will be single storey, approximately 3 metres in height and 6 metres in width, and of an appearance typical of a holiday lodge. (It is recommended that the minimum spacing distance between caravans made of aluminium or other materials with similar fire performance properties should not be less than 5 metres between units and 3.5 metres at corners). A condition will be included for the exact specifications of the lodges, to ensure they are of a suitable design and layout.
- 2.3 The proposed CRE development will be located to the west of the site, nearest to the highway, and will include several buildings and structures. It was considered, within the original application - R12/0617, that the scale and layout would retain the open aspect and setting of the rural locality. The proposed lodges will be located to the rear of the CRE and will integrate with the approved CRE scheme.
- 2.4 Consideration has been given in the event the CRE development may not be built. Due to the positioning of the holiday lodges, being located away from the highway, the screening on the west boundary and the views from the south being mainly screened by the embankment, which abuts the access lane, it is considered that there will be minimal impact on the setting of the locality.
- 2.5 Tree and hedgerow planting and other landscaping is proposed across the site and a condition can be used to ensure the details of this are agreed. This landscaping will help to soften the edge of the development and provide a better landscape structure. It is therefore considered that the proposal complies would comply with Policy NE3 Landscape Protection and Enhancement.
- 2.6 Whilst the introduction of the lodges would alter the appearance of the once open field, it is considered the proposed location, being positioned away from the highway is sympathetic with the location. It is also considered that the lodges would integrate well with the CRE or individually (if the CRE is not developed). A condition will be included to ensure the final design, positioning and scale of the buildings are acceptable. The addition of further landscaping will help to screen the site and would also positively enhance the site.
- 2.7 This application is therefore considered to be in accordance with Section 12 of the NPPF and Local Plan Policy SDC1.

2.8 Protecting Amenity

2.9 The proposed site is located well away from any neighbouring properties (the properties located to the west, at the entrance of Draycote Water, are approximately 250 metres away). It is therefore considered that the proposed lodges would not impact on the amenities of any neighbouring properties.

2.10 This application is therefore considered to be in accordance with Section 12 of the NPPF and Local Plan Policy SDC1.

3. Highway safety and car parking

3.1 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities.

3.2 The Council's Parking Standards do not include a specific requirement for holiday accommodation. In this location the standards for C3 dwellings is 1.5 spaces for a 2-bedroom unit and 2 spaces for 3 bedroom unit. Parking spaces are proposed adjacent to the lodges and on the access roads and it is considered that this requirement can be met.

3.3 Details of cycle parking have not been provided. However, this can be controlled by condition and there is land available to provide suitable cycle parking.

3.4 Warwickshire County Council Highways within their initial response raised an objection to the proposal. Due to the increase in vehicular trip generation, it was recommended that a further speed survey (Stage 1 Road Safety Audit (RSA)) should be undertaken.

3.5 Highways have recognised that due to the nature of the proposal there would likely be an increase need for public transport usage. There are bus stops located adjacent to the site. However, there is no hardstanding for passengers or crossing facilities. Highways have requested a condition for appropriate facilities for pedestrians to travel safely from the site to the bus stops and facility to wait safely and to board the buses.

3.6 The agent has provided additional supporting information, the Road Safety Audit. Highways consider that it is possible to provide visibility splays to the access that would be appropriate for the intensified use of the site and reflect recent traffic data. This overcomes Highways 'in principle' objection, with the caveat that a scheme for improvements to pedestrian facilities and bus stops will be required prior to occupation as per previous correspondence. It is therefore considered that once the conditions have been met, the proposal will be acceptable in terms

of highway safety and parking. It is therefore considered to comply with Policy D1 – Transport.

4. Ecology Considerations

- 4.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things.
- 4.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.
- 4.3 WCC Ecology have been consulted and due to the location have requested a Preliminary Ecological Appraisal (PEA). On receipt of the PEA, Ecology have requested a condition to restrict development within the bird breeding season or not commence until a qualified ecologist has been appointed to inspect the site for evidence of nesting birds; and for a combined ecological and landscaping scheme. Once the conditions are complied with, it is considered the proposal will not have an adverse impact on protected species in accordance with the Local Plan Policy NE1.

5. Sustainable Buildings:

- 5.1 The Local Plan 2011-2031 Policy SDC4 states that all new dwellings shall meet the Building Regulations requirement of 110 litres of water/person/day unless it can be demonstrated that it is financially unviable. A condition will be included to ensure this policy is complied with.

6. Tree Protection and Landscaping

- 6.1 Local Plan Policy SDC2 states that landscape aspects of a proposed development will be required to form an integral part of the overall design with a high standard of appropriate hard and soft landscaping being required.
- 6.2 The arboricultural officer has been consulted and has provided the following comments:-
- 6.2 Adjacent to the adjoining (off site) boundary are 6 native Black Poplars (Britain's rarest native tree). They are early mature and approximately 15m in height located adjacently to a ditch/brook (which forms the northern boundary) which also links to a pond with an understorey of agricultural hedging. The trees and hedging screen the application site from the elevated topography to the north. The site also appears to well screened with planted bunds to the south and established hedgerows to the east and west.

- 6.3 The illustrative plans show 5 units in very close proximity to 5 of the 6 Poplar trees therefore within their respective Root protection areas and canopy spreads.
- 6.4 It is considered that the units are too close and could lead to post development pressure to remove them, subsequently, the Tree Officer has recommended that an appropriate ecological buffer zone is kept free from building works/development also using the results of an ecological appraisal to ensure important habitats are maintained and enhanced. The Poplars should be allowed to grow without undue pressure to remove.
- 6.5 Due to the location being in the open countryside, a landscaping condition has been requested for further planting to enhance biodiversity potential and to enhance screening as viewed from the north.
7. Severn Trent Water
- 7.1 Severn Trent Water have requested a condition to be included for drainage plans for the disposal of surface water and foul sewage, to ensure that the development provides a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem.
- 8 RBC Environmental Health
- 8.1 RBC Environmental Health have been consulted and have provided the following comments: -
- 8.2 EH initially had concerns regarding contamination, however, they have referred to the previous contamination report, under reference R12/0617, which they consider to be acceptable.
- 8.3 Due to the additional traffic to the proposed 'centre of rural excellence' and concerns over traffic impacts on the traffic flow along the A426. EH gave consideration for an air quality assessment. However, the site is located outside of the Rugby air quality management zone and according to the EPUK & IAQM Guidance Planning for Air Quality, the scale of the particular development does not appear to meet the minimum criteria for an air quality assessment to be required.
- 8.4 Due to the application being for outline permission, they have requested a condition regarding control of noise from plant and machinery, should the proposed development incorporate generators etc
9. Warwickshire Fire and Rescue

- 9.1 Warwickshire Fire and Rescue have no objection to the proposal, providing there is a condition included that the development incorporates a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting at the site.
10. The Environment Agency
 - 10.1 The Environment Agency have raised no objection to the proposal, due to low environmental risk.
11. The Public Rights of Way Team
 - 11.1 The Public Rights of Way Team have also raised no objection to the proposal, as there are no recorded public rights of way crossing or immediately abutting onto the application site.
12. Planning Balance
 - 12.1 Paragraph 8 of the NPPF identifies three overarching objectives to sustainable development: economic, social and environmental. An economic objective, by inter alia, contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; a social objective, by inter alia by supporting the social and cultural well-being of communities and an environmental objective, by inter alia, making efficient use of land. It represents sustainable development because it accords with the economic objective of helping to build a strong rural economy and the social objective of supporting the social well-being of the rural area.
 - 12.2 The National Planning Policy Framework within Paragraph 83 - Supporting a prosperous rural economy – states that planning decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new building and sustainable rural tourism and leisure developments which respect the character of the countryside.
 - 12.3 The proposed holiday lodges will be integral to the CRE and are located within close proximity to the established facilities; Draycote Water, the Leam Valley Golf centre and fishing lakes and will also have access to Dunchurch and the other visitor attractions within the borough and county. The application site is served by public transport (a bus service) and would satisfy the three sustainable overarching objectives – economic, social and environmental.
13. Conclusion

13.1 It is considered that the proposal is in principle acceptable. In terms of the reserved matters, Layout, Scale, Appearance, Access and Landscaping, these will be assessed once the reserved matters application is submitted. However, it is considered that they can be achieved to a standard, which is satisfactory to the Local Planning Authority. Accordingly, it is considered that the application is in accordance with the National Planning Policy Framework and the Local Plan and is therefore recommended for approval subject to conditions.

DRAFT DECISION

REFERENCE NO:
R18/0829

DATE APPLICATION VALID:
20-Dec-2018

APPLICANT:
MRS PLANTIER AND MRS KOTTECHA, C/O Howkins & Harrison

AGENT:
John Clarke, Howkins & Harrison 7-11 Albert Street Rugby CV21 2RX

ADDRESS OF DEVELOPMENT:
LAND OPPOSITE DRAYCOTE WATER, SOUTHAM ROAD, RUGBY,

APPLICATION DESCRIPTION:
Outline planning permission for the construction of up to 18 (no) holiday lodges, with all matters reserved.

CONDITIONS, REASONS AND INFORMATIVES:
CONDITION 1:
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 2:
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 3:
Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority [for each plot/phase] before any part of the development [of that plot/phase] 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

REASON:

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

CONDITION 4:

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 materials and roof tiles/material 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 5:

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

REASON:

In the interest of visual and residential amenity.

CONDITION 6:

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 7:

The lodges hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority

REASON:

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside

CONDITION 8:

The lodges hereby approved shall not be occupied during the month of February in any year

REASON:

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside

CONDITION 9:

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

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 10:

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

REASON:

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

CONDITION 11:

The landscape details submitted in accordance with Condition 3€ shall include a specification of all proposed tree planting. 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.

REASON:

To maintain and enhance continuity of tree cover within the site.

CONDITION 12:

Notwithstanding the details shown on the submitted plan – Proposed Site Plan “For illustrative Purposes Only” – 1835-02A – received by the Local Planning Authority on the 29th August 2019. Any plans, submitted at the Reserved Matters stage, shall ensure no built development or hardsurfacing is located within any part of a 15 metre buffer zone, as measured from the northern site boundary.

REASON:

To ensure the protection and future retention of mature trees located adjacent to the site, which form an important landscape feature in the locality.

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 proposed landscaping including native species planting, details of any pond creation, and species specific enhancements such as bat and bird boxes etc . The agreed scheme will be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 14:

The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for reptiles, amphibians birds (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON:

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

CONDITION 15:

The development hereby permitted shall either:

- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the 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 the 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 16:

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

REASON:

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

CONDITION 17:

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 18:

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

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

REASON:

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

CONDITION 19:

The development shall not be occupied until the public highway A426 Southam Road has been improved so as to provide for improved northbound and southbound bus stop facilities and pedestrian improvements for access between the site and northbound and southbound bus stops in the vicinity of the access to the site, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of Highway Safety and to provide safe connection to public transport

CONDITION 20:

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 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:

The applicant should ensure adequate provision for the storage and disposal of solid waste, prior to the commencement of development.

INFORMATIVE 3:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE 4:

The applicant and occupants of the proposed lodges should be aware that the lodges may be subject to disturbance from activities causing smell, noise and/or dust from the Centre of Rural Excellence as granted permission under per R12/0617.

INFORMATIVE 5:

Lighting on site should be installed to ensure no glare or excessive light spill affects any properties or other developments over the site boundary. Care should also be taken to avoid adverse effects on wildlife and sites valuable to them. Information can be obtained from the Institute of Lighting Engineers on types and positioning of lighting to minimise off site effects.

Reference: R19/1210

Site Address: 58 Hillary Road, Rugby, CV22 6ET

Description: Proposed replacement rear extension

Case Officer Name & Number: David Cutner, 01788 533795

Recommendation

Approval subject to conditions and informatives in the report.

Introduction

Application Proposal

This application seeks planning permission for a replacement single storey rear and side extension. The extension would extend up to 4 metres beyond the rear of the main dwelling, and wraps slightly around to the side elevation. It would be faced in materials to match the existing dwelling, and would have a pitched roof.

This application is to be determined by Committee as the applicant is an employee of Rugby Borough Council.

Site and Surrounding Area

58 Hillary Road is a two storey semi-detached dwelling, sited within a residential part of Rugby. The dwelling is faced primarily in red brick with a tiled roof, and features a bay window to the front. This is a standard design that dominates the local area. Many properties, including No.58 also feature a single storey garage, either detached or attached, to their side.

To the rear of No.58 is an existing single storey projection that is smaller in size than the proposed extension. To the north of the site is attached neighbour No.50 Hillary Road. To the south is a row of terraced bungalows sited perpendicular to No.58 and at a lower elevation.

Relevant Planning History

None

Relevant Planning Policies

National Planning Policy Framework – 2019

Section 12: Achieving Well Designed Places

Local Plan 2011-2031

Policy GP2: Settlement Hierarchy
Policy SDC1: Sustainable Design
HS5: Traffic Generation and Air Quality

Supplementary Planning Documents – 2012

Sustainable Design and Construction

Consultations

Cllr B Lewis – No comment

Cllr C-A Dumbleton – No comment

Third Party Responses

Neighbours notified and no letters of representation have been received.

Determining Considerations

The main considerations in respect of this application are the principle of development; character and design; and the impact on neighbouring properties.

Principle of Development

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 Rugby Town as defined in Policy GP2 of the Rugby Borough Council Local Plan; as such there is a principle in favour of sustainable development subject to all planning matters being appropriately addressed.

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

Character and Design

Local Plan Policy SDC1 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 response to the character of the areas in which they are situated.

The proposed extension would utilise materials to match the existing dwelling. Given its small scale, it would form a clearly subservient and cohesive part of the dwelling. Sited to the rear of the dwelling, the extension would not form a prominent intrusion into the street scene, and would be largely obscured by the main dwelling. Finally, there is an existing single story rear projection at the house currently, setting a precedent for an extension of this siting and size.

Overall I am satisfied that the proposed development, by way of its size and design, would not result in any harm being caused to the character and appearance of the dwelling or the wider street scene. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

Impact on Residential Amenity

Local Plan Policy SDC1 state that the living conditions of existing and future neighbouring occupiers should be safeguarded.

Given the small scale of the proposed extension, and its siting towards the southern end of the plot I do not consider that it would result in any harm to No.56 Hillary Road to the north. To the south No. 60 Hillary Road and No.27 Everest Road are sited sufficiently far away that an extension of the size proposed would not result in any material harm to amenity.

Overall I am satisfied that by way of their size and siting that the proposed extensions would not result in any material harm being caused to the living conditions of neighbouring residents by way of a loss of light, a loss of outlook, a loss of privacy, or an overbearing impact.

This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

Air Quality

Policy HS5 states that development throughout the Borough of more than 1,000sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area that would generate any new floor space must address the impacts of poor air quality and introduce measure to mitigate against it.

The proposal is considered to provide no additional impacts on the air quality management zone, over and above the existing use of the site and as a result is considered air quality neutral. Therefore, it is deemed unnecessary to impose any mitigation methods on the proposed development.

This application is therefore considered to be in accordance with Policy HS5 of the Local Plan.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the occupiers of neighbouring properties. Accordingly, the application is to be considered to be in accordance with the Local Plan and is therefore recommended for approval.

DRAFT DECISION

REFERENCE NO:
R19/1210

DATE APPLICATION VALID:
05-Sep-2019

APPLICANT:

Ian & Sue Robinson 58, HILLARY ROAD, RUGBY, CV22 6ET

AGENT:

Alan Pearson, RCI Design Ltd RCI Design Ltd, 156 Hawkes Mill Lane, Allesley, Coventry, CV5 9FN

ADDRESS OF DEVELOPMENT:

58, HILLARY ROAD, RUGBY, CV22 6ET

APPLICATION DESCRIPTION:

Single Storey Side and Rear Extension

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:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the plans 8800-01, 8800-03, and Location Plan received by the Council on 05/09/2019.

REASON:

For the avoidance of doubt.

CONDITION 3:

The facing materials to be used on the external walls and roof shall be of the same type, colour and texture as those used on the existing building.

REASON:

To ensure a satisfactory external appearance.

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), 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 Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

Reference: R19/1118

Site Address: 8, TURNSTONE CLOSE, RUGBY, CV23 0WF

Description: Retrospective application for conversion of the integral garage.

Case Officer Name & Number: Chris Davies, 01788 533627

Recommendation

Approval subject to appropriate conditions.

1. This case has been brought to the Planning Committee for consideration due to both the applicant and his wife being casual employees for the Council.

2. Relevant Planning Policies

2.1 Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
SDC1: Sustainable Design	Complies

As the application site is not within the Air Quality Management Area, and the development does not meet any of the relevant criteria that would trigger the need for the application of a condition or informative note relating to air quality mitigation, the LPA considers that policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031 is not a relevant consideration in this particular instance.

2.2 The National Planning Policy Framework February 2019

Section 2: Achieving sustainable development	Complies
Section 15: Conserving and enhancing the natural environment	Complies

3 Constraints

3.1 Coton and Boughton

4 Technical consultation responses

4.1 WCC Highways - Although the garage has been lost, it did not meet minimum size requirements for a parking space. Therefore no objection. Also verbally confirmed no need for provision of an extra off street parking space to the front of the property as existing provision on drive is sufficient. No conditions or informatives requested.

5 Ward consultation responses:

5.1 No comments received.

6 Neighbour consultation responses:

6.1 None received.

8 Proposal:

8.1 Prior to the applicant purchasing the property, the previous owners had converted the garage to a room. Permitted Development Rights for garage conversions on Turnstone Close were removed through the original estate planning permission, meaning that this conversion was undertaken without the benefit of planning permission. The applicant is therefore seeking to regularise the garage conversion through retrospective planning permission to keep using it as a room.

9 Other Relevant Information:

9.1 Turnstone Close is a small residential cul-de-sac of detached two storey dwellings in the older part of the Coton Park estate. All properties have off street parking provision in various forms, and all are set back from the highway by small front landscaped gardens.

9.2 No.8 sits close to the junction with Turnstone Close and Coton Park Drive. It has a double width driveway to the front. The garage door is still in place, but only serves a small storage area. The remainder of the garage was converted to a living room/recreation room. A small high side facing window has been installed, but this only faces onto an existing 2m high fence and the side wall of the adjacent property.

9.3 When the garage door is closed, there are no external features visible from the streetscene that indicate the conversion has taken place; the gap between No.8 and the property to the left is such that the abovementioned side windows cannot be clearly seen from the street.

10 Considerations

10.1 The relevant considerations for this application are the impact of retaining the converted garage on a) the character and appearance of the property and the wider setting, b) residential amenity, c) highway safety and parking, and d) biodiversity.

10.2 Character and appearance

10.2.2 This application is to regularise changes that have already been completed, meaning that the full impact of the development can already be assessed.

10.2.3 As stated above, the property still retains the same front elevation as it had before the garage was partially converted. The converted room was created by installing a stud wall internally, allowing some space to the front to be retained for storage. The impact on the streetscene has therefore been negligible.

10.2.4 As many houses in both Turnstone Close and the wider estate have ground floor side facing windows, this is similarly in keeping and does not affect the streetscene.

10.2.5 The retention of the proposed replacement dwelling therefore complies with policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It also accords with guidance set out in Section 2 of the NPPF 2019.

10.3 Residential Amenity

10.3.1 The only element of the scheme with the realistic potential to affect residential amenity would be the installation of the side facing window. As noted above, this window faces onto a close boarded timber fence, and is too close to both the fence and the neighbouring property to afford any possibility of affecting privacy through overlooking.

10.3.2 Whilst the window could possibly be obscure glazed, given its location and these limitations for its impact it is not considered necessary to require such measures in this instance.

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

10.4 Highway Safety and Parking

10.4.1 As the garage conversion meant that the only off-street parking accommodation as then on the existing driveway, WCC Highways were asked to assess whether there was still sufficient parking provision to mitigate for the lack of garaging.

10.4.2 WCC Highways have advised that as the dimensions of the garage would not have met the minimum requirements for parking spaces at the time of conversion, and still would not meet them now, the loss of the garage is not considered to have materially impacted on parking provision for the property.

10.4.3 They were also specifically asked whether or not additional parking provision should be created within the site frontage to mitigate for the loss of the garage. They confirmed that this would not be necessary.

10.4.4 WCC Highways have not objected to property remaining as it is currently, and have not requested any restrictive or compensatory conditions or informative notes be applied. It is not therefore considered that permitting the garage conversion would result in any detrimental impact on highway safety or parking provision.

10.5 Biodiversity and the Environment

10.5.1 The Ecology Unit did not raise comments on this application. However, the works undertaken were primarily internal, and did not result in any impact on habitat or nesting or roosting options for protected species. As the application is to regularise a completed development, approving the scheme has no potential to result in any impact on habitat or protected species either.

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

11 Recommendation

11.1 Approval subject to conditions.

Report written by: C Davies 14/10/2019

DRAFT DECISION

REFERENCE NO:
R19/1118

DATE APPLICATION VALID:
29-Aug-2019

APPLICANT:
Mr Derek Bradley 8, TURNSTONE CLOSE, RUGBY, CV23 0WF

ADDRESS OF DEVELOPMENT:
8, TURNSTONE CLOSE, RUGBY, CV23 0WF

APPLICATION DESCRIPTION:
Retrospective application for conversion of the integral garage.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:
This permission shall be deemed to have taken effect on 06 November 2019.

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

CONDITION 2:
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be retained in accordance with the plans and documents detailed below:
Application form (received by the Local Planning Authority on 16 July 2019)
Front and side elevations (received by the Local Planning Authority on 16 July 2019)
Ground floor plan (received by the Local Planning Authority on 16 July 2019)

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 garage conversion hereby approved shall not be used for any purpose other than incidental to the residential use of 8 Turnstone Close.

REASON:
In the interest of residential amenity.

STATEMENT OF POSITIVE ENGAGEMENT:
In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

Reference: R19/0510

Site Address: Rear of 139-143 Clifton Road, Rugby, CV21 3QN

Description: Erection of a dwelling house (retrospective change of house type).

Case Officer Name & Number: Chris Davies, 01788 533627

1. This case has been brought to the Planning Committee for consideration at the request of Councillor O'Rourke, who considers it to be inappropriate development.

2. Planning History

R18/0341 Erection of one new dwelling. Approved 29/06/18

3. Relevant Planning Policies

3.1 Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development Complies

GP2: Settlement Hierarchy Complies

HS5: Traffic Generation and Air Quality, Noise and Vibration Complies

NE1: Protecting Designated Biodiversity and Geodiversity Assets Complies

SDC1: Sustainable Design Complies

SDC4: Sustainable Buildings Complies

SDC7: Protection of the Water Environment and Water Supply Complies

D2: Parking Facilities Complies

3.2 The National Planning Policy Framework June 2019

Section 2: Achieving sustainable development Complies

Section 5: Delivering a sufficient supply of Homes Complies

Section 11: Making effective use of land Complies

Section 12: Achieving well-designed places Complies

Section 15: Conserving and enhancing the natural environment Complies

4. Constraints

Parking Standards High Access Zone

RBC Smoke Control Area

5. Technical consultation responses

5.1 WCC Highways - No objection. No conditions or informative notes recommended.

5.2 WCC Ecology - No objection. No conditions or informative notes recommended.

5.3 Works Services Unit - No objections. No conditions or informative notes recommended.

5.4 Environmental Health - No objections. No conditions requested, but recommended an informative note re hours of construction.

6. Third Party responses

6.1 Ward - Councillor O'Rourke registered objections to the scheme, and requested that the case be referred to the Planning Committee for consideration. The Councillor also requested that the members undertake a planning site visit prior to the Planning Committee meeting at which the case is presented. The Councillor's key objections relate to a) the current build being very different to the approved design, b) that the approved house had two bedrooms and the proposed one has three, and c) concern that it would have the potential to be converted to a House of Multiple Occupation (HMO). Councillor O'Rourke also expressed a wish to speak to the Members at the Planning Committee meeting prior to them making their decision.

NB – Please note that the proposed plans only show two bedrooms, not three.

6.2 Neighbours -

Objections (9 households, including 5 copies of the same letter but received from different addresses, and one from the landlord of adjacent properties in addition to those received from his tenants) –

The house being built is larger than the one approved, overlooking and loss of privacy, concerns over future development to create more rooms or convert to an HMO, character/design/scale not in keeping with the area, loss of trees, lack of consultation, loss of “personal space”, proximity to other dwellings, loss of light to garden/patio.

7. Assessment of proposals:

7.1 Proposal

7.1.1 Following the recent granting of planning permission for the erection of a single detached dwelling to the rear of properties on Clifton Road, with independent access off Cambridge Street, works commenced on site. However, variations were made to the approved design as the build progressed. These variations meant that the dwelling actually being constructed no longer benefitted from planning permission as it didn't accord with the approved plans.

7.1.2 This application therefore asks for a variation of house type from the one originally approved, with the design reflecting the existing on site works as well as incorporating the elements required to complete the build. The nett result is still one detached two bedroomed dwelling with access off Cambridge Street. The changes would also allow the existing garage to be retained, whereas it would have been replaced by open air parking in the previously approved scheme. Retaining the garage would not constitute development, and so it has not been included in the development description as it does not require planning permission.

7.2 Other relevant information

7.2.1 The development site originally formed part of the rear gardens of two properties on Clifton Road. It was bounded by adjacent rear gardens, garages and a parking area, as well as an existing access onto Cambridge Street. The site is not directly adjacent to either Clifton Road or Cambridge Street, being set well back from both of these streets.

7.2.2 Views of the site are primarily afforded from adjacent dwellings, with limited views from Cambridge Street being afforded by looking down the existing access road. There are no views available from the frontages of properties on Clifton Road.

7.2.3 There is a significant drop in land levels between the properties on Clifton Road and the proposal site, which is clearly illustrated by the existing steeply sloping rear lawn areas belonging to the Clifton Road properties adjacent to the site. The slope then continues down, meaning that the property directly below the development site (No.4 Cambridge Street) is lower again. There are also apartment buildings located between the access road and the junction of Cambridge Street and Clifton Road, which are slightly lower than the proposal site but share a similar plane.

7.2.4 The built vernacular along Cambridge Street is predominantly two storey terraced dwellings, with the apartment buildings also being two storey but taller than the terraces. Some or all of these also have accommodation in the roof space, effectively creating a third floor. The houses along this part of Clifton Road are predominantly Victorian villas, with high ceilinged rooms on the ground and first floors and various forms of attic/additional rooms above that (again creating accommodation over three floors).

7.2.5 At the time of the LPA site visit, the construction of the outer shell of the building was largely completed, with some roof timbers in place but no roof covering, windows or doors. The structure has only been erected in blockwork, and work has since stopped pending the outcome of this application. No obvious physical or permanent division had yet been erected to demark the site curtilage, and no landscaping had been done at that stage as the build was incomplete.

8. Considerations

8.1 Principle of Development

8.1.1 Policy GP1 of the Local Plan 2019 affirms from the start the need to accord with national policy on planning and the presumption in favour of development that accords with it.

8.1.2 Section 11, paragraph 122 d) of the NPPF refers to the “*desirability of maintaining an areas prevailing character and setting (including residential gardens)*”. Whilst relating to matters of appearance and design that will be discussed later in this report, this statement could theoretically indicate that development in gardens should not be encouraged. *However*, this relates to sites that have not previously been identified for development. Where development *has* already been considered, this historically identified development potential becomes a material planning consideration.

8.1.3 The principle of erecting a detached dwelling in this approximate location was established through the granting of the original planning permission, as was the concept of materials (which will be covered in Section 8.3 (Character and Appearance) of this report). Whilst the current siting of the

dwelling differs from that previously approved, it is not so dissimilar that it cannot still reflect it. Given that this land could already be lawfully redeveloped through the erection of a dwelling that accorded with the previously approved plans, it is no longer seen as undeveloped garden land and as such does not conflict with Section 11 of the NPPF.

8.1.4 Policy GP2 of the Local Plan 2019, within its Settlement Hierarchy, identifies sites within the urban area of Rugby as being the most desirable locations for development. Section 2 of the NPPF states that there must be a presumption in favour of development unless there is significant conflict with local or national policy. Section 5 of the NPPF encourages the development of windfall sites such as this one for achieving small scale housing projects.

8.1.5 The concept of erecting a dwelling in this location is still considered acceptable in planning terms for the reasons stated above. The new scheme therefore complies with policies GP1: Securing Sustainable Development and GP2: Settlement Hierarchy of the Local Plan 2019, and with guidance set out in Sections 2, 5 and 11 of the NPPF 2019.

8.1.6 Specific concerns have been raised over the possible intention to convert the new house into a House of Multiple Occupation (HMO). Members are respectfully advised that this application is for the erection of a single detached dwelling, and any decisions made must relate to the development under consideration and not the potential for other development in the future.

8.2 The other relevant considerations for this application are the impact of retaining and completing the current dwelling in accordance with the proposed plans on a) the character and appearance of the property and the wider setting, b) residential amenity, c) highway safety and parking, d) sustainability and environmental factors, and e) biodiversity.

8.3 Character and Appearance

8.3.1 Concerns have been raised regarding the size of the new dwelling, the potential for further development, and the design not being in keeping with the area. Additional concerns were raised relating to the impact on adjacent properties, but these will be addressed in Section 8.4 (Residential Amenity).

8.3.2 As stated above, the nett result of retaining and completing the current dwelling would still be a single, detached, two storey dwelling that does not directly correspond to any established building line. The same result would have occurred even if the original scheme had been built out correctly. Whilst the design has clearly changed from the previously approved scheme, the concept has not. This is therefore still considered to be acceptable in planning terms.

8.3.4 Looking specifically at the concerns raised over the size of the latest proposal, the best way to examine this may be through direct comparison

between the approved design and the current one. The previously approved scheme had an overall maximum height of 8.6m whereas the current proposal has an overall maximum height of 7.6m, 1m *lower* than the previous approval. The footprint of the originally approved scheme was 72.3m², whereas the current proposal has a footprint of 74.2m², a marginal increase of only 1.9m². In terms of overall volume, the original dwelling had a volume of 466m³, whereas the new proposal would only have a volume of 436m³, 30m³ *less* than was previously approved. So whilst the structure as built to date may *appear* to be larger than was previously approved, it is actually *smaller* in both its overall height and its volume. A smaller structure would have less impact in terms of bulk and massing, and a lower structure would have less visual impact. Therefore the new proposal is deemed acceptable in planning terms, as it has a reduced impact compared to the approved alternative.

8.3.5 The current appearance of structure is very stark due to the exposed blockwork and roof timbers, but this is obviously not how it is intended to eventually appear. The external materials previously approved were the same as those originally proposed for this current scheme, i.e. white rendered walls and a slate-effect tiled roof. These materials were chosen to reflect examples of similar render and tiles that could be seen in residential extensions adjacent to the site, as they more directly related to the setting of the new dwelling than the red brick houses and apartment buildings that are between the site and the adjacent roads. The resubmission has provided an opportunity to upgrade the previously approved materials, but as the concept of slate effect roofing and rendered walls was deemed acceptable previously the LPA could not reasonably insist on brickwork or specific concrete/clay tiles this time around. Instead, the applicant has agreed to a softer white shade for the render (as opposed to the brilliant white that was previously approved) and a more realistic composite slate tile for the roof.

8.3.6 The fenestration material originally approved (anthracite grey uPVC) were already of a high standard. They would still work well with these improved materials, and so their use is still considered acceptable for the new design.

8.3.7 As is standard practice for this type of development, details of both the materials and the fenestration would be conditioned to ensure control is maintained and compliance is assured.

8.3.8 As mentioned above, the location of the dwelling means that it has no material impact on the streetscene of Clifton Road. Whilst limited view are possible from Cambridge Street because of the access road, the significant setback and the presence of other buildings of a similar height mean that the house is neither prominent nor an overly dominant feature within the Cambridge Street streetscene either.

8.3.9 Given the plethora of similar height buildings in the immediate locality (some of which also don't follow a prescribed building line), and the fact that the variations in footprint location are minimal in planning terms, the

siting of the building is still considered to be sympathetic to the pattern of development in the immediate area. Therefore it is considered that the current location and orientation still have an acceptable relationship to adjacent buildings.

8.3.10 In order to control further enlargement of the property to ensure that the site does not become overdeveloped, the LPA consider it reasonable to remove Permitted Development Rights for extensions and outbuildings. This would be achieved through a suitably worded condition.

8.3.12 For the reasons outlined above the replacement design therefore complies with policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It also accords with guidance set out in Section 2 of the NPPF 2019.

8.4 Residential Amenity

8.4.1 Several objections have been raised by neighbouring residents and property owners in response to this new proposal. In terms of perceived impact on amenity, these centre around three key concerns; overlooking and loss of privacy, loss of “personal space” due to the proximity to other dwellings, and loss of light.

8.4.2 The potential impact of a two storey dwelling in this approximate location was tested through the previous planning permission in terms of impact on amenity to neighbouring residents. No significant or insurmountable planning contradictions were identified in relation to residential amenity. However, it is important to reassess these as we are now looking at a new design, albeit materially similar to the previously approved one.

8.4.3 Overlooking and loss of privacy

The previously approved scheme included two large windows at first floor level in the West side elevation. Whilst they were conditioned to be obscure glazed (and as one of them served a bathroom it would have been obscure glazed anyway), they would have needed to be monitored to ensure that future replacements did not allow a level of overlooking to occur due to the use of clear glazing and/or a method of opening that was sufficient to afford views over neighbouring properties. The latest scheme has omitted all first floor side facing windows, thus eliminating the possibility of overlooking through modification. The windows in the front and rear elevations reflect the location and size of those previously approved, and so are still deemed acceptable in planning terms. The application of a restrictive condition preventing the installation of additional first floor windows in the side elevations without the prior written approval of the LPA would provide a means of ensuring that the impact of any such windows could be controlled effectively and appropriately to avoid any future overlooking issues from this perspective.

8.4.4 Loss of “personal space”

The impact of the bulk and massing of the dwelling in terms of character and appearance has been covered in Paragraph 8.3.4 of this report. In terms of residential amenity therefore, this is taken to be referring to the impact of the structure being physically closer to neighbouring properties and/or the occupants of these properties experiencing a sense of it being overbearing. It is a fact that the reorientation and relocation of the building has brought it closer to some neighbouring boundaries than the approved scheme would have done, just as it has taken it further away from others. The previously approved scheme, at its closest points, was approximately 2.2m away from the nearest neighbouring residential boundary (with the rear garden of No.145 Clifton Road). The structure now under consideration would sit 1.2m away from this boundary, so a metre closer than previously approved. However, the abovementioned reductions in height and massing would mitigate for this closer proximity, and the roof plane closest to the boundary would still also slope away as the approved hipped roof would have done as it is not a gable end. So whilst the closer proximity is recognised, the LPA considers that this has been adequately compensated for by the modifications of the new design. It is noting that, in terms of proximity to the neighbouring houses themselves, the new house location is still between 12m and 22m away from the closest elevations of properties on Clifton Road and a minimum of 20m away from the nearest elevations of the apartment buildings and nearest houses on Cambridge Street. This ensures that there is still ample space between built structures to avoid a materially detrimental loss of amenity in terms of creating a sense of being “crammed in” by the new dwelling.

8.4.5 Loss of light

As mentioned above, there is still considerable space between the new dwelling and the adjacent houses and apartment buildings. Even accounting for shadows that may be cast by the new dwelling depending on the light levels and the time of day, there would still be a reasonable supply of natural light into the rooms of the neighbouring dwellings that face towards the site. Whilst other factors may already affect this, it would be unreasonable to consider the erection of this dwelling as a primary cause of light loss to the interior of these properties. There would clearly be some shadowing cast over and/or shading of garden spaces adjacent to the site, but no greater than that already deemed acceptable through the previous approval. Indeed, the reduction in height may actually mean that this impact is less than that which could have potentially been caused by the previously approved scheme.

8.4.6 As the purpose of the application is to create a new dwelling, consideration must also extend to the amenities of the future occupants of that dwelling both now and in the future. The site was created by separating the lower sections of the rear gardens of properties on Clifton Road. These properties already had very long gardens, so it was possible to retain generous sized gardens for the existing houses *and* a reasonable and proportionate amount of outside amenity space for the new dwelling. Boundary fencing will ensure that both those existing dwellings and the new one will have privacy when using their gardens. This can be secured via a

suitably worded condition to ensure that privacy levels are maintained. Access and parking for the new residents have also been catered for, but these will be covered in Section 8.5 (Highway Safety).

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

8.5 Highway Safety and Parking

8.5.1 When considering the impact on highway safety for infill sites such as this, we need to look at the provision for the new dwelling *and* what effect this has on existing properties in terms of ensuring that they retain sufficient access and parking provision to avoid creating issues that could affect highway safety (such as by forcing on-street parking issues due to insufficient retained parking).

8.5.2 WCC Highways, in their capacity as Highway Authority for Rugby, were specifically consulted on this application. They have raised no objections or reservations to the scheme, and have not requested the application or inclusion of any conditions or informative notes.

8.5.3 Whilst the existing garage on the site and the means of shared access from Cambridge Street were available to existing properties on Clifton Road prior to the original planning permission being granted, these properties also benefitted from direct access to parking within the frontages of the houses themselves via Clifton Road. This arrangement was deemed acceptable by the LPA when the original planning permission was granted, as the loss of the garage and ceasing use of the Cambridge Street access would not have resulted in a detrimental impact on highway safety or parking provision for the Clifton Road properties due to their existing frontage provision.

8.5.4 The current proposal would have no materially different impact on the existing parking provision or highway safety for those affected properties on Clifton Road than that which was deemed acceptable by the first planning permission. The current scheme is therefore also deemed acceptable from that perspective.

8.5.5 In terms of provision for the new dwelling, it still retains two outside parking spaces as per the originally approved scheme. However the scheme now also includes the retention of the existing garage (which was to be demolished as part of the previously approved scheme). Retaining the garage, and therefore needing to move the parking spaces slightly further into the site, was one of the key reasons why the applicant rearranged the orientation and location of the house. The two parking spaces alone already meet the LPA's adopted parking standards as set out in the Local Plan 2019; it actually exceeds the requirement for a two bedroomed property, but it is logical and practical to round up to the nearest "whole"

space. Having the garage would therefore be an added bonus, but if the garage were to be used for incidental storage (such as garden furniture, toys etc) this would not result in there being insufficient parking provision and so should not result in a direct or detrimental impact on highway safety. It is not therefore considered reasonable to restrict the use of the garage through a condition that removed Permitted Development Rights for garage conversions, bearing in mind that any use of the garage other than as incidental accommodation would be a breach of planning permission and would require separate consent.

8.5.6 For the reasons outlined above, the LPA are satisfied that the development will not have any adverse effects on highway safety, and that adequate parking provision has been provided in compliance with policy D2: Parking Facilities of the Rugby Borough Council Local Plan 2011-2031

8.6 Sustainability and Environmental Factors

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

8.6.2 The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements, but also require control at this stage through the application of specifically worded conditions and supportive text.

8.6.3 The site is within the designated Air Quality Management Area and meets the requirements that would trigger the need for an air quality condition. The applicant intends to use an air exchange heat system to heating and hot water, and is considering installing solar panels to provide electricity. In addition, the chosen material for the roof is produced with a low carbon footprint and manufactured in a way that causes minimal CO₂ emissions. A condition would be applied in the event of an approval requiring the submission of the specifications for the air exchange heat system. No such condition would be required for the solar panels as the requirements for compliance with policy HS5 will have been met through the installation of the air exchange heat system, and they could also be installed under Permitted Development post-occupation if required. This complies with policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031.

8.6.4 In addition to this, the LPA require the applicant to consider and achieve acceptable levels of water efficiency to address implications on the water environment that could arise through the development and use of the dwellings. The applicant has addressed this by confirming that the toilets

will be dual flush, the shower head is low water use, and rainwater harvesting for irrigating the garden area. Again, this will be controlled through the application of a specifically worded condition requiring submission of details, and thereby comply with policies SDC4: Sustainable Buildings and SDC7: Protection of the Water Environment and Water Supply of the Rugby Borough Council Local Plan 2011-2031.

8.6.5 Using the combination of the planning conditions as outlined above, the LPA can help to ensure that the developer meets the planning aspect of their environmental responsibility. Non-planning aspects and issues that crossover between planning and non-planning legislation can also be identified through the recommended informative notes that direct the developer on these additional considerations, and further guidance can be sought from Environmental Health by the developer.

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

8.7 Biodiversity

8.7.1 As noted previously, the erection of the dwelling had already commenced at the time of the application, and the majority of the basic structure had been erected by the time of the LPA planning site visit.

8.7.2 The Ecology Unit did not request any restrictive or compensatory conditions, and raised no objections to the latest scheme. They did not request any informative notes be applied, but as there may be an opportunity to provide habitat opportunities within the garden area and the dwelling the LPA would include a habitat improvement informative note in any case.

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

9. Recommendation

Approval subject to conditions and informatives.

Report written by: C Davies 25/10/2019

DRAFT DECISION

REFERENCE NO:
R19/0510

DATE APPLICATION VALID:
30-Jul-2019

APPLICANT:
Mrs Penelope Waller 141, CLIFTON ROAD, RUGBY, CV21 3QN

AGENT:
Phil Godden PARK COTTAGES, 9, PARK COTTAGES, HARBOROUGH ROAD,
HARBOROUGH MAGNA, RUGBY, CV23 0HA

ADDRESS OF DEVELOPMENT:
Rear of 139-143 Clifton Road, Rugby, CV21 3QN

APPLICATION DESCRIPTION:
Erection of a dwelling house (retrospective change of house type).

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

This permission shall be deemed to have taken effect on 07 November 2019.

REASON:

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

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be completed and retained in accordance with the plans and documents detailed below:

Application form (received by the Local Planning Authority on 09 July 2019)

Drawing number 19/86/2/A (received by the Local Planning Authority on 30 July 2019)

Drawing number 19/86/1/C (received by the Local Planning Authority on 19 July 2019)

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 as specified below: -

Walls - Render (K-Rend Silicone TC15 Limestone White)

Roof - Slate effect tiles (Marley Eternit Birkdale)

REASON:

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

CONDITION 4:

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no further above ground development shall be carried out 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 5:

The dwelling 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). Prior to first occupation of the dwelling, details of the on-site methods installed to achieve this shall be submitted to the Local Planning Authority for approval.

REASON:

In the interests of sustainability and water efficiency.

CONDITION 6:

No new windows or rooflights shall be formed in the side elevations and roofslopes of the dwelling, 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 and D 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.

INFORMATIVE 2:

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 Such measures contribute towards improving air quality.

Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

DRAFT

Reference: R19/1147

Site Address: 7, GROSVENOR ROAD, RUGBY, CV21 3LF

Description: Removal of condition 3 of application R18/0067 (change of use of existing dwelling to a HMO) to enable occupiers to apply for parking permits (for a maximum of 3 parking permits and 1 visitor space).

Case Officer Name & Number: Erica Buchanan, 01788 533789

Recommendation

Condition 3 is removed

The application has been called in by Councillor Mahoney on the basis that the original permission for the change of use was approved by committee and members agreed to the condition due to the restricted availability of on street parking spaces.

Site and Surroundings

The application property is a three storey mid terraced property with a basement. The property lies on the north-west side of Grosvenor Road in a primarily residential area within walking distance of Rugby Town Centre. Opposite the site is the private car park for the Grosvenor Hotel.

The site lies on the edge of the Clifton Road, Hillmorton Road and Whitehall Road Conservation Area but not within it.

The property was previously a 4 bedroomed single property that has been converted to a 6 bedroom HMO approved under planning application reference R18/0067.

There is a shared side access to the rear in between the application property and number 9 Grosvenor Road.

On street parking is available by way of parking permits and 1 hour restrictions.

Proposal

The application is for the removal of condition 3 of the approved application. Condition 3 of application R18/0067 states " Before the development hereby permitted is first occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time. REASON: In the interest of highway safety."

The application as submitted was to remove condition 3 to allow for the maximum of 7 parking spaces however following the consultation with Highways it has been confirmed that the permits allowable on the property would be inline with its use as a single occupancy dwelling which is 3 spaces and a visitors space.

Planning History

R18/0067 Proposed Change Of Use Of Existing Dwelling To A HMO
Approval 04/04/2018

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP3: Previously Developed Land and Conversions.
D2: Parking Facilities

National Planning Policy Framework, 2019 (NPPF)
National Planning Practice Guidance

SPD
Parking Standards

Constraints

Air Quality Management Area
High Access Area

Technical consultation responses

Highways – No objections and suggest an amendment to the description.

Third party comments

Neighbours (4 Household objections)

- Condition was due to increased parking pressure on the area
- Acute shortage of parking spaces making it difficult to park in road
- Additional permits would compound the problem
- Free parking elsewhere in the road.
- The applicant did not appeal the original condition
- Other conditions have not been complied with
- Parking in the immediate area has worsened since the original application was approved
- Application should be refused
- Would set a precedent for other HMO

Assessment of proposals

1 Principle of development

1.1 The principle of development has been established with the approved application for the conversion to the HMO. Therefore, the consideration on this application is whether condition 3 should be removed which restricts residents from applying for parking permits.

2 Parking

2.1 In terms of parking it should be noted that the legal position of condition 3 is set out below and the use of the condition was considered for application R19/0048 (Alma

Lodge). It should also be noted that if the property was in use as a single dwelling house the property would be entitled to 3 parking permits and 1 visitors parking.

- 2.2 Highways have maintained that they have no objection and do not consider it necessary in the interests of highway safety nor did they request an amendment to the TRO in both the original application nor the current application. Highways have stated that as the proposal is a single property HMO its eligibility for parking permits would be identical to its existing eligibility as a dwelling, allowing a maximum of three permits registered to specific vehicles and one visitor permit. It is therefore considered that the proposed removal of condition may not have a material effect on the number of cars likely to park within the permit zone,
- 2.3 In terms of obtaining the permits it will be on a first come first served basis and only 3 permits will be allowed. The visitors space would be shared between the house which would restrict its availability and any potential misuse.
- 2.4 In terms of the legal position whether condition 3 should have been imposed, it is necessary to understand what is envisaged by the arrangements to be agreed in writing with the Local Planning Authority. There are two potential options that have been used in the past to secure such restrictions:
- 2.5 Option 1:
Put in place a unilateral undertaking or bilateral agreement pursuant to s.106 of the TCPA 1990 which contains an obligation along the lines of:
- the owner or occupier of a property covenants not to apply for a resident's permit;
 - a restrictive covenant is inserted into every lease or transfer of the land to the same effect; and
 - it is made clear in any marketing materials that there are restrictions in place in relation to parking permits.
- 2.6 Option 2:
The CPZ in the area is amended to exclude residents of specific properties from being able to apply for a permit.
- 2.7 In relation to Option 1, the Court of Appeal in 2017 held that agreements made pursuant to s.106 of the TCPA 1990 could not be used to impose obligations of the type outlined in Option 1 (Khodari [2017] EXCA Civ 333). The key reasoning being that the obligation did not comply with the requirements of s.106(1) of the TCPA 1990. The obligation:
- restricted the actions of the residents of the property and not the development or use of the land itself (contrary to s.106(1)(a));
 - the obligation did not require specific operation or activities to be carried out on the land that was subject of the planning obligations (i.e. the land in which the owner had an interest) as the restriction related to the use of highway land (contrary to s.106(1)(b)); and
 - the obligation did not require the land that was subject of the planning obligation (i.e. the land in which the owner had an interest) to be used in a specified way as the restriction related to the use of highway land (contrary to s.106(1)(c)).

- 2.8 In terms of Option 2, to alter the arrangements in relation to a controlled parking zone, a traffic regulation order that is in place would need to be altered, which is a separate statutory process outside of the planning system. A traffic regulation order is made by the relevant traffic authority, in this case WCC Highways.
- 2.9 In order to impose a planning condition, there are six tests as set out in the NPPF and Planning Practice Guidance, which states that a condition should be:
- necessary;
 - relevant to planning and;
 - to the development to be permitted;
 - enforceable;
 - precise and;
 - reasonable in all other respects.
- 2.10 The Planning Practice Guidance also includes a “Key Questions” document which provides additional guidance on applying these six tests. The following questions from that document are pertinent to the consideration of whether condition 3 should have been imposed.
- 2.11 Relevant to planning
Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?
- A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation (for example, advertisement control, listed building consents, or tree preservation).
- Specific controls outside planning legislation may provide an alternative means of managing certain matters (for example, works on public highways often require highways’ consent).
- 2.12 Enforceable
Would it be practicably possible to enforce the condition?
- Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.
- 2.13 Reasonable in all other respects
Is the condition reasonable?
- Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness
- 2.14 “Permit free” obligations of the type outlined in Option 1 have been held by the courts to be outside of the scope of s.106 of the TCPA 1990. As such, the only arrangement to which condition 3 could be enforced would be through Option 2.

- 2.16 Therefore the imposition of Condition 3 fails the “relevant to planning test” as the traffic regulation order required by Option 2 is governed by a separate regulatory/statutory regime.
- 2.17 In addition Condition 3 fails the “enforceability test” as the traffic regulation order required by Option 2 requires the consent of a third party body (in this case the highways authority as the relevant traffic authority) over which the applicant has no control. Therefore, as no traffic regulation order is made or amended it is not within the gift of the applicant to remedy that breach.
- 2.18 Condition 3 fails the “reasonable in all other respects test” as the traffic regulation order required by Option 2 requires the consent of a third party body (in this case the highways authority as the relevant traffic authority). The process to obtain a traffic regulation order is lengthy, costly and one over which the applicant has no control.
- 2.19 In terms of considering the condition it should also be noted that no amendment to the TRO was requested on either the original permission nor the current application. The wording of the condition prevents occupation of the development and there are limited rights of appeal available to the applicant. It should also be noted that no appeal was made for the removal of the condition following the original approval.
- 2.20 Planning Practice Guidance clearly sets out that any proposed condition that fails to meet any of the 6 tests should not be used.
- 2.30 Therefore, subject to any alternative arrangements suggested by Warwickshire County Council, it is considered that condition 3 should be removed.

3 Outstanding Conditions

- 3.1 The original application included conditions requiring sound and noise insulation and detailed bin and bike stores. The applicant was made aware that these conditions needed to be discharged and the details to discharge the conditions have now been submitted, however further information is required and the outstanding matters are still to be submitted and these conditions have not been discharged.
- 3.2 As the property is being occupied these are being monitored by the enforcement officer.

4 Conclusion

- 4.1 If the property was in single occupancy they would as with the other single occupancy properties in the area be entitled to apply for 3 parking permits and 1 visitor space. In the absence of a highways objection and given that the use of this condition does not meet the relevant tests for conditions it is considered that the condition should be removed and that the control of the permits would be subject to the parking permit procedure from County Council and to enable the property to be brought in line with the single occupancy properties in the area.

5 Recommendation

- 5.1 That condition 3 is removed

DRAFT DECISION

REFERENCE NO:
R19/1147

DATE APPLICATION VALID:
18-Sep-2019

APPLICANT:
Abington Park Estates As agent details

AGENT:
Mrs REBECCA WALKER, Chapman Design LLP LELLEFORD HOUSE, COVENTRY ROAD,
LONG LAWFORD, RUGBY, CV23 9DT

ADDRESS OF DEVELOPMENT:
7, GROSVENOR ROAD, RUGBY, CV21 3LF

APPLICATION DESCRIPTION:
Removal of condition 3 of application R18/0067 (change of use of existing dwelling to a HMO) to enable occupiers to apply for parking permits (for a maximum of 7 parking permits).

CONDITIONS, REASONS AND INFORMATIVES:
CONDITION:1
This permission shall be deemed to have taken effect on 01/05/2018

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

CONDITION:2
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the .plans ref: 3437 -01, 02, 03, and 04 received by the Local Planning Authority on 2 January 2018

REASON:
For the avoidance of doubt.

CONDITION:3
Before the development is occupied a scheme of mitigating works for sound insulation of the ceiling/floors and all party walls shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented and maintained thereafter.

REASON:
In the interest of residential amenities

CONDITION:4
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 flat or shop].

REASON:
In the interest of visual and residential amenity.

Reference: R18/0167

Site Address: OAKDALE Nurseries, RUGBY ROAD, COVENTRY, CV8 3GJ

Description: Outline planning permission for the redevelopment of the former Garden Centre / Nursery site to provide a 'Care Village' residential retirement development of 124 independent living units and a 36 bed care centre (Use Class C2). All matters except access reserved. (amended scheme).

Case Officer Name & Number: Erica Buchanan, 01788 533789

Recommendation

Approve subject to S106

The application is brought to committee as it is a major application located within the West Midlands Green Belt

Description of Site

The site was formerly operated as a Nursery and Garden Centre by Brandon Roses. The site covers a large area, some 10.4ha in extent. The site contains a mixture of previously developed land associated with the former nursery and Garden Centre use in the north-west of the site and agricultural land to the south.

The site lies to the immediate east of the main rural settlement of Binley Woods and within Brandon Parish. The site is broadly opposite the entrance for former speedway stadium which is set behind low density linear housing fronting Rugby Road. The site is in open countryside and within the West Midlands Green Belt.

There is a visual separation (approx. 700 metres) between the existing garden centre site and its existing structures to the local need settlement of Brandon which is emphasised further by the fact that the Garden Centre site occupies the edge of a plateau and to the south and east the ground drops away.

The site of the existing Garden Centre comprises the remnants of a number of large buildings; several large former irrigation reservoirs; and hard-surfaced areas previously used for outdoor sales, storage, servicing and car parking. The Garden Centre has been vacant for a considerable length of time and is now in a state of disrepair.

There is extensive existing landscaping within and surrounding the site which add to the character and appearance of this area and assists in the transition from the urban setting of Binley Woods to the rural setting of the Green Belt.

Proposal Description

The application was originally submitted for outline planning permission for the redevelopment of the former garden centre/Nursery site to provide a "Care Village" residential retirement development including a care home, assisted living units a childrens day care nursery. All

matters except access reserved. Following concerns raised that it would have a greater impact than the existing the scheme was subsequently amended removing the childrens nursery and reducing the built form so it is more in line with the previously developed part of the site. The amended scheme seeks outline permission for the creation of a retirement community comprising the erection of 124 independent living units and a 36 bed care centre (Use Class C2). All matters are reserved except for access which would utilise the existing access to the former garden centre.

Notwithstanding the reserved matters the application includes an indicative masterplan and Landscape Framework plans which confirm that development is mainly proposed on the previously developed area and not on the whole of the site.

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP3: Previously Developed Land and Conversions

GP5: Neighbourhood Level Documents

H1: Informing Housing Mix

H6: Specialist Housing

ED3 Employment Development Outside Rugby Urban Area

ED4: The Wider Urban and Rural Economy

HS1: Healthy Safe and Inclusive Communities

HS4: Open Space, Sports Facilities and Recreation

HS5 Traffic generation and Air Quality

NE1: Biodiversity

NE2: Blue and Green Infrastructure

NE3: Landscape Protection and Enhancement

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Urban Drainage

SDC7: Protection of the Water Environment and Water Supply

D1: Transport

D2: Parking Facilities

D3: Infrastructure and Implementation

D4: Planning Obligations

Neighbourhood Plan

Brandon and Bretford Neighbourhood Plan

Policy H1 Brandon Green Belt Inset Area

Policy H2 Development of Brownfield Land

Policy H4 Specialist Accommodation for the Elderly and Infirm

Policy CON2 Environmental Heritage Assets

Policy BNE1 Respecting Local Character

Policy BNE2 Design Principles

Policy BNE4 Protection of Natural Features

Policy BNE6 Valued Rural Character and setting

Policy LF1 Community Facilities

Policy LF2 Safe Walking, cycling and Horse Riding

Technical Consultation Responses

	Original Scheme
WCC Lead Flood Authority Natural England	No objection scheme will not damage or destroy the interest features for which the Brandon Marsh SSSI has been notified
Fire and Rescue WWT Hedgehog Officer RBC Arboriculturist	No objection subject to condition Rugby Hedgehog Improvement area Whilst no Objection to trees to be removed as they are of low value and can be mitigated with replacement planting. The proposal is at odds with the greenbelt setting given its size and scale and there will be a detrimental and adverse impact upon the local landscape character especially as the proposed mitigation measures may not be possible given the close proximity to the new built form. Proposed layout and landscaping scheme would result in overbearing impact on proposed properties.
RBC Housing Ecology Archaeology	Need for provision in this locality but scale exceeds local needs. No objects subject to conditions No object to the principle of development, Some archaeological work should be required, prior to the submission of any Reserved Matters application.
WCC Highways	Objects to proposal on access, parking provision, road safety audit submitted not relevant to this scheme, No visibility splays for access, further information required on vehicle tracking.
Environmental Health	No Objection subject to conditions.
	Amended scheme
WCC Highways WCC Ecology RBC Arboriculturist	No objections subject to conditions No objections subject to conditions No objection but would need to see final arboricultural method statement/tree protection plan and landscaping
RBC Housing Fire and Rescue Severn Trent Natural England	As C2 use no affordable housing required. No objection No objection include informative. No Objections

Third Party Comments

Objections	Original Scheme
	3 Neighbour
	Impact on Green Belt
	Scheme has greater footprint than the approved Garden Centre
	Visual Impact
	No special circumstances justified
	Need alone for specialist housing no justification
	Spoil site
	Increased traffic
	No local need for development
	Openness Compromised

Support	<p>Original Scheme</p> <p>2 neighbours</p> <p>Care village would be put to use to provide for ageing population</p> <p>Tidy site up</p> <p>Provide care for local people</p> <p>Frees up larger houses for families</p> <p>Site currently an eyesore</p>
Parish Council	
Binley Woods PC	<p>Original Scheme</p> <p>Objects</p> <ol style="list-style-type: none"> 1. The development is in the Green Belt. 2. The provision of a Children's Nursery was inappropriate/unnecessary. 3. There would be no access to the Green Belt behind the site. 4. The development together with the proposed developments at Sherwood Farm, Coventry Stadium in the area of the A428/A46 junction would lead to an unacceptable increase in traffic volume on Rugby Road and 5. The development would have an adverse impact on the local infrastructure, particularly within the area of Binley Woods.
Brandon and Bretford	<p>Objects</p> <ol style="list-style-type: none"> 1. Encroachment into Greenbelt. 2. Exceeds permitted build area.
Brandon and Bretford	<p>Amended Scheme</p> <p>Objects The proposals are contrary to the Brandon & Bretford Neighbourhood Plan and constitute inappropriate development in the Green Belt. Paragraph 143 of the 2019 NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Whilst these were found to exist in the approval of the Garden Centre in 2015, (a use which continues to have the support of the local community and the Neighbourhood Plan,) the same does not apply to the proposed retirement village and hence permission should not be granted for this speculative application.</p>
Wolston Parish Council	<p>Although Wolston Parish Councillors recognised that application is within the Parish of Brandon and Bretford, due to its locality they felt it should be discussed. Councillors felt that in general the proposals should not impact on Wolston, with the exception of a possible increase of traffic and highways. It was highlighted that the development would provide employment opportunities in the area, and it was felt it would be beneficial to have this type of residential accommodation which would provide a service to local people. However, although Councillors felt that the concept and principal of the development is sound, concerns were raised about the design of the development and visual impact, which they felt would not fit into the local area.</p>

Wolston Parish Council therefore support the principal of the application, but wish to highlight concerns in relation to highways/traffic issues and the design/visual impact of the development.

Binley Woods PC

objects

- 1.The complex is too large will have too many buildings.
- 2.The buildings themselves are too large.
- 3.There is an inadequacy parking facilities.
- 4.This development coupled with the proposals at Sherwood Farm and Coventry Stadium would have an adverse effect on a rural community

Assessment of Proposal

The determining issues to take into account would be the principle of development within the Green Belt, the impact upon the character and appearance of the area, the impact upon neighbouring amenities and the impact upon highway safety and biodiversity.

1 Principal of Development

- 1.1 Policy GP2 of the adopted Local Plan sets out a hierarchy of development. This seeks to direct development to Rugby Town- as it is considered the most sustainable location in the Borough- followed by Main Rural Settlements, Rural Villages and then countryside locations. The site is located within the West Midlands Green Belt and outside of a settlement boundary, where development will be resisted unless national policy allows otherwise. Paragraph 3.20 of the Local Plan states that “Where redevelopment of previously developed land...is within the Green Belt, guidance is provided on the appropriateness in national policy.”
- 1.2 Paragraph 134 of the NPPF identifies the 5 purposes of the green belt and at Paragraph 143 it states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and “very special circumstances” will only exist unless this harm is outweighed by other considerations.
- 1.3 Paragraph 145 identifies that an LPA should regard the construction of new buildings in the Green Belt as inappropriate unless it falls within one of the listed exceptions. Paragraph 145 g) allows for the redevelopment of previously developed land subject to conditions that it would not have a greater impact on the Green Belt than the existing and where it would not cause substantial harm to the openness of the Green belt, and where previously developed land would be used and the development contributes to meeting an identified affordable housing need.
- 1.4 It is considered that the proposal is inappropriate development in the Green Belt as the proposal would impact on the openness as it is not totally restricted to previously developed land and will not be contributing to meeting an affordable housing need.
- 1.5 This site was submitted to the Council during the 2016 ‘call for sites process’ (reference number S16/037). The Binley Woods Village Development Pack states that the site was

rejected as: "Whilst the northernmost part of the site contains some previously developed land, the site is considered inappropriate for development in landscape terms. Despite the provision of open space and tree planting on site, built development would still reduce the Green Belt separation distance between the villages of Brandon and Binley Woods along the Rugby Road."

- 1.6 The 2016 Landscape Character Assessment considers the site within its assessment of landscape parcel BR_02. The site is considered highly sensitivity due to its rural character, the separation it provides between Brandon and Binley Woods and its historic association with the grounds of Brandon Hall. The site area was assessed as part of a wider parcel within the Joint Green Belt Study, which assessed how greenbelt was functioning against the 5 functions of greenbelt in the NPPF and the wider parcel was identified as fulfilling the 5 purposes of the green belt, as per the NPPF. Therefore, any expansion of the existing built form will cause harm to the Greenbelt.
- 1.7 The development would be inappropriate in the Green Belt as defined by the NPPF in that it does not qualify as any of the listed exceptions that define what development is not inappropriate. National policy requires that substantial weight be accorded to the harm of inappropriate development to the Green Belt and that very special circumstances would be needed to clearly outweigh that and any other harm including the harm to openness and of encroachment on the countryside.
- 1.8 Therefore, the main outstanding issue is whether the harm to the Green Belt by reason of inappropriateness and any other harm, including harm to openness and encroachment into the countryside, would be clearly outweighed by any other considerations.
- 1.9 The part of the site that was utilised by the former nursery is classed as previously developed land as it is land which has been occupied by a number of permanent structures and associated fixed surface structures. Therefore, the consideration needs to be whether or not the proposed development would have a greater impact on the openness of the Green Belt than the previous use.
- 1.10 The existing buildings on site are all single storey buildings and are sporadic in their location. The only exception to this was the bungalow and shop. However due to health and safety issues from the dereliction nature of the bungalow this has subsequently been demolished at the request of Warwickshire Fire and Rescue. Due to only part of the site being previously developed land it is therefore considered that the site as a whole has restricted opportunities for redevelopment.
- 1:11 The recently adopted Neighbourhood Plan identifies that it is the wish of the community to retain the site as a garden centre and that they are not persuaded that the care village is an appropriate use of the site. The Planning Inspector also has stated that a number of factual considerations and planning judgements are involved in determining whether the proposal might be considered not inappropriate in the Green Belt. However as previously stated the scheme is inappropriate development in the Green Belt and therefore other considerations need to be taken into account.
- 1:12 However, a material consideration of the developable area has to be given to the extant permission for the redevelopment of the Garden Centre approved in 2015 under reference R11/0786. The officer's report stated that the existing buildings, including the

former polytunnels had a footprint of 2,376m². The approved indoor and covered retail floor space would have a footprint of 3439m². This scheme whilst set back into the site had a building width visible from Rugby Road of approximately 59m.

1:13 In considering that application for the replacement garden centre whilst it was inappropriate development in the Green Belt it was considered that there were special circumstances and that the benefits outweighed the harm.

1:14 This permission has been implemented and is therefore a fallback position.

2 Housing need for older people

2:1 Paragraph 60 of the NPPF provides that local planning authorities should prepare a local housing need assessment. Paragraph 61 provides that, amongst other things, the amount and tenure of housing needed for different groups should be assessed and reflected in planning policies including housing for older people and people with disabilities.

2:2 Policy H6 and the 2013 SHMA has an identified need for housing for older people. Policy H6 (Specialist Housing) uses indicative evidence from the 2013 SHMA to identify need for extra care units. Policy H6 identifies that there is an indicative annual extra care housing requirement of 94 units (72 market and 22 affordable). The mechanism for delivering this need is through the spatial strategy set out within the Local Plan and negotiations on sites coming forward in accordance with this spatial strategy, whether in Rugby Town or on allocated sites. The SHMA identifies a Borough wide need within the Local Plan for housing for older people which is to be delivered in accordance with the development strategy. The latter provision is relevant insofar as Extra Care housing seeks to address the needs of older people who are in need of care due to a reduced ability to perform some tasks. (SHMA and LP policy)

2:3 Policy H4 of the Brandon and Bretford Neighbourhood Plan (NP) supports the provision of specialist accommodation for the elderly and infirm subject to compliance with other policies in the Development Plan.

2:4 This policy states that when assessing the suitability of sites and/or proposals for the development of specialist housing such as, but not restricted to, residential care homes, extra care housing and continuing care retirement communities, regard will be paid to the following:

- a. Establishing that the accommodation proposed will meet identified specialist housing requirements; and
- b. Establishing that suitable access will be available to essential services including public transport, shops and health care.

Whilst opportunities to provide new housing development within the Parish are limited, where development proposals do come forward for residential development, support will be given to the provision of specialist housing such as Extra Care accommodation, subject to it being demonstrated that the accommodation will satisfy a proven need and to conformity with other policies in the Plan.

2:5 The proposal provides housing for a specific group and therefore, significant weight needs to be given to the contribution the development would make to meeting the needs for specialist housing in the area for older people and the associated social and economic benefits it would bring.

3 Character and Design

3:1 The proposed Indicative Masterplan demonstrates how it is intended to develop the site by responding to the characteristics and constraints of the site and based on an understanding of the operational and functional requirements of retirement and care home developers and operators.

3:2 It is proposed that the built development would be entirely in the northern part of the site with the bulk of the site retained as open space, which would include ecology or 'nature reserve' areas, and landscaping.

3:3 The proposal with the main built form on the area previously used for the former garden centre also retains the visual separation of Binley Woods and Brandon.

4 Sustainable

4:1 The adjacent village of Binley Woods has a range of community facilities and services including a day nursery and primary school, a convenience store, a public house, restaurants and other established businesses.

4:2 Binley Woods has good public transport services with regular bus services to Coventry and Rugby. Two bus stops are located within close proximity (approximately 0.2km) to the site on the A428. Additionally, within Binley Woods is Warwickshire Travel which provides transport to the major service centres around Warwickshire.

4:3 This site is outside of a defined settlement boundary and is within the green belt, which Policy GP2 (Settlement Hierarchy) defines as the bottom of the settlement hierarchy. However due to its location and close proximity to community facilities, services and transport links it is considered a sustainable location for development.

5 Highway Safety

5:1 Matters considered for this outline permission is means of access. It is proposed to use the existing access to the site for the former use as nursery and upgraded to a T-junction designed in accordance with appropriate standards to ensure safe access and egress from the proposed development. County Highways are satisfied that the proposed development would not have a significant or severe impact on the local highway network. The indicative masterplan includes parking provision of 80 spaces which complies with the parking standards.

5:2 Tracking information has also been shown on the indicative masterplan and Highways whilst acknowledging that it is indicative are satisfied that the site can provide the necessary turning areas within the site.

6 Neighbouring Amenities

6:1 Policy SDC1 amongst other things requires new development to ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

6:2 The indicative masterplan shows how the development can be achieved with the positioning of the development set back with increased landscaping along the Rugby Road. This can be further enforced with the reserved matter specifically in terms of height and design of the independent living properties fronting Rugby Road.

6:3 It is considered that the residential nature of the site would have less of an impact on the existing residential properties than the authorised commercial use of the site.

6:4 it is therefore considered that the proposed development would have minimal impact upon the neighbouring amenities complying with policy SDC1 of the Local Plan.

7 Biodiversity

7:1 Policy CON2 of the NP states that development proposals must have appropriate regard for any potential impact, directly or indirectly, on the Sites of Special Scientific Interest (SSSI), the designated Local Wildlife Sites (LWS) and the Plantation on an Ancient Woodland Site (PAWS) Brandon Little Wood is a LWS and lies directly adjacent to the development site.

7:2 Policy BNE4 of the NP relates to the protection of natural features Development should protect and, where possible, enhance the natural environment including important landscapes, ecologically rich sites, wildlife corridors, areas of woodland and other natural features that contribute positively to the character of the Parish. Where applicable proposals should seek to contribute to the aims of the Princethorpe Woodlands Living Landscape Area.

All new development should look to incorporate a net increase in natural features within the site wherever possible and use appropriate native tree and hedgerow species as well as nectar rich plants as part of the landscaping scheme. Specific enhancements for relevant wildlife species of conservation concern will be expected to be provided within the built form.

Proposals should have regard to the Warwickshire, Coventry and Solihull Biodiversity Action Plan which aims to create, enhance and restore habitats for biodiversity.

New developments or redevelopments of previously developed land will need to demonstrate that existing habitats are safeguarded and provide the appropriate extent of buffer in order to do so. Development proposals shall respect and maintain the physical and visual separation of Brandon and Binley Woods to protect their individual character and identity.

Support will be given to the opening up of existing culverts to provide more open space/green infrastructure for greater amenity and biodiversity; and the creation of new culverts should be kept to a minimum.

7:3 In addition to the above records show that hedgehogs are located within 500m of the development and clustered in both Binley Woods and Brandon, it is considered likely that hedgehogs will occur within the development site. Hedgehogs are listed on schedule 41 of the NERC Act 2006, making them a material consideration. Due regard should be given to the conservation of the local hedgehog population.

7:4 Warwickshire Wildlife Trust Hedgehog team have suggested that as fencing can exclude hedgehogs from green space which is used for foraging, shelter and finding mates all boundaries and barriers within and surrounding the development, including fencing, railing and gates, should be made permeable e.g. through the use of fence panels with 13 x 13 cm base holes (hedgehog holes), leaving a sufficient gap beneath gates, leaving brick spaces at the base of brick walls. This can be shown on the reserved matters application.

7:5 They have recognised that hedgerows are to be maintained and created and have suggested that native species hedges are planted in place of some of the planned non-

native ornamental species. These will provide connectivity and a rich and diverse food source and shelter for a range of wildlife. Sympathetic planting along boundaries and features that have the potential to fragment the landscape should to be used to create wildlife corridors and areas of hard standing minimised. Further advice is that other features such as ponds in gardens and log piles would also help to encourage hedgehogs and other wildlife.

- 7:6 As the proposal is considering the principle of the development details for landscaping including boundary treatments would be submitted as a reserved matter.
- 7:7 The CEMP should include measures to protect individual hedgehogs; caution is needed when clearing the ground prior to development, particularly piles of deadwood or leaves and areas of long grass or dense vegetation.
- 7:8 Following comments on the amended scheme from ecology the indicative Masterplan was amended to bring the building to the far west moved approximately 25m to the east which is just outside the previously agreed reptile and amphibian receptor area R1 in the north-western area of the site which would be acceptable to retain the receptor area and as a planted ancient woodland buffer.

8 Landscaping

8:1 The Landscape Sensitivity Study* produced in 2016 by Warwickshire County Council on behalf of Rugby District Council assessed the Oakdale Nursery Site and found that all of the site, beyond the small triangular shaped frontage housing the derelict bungalow and nursery buildings, was classed as being of high landscape sensitivity to housing development and would be inappropriate for development due to its rural character and its historic associations as part of the grounds to Brandon Hall. It also provides a degree of separation between Binley Woods and Brandon which is important to retain.

8:2 The Landscape Assessment puts the application site just on the edge of an area of High "Overall sensitivity" in an area designated as "Dunsmore parklands" defined as;

"a gently rolling estate landscape with a well-wooded character, defined by woodland hedges, parkland and belts of trees. Wooded streamlines and mature hedgerow and roadside trees, (typically oak), reinforce this impression by creating a sequence of linked wooded spaces. Large blocks of woodland and smaller coverts help to create a sense of scale and enclosure in an otherwise intensively farmed landscape. Field pattern is large but poorly defined, and in places absent altogether, allowing middle distant views to wooded skylines."

-Sensitivity – Fragility: Cultural sensitivity is generally moderate due to the historic coherent pattern which exists in this area. Where it is high this is due to a slightly older, more unified pattern (ancient woodlands are contributing to this pattern). Overall ecological sensitivity is moderate due to the ancient wooded landscape character.

-Sensitivity – Visibility: Visibility is generally low, due both to the level of tree cover, as well as to the low-lying, rolling topography. It is moderate when tree cover is reduced.

-Overall sensitivity: Overall sensitivity is moderate as a result of both cultural (time depth) and ecological factors – primarily ancient woodlands.

-Condition: Apart from an area to the south of Harborough Parva, where the condition is strong, this area is generally in decline."

8:3 The vast majority of the site is proposed as green infrastructure including new public access links and routes to better connect to existing nearby recreational and nature

conservation (woodland). The amended Masterplan to overcome biodiversity and landscape issues have resulted in the built form being moved 25m away from the adjacent ancient woodland.

- 8:4 The proposals would deliver landscaping within the site, including new tree planting and the retention of existing trees wherever possible. All hedgerows to be retained will be protected during construction in line with standard arboricultural best practice set out in BS5837:2012. The proposals include new planting along the frontage to supplement and reinforce the existing. The approach would provide additional biodiversity potential, but also visual interest and the softening of views into the site from Rugby Road. Similarly, planting will be strengthened within the site to help separate the built development from the retained open landscaped area and buffer. This too will have screening benefits, retaining a 'soft' eastern edge to Binley Woods.
- 8:5 The improvements proposed as part of the development scheme is for walking infrastructure with new links and routes proposed within the site and running through the open space to provide new connections between Rugby Road and Little Brandon Wood and other recreational areas to the west.

9 Flood Risk

- 9:1 The site lies within Flood Zone 1, the lowest category of risk, and the proposed drainage strategy will implement sustainable drainage methods, making use of the existing on-site drainage features which include large ponds or reservoirs capable of storing and managing surface water and run-off on the site as well as provision of new drainage features on-site.
- 9:2 The drainage strategy submitted with the application was based around the Flood Risk Assessment (FRA) submitted with the approved application for the replacement Garden Centre scheme. The submitted updated FRA and Sustainable Drainage Strategy indicates that the site would not create or exacerbate risks of flooding.
- 9:3 The proposals outline the discharge rate for sewage to be 5l/s as a minimum to reduce the likelihood of blockage. The LLFA would normally ask for the discharge rate to be reduced, however as this site is partially brownfield have accepted 5l/s for this development.
- 9:4 In the assessment of the nature of Sustainable Drainage Systems (SuDS) proposed to be used, the LLFA have stated that there has been no reasonable justification for the lack of above ground attenuation features. They consider that in light of the proposed landscape scheme and amenity space, justification for the use of a below ground feature must be given. Surface water run-off should be controlled as near to its source as possible through a SuDS approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
- 9:5 It needs to be demonstrated that the existing system connects the existing ponds and reservoirs and that the condition of the existing system is sufficient to convey flow from the development.
- 9:6 The report states that the current reservoirs are used for irrigation, however no details have been provided of the frequency or volume of water that is abstracted. The LLFA

have stated that this should be demonstrated if this is the main process by which the existing pond system drain, due to the limited infiltration the underlying strata is expected, and shown in trial pit testing.

9:7 The proposed allowance for exceedance flow and overland flow routing needs to demonstrate that any exceedance flow from the highway drain running through the site will not impact the proposed development.

9:8 The LLFA consider that it has yet to be demonstrated that that the development will not increase risk elsewhere and where possible reduces flood risk overall.

10 Archaeology

10:1 The proposed development lies within an area of archaeological potential, partly within the extent of Brandon Hall Garden (Warwickshire Historic Environment Record MWA12630) the probable extent of the medieval settlement at Willoughby (Warwickshire Historic Environment Record MWA 6395). A circular cropmark with several pit like features (MWA4259), possibly prehistoric in date has been recorded approximately 800m to the south east of the site. It is probable that much of the site has been in agricultural use since at least the medieval period.

10:2 While few remains pre-dating the medieval period have been identified from the vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. There is therefore a potential for the proposed development to disturb archaeological deposits pre-dating the medieval and later agricultural use of this area

11 Planning Obligations

11:1 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.

11:2 Requests for financial contributions have been requested from the University Hospitals for Coventry and Warwickshire NHS Trust and it is considered wto be in compliance with the tests for contributions.

11:3 Financial contributions have also been requested from Warwickshire infrustcture for improved bus stop facilities outside the side. This also meets the relevant tests

11:4 A financial contribution was also requested for library contributions, however as this was not for a specific need this request did not meet the relevant test.

12 Recommendation

12:1 It is considered that whilst it is acknowledged that the proposal is considered inappropriate development in the Green Belt that the provision of specialist housing identified in both the Local and Neighbourhood plans outweighs the harm.

12:2 It is therefore recommended that the proposal is approved subject to the referral of the application to the National Planning Casework Unit, as the proposal by reason that development is inappropriate development in the Green Belt which would have a greater impact on the openness but that the provision of specialist provision outweighs the harm

and the Head of Growth and Investment be granted delegated powers to grant planning permission subject to S106, conditions and informatives.

DRAFT DECISION

REFERENCE NO:
R18/0167

DATE APPLICATION VALID:
25-Jan-2018

APPLICANT:
Mr Martindale, Rural Development Holdings

AGENT:
Sinead Turnball, DLP Consultants 18, REGENT PLACE, RUGBY, RUGBY, CV21 2PN

ADDRESS OF DEVELOPMENT:
OAKDALE Nurseries, RUGBY ROAD, COVENTRY, CV8 3GJ

APPLICATION DESCRIPTION:
Outline planning permission for the redevelopment of the former Garden Centre / Nursery site to provide a 'Care Village' residential retirement development of 124 independent living units and a 36 bed care centre (Use Class C2). All matters except access reserved. (amended scheme).

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

Application for approval of the reserved matters specified in Condition 2 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

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 - Landscaping

REASON:

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

CONDITION:3

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:4

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

REASON: to ensure all retained trees are not damaged during the development phase.

CONDITION: 5

Prior to the commencement of development a Tree Protection Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity.

CONDITION: 6

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

REASON:

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

CONDITION:7

The development shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the highway in a forward gear.

REASON:

In the interests of public and highway safety.

CONDITION:8

The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.

REASON:

In the interest of sustainability.

CONDITION: 9

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

REASON:

In the interest of highway safety.

CONDITION:10

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:11

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:12

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

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

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

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

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

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

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

(C) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must

be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REASON:

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

CONDITION: 13

No development shall commence unless and until details of Dust Mitigation Measures have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION:14

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

REASON:

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

CONDITION:15

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

A validation/verification report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that successful remediation has been carried out.

REASON:

To ensure the protection of controlled waters.

CONDITION:16

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

- (i) Hours of demolition, construction and deliveries;
 - (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
 - (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
 - (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
 - (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
 - (vi) Measures to prevent deleterious material being carried onto the highway network; &
 - (vii) Heavy Goods Vehicle construction/demolition routing plan;
- Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON:

In the interests of the amenities of the area.

CONDITION:17

The on-site measures relating to air quality to meet the mitigation requirements of policy HS5 as detailed in the supporting statement titled [insert title of document and version number] submitted to the Local Planning Authority on [insert date] shall be implemented [prior to occupation/prior to commencement of the use] and maintained in perpetuity unless non-material amendments are otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of air quality.

CONDITION: 18

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:19

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:20

No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interest of archaeology.

CONDITION:21

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:22

No works or development shall take place until a specification of all proposed tree planting has been 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

REASON: To maintain and enhance continuity of tree cover within the site

INFORMATIVE:1

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

This can be downloaded at:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295

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

INFORMATIVE:

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

INFORMATIVE:2

In view of the records nearby, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0300 060 3900 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) 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 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0300 060 3900.

INFORMATIVE:3

This development is subject to a s106 legal agreement.

INFORMATIVE :4

For further information regarding Sustainability Packs. Contact the Sustainable Project Officer on 01926 412105. These packs currently cost approximately £75/per pack.

AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 6 November 2019

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: -

Prior Consultation: -

Contact Officer: Richard Holt

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	The Planning Appeals procedure which came into effect on 6th April 2009
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/04/2019 to 30/06/2019.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to Cost Claims and any subsequent Costs awards.
Equality and Diversity:	Equality and Diversity: No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 6 November 2019

Planning Appeals Update

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

1.1 Appeals determined

During the last quarter from 1st of April to 30th of June a total of 6 planning appeals were determined, of which 2 were allowed, 4 were dismissed and 0 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 30th June 2019 there were 6 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 6 November 2019
Subject Matter: Planning Appeals Update
Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st July 2019 – 30th September 2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
84 Newbold Road Rugby CV21 2NQ	Advertisement Consent for internally illuminated hoarding sign to replace 3 existing hoarding signs	Maxine Simmons R19/0156 APP/E3715/Z/19/3225847	Refusal 25/02/2019 Written Reps	Dismissed 11/07/2019
Land North of Wolvey House Farm Wolds Lane Wolvey LE10 3LL	Outline application with all matters reserved for the change of use of land and erection of up to 3 holiday lodges land north of Wolvey House Farm, Wolds Lane, Wolvey, LE10 3LL (Re-Submission of R17/1096)	Nigel Reeves R18/1477 APP/E3715/W/19/3225463	Refusal 04/10/2018 Written Reps	Dismissed 06/08/2019
54 Crick Road Rugby CV21 4DY	Extensions and alterations to dwelling	Chris Bates R19/0160 APP/E3715/D/19/3231262	Refusal 03/05/2019 Householder Appeals Service (HAS)	Dismissed 06/08/2019
Development Land West of Stockton Road Birdingbury CV23 8EE	Outline planning permission with all matters reserved for one dwelling house	Chris Bates R18/2210 APP/E3715/W/19/3226761	Refusal 15/03/2019 Written Reps	Dismissed 03/09/2019
Princethorpe Service Station Oxford Road Princethorpe Rugby CV23 9PT	Resubmission of planning application reference R18/1256 (Erection of new workshops and three-bay car servicing area including a customer reception facility) to make alterations to reorganise MOT and three-bay car servicing provision including a customer reception facility	Chris Davies R18/2146 APP/E3715/W/19/3226102	Refusal 04/02/2019 Written Reps	Dismissed 10/09/2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
Oakfield Recreation Ground Bilton Road Rugby CV22 7AL	Erection of extra care retirement village comprising of 62 apartments (C2 Use Class), 14 bungalows (C2 Use Class), communal facilities, vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure	Chris Kingham R18/0214 APP/E3715/W/18/3219296	Committee Refusal 05/12/2018 Inquiry	Withdrawn 24/09/2019
Flecknoe Farm Stud Flecknoe Village Road Flecknoe Rugby CV23 8AU	Erection of four new dwellings (outline – all matters reserved)	Jo Orton R18/1542 APP/E3715/W/19/3231710	Refusal 06/02/2019 Written Reps	Dismissed 30/09/2019

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.09.2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
8 Swedish Houses Birdingbury Road Hill Rugby CV23 8EA	Outline planning permission for the erection of one dwelling (all matters reserved)	Frances Keenan R19/0312 APP/E3715/W/19/3233944	Delegated Refusal 22/03/2019	Written Reps
54 Ashlawn Road Rugby CV22 5ES	Proposed new dwelling	Paul Varnish R19/0730 APP/E3715/W/19/3234760	Delegated Refusal 23/07/2019	Written Reps
Land adjacent to 3 Tattlebank Cottages London Road Willoughby CV23 8BL	Demolition of double garage and stable building, erection of 2 two-bedroom dwelling houses, creation of new vehicular access and closing of existing vehicular access	Thomas Leech R19/0423 APP/E3715/W/19/3235588	Delegated Refusal 29/05/2019	Written Reps

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 12th September 2019 to 22nd October 2019

Name of Committee: Planning Committee

Date of Meeting: 6 November 2019

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: All

Prior Consultation: None

Contact Officer: Ilze Johns 3773

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report
Legal Implications:	There are no legal implications for this report
Equality and Diversity:	There are no equality and diversity implications for this report
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Planning Committee - 6 November 2019

Delegated Decisions - 12th September 2019 to 22nd October 2019

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

The report lists at Appendix 1 the decisions taken by the Head of Growth and Investment under delegated powers.

Name of Meeting: Planning Committee

Date of Meeting: 6 November 2019

Subject Matter: Delegated Decisions - 12th September 2019 to 22nd October 2019

Originating Department: Growth and Investment

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 12/09/2019 To 22/10/2019

APPENDIX 1

Delegated

8 Weeks PA Applications

Applications Refused

R19/1148 8 Weeks PA Refusal 27/09/2019	THE CHALET, HINCKLEY ROAD, WOLVEY, HINCKLEY, LE10 3HQ	Erection of a stables and storesbuilding
R19/0986 8 Weeks PA Refusal 30/09/2019	35, CEDAR AVENUE, COVENTRY, COVENTRY, CV8 3QB	Erection of two storey side extension, part two storey part single storey rear extension and single storey front extension.
R19/0927 8 Weeks PA Refusal 01/10/2019	THE WHITE HOUSE, PRIORY ROAD, WOLSTON, COVENTRY, CV8 3FX	Demolition of existing single storey side and rear extension and erection of two storey side and rear extension (including internal remodelling).

Applications Approved

R19/0803 8 Weeks PA Approval 12/09/2019	45, CRESWELL PLACE, RUGBY, RUGBY, CV22 7GZ	Retrospective application for the re-siting of garden fence and incorporation of land into private garden area
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LONG ACRE, HEATH LANE,

Delegated

8 Weeks PA Applications Applications Approved

R19/1049 8 Weeks PA Approval 12/09/2019	BRINKLOW, RUGBY, CV23 0NX	PROPOSED ALTERATIONS TO THE EXISTING FRONTAGE INCLUDING REPLACING A FLAT ROOF WITH A PITCHED ROOF
R19/1050 8 Weeks PA Approval 12/09/2019	TOWN THORNS FARM, BRINKLOW ROAD, EASENHALL, RUGBY, CV23 0JE	Reinstatement of original pitch roof to barn conversion approved under R16/0626.
R19/1062 8 Weeks PA Approval 12/09/2019	78, VERNON AVENUE, RUGBY, CV22 5HP	Ground floor rear extension.
R19/1065 8 Weeks PA Approval 12/09/2019	27, WAVERLEY ROAD, RUGBY, CV21 4NN	SINGLE STOREY SIDE EXTENSION AND INTERNAL ALTERATIONS
R19/1070 8 Weeks PA Approval 12/09/2019	13, BOUNDARY ROAD, RUGBY, CV21 3AA	PROPOSED SINGLE STOREY SIDE AND REAR EXTENSION
	THE MANOR HOUSE, HIGH	single storey rear extension

Delegated

8 Weeks PA Applications Applications Approved

STREET, MARTON, RUGBY,
CV23 9RR

R19/1095
8 Weeks PA
Approval
12/09/2019

R19/0968
8 Weeks PA
Approval
13/09/2019

SHAW SCHOOL OF DANCING,
JUBILEE STREET, RUGBY,
RUGBY, CV21 2JJ

Erection of building consisting of
six flats and associated parking
and landscaping

R19/0993
8 Weeks PA
Approval
13/09/2019

GRANGE FARM, BRANDON
LANE, BRANDON, COVENTRY,
CV3 3GU

Variation of condition 2 (approved
plans) and removal of condition 8
(landscaped bund requirement)
of planning permission reference
R13/1985 (erection of three
dwellings and associated works
including formation of landscaped
bund, dated 04/03/14) in order to
remove the need to provide the
landscaped bund.

R19/1099
8 Weeks PA
Approval
13/09/2019

40, WORDSWORTH ROAD,
RUGBY, CV22 6HZ

Side and porch extensions

Replacement of conservatory

Delegated

8 Weeks PA Applications Applications Approved

R19/1056 8 Weeks PA Approval 16/09/2019	1, KELSEYS CLOSE, WOLSTON, COVENTRY, CV8 3GS	with a single storey extension to rear of dwelling house
R19/1109 8 Weeks PA Approval 16/09/2019	9, FAWSLEY LEYS, RUGBY, CV22 5QX	Two Storey Side and Single Storey Rear Extension and Alterations
R19/1132 8 Weeks PA Approval 16/09/2019	26, RAILWAY TERRACE, RUGBY	Extensions and alterations to premises and car parking including change of use to childrens soft play with associated external works in addition to existing uses.
R19/0366 8 Weeks PA Approval 17/09/2019	JAGUAR LAND ROVER SPECIAL VEHICLE OPERATIONS, UNIT 3, IMPERIAL ROAD, OFF OXFORD ROAD, RYTON-ON- DUNSMORE, CV8 3LF	Relocation of existing temporary spray booth and provision of a new temporary spray booth together with a new entrance gate, a cycle shelter area and minor alterations to the main roof.
R19/0911 8 Weeks PA Approval	HIGHFIELD COTTAGE, CORD LANE, EASENHALL, RUGBY, CV23 0HZ	Erection of a first floor rear extension

Delegated

8 Weeks PA Applications

Applications Approved

17/09/2019

R19/0979
8 Weeks PA
Approval
17/09/2019

177, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2AY

Erection of timber log cabin to
rear of dwelling (retrospective)

R19/0820
8 Weeks PA
Approval
18/09/2019

BRYANTS, BRANDON LANE,
BRANDON, COVENTRY, CV3
3GW

Alterations to existing site access

R19/0924
8 Weeks PA
Approval
18/09/2019

123, CLIFTON ROAD, RUGBY,
RUGBY, CV21 3QJ

Demolition of existing vehicle
repair workshops and erection of
6no. 1 bed flats, parking and
amenity space (resubmission of
R15/2528).

R19/0865
8 Weeks PA
Approval
19/09/2019

23, BARTON ROAD, RUGBY,
CV22 7PT

Erection of a single storey rear
and side extension and new
porch.

R19/0933
8 Weeks PA
Approval
19/09/2019

THE PLAYING FIELDS
PAVILION, FOSSE WAY,
STRETTON-ON-DUNSMORE

Demolition of existing sports
pavilion and erection of new
sports pavilion.

Delegated

8 Weeks PA Applications Applications Approved

R19/0970 8 Weeks PA Approval 19/09/2019	GABLE END, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NR	Removal/variation of condition 2 of R18/1379 to revise position of approved access to site.
R19/1106 8 Weeks PA Approval 19/09/2019	46, WHITTLE CLOSE, RUGBY, CV22 6JR	First Floor Extension
R17/1682 8 Weeks PA Approval 20/09/2019	34 CATESBY ROAD, RUGBY, CV22 5JJ	Erection of a two storey side extension together with a single storey rear extension
R19/0557 8 Weeks PA Approval 20/09/2019	GRANGE FARM, LONDON ROAD, RYTON-ON- DUNSMORE, CV8 3EW	Extension of bull pen to form stables (partly retrospective)
R19/0830 8 Weeks PA Approval 20/09/2019	54, AVENUE ROAD, RUGBY, RUGBY, CV21 2JN	Change of use of ground floor from takeaway to two bedroom flat

Delegated

8 Weeks PA Applications Applications Approved

R19/0907
8 Weeks PA
Approval
20/09/2019

73, TENNYSON AVENUE,
RUGBY, RUGBY, CV22 6JF

Proposed first floor rear
extension, dormer to rear and
dormer to front of dwelling

R19/1003
8 Weeks PA
Approval
20/09/2019

44, SELBORNE ROAD, RUGBY,
CV22 7QA

Erection of a two storey side and,
part two storey part single storey
rear extension together with a
front canopy and bay window

R19/1090
8 Weeks PA
Approval
20/09/2019

4, GRENDON DRIVE, RUGBY,
CV21 1UB

Erection of a two storey side
extension and garage conversion

R19/1103
8 Weeks PA
Approval
20/09/2019

20, BENN STREET, RUGBY,
CV22 5LT

Proposed Replacement rear
extension.

R19/1127
8 Weeks PA
Approval
20/09/2019

11, FAIR CLOSE, FRANKTON,
RUGBY, CV23 9PL

Two storey side and rear
extension and single storey front
extension

Single and two storey rear

Delegated

8 Weeks PA Applications Applications Approved

R19/1146 8 Weeks PA Approval 20/09/2019	16, PRENTICE CLOSE, LONG LAWFORD, RUGBY, CV23 9AQ	extension
R19/0876 8 Weeks PA Approval 23/09/2019	WITHYBROOK STABLES, FEATHERBED LANE, WITHYBROOK, COVENTRY, CV7 9LY	Variation of Condition 2 and Condition 6 of the previously approved planning permission R18/2243 to amend the plans and documents (Condition 2) and change the hours of operation of the agricultural and agricultural contracting business (Condition 6).
R19/0909 8 Weeks PA Approval 23/09/2019	45, FAREHAM AVENUE, RUGBY, RUGBY, CV22 5HS	Erection of a single storey side/ rear extension and second storey rear extension.
R19/1162 8 Weeks PA Approval 23/09/2019	16, DEW CLOSE, DUNCHURCH, RUGBY, CV22 6NE	Replacement rear garden room
R19/1165 8 Weeks PA Approval	MIDDLEMOOR HOUSE, SOUTHAM ROAD, KITES HARDWICK, RUGBY, CV23 8AA	Extensions and alterations to dwelling.

Delegated

8 Weeks PA Applications

Applications Approved

23/09/2019

R19/0898
8 Weeks PA
Approval
24/09/2019

THE OLD FORGE, MAIN
STREET, THURLASTON,
RUGBY, CV23 9JS

New access to rear of property
including parking and turning
space and formation of new
boundary.

R19/0974
8 Weeks PA
Approval
24/09/2019

ENDEAVOURS END, MAIN
STREET, BROADWELL,
RUGBY, CV23 8HB

Conversion of double garage into
an annex

R19/1030
8 Weeks PA
Approval
24/09/2019

THE ROYAL OAK,
62 DUNCHURCH ROAD,
RUGBY
, WARWICKSHIRE
, CV22 6AE

Replacement of existing
windows.

R19/1175
8 Weeks PA
Approval
24/09/2019

10, HAMPDEN WAY, RUGBY,
CV22 7NW

Erection of two-storey side
extension and single-storey
extension to the rear with single-
storey garage

R19/1187
8 Weeks PA
Approval
24/09/2019

WINDMILL HOUSE, 46, WOLDS
LANE, WOLVEY, HINCKLEY,
LE10 3LL

Erection of side and rear single
and two storey extensions and
porch alterations.

Delegated

8 Weeks PA Applications Applications Approved

R19/1004 8 Weeks PA Approval 25/09/2019	91, SIDNEY ROAD, RUGBY, CV22 5LD	Erection of a two storey side and single storey rear extension
R19/1100 8 Weeks PA Approval 25/09/2019	33, LONG HASSOCKS, RUGBY, CV23 0JS	Provision of hard surfacing to front lawn area to enable additional parking space.
R19/1002 8 Weeks PA Approval 26/09/2019	1, BAGSHAW CLOSE, RYTON- ON-DUNSMORE, COVENTRY, CV8 3EX	Proposed new front boundary wall
R19/1060 8 Weeks PA Approval 26/09/2019	8, LIVINGSTONE AVENUE, LONG LAWFORD, RUGBY, CV23 9BU	Proposed first floor extension above existing single storey extension; a single storey and two storey rear extension and front entrance porch.
R19/0879 8 Weeks PA Approval 27/09/2019	SHILTON HOUSE FARM, 15, CHURCH ROAD, SHILTON, COVENTRY, CV7 9HX	Demolition of existing barns and erection of 6 dwelling houses, together with alterations to existing vehicular access and associated car parking and landscaping.

Delegated

8 Weeks PA Applications Applications Approved

R19/1066 8 Weeks PA Approval 27/09/2019	48, PYTCHLEY ROAD, RUGBY, CV22 5NE	Two-storey rear extension
R19/0808 8 Weeks PA Approval 30/09/2019	TUCKEYS FARM, CATHIRON LANE, HARBOROUGH MAGNA, RUGBY, CV23 0JH	Erection of a car port.
R19/1089 8 Weeks PA Approval 30/09/2019	THE MEWS, LITTLE CHURCH STREET, RUGBY, CV21 3AN	Retrospective application for the change of use from C3 (apartment and 3no. garages) to B1 (Office)
R19/1166 8 Weeks PA Approval 30/09/2019	12, WINDMILL CLOSE, RUGBY, CV21 4EJ	Erection of a single storey rear extension
R19/1159 8 Weeks PA Approval 01/10/2019	321, DUNCHURCH ROAD, RUGBY, CV22 6HT	Single storey rear extension
R19/1213 8 Weeks PA	20, MUIRHEAD RISE, RUGBY, CV23 1BE	

Delegated

8 Weeks PA Applications Applications Approved

Approval
01/10/2019

Replacing of existing close boarded fence with a brick built screen wall and erection of wrought iron railings

R19/1029
8 Weeks PA
Approval
03/10/2019

WILLOUGHBROOK, LONDON
ROAD, WILLOUGHBY, CV23
8BL

Retention of log cabin for temporary period of 3 years for occupation by essential worker

R19/1076
8 Weeks PA
Approval
03/10/2019

23, LUTTERWORTH ROAD,
PAILTON, RUGBY, CV23 0QE

Outline planning permission for the construction of 4 (no) dwellings, with all matters reserved except for access. To include the demolition of the existing property, 23 Lutterworth Road, Pailton.

R19/1149
8 Weeks PA
Approval
03/10/2019

MILL ROAD CAR PARK, MILL
ROAD, RUGBY, CV21 1AA

Variation of Condition 6,7,8,9 of approval R18/0827 (Change of use of land to car park, provision of suitable surface on top of existing, marking out of spaces for vehicles including disabled and motorcycle spaces, provision of electric charging points, lighting, bins, internal signage, refurbishment of stairs and

Delegated

8 Weeks PA Applications Applications Approved

landscaping between parking decks) dated 24th May 2019 to extend compliance period.

R19/0934
8 Weeks PA
Approval
04/10/2019

18, COVENTRY ROAD,
PAILTON, RUGBY, CV23 0QB

Internal and external alterations to existing property (Former Manor Farm - Grade II) - including the removal of two internal walls in the kitchen and the re-rendering/repainting of the side (east gable) and parts of the rear elevation.

R19/1122
8 Weeks PA
Approval
04/10/2019

THE STABLES, GREEN LANE,
BRINKLOW, RUGBY, CV23 0NU

Re-siting of Plot 4 including repositioning of a dormer window from the front to the rear elevation (amendments to previously approved application R16/0960)

R19/1120
8 Weeks PA
Approval
08/10/2019

HIGHGATE HOUSE,
COVENTRY ROAD,
DUNCHURCH, RUGBY, CV22
6RF

Variation of Condition 2 of the previously approved planning permission R17/0529 to amend the plans and documents

R19/1133
8 Weeks PA
Approval
08/10/2019

29A, DUNSMORE AVENUE,
RUGBY, CV22 5HD

PROPOSED CONSTRUCTION OF
A NEW ONE AND HALF
STOREY DWELLING
(resubmission of a previously

Delegated

8 Weeks PA Applications Applications Approved

approved scheme under
R14/2032 and R18/0225 for the
demolition of the existing and
erection of a replacement
detached dwelling)

R19/1161
8 Weeks PA
Approval
08/10/2019

19, MEADOW ROAD,
WOLSTON, COVENTRY, CV8
3HL

Rear and side single storey
extension and front porch
extension

R19/0850
8 Weeks PA
Approval
11/10/2019

HAWKESBURY FIELD FARM,
LENTONS LANE, ALDERMANS
GREEN, COVENTRY, CV2 1NY

The re-siting and replacement of
existing mobile home with log
cabin and extension to existing
workshop.

R19/1093
8 Weeks PA
Approval
14/10/2019

ST ANDREWS BENN C OF E
PRIMARY SCHOOL, CHESTER
STREET, RUGBY, CV21 2NX

Provision of new nursery infill
extension together with a new
nurture outbuilding

R19/1125
8 Weeks PA
Approval
14/10/2019

40, CATESBY ROAD, RUGBY,
CV22 5JL

Erection of wooden garage in
rear garden

R19/1180
8 Weeks PA

6, HOLME CLOSE, RUGBY,
CV21 1JL

Delegated

8 Weeks PA Applications Applications Approved

Approval
14/10/2019

Proposed installation of a rear dormer and other external alterations, to include the rendering of the property and installation of new windows.

R19/1216
8 Weeks PA
Approval
14/10/2019

25, WESTGATE ROAD, RUGBY,
CV21 3UD

Extension of bedroom and new bathroom over existing garage.

R19/0940
8 Weeks PA
Approval
15/10/2019

HALL FARM, LITTLE LAWFORD
LANE, LITTLE LAWFORD,
RUGBY, CV23 0JJ

Erection of two storey side extension

R19/1215
8 Weeks PA
Approval
15/10/2019

127, GROSVENOR ROAD,
RUGBY, CV21 3LB

New detached garage to replace existing

R19/1249
8 Weeks PA
Approval
15/10/2019

257, BILTON ROAD, RUGBY,
CV22 7EQ

PROPOSED TWO STOREY
SIDE AND REAR EXTENSION
AND SINGLE STOREY REAR
EXTENSION PLUS NEW
PORCH.

Delegated

8 Weeks PA Applications Applications Approved

82, ALWYN ROAD, RUGBY,
CV22 7QX

R19/1121
8 Weeks PA
Approval
16/10/2019

Erection of a single storey rear extension, a single storey front extension and alterations to the existing single storey side extension.

R19/1191
8 Weeks PA
Approval
16/10/2019

82 CYMBELINE WAY, BILTON,
RUGBY, CV22 6LA

Erection of two storey side extension (Resubmission of previously refused scheme R19/0411 dated 13/06/19).

R19/1026
8 Weeks PA
Approval
17/10/2019

5, GRAHAM ROAD, RUGBY,
CV21 3LD

Conversion of a dwelling into 2 flats.

R19/1040
8 Weeks PA
Approval
17/10/2019

98, HILLMORTON ROAD,
RUGBY, CV22 5AH

Subdivision of existing two storey dwelling to provide two flats with associated parking.

R18/0457
8 Weeks PA
Approval
18/10/2019

337 LOWER HILLMORTON
ROAD, HILLMORTON, RUGBY,
CV21 4AD

Erection of a part two part single storey rear extension, single storey extension to side encompassing a garage

Delegated

8 Weeks PA Applications Applications Approved

R19/0999 8 Weeks PA Approval 18/10/2019	29, MCKINNELL CRESCENT, RUGBY, CV21 4AY	Erection of a front dormer
R19/1024 8 Weeks PA Approval of Reserved Matters 18/10/2019	RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AS	Substitution of house types of plots 308, 309, 311, 312, 315, 316 in Phase 1 Parcel G and 372-373 in Phase 1 Parcel H of approved planning permission ref: R17/0366 dated 23/09/2017. Submission of reserved matters appearance, landscape, layout and scale pursuant to outline planning permission ref. no. R17/0022, dated 28/06/2017).
R19/1017 8 Weeks PA Approval 21/10/2019	SUNNYSIDE, 26, LEICESTER ROAD, WOLVEY, HINCKLEY, LE10 3HJ	Erection of single and two storey extensions and upgrading.
R19/1009 8 Weeks PA Approval 22/10/2019	RYTON FIELDS FARM, WOLSTON LANE, RYTON-ON- DUNSMORE, COVENTRY, CV8 3ES	Retrospective planning permission for the installation of a CHP (Combined Heat and Power) unit
	3, MERLIN CLOSE, RUGBY,	

Delegated

8 Weeks PA Applications Applications Approved

CV23 0WH

R19/1108
8 Weeks PA
Approval
22/10/2019

PROPOSED LOFT
CONVERSION AND SINGLE
STOREY REAR EXTENSION
AND INSTALLATION OF
OBSCURE GLAZED SIDE
WINDOW

Certificate of Lawfulness Applications Applications Refused

R19/0391 LAND NORTH OF, WOLSTON
Certificate of LANE, RYTON-ON-DUNSMORE,
Lawfulness
Refusal
12/09/2019

Certificate of lawful existing use
as a self contained dwelling
house (C3) in breach of a
condition 3 of planning approval
R04/0253/23120/P.

Discharge of Conditions Applications Approved

R18/1284 The Barbellows, London Road,
Ryton-On-Dunsmore, CV8 3DX

12/09/2019

Conversion and renovation of
existing barn to form a dwelling
house

RAILWAY HOUSE, FOSSE
WAY, STRETTON UNDER

Delegated

Discharge of Conditions Applications Approved

R19/0632	FOSSE, CV23 0PU	Removal of condition 5 to remove requirement for speed survey and variation of condition 2 of R18/1669 to allow erection of an outbuilding for ground source heat pump.
13/09/2019		
R19/0764	THE OLD MANOR HOUSE, EASENHALL ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HN	Erection of stable block with concrete hardstanding.
17/09/2019		
R19/0463	87 Main Street, Long Lawford, CV23 9BB	Two storey side extension
02/10/2019		
R19/0914	MARTON DUMP TRUCKS, UNIT M OLD STATION YARD, OXFORD ROAD, RUGBY, CV23 9RU	Renovation and extension of the existing industrial Unit M.
04/10/2019		
R17/0777	LAND AT REAR OF THE WHITE HOUSE, MAIN ROAD, ANSTY, COVENTRY,	Conversion of outbuilding to create a residential dwelling
09/10/2019		

Delegated

Listed Building Consent Applications

Applications Approved

R19/1117
Listed Building Consent Approval
16/09/2019

C STATION, RUGBY RADIO
STATION, WATLING STREET,
CLIFTON UPON DUNSMORE,
RUGBY, CV23 0AS

Listed building consent for enabling works to the C Station building including: 1) removal of redundant equipment, louvres and fittings from external façade; 2) repair to brickwork, mortar, stone and lead flashing; 3) demolition of structures; 5) removal of internal brick work and floor finish; 6) repair to and addition of anti-climb skirt to four masts; and 7) infill of void in Transmission Hall. (Variation of condition 2 of Listed Building Consent ref: R19/0001 to substitute approved plans and documents with amended plans and documents to include additional works.

R19/1071
Listed Building Consent Approval
23/09/2019

THE LODGE, 29, COVENTRY
ROAD, BRINKLOW, RUGBY,
CV23 0NE

Listed Building Consent for internal and external alterations.

R19/0861
Listed Building Consent Approval
26/09/2019

C STATION, RUGBY RADIO
STATION, WATLING STREET,
CLIFTON UPON DUNSMORE,
CV23 0AS

Listed Building consent for the conversion of the Grade II listed C Station building and Water Tower into a school building and external teaching space including internal and external alterations

Delegated

Listed Building Consent Applications Applications Approved

R19/0956 33, THE CRESCENT,
Listed Building Consent BRINKLOW, RUGBY, CV23 0LG
Approval
27/09/2019

Listed Building Consent for the
installation of french doors

R19/0860 RUGBY RADIO STATION,
Listed Building Consent WATLING STREET, CLIFTON
Approval UPON DUNSMORE, RUGBY,
30/09/2019 CV23 0AS

Listed building consent for the
demolition of curtilage listed A
Station building.

R19/0935 18, COVENTRY ROAD,
Listed Building Consent PAILTON, RUGBY, CV23 0QB
Approval
04/10/2019

Listed Building consent for
internal and external alterations
to existing property (Former
Manor Farm - Grade II).

R19/0988 THE ARNOLD HOUSE, ELSEE
Listed Building Consent ROAD, RUGBY, RUGBY, CV21
Approval 3BA
22/10/2019

Listed Building Consent for the
removal of a brick pillar and the
replacement of 2 (no) internal
doors.

Major Applications Applications Approved

C STATION, RUGBY RADIO
STATION, WATLING STREET,

Delegated

Major Applications Applications Approved

CLIFTON UPON DUNSMORE,
CV23 0AS

R19/0868
Major Application
Approval of Reserved
Matters
27/09/2019

Approval of reserved matters -
Access, Appearance,
Landscaping, Layout and Scale.
Application for reserved matters
approval (outside of a key phase)
for the construction of a six form
entry secondary / sixth form
school within the Rugby Radio
Station development (R17/0022):
including the conversion of the
existing C Station building and
Water Tower, construction of two
teaching blocks and sports block,
service yard, sports pitches and
multi-use games area, extension
of the secondary road connecting
to the Central Primary Street
including an access spur into
school grounds, internal
vehicular, pedestrian and cycle
access, minibus, coach, car and
cycle parking and drop off area,
school grounds hard and soft
landscaping, lighting, signage
and boundary treatments,
northern Civic Square
landscaping, any necessary
drainage and utilities works,
groundworks, demolition,
construction compounds and
general construction areas,
together with the approval of

Delegated

Major Applications Applications Approved

condition 20 (part) (detailed
Conservation Plan for C Station).

Non Material Amendment Applications Applications Approved

R18/1902 LAND TO REAR OF 15 TO 27,
TOWNSEND LANE, LONG
LAWFORD,
Non-Material
Amendment agreed
27/09/2019

Demolition of no. 19 Townsend Lane, to create a vehicular access and use of land for residential development for the erection of up to 14 dwelling houses. (Approval of reserved matters relating to appearance, landscaping, layout and scale pursuant of approved outline planning permission ref: R14/2256 dated 30/04/2018 (access not reserved), together with approval of conditions 5 (external materials), 7 (boundaries enclosures), 8 (finished ground and floor levels) 13 (carbon reduction), 15 (noise survey), 16 (Construction Management Plan), 23 (landscape and ecological management plan) and 24 (ecological surveys).

Delegated

Prior Approval Applications

Prior Approval Applications

R19/1195 Agriculture Prior Approval Not Required 13/09/2019	NEWNHAM LODGE FARM, NEWNHAM PADDOX, MONKS KIRBY, RUGBY, CV23 0RX	Prior notification: Building (agricultural/forestry) for a new agricultural general purpose storage steel framed shed
R19/1157 Prior Approval change of use Required and Approved 19/09/2019	41, CLIFTON ROAD, RUGBY, CV21 3PY	Prior Approval for a Change of Use from Shop (Class A1) to Café (Class A3)
R19/1167 Prior Approval Extension Not Required 19/09/2019	28, SKIPWITH CLOSE, BRINKLOW, RUGBY, CV23 0NW	Prior approval for a rear extension measuring 3.66 metres in depth; 3.65 metres in height to the ridge; and 2.5 metres in height to the eaves.
R19/1179 Agriculture Prior Approval Withdrawn by Planning Dept 19/09/2019	Hollybank Organics, Southam Road, Hill, CV23 8DX	Agricultural prior notification for the erection of an agricultural storage building.
R19/1212 Agriculture Prior Approval Not Required	Land to the south of Flecknoe Road, Flecknoe Road, Broadwell, Rugby	Prior notification for the erection of a agricultural/forestry building for livestock shelter and lambing/farrowing

Delegated

Prior Approval Applications

Prior Approval Applications

19/09/2019

R19/1074
Prior Approval
Extension
Not Required
24/09/2019

45, CROMWELL ROAD,
RUGBY, CV22 5LZ

Prior Approval application for a single storey rear extension projecting 5.5 metres from the original rear elevation of the dwelling, 2.10 metres to the eaves with a maximum height to the peak of the roof of 3.30 metres.

R19/1135
Prior Approval
Extension
Not Required
26/09/2019

65, LOWER STREET, RUGBY,
CV21 4NT

Prior approval for a single storey extension projecting 6m from original rear elevation of the dwelling; eaves height of 2.45m; maximum height of 2.8m from ground level

R19/1130
Prior Approval change
of use
Not Required
16/10/2019

27A, EASTLANDS ROAD,
RUGBY, CV21 3RP

Prior Approval for a Change of Use from Hairdressers (Class A1) to one bedroom flat (Class C3) including building operations necessary to convert the building

R19/0875
Prior Approval change
of use
Withdrawn by Planning
Dept

SCHOOL FARM BARN,
SCHOOL STREET,
CHURCHOVER, RUGBY, CV23
0EG

Proposed change of use of agricultural building to a dwellinghouse

Delegated

Prior Approval Applications

Prior Approval Applications

18/10/2019

R19/1228
Demolition Prior
Approval
Not Required
18/10/2019

Garage site Lever Road,
Hillmorton, Rugby, CV21 4LW

Prior notification for the
demolition of 12 brick garages
and erection of 1.8m fence.
