



25 March 2019

PLANNING COMMITTEE - 3 APRIL 2019

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 3 April 2019 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

AGENDA

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 6 March 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. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 7 February 2019 to 6 March 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 (Ref. PLN 2018/19 – 13) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs A'Barrow, Mrs Avis, Bearne, Brown, Butlin, Garcia, Gillias, Miss Lawrence, Lewis, Sandison and Srivastava.

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 – 3 April 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

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R18/0032	Clifton Cruisers, Clifton Wharf, Clifton upon Dunsmore, Rugby Variation of conditions 7 (construction management in relation to vehicular access and parking), 15 (fencing, decking and hardstanding), 16 (track road), 17 (location of permanent moorings) and 18 (mooring location plan) of planning permission reference number R16/2449 (Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works, dated 07 September 2017), including limited parking provision .	3
2	R17/0967	Yum Yum World, 4 High Street, Rugby, CV21 3BG Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.	24
3	R17/1924	Yum Yum World, 4 High Street, Rugby, CV21 3BG Listed Building Consent: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.	38
4	R18/1932	Princethorpe College, Leamington Road, Rugby Erection of a two-story extension.	44
5	R19/0048	Alma Lodge Hotel, Albert Street, Rugby, CV21 2RS Change of use from hotel to 8 residential units.	53

Reference number: R18/0032

Site address: Clifton Cruisers, Clifton Wharf, Clifton upon Dunsmore, Rugby

Case Officer: Chris Davies 01788 533627

Description: Variation of conditions 7 (construction management in relation to vehicular access and parking), 15 (fencing, decking and hardstanding), 16 (track road), 17 (location of permanent moorings) and 18 (mooring location plan) of planning permission reference number R16/2449 (Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works, dated 07 September 2017), including limited parking provision .

History:

R16/2449 Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works. Approved 07/09/17

NB – Out of a total of 20 Conditions applied to this decision, 5 form the basis of this application.

Proposal:

Following the granting of the above planning permission in 2017, complaints were received in relation to the way in which the development was being carried out. This application to vary 5 of the 20 conditions applied in 2017 covers the issues raised in the complaints.

Members are respectfully advised that whether they are minded to approve or refuse the variation of these conditions, the principle of development has already been established, and so the Local Planning Authority (referred to hereafter as “the LPA”) does not have the power or authority to require the canal arm, moorings or associated use of the site to cease altogether. Neither can the LPA require the land to be reverted back to its former state as it was before the canal arm was reopened.

Relevant Information:

This application has been brought before the Planning Committee for consideration at the request of Councillor Leigh Hunt, and is the same as the proposal deferred from being presented at the previous Planning Committee meeting on 06 March 2019.

The consultations response records in this report have been updated, and include references to correspondence received since publication of the agenda for the last Planning Committee meeting.

The applicant is applying to vary Conditions 7, 15, 16, 17 and 18. These variations relate to:-

Condition 7 - Access to the route around the new canal arm (including controlling parking within the site),

Condition 15 - Fencing, decking and hardstanding on an around the mooring points along the new canal arm. This would involve a combination of removing existing hard landscaping features, installing a more uniform system of steps and paths adjacent to the mooring points, and reducing/relocating fencing such that it does not “parcel” sections of the canal bank in a way that makes it look like each mooring has a “garden”.

- Condition 16 - Establishing that the track leading to and from the canal arm and Station Road shall be used for access and vehicle movements, but only in association with the established farming activities taking place on land to either side of the canal arm, and not as a thoroughfare in relation to either the canal arm or its use for purposes relating to the mooring and occupation of canal boats.
- Condition 17 - Relocation of the positioning of the permanent residential mooring sites within the new canal arm.
- Condition 18 - In connection with the requirements of Condition 17.

As part of the submission, the applicant has provided new and updated plans and documents, which (if approved) would be referred to in the varied wording of the abovementioned conditions. It will therefore be necessary to make minor alterations to the wording of Condition 2 in order to ensure that the correct plans and documents are referred to. The updated wording for Condition 2 can be found within the draft decision section at the end of this report.

Minor non-material alterations have also been made to some of the existing conditions to ensure that they comply with current professional and legislative requirements.

These changes will not affect the substance of the conditions, nor the reason for including them in the original planning permission. Such alterations could be made at the discretion of the LPA without requiring an application to be formally submitted to vary them, and could be agreed at a delegated level as they relate to administrative rather than developmental matters. However, as this matter is before Members, we have taken the opportunity to include these administrative amendments in the draft decision notice for completeness.

Technical Consultation Responses:

Canals and Rivers Trust - Discussions have taken place between the Case Officer and the Canals and Rivers Trust, and they have been formally consulted as both a technical consultee and as neighbours (as they are owners/have rights over the canal). They have verbally confirmed their support for activities to encourage the use of the canal. They also specifically commented on each condition under consideration as follows:-

Condition 7

The details for reprofiling the canal banks have previously been submitted. The Trust reviewed those details and the condition was discharged, in part. The current variation relates to the second part of this condition and the access track around the canal arm. This part of the condition was not recommended by the Trust and therefore they have no further comments to make.

Condition 15

The removal of the lockable storage units which were proposed to each of the mooring points is a positive step. They noted the details of the pond to the North-East of the canal arm. They felt that more information was required regarding the landscaping enhancement for the car parking area, and suggested requiring it through the inclusion of an extra condition (although they gave no recommendations as to the wording or requirements for such a condition).

NB – Within the confines of a variation of conditions application, additional conditions cannot be included. It should be noted that WCC Ecology, who would usually provide guidance on natural environment matters, have raised no similar concerns (please see summary of their comments below)

They also commented on the proposed signage to be located around the canal arm within their comments on Condition 15, although these would seem to be more relevant to Condition 7. Their observations

were that the existing signage designs were too urban in appearance, but that the use of an alternative design and alternative materials could resolve this concern.

Conditions 16, 17 and 18

The Trust stated that they have no comments to make on these conditions.

WCC Ecology -

No objections or restrictions have been requested, but they have recommended that an informative note be added re amphibians and reptiles.

WCC Highways -

Discussions have taken place between the Case Officer and the representative for WCC Highways regarding the proposed variations. It has been established that none of these conditions would affect the part of the site access that comes within the jurisdiction of WCC Highways (i.e. the point between the main car park and Vicarage Hill). WCC Highways then formally confirmed in writing that they have no objections to the variation of Condition 16, and would not wish to change or add any stipulations beyond making sure that the varied wording for Condition 16 is enforceable (which it would be if approved by Members in the recommended format). They raised no comments with regards to Conditions 7, 15, 17 and 18.

Environmental Health -

They have advised that they have no comments to make on the matter.

Legal Department -

Confirmed that the appeal dismissal did not mean that the planning permission was no longer valid, and that use of the canal arm could not therefore be prevented on this basis. Clarified that as the original planning permission still remained it was lawful to apply to vary conditions relating to it. They recommended some minor alterations to other conditions, in order to ensure that they met current legislative requirements, but confirmed that such changes could be made under delegated powers by the LPA as they were administrative in nature and did not alter the power, intent or enforceability of these conditions. Also provided guidance on the rewording of Condition 7 to include a requirement for signage details to be submitted.

Parish/Ward and Other Councillor Consultation Responses:

Parish

After raising concerns (initially via emails from Councillor Hunt, but then also via emails directly from their Chair and Clerk in the form of a summary of their meeting of 04 February 2019) over the implications of varying the conditions and a lack of understanding regarding Condition 7 in particular, the Parish Council requested additional information be submitted to clarify what was being asked for and how it would be achieved. This was done, and the Parish Council were consulted again on these additional details (as were all other parties who had been consulted previously and/or had already submitted comments).

In the meantime they submitted a more formal response to the initial consultation by email on 06 February 2019, making it clear that “this is not a definite response as it is understood that the application has been amended further”. Their key points were (and please note that sections in inverted commas are direct quotes taken from the Parish Council’s correspondence to the Case Officer):-

- That approximately 40 members of the public had attended their meeting on 04 February, including what were initially thought to be 26 tax paying residents (although they included a note to say that they had since had it confirmed that there were 15 tax paying residents).
- In relation to Condition 7 “it was contended that the failure to implement Condition 7 means that the planning permission to which the application is subject is no longer valid”. Their reasons for this stance were given as being:-

1. The officer report for the original application referred to the site as being in “open countryside”, and that Condition CS16 of the adopted Core Strategy says that development in this type of area would only be allowed where “proposals are of a scale, density, and design that would not cause any material harmto the area”.
 2. The same report considered that the development would not cause “adverse impacts that would warrant refusal as it would be possible to mitigate against any impactsecured through conditions to ensure that this is delivered”
 3. Condition 7 in part required the submission within 1 month of details that included removal of “the vehicular access track around the canal arm”, and an appeal against this condition was dismissed.
 4. Compliance with Condition 7 was “clearly fundamental and without it it can be assumed that permission would not have been granted”. The 1 month compliance period passed, and in dismissing the appeal the Inspector didn’t impose any varying of the condition. The Parish Council felt that “The planning permission for the use of the canal arm has therefore ceased to exist and the use of the site is unauthorised”. On this basis, they felt that the application to vary Condition was “unacceptable and, it is believed, can only be refused”. However they noted that this decision received much criticism at the meeting, and it was “made clear that they didn't have the latest information”.
- They stated that it would not be possible to comment fully before the Parish Council’s next scheduled meeting on 04 March 2019 as “It would not be possible to bring a quorate of members together prior to that date due to the half term school holidays”. They therefore formally requested that the date for their comments be delayed until after their March meeting.
 - They said that one of the reasons given for the changes were to support the needs of “registered disabled residents” but no details of medical needs had been supplied, and this had been required “when a house was built in the village for disabled use”.
 - The Parish Council also asked for clarification on which conditions were being consulted on, as Conditions 15, 16, 17 and 18 were identified on the application form, but Conditions 7 and 20 were referred to on the covering letter.
 - Their comments ended with a note that DisabledBoaters.org, who have supported the application, “is a Facebook site that is maintained by one of the boating residents, is not a registered charity, a headed letter from this person has been added as supplementary information to the application and has canvassed support for the application nationally from their c.300 FB supporters”. They also commented that “It was recognised that some of those who stated they had written to RBC to support the application have no investment or vested interest in Clifton Upon Dunsmore itself and no weight should be given to these”.

When reconsulted on the amended plan and additional information submitted, The Parish Council again requested an extension of the consultation period allowed for additional comments, which expires on 01 March 2019, so that they could wait until their next scheduled meeting on 04 March 2019 to discuss it. As the application was then deferred from its intended target of 06 March 2019, the delayed comments from the Parish Council have been able to be reported within this report, although they would have been identified in any case via a verbal update had the 6 March meeting target been upheld.

On 01 March 2019, the LPA received formal comments from the Parish (by email) following their meeting on 04 March 2019. Their response is directly quoted below:-

A lengthy discussion on the application for the variation in conditions took place between the Members present.

It was reiterated that the Parish Council had made a number of objections on the original applications, and that whilst retrospective permission had been granted by the Rugby Borough Council (the planning authority) a significant number of conditions had been placed on the permission. Ultimately the Planning Inspector had upheld the decision to place the conditions on the development.

The Members expressed concerns about the level of urbanisation associated with the development; roadways, gardens, fencing, signs etc, and believed that [sic] the conditions were rightly imposed in order to retain the rural feel of the development.

In particular were concerns about the need for a trackway along the length of the canal arm, as the planning permission allowed only 6 residential moorings to be located at the bridge end. It was suggested that other non-residential mooring could be accessed from the Wharf end;

The Members however, recognised that the development has brought employment, tourism and affordable homes to the area. That it is a business in the process of development and transition, which managed correctly within the planning framework could retain and support its rural environment and would be an asset to the area.

It was suggested that the response to the consultation on the planning application could be provided in the form of comments to maintain an open dialogue.

Councillor Robinson proposed that the Parish Council should object to the application for the variation in conditions, but mindful that the planning authority could enable access and egress to the 6 residential boats from the bridge end of the canal arm, and with access to the non-residential boats being provided from the Wharf end.

Councillor Nash second the proposal.

On a show of hands 2 Members abstained from voting.

Councillor Nash therefore used her casting vote (as Chair) to support the proposal to object to the application.

RESOLVED: That the Parish Council should object to the application for the variation in conditions, but mindful that the planning authority could enable access and egress to the 6 residential boats from the bridge end of the canal arm, and with access to the non-residential boats being provided from the Wharf end.

Ward and Other Councillors

Councillor Hunt

Councillor Hunt, in her capacity as sole Ward Councillor for this application, has had multiple email conversations including discussions with the applicant, the Case Officer, The Head of Growth and Investment and the Executive Director of the Council, both on behalf of herself and on behalf of the Parish Council.

These emails included Councillor Hunt formally requesting that the application be considered by the Planning Committee, on the grounds that she considered the development to be:-

- Not in accordance with the intent of the original planning permission
- Over-development of the site
- Urbanisation of a rural area
- Noise and disturbance to neighbours
- Inappropriate development in open countryside

Councillor Hunt also requested and attended a meeting with the Case Officer, to which she also invited a representative of the Parish Council, to voice her initial concerns following the first phase of consultation and her objections to the development of the canal arm in general.

During the course of the emails from, and the meeting with, Councillor Hunt it has been established that the Councillor's key concerns are (and please note that sections in inverted commas are direct quotes taken from the Councillor's submitted email correspondence):-

- That the opening and operation of the new canal arm represents an inappropriate development in open countryside.
- That rather than considering varying Condition 7, the lack of compliance with it means that the development as a whole was unauthorised and the request to vary conditions should therefore be rejected. Councillor Hunt stated that "I am, therefore, at a loss to understand

how a variation can be sought against a condition to a planning permission that does not exist, since the conditions of that permission were not met”.

- That “Surely what is required at this stage is a new application for the site as a whole?”.
- That the original planning permission was applied for after works were started on the canal arm unlawfully and without consent, and following prolonged enforcement involvement.
- That when the Planning Committee members who were serving in 2017 voted to approve the original application, they “were very clear that they did not want to see vehicles allowed along the side of the newly excavated canal arm”.
- That a previous application to discharge Condition 7 (which relates to the use of the towpath and vehicular movements) had been refused, and that in dismissing the subsequent appeal the Inspector stated that “the proposals would harm the character and appearance of the area”. Councillor Hunt then interpreted this as meaning that “At this point, therefore, there was no planning permission in place since the Inspector did not set any time limit for new proposals to be brought forward and clearly intended to draw a line under the matter”.
- That parking around the canal arm was not something that was intended to be supported when the original planning application was granted.

Councillor Hunt also sought clarification on where fencing was now being proposed to be located, on what was going to be done to address the use of the canal side as private garden spaces, what would happen with regards to the unauthorised structures that had been erected by some of the mooring points, what would be done to monitor compliance if the variations were approved, and the implications of the dismissed appeal on the validity of the planning permission.

Councillor Hunt was also involved in the discussions relating to the deferment of this application (from being presented to Members on 06 March 2019 to being presented on 03 April 2019).

Councillor Nash

Councillor Nash was present at, and chaired, the extraordinary Parish Council meeting where this application was discussed. In her written emailed comments following this meeting, Councillor Nash stated that she endorsed the comments raised by Councillor Hunt (see above). She also advised that:-

- The new Parish Clerk had left the Parish Council prior to the Parish Meeting, and the retired Clerk attended instead,
- The Parish Meeting was attended by approximately 30 residents, which was 10 less than attended the previous Parish Meeting where this application was discussed,
- That the meeting was “*abusive and rowdy*” (direct quote), and that
- There had been complaints received following that meeting.

Councillor Nash did not directly make any representations in which her opinions on the application were cited, but stated that she agreed with Councillor Hunt.

Neighbour Consultation Responses:

Over 50 emails and online comments and 1 postal letter were received from residents and members of the public who had a vested interest in the application. These included a couple of examples of multiple responses from the same addresses, meaning that overall responses were received from a total of 47 different addresses. Of these, there were objections from three separate addresses, one letter that did not either express objections or support but did comment on the proposal, 20 responses local residents’ addresses that expressed their support (including both occupants of boats moored at Clifton Wharf *and* occupants of dwellings in the village), and 23 letters of support from home addresses were not in Clifton upon Dunsmore but were from people who had used the Clifton Wharf facilities in various ways for many years (mostly to moor/store their own boats or as a holiday or leisure destination).

Objections to the proposal related to:-

- The visual impact and appearance of the canal arm and the activities that took place on it.
- The unauthorised activities and non-compliance with conditions that had historically occurred in relation to the canal arm.
- The continuing use of the route around the canal arm for the access and parking of vehicles, and the movement of vehicles within a countryside and agricultural environment. This included the provision of a car park.
- The development of a countryside environment.
- Noise, smoke and light pollution caused by the use of the canal arm for mooring.
- The intensification in use of the site.
- The use of signs around the canal arm.

The need for access by emergency vehicles and disabled boaters was also questioned.

Support for the scheme included:-

- Supporting and encouraging the regeneration of the canal in the area.
- Increased trade arising from tourism being encouraged and how it benefitted local businesses.
- That there were “excellent facilities” (*quote*) provided within the site and that the staff were friendly and welcoming.
- The fact that long term/permanent moorers at the site paid Council Tax in the same way as those occupying houses in the village.
- That the site provided local employment and jobs.
- That reopening the canal arm represented the history and heritage of the area being regained and preserved for future generations to appreciate.
- That agricultural activities could and did still take place around the canal arm, so reopening it had not led to a loss of them.
- That they were happy to support the expansion of a local business that was vital to the village.
- That the site was actively encouraging access for disabled people to live and visit.
- That the residents living on the boats that the right to be able to access their homes in the same way that occupants of houses in the village could do, and that this was supported by national legislation.
- That Clifton Cruisers was an established business and there was a long history of businesses related directly to the canal and the site in this location.
- That the boating community were friendly and were seeking to live their chosen lifestyle peacefully.
- That the people living on the boats should be treated inclusively as they are residents of Clifton too.
- That the boating community felt they were being unfairly treated.

Planning Policy:

Members are respectfully advised that, as this is a variation of conditions application, the relevant policies under consideration are limited solely to those that directly relate to the 5 conditions subject of the application. Policies that relate to the development principle or matters not covered by these 5 conditions **cannot** be considered.

In the intervening time between the determination of the original application and this application to vary the 5 conditions being submitted, the Emerging Local Plan has been created and is now in the final stages of being adopted. The policies within this emerging document must therefore also be considered as they carry significant weight (see below for further explanation). This approach accords with National Planning Policy Framework February 2019.

National Planning Policy Framework February 2019 (NPPF)
Section 2: Achieving sustainable development Complies
Section 8: Promoting healthy and safe communities Complies

Rugby Borough Core Strategy 2011
CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies
E6: Biodiversity Complies

Rugby Borough Local Plan Draft Publication 2011-2031:
GP1: Securing Sustainable Development Complies
GP2: Settlement Hierarchy Complies

HS1: Healthy, Safe and Inclusive Communities Complies
NE3: Landscape Protection and Enhancement Complies
SDC1: Sustainable Design Complies
SDC2: Landscaping Complies
D1: Transport Complies
D2: Parking Facilities Complies

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Considerations:

As advised above, the scope for consideration in this case is limited solely to the effects of varying the 5 identified conditions. Therefore the ***principle*** of the development to which these conditions relate cannot form part of the consideration or determination process.

Condition 7

The original wording for Condition 7 was as follows:-

Within one month of the date of this permission, full details of the construction methodology for the re-profiled banks to the extended canal arm, together with a detailed scheme for the removal of the existing track road as shown on the submitted site plan no. 284-100 Rev F dated 15th January 2015 and replacement with a tow path alongside both sides of the canal arm, shall be submitted to and approved in writing by the Local Planning Authority. The required details shall also include a timetable for completion of the works and thereafter the works shall be completed in full accordance with the approved details and timetable for completion.

The intention of this condition was to ensure that clarification was provided regarding the finished purpose of the route around the newly reopened canal arm, as well as setting a timeframe for the completion of the works required to achieve this.

As Members will be aware, this condition was not discharged, and works were undertaken that did not wholly comply with the purpose of this condition.

The applicant, through discussions with the LPA, has now set out an alternative solution to this aspect of the development. This solution would enable a limited amount of vehicular access to

the site, whilst giving the LPA greater control over how this access is achieved and utilised. As part of this solution, works would be undertaken to reduce the present width and use of the access and incorporate an increased element of soft landscaping.

The proposal is to reduce the width of the access route such that it is only just wide enough to permit access by vehicles, and not wide enough to accommodate the parking of vehicles for extended periods adjacent to any of the mooring points. As part of this arrangement, a small and limited area at the end of the canal arm would be utilised for the parking of vehicles to prevent the need for inappropriate parking elsewhere around the canal arm. Access and parking would be limited to those persons requiring access to their boats due to limited mobility and/or health related requirements, but would allow sufficient access for emergency vehicles in the event of a critical issue on or immediately adjacent to the canal arm.

As part of this arrangement it is proposed to display small advisory signs at strategic points around the canal arm, reminding people of the need to avoid parking adjacent to the mooring points apart from when briefly stopping to allow qualifying individuals to access their boats safely and/or drop off items (after which the vehicles must either be moved to the designated parking area (if permitted to use it) or be removed from the site altogether).

The applicant has submitted an amended plan prescribing where the signage and parking must be located. In response to comments raised by the Canals and Rivers Trust about the style and materials use for the signs, the applicant has agreed to a clause being included within this amended wording. This clause specifically requires the submission of details relating to the style and materials used for the signs. In other words, irrespective of compliance with any other part of Condition 7, the condition cannot wholly be discharged until acceptable signage is agreed. This is a direct instruction to the applicant requiring the submission of and compliance with specific details and information. Non-compliance with this would therefore be subject to enforcement action, so this would be easy to control and protect.

Approving the variation of this condition (which would include specific reference to the amended plan) would also enable the LPA to strictly control the method and type of vehicular access. Any prolonged parking adjacent to the mooring points, and/or use of the vehicular access by people who do not have a qualifying need to do so, could therefore be easily identified and enforced against. This would give the LPA greater control and ability to take action than the existing condition allows. It would also, by specifying where and how to use the vehicular access allowances, enable the easy identification of any breaches to this condition, thereby improving the expediency with which the LPA could act in the event of such a breach taking place.

Varying the condition would also enable the resolution of outstanding issues to do with the current width of the access route, which is the primary reason the LPA Enforcement Team were taking action for non-compliance with the existing Condition 7. It would also enable the applicant and the LPA to meet their obligations to ensure that the site makes a more positive contribution to the visual landscape of the area, is accessible by people of all abilities, and promotes an inclusive community.

It is therefore recommended that Members approve the variation of the wording of Condition 7, such that it reads as follows:-

By no later than 03 June 2019, the existing track road shall be reduced in width and modified in accordance with amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019), and the landscaping enhancements identified on that same plan shall be completed by no later than the next planting season following completion of the works to the access road and parking area. The access road, parking area and landscaping shall thereafter be retained, utilised and maintained in accordance with the details hereby approved. Notwithstanding any details on the plans hereby approved, by no later

than 03 June 2019 further details of the proposed signage shall be submitted to the Local Planning Authority for approval. The signage installed must accord with the further details approved by the Local Planning Authority, and must be installed within 28 days of the date of that approval. Any future repairs or replacement of the signage must likewise accord with the details approved, unless non-material variations are agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual and residential amenity, to ensure the proper development and use of the site, and for the avoidance of doubt.

Varying Condition 7 in this way would ensure that the ongoing use and operation of the site complied with Policy CS16: Sustainable Design of the Rugby Borough Core Strategy, Emerging Policies HS1: Healthy, Safe and Inclusive Communities, NE3: Landscape Protection and Enhancement, SDC1: Sustainable Design, SDC2: Landscaping, D1: Transport, and D2: Parking Facilities of the Rugby Borough Local Plan Draft Publication 2011-2031, and guidance set out in Sections 2: Achieving sustainable development and Section 8: Promoting healthy and safe communities of the National Planning Policy Framework February 2019.

Condition 15

The original wording for Condition 15 was as follows:-

Within 3 months of the date of this permission, all fencing, decking and hardstanding areas around any moorings shall be permanently removed unless otherwise agreed in writing by the Local Planning Authority.

As Members will be aware, there are currently ad hoc examples of varying types of hard surfacing and fencing adjacent to the mooring points around the canal arm. This is in breach of the current condition, and the LPA Enforcement Team are working with the applicant to remove unacceptable examples from the site. Significant progress has already been made with this, with most of the inappropriate items having already removed.

A health and safety issue has been identified relating to the need for people of limited mobility to be able to access the boats in all weathers. Currently many of the mooring points have loose materials or just grass/mud at the point where a person would board or disembark between the canal side and the boats. This has resulted in issues with people being able to safely enter or leave their boats, especially over the winter when the ground has been wet and slippery. It has also led to the installation of mismatched arrangements of steps and surfacing solutions in an attempt to resolve these safety issues.

The LPA's Enforcement Team have been working with the applicant to resolve these issues in a manner that would create a more uniform and sympathetic appearance to the site. The most appropriate solution would be to install matching steps and/or pathways for each mooring point, with safety rails next to them to ensure that they are safe to use. The areas adjacent to these paths would all be treated using the same method (most likely by grass seeding them, possibly including the temporary use of artificial grass or another suitable temporary surface material to improve the appearance whilst the grass grows). These grassed areas would be made to appear more akin to natural bankside features by reducing and controlling fencing and using the same fencing style consistently for every mooring point.

It is proposed to install a single fence alongside the access route. This would have a similar appearance to the existing agricultural fencing already located around the adjacent fields, but with the exclusion of the use of barbed wire (for obvious safety reasons).

The application of these above methods would significantly improve the overall appearance of the site, and considerably reduce its visual impact. By limiting the style and location of these methods, it would also make it much easier for any future breaches of the scheme to be

identified and swiftly acted against in the future by clearly identifying what is considered acceptable and how it should be achieved. This in turn would mean that the LPA had greater powers to control this element of the site, and therefore enable them to take any necessary enforcement action swiftly and precisely.

Varying the condition would also enable the resolution of outstanding issues to do with the current plethora of unauthorised fences, enclosures, surfaces and other features present on the site, which is the primary reason the LPA Enforcement Team were taking action for non-compliance with the existing Condition 15. It would also enable the applicant and the LPA to meet their obligations to ensure that the site makes a more positive contribution to the visual landscape of the area, is accessible by people of all abilities, and promotes an inclusive community.

It is therefore recommended that Members approve the variation of the wording of Condition 15, such that it reads as follows:-

By no later than 03 May 2019, all unauthorised fencing, decking and hardstanding shall be removed from the site. Then by no later than 03 June 2019 the new fencing, steps, handrails and surface treatments shall be installed in accordance with details shown on amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019) unless non-material variations are agreed in writing by the Local Planning Authority prior to this date. The fencing, steps, handrails and surface treatments shall thereafter be retained and maintained in accordance with the details hereby approved.

REASON:

In the interests of visual and residential amenity, to ensure the proper development of the site, and for the avoidance of doubt.

Varying Condition 15 in this way would ensure that the ongoing use and operation of the site complied with Policy CS16: Sustainable Design of the Rugby Borough Core Strategy, Emerging Policies HS1: Healthy, Safe and Inclusive Communities, NE3: Landscape Protection and Enhancement, SDC1: Sustainable Design and SDC2: Landscaping of the Rugby Borough Local Plan Draft Publication 2011-2031, and guidance set out in Sections 2: Achieving sustainable development and Section 8: Promoting healthy and safe communities of the National Planning Policy Framework February 2019.

Condition 16

The original wording for Condition 16 was as follows:-

Within 3 months of the date of this approval the track road, leading to the public highway D3117 Station Road, shaded in grey on the approved plan D06/030A shall be removed and the land reinstated to grazing land.

The applicant farms land to either side of this track road, and uses it to move animals, feed and other associated resources from one piece of farming land to another. In order to enable him to continue to do this, the applicant proposes to install and use a farm gate at the end of the track road which lies adjacent to the canal arm. This gate would remain closed unless needed to allow agricultural access **only**.

Concern has been raised over the LPA's ability to monitor and enforce such an arrangement. As Planning and Enforcement Officers acting on behalf of the Council have a right to access any site at any reasonable date and time in order to investigate a potential misuse or breach, any reports of such an occurrence could easily be investigated. If there is sufficient evidence that the gate is being used to provide access for purposes not directly related to agricultural operations on the adjacent land, then enforcement action could and would be taken to prevent and/or cease such an event. This could include taking direct action at whatever level of severity is deemed by the LPA to be appropriate and necessary to resolve the issue.

In order to make the condition enforceable, it would be necessary to specify within the wording of the condition the instances in which access *would* be considered acceptable. It is also necessary to give a prescribed timescale in which this specified use must commence and any non-specified use ceased.

It is therefore recommended that Members approve the variation of the wording of Condition 16, such that it reads as follows:-

With immediate effect, access to and from the track road leading to the public highway D3117 Station Road and the development site shall cease except for purposes directly related to the agricultural activities undertaken on the agricultural land immediately adjacent to the development site. At no time shall the track road be used to facilitate access by any person or persons for purposes relating to the use, operation or occupation of the development site without the prior written permission of the Local Planning Authority. To ensure that access is appropriately controlled, by no later than 03 May 2019 a secure gate shall be installed at the point where the track road meets the development site, and shall thereafter be kept securely locked to prevent access except for agricultural activities or as permitted by the Local Planning Authority as detailed within this condition.

REASON:

To ensure the proper use of the track road, and for the avoidance of doubt.

Varying Condition 16 in this way would give the LPA ongoing and practical means to directly restrict and control the use of the track road, and the power and means to take appropriate enforcement action in the event that it is used for purposes other than in accordance with the condition. In order to monitor this, the LPA could exercise its right to access the land at any reasonable date and time to assess the use of the track road and ensure the gate is secured as agreed.

Therefore by varying Condition 16 as recommended and undertaking monitoring of both of them as and when deemed necessary, the LPA could ensure that the ongoing use and operation of both the site and the access road were appropriately and effectively controlled from now on.

Conditions 17 and 18

The original wording for Condition 17 was as follows:-

Within 2 months of the date of this permission, the 6 permanent residential moorings hereby approved shall be located adjacent to the existing canal arm/boat yard area unless otherwise agreed in writing with the Local Planning Authority.

The original wording for Condition 18 was as follows:-

Notwithstanding any details on the approved plans, within 2 months of the date of this permission, a detailed plan shall be submitted to the Local Planning Authority showing the 25 moorings in situ in the re-opened canal arm with the 6 permanent residential moorings being located adjacent to the existing canal arm/boat yard.

These two conditions were intended to work in tandem with each other, with the shared intention of providing a means of controlling the proper occupation of the canal arm and to prevent the permanent occupation of more than the approved number of boats moored within the new canal arm.

As Members will be aware, concerns have been raised that the permanent mooring of boats is not occurring in the locations intended at the time of granting the original permission. One of the key reasons for this concern related to the way in which the canal side adjacent to the mooring points was being altered by those living aboard the boats.

As previously discussed, the method in which the canal side aesthetics can be appropriately managed and controlled can be through the variation of the wording of Condition 15 as recommended in this report. This would address the external signs of the permanent or longer term occupation of the boats, and in so doing would also address the concern over the impact of permanent residency on the visual character of the area.

As regards the actual location and number of the permanent moorings, with a reduced and formalised external appearance to all mooring points around the canal arm the LPA consider that the potential visual impact of locating the permanent moorings in locations other than immediately adjacent to the established moorings on the older section of the canal arm is lessened. It is therefore considered that the request of the applicant to locate permanent moorings elsewhere within the new canal arm should be considered.

Obviously the number of permanent moorings still needs to be tightly controlled, so it is still proposed to prescribe the number within a specifically worded condition. In order to ensure that such a requirement is adhered to, the LPA could vary condition 17 to require the submission of a plan identifying the location of the permanent mooring points, and a requirement that no other mooring points were to be used for that purpose without the prior written agreement of the LPA.

It is therefore recommended that Members approve the variation of the wording of Condition 17, such that it reads as follows:-

By no later than 03 May 2019, and notwithstanding the details on amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019), a detailed plan that identifies the permanent location of the 6 permanent mooring points within the new canal arm shall be submitted to the Local Planning Authority for approval. From the later of (a) the approval of the plan identifying the permanent location of the 6 permanent mooring points approved pursuant to this condition or (b) 03 July 2019, the permanent residential occupation of boats mooring within the new canal arm shall not take place other than in accordance with the locations approved by the Local Planning Authority.

REASON:

To ensure the proper use and occupation of the development site, and for the avoidance of doubt.

It is possible that, in order to comply with the varied Condition 17, existing permanently occupied boats will need to be relocated. It would also be necessary to ensure that the number of permanently occupied boats does not exceed the total specified by the LPA, which could mean that if there are more than the prescribed number of boats already being permanently occupied then one or more will need to be removed from the new canal arm or prevented from being used as permanent residences. Clearly a reasonable amount of time needs to be allowed for this to take place, particularly if it is necessary to reduce the existing number of boats being used as permanent residences, as the owners/occupants would need to be able to find alternative moorings sites or accommodation and have time to make and carry out the necessary arrangements to enable them to relocate.

In order to give the LPA the means of controlling the *number* and *location* of these permanent moorings within the new canal arm, both now and in the future, it is therefore recommended that Members approve the variation of Condition 18 such that it reads as follows:-

By no later than 03 July 2019, there shall be no more than 6 boats moored within the new canal arm that are permanently occupied and used as a place of residence at any time. These shall not be located other than in accordance with Condition 17 of this permission.

REASON:

In the interests of residential amenity, to ensure the proper use and operation of the canal arm, and for the avoidance of doubt.

The combined effect of varying these two conditions as recommended would be that the LPA would be able to more effectively control both the number and location of boats used as permanent residences. It would not introduce any level of ambiguity, but would enable some or all of the existing permanent residents moored on the new canal arm to remain in their current mooring positions. Allowing this would not result in a detrimental visual impact on either the surrounding area or for the residents of the houses that overlook this area because the LPA would also have the powers of the varied Condition 15 to prevent unacceptable external signs that they are permanently being occupied.

It would be an easy task to monitor occupancy of the mooring points, as the LPA has a right to request sight of the applicant's mooring agreements for each mooring point. Such mooring agreements will include details of the duration of occupation, so it would be clear to see which are being used intermittently for leisure purposes and which are being occupied on a permanent basis. The applicant has already agreed to this arrangement, and has also offered to include within the mooring agreements the terms within which each mooring point must be used.

The LPA considers this to be a reasonable compromise between the desire of the applicant to allow the location of permanently occupied moorings to be more interspersed around the new canal arm, whilst still retaining the LPA's powers and ability to control this number and prevent future unauthorised relocations or increases in relation to permanent moorings.

Conclusions

The variation of these 5 conditions as detailed in this report will not result in the loss or reduction of the LPA's ability to control and/or rectify unauthorised activities on this site. Indeed the new wordings will more explicitly detail what is expected of the applicant and what he is required to do.

By varying these conditions the LPA will be able to directly address the concerns of neighbouring residents, as well as meet the needs of the village residents who occupy the 6 permanent mooring points and the people who use the remaining parts of the canal arm and surrounding area for leisure purposes.

The variations will also enable an established local business to continue to flourish, whilst ensuring that present and future operations will not have a detrimental impact that would affect existing or future residents of the village.

Recommendation:

Members are respectfully recommended to approve the variation of Conditions 7, 15, 16, 17 and 18 as detailed in this report.

DRAFT DECISION

APPLICATION NUMBER

R18/0032

DATE VALID

07/02/2019

ADDRESS OF DEVELOPMENT

Clifton Cruisers
Clifton Wharf
Clifton upon Dunsmore
Rugby
CV23 0EY

APPLICANT/AGENT

Mr Robert Over
Clifton Cruisers
Clifton Wharf
Clifton Upon Dunsmore
Rugby
Warwickshire
CV23 0EY

APPLICATION DESCRIPTION

Variation of conditions 7 (construction management in relation to vehicular access and parking), 15 (fencing, decking and hardstanding), 16 (track road), 17 (location of permanent moorings) and 18 (mooring location plan) of planning permission reference number R16/2449 (Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works, dated 07 September 2017), including limited parking provision .

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 6th September 2017.

REASON:

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

CONDITION 2:

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

12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019)

D06/001 E

D06/031A - (OTHER THAN THE ROAD SHOWN IN GREY)

D06/033A - (OTHER THAN THE ROAD SHOWN IN GREY)

284-100 Rev F

D06/050A

284.101 Rev B

284-203 Rev A

284-201

170428-01

CCC1PP01

and the details received in document PR/WA5090P dated 2nd May 2017

REASON:

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

CONDITION 3:

Notwithstanding the approved plans, there shall be no access or egress for motor vehicles between the existing and proposed canal arm and boatyard, and the public highway D3117 Station Road.

REASON:

In the interest of highway safety.

CONDITION 4:

Within three months of the date of this permission, a visibility splay shall be provided to the north-east of the existing vehicular access to the site from the public highway C213 Vicarage Hill, with an 'x' distance of 2.4 metres and a 'y' distance of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 5:

The re-opened section of canal arm hereby permitted shall be used for the mooring of a maximum of 25 boats, no more than six of which shall be used as permanent residential accommodation. The re-opened section of canal arm shall be used for the mooring of boats in private ownership only, and shall not at any time be used for the mooring of boats for public hire or timeshare boats.

REASON:

In the interest of highway safety.

CONDITION 6:

All tree and hedge planting detailed within drawing no. CCC1PP01 (dated 28-7-17) must be planted in the 1st planting season following completion of construction. If within a period of 10 years from the date of planting of any tree/hedge that tree, or any tree/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

To maintain and enhance continuity of tree/hedge cover within the local landscape.

CONDITION 7:

By no later than 03 June 2019, the existing track road shall be reduced in width and modified in accordance with amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019), and the landscaping enhancements identified on that same plan shall be completed by no later than the next planting season following completion of the works to the access road and parking area. The access road, parking area and landscaping shall thereafter be retained, utilised and maintained in accordance with the details hereby approved. Notwithstanding any details on the plans hereby approved, by no later than 03 June 2019 further details of the proposed signage shall be submitted to the Local Planning Authority for approval. The signage installed must accord with the further details approved by the Local Planning Authority, and must be installed within 28 days of the date of that approval. Any future repairs or replacement of the signage must likewise accord with the

details approved, unless non-material variations are agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual and residential amenity, to ensure the proper development and use of the site, and for the avoidance of doubt.

CONDITION 8:

Within 2 months of the date of this permission, full details of the strengthening works carried out to the Clifton Arm Bridge (Bridge No.63) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Details on materials and methods of repair used;
- ii) an assessment of the impact of the works on the historical integrity and significance of the bridge.
- lii) Maintenance and management provisions for the bridge
- iv) Information on any further or remedial works considered necessary and a timetable for their implementation.

Thereafter all works shall be carried out and the bridge maintained in accordance with the approved details.

REASON:

To ensure that the works will not adversely impact on the stability of the canal arm in accordance with Paragraphs 120 & 121 of the NPPF and that the works do not have a harmful impact on the character, appearance and historical integrity /significance of the existing bridge in accordance with Policy CS16 of the Rugby Borough Core Strategy.

CONDITION 9:

Within 2 months of the date of this permission details of a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. This shall provide a programme of archaeological works and investigations to be undertaken along the reinstated canal arm and a timetable for completion of the works. A completion report detailing any findings and/or necessary mitigation measures shall also be submitted to the Local Planning Authority in accordance with the approved timetable. The investigation and any mitigation works shall thereafter be undertaken in full accordance with the approved details.

REASON:

In order to ensure any remains of archaeological importance, which help to increase our understanding of the sites historical development are recorded, preserved and protected were applicable, in accordance with Policy CS16 of the Rugby Borough Core Strategy.

CONDITION 10:

Within 3 months of the date of this permission an updated to the Geo-Environmental Assessment shall be submitted to 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 (b) 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.

(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 11:

Prior to any further works on the site a Great Crested Newt survey shall be undertaken to determine if the species are present on the site. The results of the survey shall be submitted to the Local Planning Authority within 1 month of being completed and if GCN are identified on the site full details of any necessary mitigation measures shall also be submitted for approval. Thereafter the works shall only proceed in accordance with the approved details.

REASON:

To ensure that any protected species on the site are properly identified and protected during the works in accordance with Policy CS14 of the Rugby Borough Core Strategy.

CONDITION 12:

The landscaping work will be timetabled and carried out to wholly accord with the Planting Plan CCC1PP01, dated 28/07/17, together with the management as outlined in "Section 4 Recommendations" of the document "Ecological Appraisal of North Oxford Canal (Clifton Arm), Warwickshire, Issue 2" by Crossman Associates, and dated 24th May 2017. The tree and hedgerow planting scheme will thereafter be maintained in perpetuity.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 13:

Unless non-material variations are otherwise agreed in writing with the Local Planning Authority no generators shall be installed or used at any time on any moorings.

REASON:

In the interest of residential amenity.

CONDITION 14:

No artificial lighting (illuminated service pedestals) shall be installed until full and precise details have been submitted to and approved by the Local Planning Authority. The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.

REASON:

In the interest of residential amenity

CONDITION 15:

By no later than 03 May 2019, all unauthorised fencing, decking and hardstanding shall be removed from the site. Then by no later than 03 June 2019 the new fencing, steps, handrails and surface treatments shall be installed in accordance with details shown on amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019) unless non-material variations are agreed in writing by the Local Planning Authority prior to this date. The fencing, steps, handrails and surface treatments shall thereafter be retained and maintained in accordance with the details hereby approved.

REASON:

In the interests of visual and residential amenity, to ensure the proper development of the site, and for the avoidance of doubt.

CONDITION 16:

With immediate effect, access to and from the track road leading to the public highway D3117 Station Road and the development site shall cease except for purposes directly related to the agricultural activities undertaken on the agricultural land immediately adjacent to the development site. At no time shall the track road be used to facilitate access by any person or persons for purposes relating to the use, operation or occupation of the development site without the prior written permission of the Local Planning Authority. To ensure that access is appropriately controlled, by no later than 03 May 2019 a secure gate shall be installed at the point where the track road meets the development site, and shall thereafter be kept securely locked to prevent access except for agricultural activities or as permitted by the Local Planning Authority as detailed within this condition.

REASON:

To ensure the proper use of the track road, and for the avoidance of doubt.

CONDITION 17:

By no later than 03 May 2019, and notwithstanding the details on amended drawing number 12118-HBA-DR-A-0001 Revision A (received by the Local Planning Authority on 05 February 2019), a detailed plan that identifies the permanent location of the 6 permanent mooring points within the new canal arm shall be submitted to the Local Planning Authority for approval. From the later of (a) the approval of the plan identifying the permanent location of the 6 permanent mooring points approved pursuant to this condition or (b) 03 July 2019, the permanent residential occupation of boats mooring within the new canal arm shall not take place other than in accordance with the locations approved by the Local Planning Authority.

REASON:

To ensure the proper use and occupation of the development site, and for the avoidance of doubt.

CONDITION 18:

By no later than 03 July 2019, there shall be no more than 6 boats moored within the new canal arm that are permanently occupied and used as a place of residence at any time. These shall not be located other than in accordance with Condition 17 of this permission.

REASON:

In the interests of residential amenity, to ensure the proper use and operation of the canal arm, and for the avoidance of doubt.

CONDITION 19:

The moorings identified in the application site (other than the 6 permanent residential moorings) shall be purely restricted to the accommodation of privately owned boats and shall not accommodate any houseboats. The boats shall be used for recreational purposes only and not used as permanent residences.

REASON:

To ensure that there is adequate capacity to accommodate the boats on the canal and to prevent additional residential accommodation within the open countryside and in the interests of highway safety and residential amenity.

CONDITION 20:

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

REASON:

In the interest of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF (February 2019).

INFORMATIVE 1:

To enable the lighting scheme to be assessed the following information must be supplied to the LPA :

1. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
2. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
3. Details of the make and catalogue number of any luminaires/floodlights.
4. Size, type and number of lamps fitted within any luminaire or floodlight.
5. The mounting height of the luminaires/floodlights specified.
6. The location and orientation of the luminaires/floodlights.

INFORMATIVE 2:

The applicant/site operator should consider keeping some temporary mooring spaces free on the existing canal arm or actual canal for owners of vessels who moor up during anti-social times and/or in emergencies to reduce the risk of noise to local residents between 23:00 to 07:00.

INFORMATIVE 3:

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

Monday - Friday, 07:30 - 18:00

Saturday, 08:30 - 13:00

No work on Sundays and Bank Holidays

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

INFORMATIVE 4:

The applicant is advised that compliance with planning conditions does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

INFORMATIVE 5 :

The applicant/developer is advised to contact Martin Hime, Senior Estates Surveyor on 07826 513696 in order to ensure that any necessary landowner agreements/licences are obtained.

INFORMATIVE 6:

The applicant/developer is advised to contact the Osi Ivowi, Works Engineering Team on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust - Code of Practice for Works affecting the Canal & River Trust.

INFORMATIVE 7:

In view of the nearby water and associated vegetation, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (02080 261089) are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2017.

Reference number: R17/0967

Site address: Yum Yum World, 4 High Street, Rugby, CV21 3BG

Description: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to a large building located within Rugby Town Centre and within the Primary Shopping Area. The building is Grade II Listed and is also located within the Town Centre Conservation Area.

The existing building stretches from High Street to the front and Little Church Street at the rear and includes elements that are a range of ages and styles.

The front element of the building opens onto High Street and was built in 1908. The ground floor contains the entrance to Yum Yum World and is a glazed shopfront. The upper floors are stone and are built in a Baroque style. The upper floors contain tall timber windows with vertical emphasis which give the appearance of a high ceilinged upper floor. This has in fact been divided into 2 floors although the original window arrangement has been retained.

There is a pitched roof to this element of the building and this is currently unused. This area contains plaster detailing to the side elevation and around the windows. The original roof trusses, rafters and beams are also in situ. There also a steel frame that has been added to the building.

The rear part of the building, adjacent to Little Church Street is a later addition. The central section of this part of the building is three storey with a flat roof. There are metal windows to the first and second floor in a range of styles and horizontal concrete bands. There are single storey flat roofed elements to either side of this which contain personnel and service doors into the building.

The central section of the building is a two storey flat roofed section which contains a range of ducts, plant and machinery. The second floor of the front section has an access door and metal windows in the rear elevation looking towards the flat roof. The second floor of the rear section has UPVC windows and a door looking onto the central section.

Description of proposals

This application involves the conversion and extension of the existing building to provide 21 flats, 6 two-bed and 15 one-bed.

In the front element of the building the first floor will be converted to 2 flats with the second floor and roofspace converted to 3 duplex flats. This will involve the addition of 4 rooflights to the front elevation, these will be hidden behind the existing parapet wall. New door and window openings and 3 dormer windows will be provided in the rear elevation of the front part of the building.

The existing second floor of the rear part of the building will be converted to 2 flats. These will utilise existing door and window openings in the rear part of the building.

The building will also be extended to provide additional flats. At the rear of the building, adjacent to Little Church Street, a two storey extension will be added to the existing flat roofed element (closest to the Churchside Arcade), this will add a first and second floor and will provide 6 further flats. This extension will be set back 300mm from the existing walls and will be the same height and design as the existing three storey rear part of the building with similar window designs and horizontal banding.

Additional "pod" units will be provided on the flat roofed area between the existing front and rear parts of the building, these will provide 8 further flats. These were initially proposed in a similar design to the units

proposed on the roof of NatWest in North Street. However, amended plans have been received which provide increased amounts of glazing to these units and include an overhanging roof design.

The pod units will each have a small terrace area to the side, small areas of shared amenity space are also proposed between the pod units and the existing parts of the building.

Changes are proposed to the existing shopfront to provide access doors to the flats at either side of the building. The flats will also be accessed using existing doors at the rear of the building.

There is an existing store at the ground floor accessed from Little Church Street and this will be used in association with the flats including the provision of cycle parking spaces.

The plans originally included 2 apartments on the roof of the rear three storey element, however, amended plan have been received removing these units.

Consultee responses

Original plans

Historic England	Comments	Require further details regarding works to the building and windows
WCC Ecology	Comments	Request pre-determinative bat survey
WCC Highways	No objection	Although there is no parking there are public car parks, bus and train services nearby
WCC Infrastructure	Comment	Request contribution to sustainability packs
NHS	Comments	Request contribution
RBC Housing	Comment	May not be suitable for Registered Providers due to shared building
Environmental Services	No objection	Subject to conditions and informatives

Amended plans

Historic England	Comments	Require details regarding treatment of windows & insulation
WCC Ecology	No objection	Subject to informative

Original plans

Councillor Sandison Comments

- Concern regarding rooflights to front elevation;
- Refuse disposal issues, where will bins be located?
- Increased pressure for car parking overnight leading to parking issues in the surrounding area;
- Should consider overnight residents parking scheme, parking for the night time economy can be provided in car parks;
- Potential for noise disturbance from bells at St Andrews Church, which is a 12th century building, how will the developer mitigate for this?

Neighbours (1) Objection

- Will restrict natural light;
- Highway safety will be compromised due to traffic generation, road capacity, access and car parking;

Amended plans

Neighbours (1) Objection

- Not enough parking in this road or within the town centre for a development of this size;
- Spaces should be allocated for residents;
- The Little Church Street car park could be used;
- Loading areas used by Marks & Spencer could be used for parking but is still insufficient;
- Little Church Street may be added to parking scheme as Zone 0 which would push parking onto Albert Street which is already busy with limited space;

Relevant planning history

R17/0847: Change of use of ground and first floor from retail (A1) to leisure (D2), Approved June 2017. This granted consent for the ground floor to be used as a children's play centre and for the first floor to be used for laser quest.

R17/1924: Listed Building Consent application: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof. Not yet determined. This is the Listed Building application linked to this application.

Relevant planning policies and guidance

Rugby Borough Core Strategy, 2011

CS1	Complies	Development Strategy
CS6	Complies	Development in Rugby Town Centre
CS7	Complies	Retail Frontages
CS10	Complies	Development Contributions
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

Rugby Borough Local Plan, 2006, Saved policies

E6	Complies	Biodiversity
E17	Complies	Development affecting parks, gardens and other elements of historic landscape
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area
LR1	Complies	Open space standards

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

GP2	Complies	Settlement Hierarchy
H1	Complies	Informing Housing Mix
H2	Complies	Affordable Housing Provision
TC1	Complies	Development in Rugby Town Centre
TC3	Complies	Primary Shopping Area and Shopping Frontages
HS1	Complies	Healthy, Safe and Inclusive Communities
HS2	Complies	Health Impact Assessments
HS4	Complies	Open Space, Sports Facilities and Recreation
HS5	Complies	Traffic Generation and Air Quality, Noise and Vibration
NE1	Complies	Protecting Designated Biodiversity and Geodiversity Assets
SDC1	Complies	Sustainable Design
SDC3	Complies	Protecting and enhancing the Historic Environment
SDC4	Complies	Sustainable Buildings
SDC5	Complies	Flood Risk Management
SDC6	Complies	Sustainable Drainage
D1	Complies	Transport
D2	Complies	Parking facilities
D4	Complies	Planning Obligations

National Planning Policy Framework, 2019 (NPPF)

Planning Practice Guidance

Planning Obligations SPD, 2012

Sustainable Design and Construction SPD, 2012

Assessment of proposals

The key issues to assess in relation to this application relate to the principle of the proposed development, the impact on heritage assets and visual amenity. The impact in terms of highway safety, parking, neighbouring properties, noise and air quality must also be considered.

Principle of development

The site is located within Rugby Town Centre which is defined by policy CS1 as the primary focus for services and facilities. The supporting text to this policy refers to residential development and states that small developments or the use of upper floors for living accommodation increase vibrancy aiding the revitalisation and improvement of the town centre.

Draft policy GP2 includes a similar hierarchy but does not include a separate tier for the town centre. This draft policy states that Rugby town is the main focus for all development in the borough.

Policy CS7 provides more detail regarding uses within the town centre, the application site is located within the Primary Shopping Area. This policy states that a range of uses, including C3 residential uses will be supported on upper floors where the retail use of the ground floor is not prejudiced. The proposals include minimal changes to the ground floor to provide access to the proposed flats and it is considered that this policy is complied with.

Draft policy TC3 states residential development is encouraged in the town centre provided it does not harm the retail function, character, vitality and viability and the proposals are in accordance with this draft policy.

The NPPF also states that planning policies should recognise the role of residential development in ensuring the vitality of centres and that residential development should be encouraged on appropriate sites.

It is therefore considered that the principle of the proposed residential development is in accordance with the NPPF, policies CS1 and CS7 and draft policies GP2 and TC3.

Impact on heritage assets & visual amenity

The site is a Grade II Listed Building and is within the Town Centre Conservation Area. These are both designated heritage assets. The site is also close to other Listed Buildings such as the Masonic Hall - Grade II, Herbert Gray College - Grade II, St. Andrews Church - Grade II* and a range of Listed Buildings at Rugby School. The NPPF states that the significance of a heritage asset, including its setting, and the impact on heritage assets must be taken into account when assessing proposals. Policy CS16 states development must not have a significant impact on heritage assets or their settings.

Saved policy E17 states that permission will not be granted for development that would harm the character, appearance or setting of elements of the historic landscape. Draft policy SDC3 includes similar requirements to the NPPF and states that an assessment of assets must be made and that great weight will be given to the retention of designated heritage assets.

The Conservation Area Appraisal refers to 4 High Street, the former town hall, as a building “which continues the classical architectural theme on a grander scale” and refers to the ashlar (stone) front in a Baroque style of 1700. The first floor has an Ionic order with fluted pilasters, entablature and pedimented windows with a ‘Gibbs Surround design’.

The Appraisal refers to parts of Little Church Street being neutral areas within the Conservation Area due to the service yards, rear accesses and rear of buildings not contributing positively to the character or appearance of the Conservation Area. This concludes that it may be possible to enhance the Conservation Area by revising the rear elevation of buildings backing onto Little Church Street to provide more street frontage and reverse the trend of blank elevations.

The Conservation Area Appraisal refers to St. Andrew’s Church as a landmark building and identifies the view from Little Church Street towards St. Andrew’s Church as a key view within the Conservation Area. In

relation to Herbert Gray College the Appraisal refers to possible redevelopment of that site and states development must respect the context of the surroundings.

As the application site is a Grade II Listed Building this constitutes a significant designated heritage asset. The nearby Listed Buildings and Conservation Area are also significant assets. As St. Andrew's Church is a Grade II* Listed Building, located in a highly prominent location within the town centre and Conservation Area this asset is considered to be an asset of the highest significance.

The proposals will have an impact the Listed Building itself and well as the settings of nearby Listed Buildings and the Conservation Area and the impact on these assets must be assessed.

There have been various alterations carried out to the building over time and these have impacted on much of the internal historic fabric. Nonetheless original fabric remains in the windows, walls, doors and roof. Original plaster detailing to the side elevations and windows and original roof timbers remain at second floor and within the roof space of the front part of the building.

The conversion of the front part of the building will include the provision of doors to either side of the existing shopfront which is a later addition to the building. At first floor this will involve the removal of existing internal walls and the infilling of an existing doorway. These walls are stud walls which did not form part of the original fabric of the building and the door would have been provided when the building was extended.

The alteration of the second floor and roofspace will include the addition of a floor, the provision of rooflights to the front elevation and doors, windows and dormers to the rear elevation of this part of the building.

The plans show that the floor will be provided to either side of the existing steel structure and that the columns and beams within the existing roofspace will be retained in the proposed third floor. The existing steel frame is to be retained and either encased in plasterboard or retained as a feature.

The plans also show that the detailing to the side elevation and around the windows will be retained. The existing roof timbers and exposed rafters will be retained, however, insulation will be provided between these and they will be covered by plasterboard in order to provide insulation. This will retain the roof timbers and allow them to be exposed in the future if required.

The provision of roof lights, dormers and provision of doors and windows will result in the removal of some parts of the historic fabric of the building. Existing windows to the rear will be removed however, these are later additions rather than original parts of the building.

The original upper floor windows to the front elevation are to be retained and repaired.

The conversion of the rear part of the building will also involve the removal of internal stud walls which are later additions to the building. Existing openings are to be utilised and the existing windows are to be retained and repaired.

The extensions to the building will involve brick built extensions to the side/rear and the pod units on the roof. The brick built extension will reflect the character of the existing rear part of the building and metal windows are to be provided with the proportions, profile and reveal depth matching existing windows in the rear elevation. The brick work and horizontal bands are to match the existing building.

The pod units are to be provided on a steel frame on the existing flat roofed central part of the building. Amended plans were provided which moved this extension away from the existing parts of the building and altered the design to a modern, light weight design with large amounts of glazing. Whilst this does not reflect the character of the existing building this will be read as a modern later addition and the contrasting design is considered acceptable.

The extensions do not involve the loss of the historic fabric of the building.

Historic England commented on the original plans and raised concerns that it was not clear from the plans whether the interior of the building included features worthy of retention and that additional detail was required relating to any works proposed to the existing windows and the proposed insulation.

The revised plans included details of the proposed insulation and explained that all windows are to be repaired. As detailed above these revised plans also showed the retention of existing detailing within the second floor and roofspace of the building.

Historic England remain concerned that sufficient information has not been provided to address these points. However, as detailed above the interior of the building has been viewed to make an assessment of the existing interiors and it is considered that it is clear how the fenestration and insulation will be treated. A detailed condition can be attached to any approval to ensure that these works are carried out in accordance with these details and to ensure full details of works to the fabric of the building are provided and agreed to ensure the Listed Building is protected.

It is accepted that the proposals will cause some harm to the Listed Building through the loss of elements of the historic fabric, although this is considered to be less than substantial harm this carries some weight against the proposals.

The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm to its significance, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Historic England's guidance on decision taking makes reference to understanding the significance of the heritage asset and its sensitivity to change can then unlock viable uses for the asset and secure its long term future. It acknowledges change to heritage assets is inevitable but is only harmful when significance is damaged.

The impact of the proposals on the setting of nearby Listed Buildings and the Conservation Area must also be considered.

The application initially included two additional flats on the roof of the rear part of the building adjacent to Little Church Street. These would have been prominent when viewed along Little Church Street and when viewed from nearby Listed Buildings and would have caused harm to these heritage assets, these were therefore omitted from the application.

In relation to the front elevation the proposed changes are minimal. New doors are proposed at ground floor and these will be in keeping with the existing shopfront. Four rooflights are proposed to the front elevation hidden behind the existing parapet wall and a condition can be used to ensure that these are conservation style slimmer rooflights. The impact to the Conservation Area from the alterations to the front is considered neutral.

When viewed from the rear the northern part of the site currently comprises single storey flat roofed element with a ground floor door. Later flat roofed parts of the building and plant and equipment on the roof are also visible from Little Church Street. The side elevation of the three storey part of the building is also visible, this is a mix of bricktypes reflecting previous alterations to the building.

The proposed extension to the building will be set back 300mm from the existing walls and will reflect the design and scale of the adjacent part of the building. This will include windows to the side and rear elevation which will reflect existing windows in this part of the building and will remove unsightly later additions to the building.

This extension will result in the removal of the existing unsightly elements of plant and equipment which do not contribute positively to the character or appearance of the Conservation Area. It is considered this extension will enhance the Conservation Area by reversing the trend of blank elevations, as detailed in the Conservation Area Appraisal.

It is considered that the proposals will have some benefit on the setting of nearby Listed Buildings and the Conservation Area as they will improve the appearance of the property when viewed from Little Church Street.

The pod units on the existing flat roofed section will not be visible from High Street to the front. They will be visible from Little Church Street when viewed at an angle above existing roofs but will not be prominent within the area. It is therefore considered these will not cause harm to the Conservation Area or setting of Listed Buildings.

The impact on these designated heritage assets is therefore considered acceptable in accordance with the NPPF, Conservation Area Appraisal, the relevant part of policy CS16, saved policy E17 and draft policy SDC3.

Policy CS16 and draft policy SDC1 state that development must be a high quality design and must not cause harm to the character and amenity of the area. Policy CS6 and draft policy TC1 state that within the Town Centre development must be high quality design which complements the existing townscape and contributes to its local distinctiveness.

As detailed above it is considered that the proposals are acceptable in relation to the character of the area. Subject to a condition requiring details of the materials to be agreed it is considered that the impact on visual amenity is acceptable in accordance with the relevant parts of these policies.

Residential amenity

Policy CS16 and draft policy SDC1 states that the amenity of neighbouring occupiers must be safeguarded.

The site is located within an area of predominantly commercial properties with some residential uses to upper floors. The proposed pod units will be visible from existing flats located in properties on Windsor Court to the south. These flats currently look onto the existing building as well as a range of roofs, plant and equipment. The pod units will be set in from the edge of the building by around 1.8m.

This will result in the proposed pod units being situated around 6.7m from the window of an adjacent flat. This is a closer distance that would ordinarily be considered acceptable. However, consideration must also be given to the urban location of the existing property and the existing outlook towards the existing building.

Whilst this carries some weight against the proposals the impact is not considered so significant as to warrant refusal of the application.

The pod units will have windows to the side elevations looking towards the second floor elements of the existing building which are to be converted to flats. These will generally look towards windows to non-habitable rooms or secondary windows. However the window to flat 15 will look towards a bedroom in the adjacent flat. To prevent a loss of privacy to future occupiers a condition is suggested requiring this side facing window to be obscure glazed.

Environmental Services have no objection to the application, subject to conditions relating to noise assessment and mitigation and an asbestos survey. The impact on residential amenity is therefore considered acceptable in accordance with policy CS16 and draft policy SDC1.

As Environmental Services have raised no objection in relation to air quality this is considered to be in accordance with draft policy HS5.

Highway Safety & parking

The proposals do not include any parking provision for the proposed flats and this has been raised as a concern by neighbours and a local Councillor.

The Council's parking standards contained within the Planning Obligations SPD and draft Local Plan require 15.75 car spaces for a development of this size. However, these are not minimum figures and consideration must be given to the location of the site. As the site is located within the town centre it is considered that all services could be accessed by means of transport other than the private car such as

walking or cycling. The site is also well located to access bus and train services to allow access to other areas. It is therefore considered acceptable for the proposed flats to have no off street car parking facilities.

The parking standards also require the provision of 1 secure undercover cycle space per dwelling. This results in a requirement of 21 spaces. The agent has provided an amended plan showing that this can be provided in the existing store, accessed from Little Church Street, and that this has sufficient space to accommodate 21 cycles. Therefore it is considered that the proposed level of provision is acceptable.

The proposed parking provision is therefore considered acceptable in accordance with saved policy T5 and draft policy D2.

The highway authority, Warwickshire County Council raised no objection to the proposals. It is therefore considered that the proposals will not have an adverse impact on highway safety in accordance with policy CS11 and draft policy D1.

Sustainability

Policy CS17 states that development of 10 dwellings or more shall include measures to reduce carbon dioxide emissions by 10%. This can be controlled by condition in accordance with this policy.

Policy CS16 states residential development should meet the water conservation standards in Level 4 of the Code for Sustainable Homes. However, this Code was revoked by the Government and it is not considered reasonable to insist this requirement is met.

Draft policy SDC4 states new dwellings shall meet the Building Regulations requirement of 110 litres of water per person per day. As this is controlled by other legislation it is considered that this will be achieved.

Drainage

Policy CS16 states that sustainable drainage systems (SUDS) should be incorporated into new developments where possible and a similar requirement is included in draft policy SDC6. Draft policy SDC5 states development should be steered to areas with the lowest risk of flooding.

The site is located within Flood Zone 1 which is the area with the lowest risk of flooding.

The application form details that surface water drainage will connect to the existing public sewer. As the site is currently developed with the existing building it is not considered possible to provide a sustainable drainage system in this case.

Policy CS16 and draft policies SDC5 and SDC6 are therefore complied with.

Ecology

The County Ecologist initially commented on the application and requested a pre-determinative bat survey be carried out.

This was provided and points of clarification were raised with the applicant. An amended survey was provided to address this. On this basis the County Ecologist raised no objection to the application, subject to informatives relating to the protection of bats and recommending bat and bird boxes be provided.

The proposals are therefore in accordance with saved policy E6 and draft policy NE1.

Housing mix and affordable housing

Policy CS19 includes a requirement for developments over 0.5ha in size of 15 or more dwellings to provide 33.3% of units as affordable housing, therefore the requirement for this application is for 7 affordable units.

Draft policy H2 reduces these thresholds to 0.36ha and 11 or more dwellings and reduces the target to 20% on brownfield sites. This would lead to a requirement of 4.2 dwellings, rounded to 5.

However, colleagues in Housing commented that registered providers may be reluctant to take on units within a shared block due to possible issues linked to ground rents and service charges. A financial

contribution towards off-site affordable housing would therefore be required in order to increase provision elsewhere within the Borough.

The applicant has commented on the affordable housing requirement and advised this would impact on the viability of the development and this is discussed later in the report.

Draft policy H1 includes a recommended housing mix which includes a focus on 2 and 3 bedroom properties. However, this policy goes on to state that the Council will consider an alternative mix in a range of circumstances, including the location of the site such as sustainable sites within the town centre and conversions of existing buildings.

As the proposals involve the conversion and extension of an existing building the development will result in upper floor dwellings with limited outside amenity space, it is also within the town centre with good access to facilities. It is therefore considered that the provision of 3 or 4 bedroom properties would not be suitable for this site.

It is therefore not considered that the defined housing mix in the draft policy should be required in this case.

Open space provision

Saved policy H11 states that within the urban area residential developments must make provision for open space in accordance with the standards in saved policy LR1. Draft policy HS4 contains similar standards.

Due to the constrained nature of the site it is not possible to provide on-site open space and contributions towards off-site provision would be required. These have been discussed with colleagues in Parks who have requested a contribution towards improvements to the churchyard at St. Andrew's Gardens which is located off Church Walk close to the site and this would be in accordance with these policies.

Health

Draft policy HS2 requires developments to demonstrate they would not have a detrimental impact on health and wellbeing. As detailed above the NHS have requested a contribution towards hospital provision in the area in accordance with this policy.

Draft policy HS1 states development should consider the potential to develop healthy, safe and inclusive communities and it is considered the proposal to provide housing in a location with good access to services is in accordance with this requirement.

Planning Obligations & Viability

As detailed above contributions are required towards open space provision in the area and to hospital provision. In addition to this WCC Highways requested a contribution towards Sustainability Packs to provide residents with information regarding road safety and sustainable living information.

It is considered that these requirements are justified and comply with the CIL Regulations and paragraph 56 of the NPPF in relation to whether requests are reasonable.

In addition, as detailed above there is a requirement for 7 units of affordable housing to be provided in accordance with policy CS19.

However, policies CS10 and CS19 and draft policies H2 and D4 refer to the impact on the financial viability of the development being a consideration.

This reflects paragraph 57 of the NPPF which states it is for the applicant to demonstrate the need for a viability assessment at the application stage.

The applicants have argued that the provision of any affordable housing, or the payment of any s106 agreements would render the development unviable.

A Viability Assessment was provided and was been independently assessed. The assessors broadly agreed with the applicant's assumptions in relation to the development costs and value of the development,

however there was some discussion regarding how the land value was calculated and this impacted on whether there was a surplus available to be put towards contributions.

The calculations of land value in this case were complicated due to the building including the proposed residential elements in addition to commercial uses of the lower floors which will remain following the development.

The applicant initially based the existing value on the purchase price of the building and halved this to apportion 50% to the commercial elements and 50% to the proposed residential. However, this is contrary to Planning Practice Guidance which is clear that under no circumstances will the price paid for the land be a relevant justification for failing to comply with relevant policies.

The assessors initially calculated the land values before and after the development for the entire building, including the commercial elements, which will remain, and the residential elements. This resulted in a surplus which could be put towards contributions. However, the applicants' argue that the commercial elements should be omitted from the calculations as this was subject to a separate planning permission and will not be affected by the proposed residential scheme.

The assessors reviewed the scheme on this basis and omitted the commercial element. They calculated the value of the existing elements of upper floor office space to ascertain the existing value and they considered the roof space elements to be extended above did not have an existing value and calculated a surplus on this basis.

The applicants' disputed these calculations on the basis that the rental figures quoted for the office space were too low and that the roof space must have some value due to potential future development. They also detailed additional work that would be required to remove asbestos, thus increasing the development costs. To support the comments relating to the office space rental the applicants provided examples of other properties nearby and details of the business rates calculations.

The assessors commented on this additional information and advised that *“Overall the scheme appears to be on the borders of viability and ultimately the Council may take the view that the viability evidence isn't sufficiently strong to warrant refusal.”*

The information provided by the applicant shows that it may be possible to rent the upper floor offices for a greater value than that used by the assessors, this increases the existing value and reduces the surplus available.

In relation to the roofspace elements the Planning Practice Guidance advises what factors can be taken into account when establishing land value. This states that “hope value” should be disregarded but that the existing use value should allow for a premium to be paid to landowners.

The applicants consider the existing flat roof areas have a value as there is the potential for these to be developed, as demonstrated by this planning application.

Attributing a value to these roof areas reduces the surplus available following the development and this is further affected by the works necessary to remove asbestos from the building.

It is therefore considered, on balance, that to provide affordable housing or s106 contributions would unduly threaten the viability of the scheme and therefore the delivery of the proposal. As detailed above existing and emerging policies and the NPPF allow for viability to be taken into consideration when considering requirements for contributions and affordable housing.

It is therefore considered, on balance, that the s106 requirements can be removed in this case and the proposals will comply with the NPPF and relevant policies.

Planning Balance, Weight & Sustainable Development

The NPPF identifies three interdependent and overarching objectives to sustainable development.

Firstly, an economic objective; jobs would be created during the construction phase and thereafter and the new residents would inject money into the local economy and support local shops and facilities and help maintain their viability. These factors carry weight in favour of the proposals. There would also be Council Tax revenues and the Local Planning Authority would potentially benefit from New Homes Bonus although these are considered to be given limited weight.

As detailed above it is considered that the payment of s106 contributions would affect the viability of the development. Therefore the development will not contribute to the provision of infrastructure in the area and this carries some weight against the proposals.

Secondly in terms of a social role, the scheme would provide 21 homes in a highly sustainable town centre location with accessible services. Based on the ongoing need for housing within the Borough the development would make a valuable contribution to supply and this would be a positive factor of significant weight. The impact on the residential amenity of the adjacent flat carries limited weight against the proposal.

Thirdly, from an environmental aspect, the development will involve less than substantial harm to a designated heritage asset through the loss of historic fabric of the Listed Building. However, this will be outweighed by public benefits of the proposal, including securing the optimum viable use of the building to secure its long term retention.

The development would also have a slightly beneficial impact on the setting of nearby Listed Buildings and the Town Centre Conservation Area and would not have an adverse impact on the character and appearance of the area.

In addition many day-to-day trips could be undertaken by alternative modes of transport to the car such as by public transport, walking and cycling. This would minimise pollution and is considered to carry weight in favour of the development.

The impact on the natural environment is considered to be minimal and the proposals would result in no net loss to biodiversity. In addition the development will make the effective use of an existing developed site.

Therefore, the development of the site would result in social and economic benefits as well as environmental benefits. The collective weight that the identified benefits would bring, as well as contributing to the Council's lack of 5 year housing land supply, means the proposal would represent sustainable development in terms of the NPPF and is considered to accord with the Development Plan and the NPPF.

Recommendation

Approval – subject to conditions

Report prepared by: Karen McCulloch

DRAFT DECISION

APPLICATION NUMBER

R17/0967

DATE VALID

25/01/2018

ADDRESS OF DEVELOPMENT

4 HIGH STREET
RUGBY
CV21 3BG

APPLICANT/AGENT

Mrs Rebecca Walker
Chapman Design
Lelleford House
Coventry Road
Long Lawford
Rugby
Warwickshire
CV23 9DT
On behalf of: Hawker & Busby Limited

APPLICATION DESCRIPTION

Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Existing & Proposed Elevations (Front)	3038-106/D	28/05/2018
Existing & Proposed Elevations (Rear/Side)	3038-107/D	28/05/2018
Side Elevations & Sections	3038-108/C	28/05/2018
Elevations & Sections	3038-109/D	28/05/2018
Existing & Proposed Elevations (Side)	3038-110/C	03/06/2018
Proposed Detailing	3038-111	28/05/2018
Proposed Ground Floor Plan	3038-101/A	04/01/2019
Proposed First Floor Plan	3038-103/B	09/04/2018
Proposed Second/Third Floor Plan	3038-105/D	19/06/2018

REASON:

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

CONDITION: 3

No development shall commence unless and until full details of all external alterations, including:

- a) the amended shopfront;
 - b) the design, materials and finishes of the extensions and dormer roofs;
 - c) details of fascias, soffits and bargeboards
 - d) balcony rails/screens and associated brackets;
 - e) dormers, and all windows, rooflights and external doors, including header, cill, reveal depths and glazing details;
 - f) details of the materials to be used where openings are infilled, including mortar mixes;
 - g) rainwater goods;
 - h) external lighting; &
 - i) fixtures and fittings, including any ducts, flues or vents and window or door furniture;
- have been submitted to and approved in writing by the Local Planning Authority.

Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

REASON:

To ensure a satisfactory external appearance and in the interests of the character of the Conservation Area and Listed Building.

CONDITION: 4

No development shall commence unless and until a noise assessment including the extent of the existing noise sources in the area and a scheme of sound insulation to protect future occupiers from any identified excessive noise ingress has been submitted to and approved in writing by the Local Planning Authority. Any sound insulation measures detailed in the assessment shall be provided prior to the first occupation of the development and permanently retained.

REASON:

In the interest of residential amenity.

CONDITION: 5

No development shall commence unless and until a full Asbestos Survey of the building has been submitted to and approved in writing by the Local Planning Authority. The development and conversion works shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of health and safety.

CONDITION: 6

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 7

No dwelling shall be first occupied unless and until provision for bins and a minimum of 21 cycles has been made on the ground floor in accordance with the approved Ground Floor Plan - 3038-101/A, these bin and cycle storage areas shall be permanently retained for the use of occupiers of the flats.

REASON:

In the interests of sustainability and residential amenity and in the interests of the character of the Conservation Area and Listed Building.

CONDITION: 8

The side facing lounge window to flat 15 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of the neighbouring property.

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.

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 found on-line at rugby.gov.uk Alternatively, you can contact the Street Naming and Numbering Team for an application form at: servicedesk@rugby.gov.uk or by ringing 01788 533456.

INFORMATIVE: 2

Existing noise sources that could have a significant adverse impact on the proposed development and should be considered in relation to condition 5 include traffic, plant and machinery from external and

internal sources, existing and proposed commercial/business uses such as music and the use of the 'Laser Quest Room.'

INFORMATIVE: 3

With respect to the noise assessment and any proposed works, should improvements to the glazing be necessary this may need to be achieved using secondary glazing given the listed nature of the building.

Regard should be had to BS8233:2014 for the target noise levels to be achieved within the residential properties and to the terrace areas.

INFORMATIVE: 4

The development is within a smoke control area.

INFORMATIVE: 5

Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a further bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. A further survey may be required if the works are not undertaken within two years. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.

INFORMATIVE: 6

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

Reference number: R17/1924

Site address: Yum Yum World, 4 High Street, Rugby, CV21 3BG

Description: Listed Building Consent: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to a Grade II Listed building which is located within the Town Centre Conservation Area.

The existing building stretches from High Street to the front and Little Church Street at the rear and includes elements that are a range of ages and styles.

The front element of the building opens onto High Street and was built in 1908. The ground floor contains the entrance to Yum Yum World and is a glazed shopfront. The upper floors are stone and are built in a Baroque style. The upper floors contain tall timber windows with vertical emphasis which give the appearance of a high ceilinged upper floor. This has in fact been divided into 2 floors although the original window arrangement has been retained.

There is a pitched roof to this element of the building and this is currently unused. This area contains plaster detailing to the side elevation and around the windows. The original roof trusses, rafters and beams are also in situ. There also a steel frame that has been added to the building.

The rear part of the building, adjacent to Little Church Street is a later addition. The central section of this part of the building is three storey with a flat roof. There are metal windows to the first and second floor in a range of styles and horizontal concrete bands. There are single storey flat roofed elements to either side of this which contain personnel and service doors into the building.

The central section of the building is a two storey flat roofed section which contains a range of ducts, plant and machinery. The second floor of the front section has an access door and metal windows in the rear elevation looking towards the flat roof. The second floor of the rear section has UPVC windows and a door looking onto the central section.

Description of proposals

This is the Listed Building application for the works required to convert and extend the existing building to provide 21 flats.

In the front element of the building the first floor will be converted to 2 flats with the second floor and roofspace converted to 3 duplex flats. This will involve the addition of 4 rooflights to the front elevation, these will be hidden behind the existing parapet wall. New door and window openings and 3 dormer windows will be provided in the rear elevation of the front part of the building.

The existing second floor of the rear part of the building will be converted to 2 flats. These will utilise existing door and window openings in the rear part of the building.

The building will also be extended to provide additional flats. At the rear of the building, adjacent to Little Church Street, a two storey extension will be added to the existing flat roofed element (closest to the Churchside Arcade), this will add a first and second floor and will provide 6 further flats. This extension will be set back 300mm from the existing walls and will be the same height and design as the existing three storey rear part of the building with similar window designs and horizontal banding.

Additional “pod” units will be provided on the flat roofed area between the existing front and rear parts of the building, these will provide 8 further flats. These were initially proposed in a similar design to the units proposed on the roof of NatWest in North Street. However, amended plans have been received which provide increased amounts of glazing to these units and include an overhanging roof design.

The pod units will each have a small terrace area to the side, small areas of shared amenity space are also proposed between the pod units and the existing parts of the building.

Changes are proposed to the existing shopfront to provide access doors to the flats at either side of the building. The flats will also be accessed using existing doors at the rear of the building.

The plans originally included 2 apartments on the roof of the rear three storey element, however, amended plan have been received removing these units.

Consultee responses

Original plans

Historic England	Comments	Require further details regarding works to the building and windows
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Amended plans

Historic England	Comments	Require details regarding treatment of windows & insulation
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Original plans

Councillor Sandison	Comments
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- Concern regarding rooflights to front elevation;
- Refuse disposal issues, where will bins be located?
- Increased pressure for car parking overnight leading to parking issues in the surrounding area;
- Should consider overnight residents parking scheme, parking for the night time economy can be provided in car parks;
- Potential for noise disturbance from bells at St Andrews Church, which is a 12th century building, how will the developer mitigate for this?

Neighbours (1)	Objection
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- Will restrict natural light;
- Highway safety will be compromised due to traffic generation, road capacity, access and car parking;

Amended plans

Neighbours (1)	Objection
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- Not enough parking in this road or within the town centre for a development of this size;
- Spaces should be allocated for residents;
- The Little Church Street car park could be used;
- Loading areas used by Marks & Spencer could be used for parking but is still insufficient;
- Little Church Street may be added to parking scheme as Zone 0 which would push parking onto Albert Street which is already busy with limited space;

Relevant planning history

R17/0847: Change of use of ground and first floor from retail (A1) to leisure (D2), Approved June 2017. This granted consent for the ground floor to be used as a children’s play centre and for the first floor to be used for laser quest. This has currently been implemented in relation to the ground floor only.

R17/0967: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof. Not yet determined.

This is the Planning Application linked to this application.

Relevant planning policies and guidance

Rugby Borough Core Strategy, 2011

CS16 Complies Sustainable Design

Rugby Borough Local Plan, 2006, Saved policies

E17 Complies Development affecting parks, gardens and other elements of historic landscape

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

SDC1 Complies Sustainable Design

SDC3 Complies Protecting and enhancing the Historic Environment

National Planning Policy Framework, 2019 (NPPF)

Sustainable Design and Construction SPD, 2012

Rugby Town Centre Conservation Area Appraisal, 2010

Assessment of proposals

As this is a Listed Building application the only matters to consider are whether the proposed works are acceptable in relation to the impact on the Listed Building.

All other issues such as principle of the proposed development, visual amenity, highway safety, parking, impact on neighbouring properties, noise, air quality and the impact on nearby Heritage Assets are considered by the Planning Application for these works.

The site is a Grade II Listed Building. The NPPF states that the significance of a heritage asset, including its setting, and the impact on heritage assets must be taken into account when assessing proposals. Policy CS16 states development must not have a significant impact on heritage assets or their settings.

Saved policy E17 states that permission will not be granted for development that would harm the character, appearance or setting of elements of the historic landscape. Draft policy SDC3 includes similar requirements to the NPPF and states that an assessment of assets must be made and that great weight will be given to the retention of designated heritage assets.

The Conservation Area Appraisal refers to 4 High Street, the former town hall as a building "which continues the classical architectural theme on a grander scale" and refers to the ashlar (stone) front in a Baroque style of 1700. The first floor has an Ionic order with fluted pilasters, entablature and pedimented windows with a 'Gibbs Surround design'.

The Appraisal refers to parts of Little Church Street being neutral areas within the Conservation Area due to the service yards, rear accesses and rear of buildings not contributing positively to the character or appearance of the Conservation Area. This concludes that it may be possible to enhance the Conservation Area by revising the rear elevation of buildings backing onto Little Church Street to provide more street frontage and reverse the trend of blank elevations.

As the application site is a Grade II Listed Building this is a significant designated heritage asset and the impact on this asset must be assessed.

There have been various alterations carried out to the building over time and these have impacted on much of the internal historic fabric. Nonetheless original fabric remains in the windows, walls, doors and roof. Original plaster detailing to the side elevations and windows and original roof timbers remain at second floor and within the roof space of the front part of the building.

The conversion of the front part of the building will include the provision of doors to either side of the existing shopfront which is a later addition to the building. At first floor this will involve the removal of existing internal walls and the infilling of an existing doorway. These walls are stud walls which did not form part of the original fabric of the building and the door would have been provided when the building was extended.

The alteration of the second floor and roofspace will include the addition of a floor, the provision of rooflights to the front elevation and doors, windows and dormers to the rear elevation of this part of the building.

The plans show that the floor will be provided to either side of the existing steel structure and that the columns and beams within the existing roofspace will be retained in the proposed third floor. The existing steel frame is to be retained and either encased in plasterboard or retained as a feature.

The plans also show that the detailing to the side elevation and around the windows will be retained. The existing roof timbers and exposed rafters will be retained, however, insulation will be provided between these and they will be covered by plasterboard in order to provide insulation. This will retain the roof timbers and allow them to be exposed in the future if required.

The provision of roof lights, dormers and provision of doors and windows will result in the removal of some parts of the historic fabric of the building. Existing windows to the rear will be removed however, these are later additions rather than original parts of the building.

The original upper floor windows to the front elevation are to be retained and repaired.

The conversion of the rear part of the building will also involve the removal of internal stud walls which are later additions to the building. Existing openings are to be utilised and the existing windows are to be retained and repaired.

The extensions to the building will involve brick built extensions to the side/rear and the pod units on the roof. The brick built extension will reflect the character of the existing rear part of the building and metal windows are to be provided with the proportions, profile and reveal depth matching existing windows in the rear elevation. The brick work and horizontal bands are to match the existing building.

The pod units are to be provided on a steel frame on the existing flat roofed central part of the building. Amended plans were provided which moved this extension away from the existing parts of the building and altered the design to a modern, light weight design with large amounts of glazing. Whilst this does not reflect the character of the existing building this will be read as a modern later addition and the contrasting design is considered acceptable.

The extensions do not involve the loss of the historic fabric of the building.

Historic England commented on the original plans and raised concerns that it was not clear from the plans whether the interior of the building included features worthy of retention and that additional detail was required relating to any works proposed to the existing windows and the proposed insulation.

The revised plans included details of the proposed insulation and explained that all windows are to be repaired. As detailed above these revised plans also showed the retention of existing detailing within the second floor and roofspace of the building.

Historic England remain concerned that sufficient information has not been provided to address these points. However, as detailed above the interior of the building has been viewed to make an assessment of the existing interiors and it is considered that it is clear how the fenestration and insulation will be treated. A detailed condition can be attached to any approval to ensure that these works are carried out in accordance with these details and to ensure full details of works to the fabric of the building, both internal and external, are provided and agreed to ensure the Listed Building is protected.

It is accepted that the proposals will cause some harm to the Listed Building through the loss of elements of the historic fabric and this is considered to be less than substantial harm.

The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm to its significance, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Historic England's guidance on decision taking makes reference to understanding the significance of the heritage asset and its sensitivity to change can then unlock viable uses for the asset and secure its long term future. It acknowledges change to heritage assets is inevitable but is only harmful when significance is damaged.

Although the proposals will result in less than substantial harm to the Listed Building this must be weighed against the benefits of the proposals, including securing the long term use of the building itself. It is therefore considered the proposals are acceptable in accordance with policies CS16, saved policy E17 and draft policies SDC1 and SDC3.

Recommendation

Approval

Report prepared by: Karen McCulloch

DRAFT DECISION

APPLICATION NUMBER

R17/1924

DATE VALID

25/01/2018

ADDRESS OF DEVELOPMENT

4 HIGH STREET
RUGBY
CV21 3BG

APPLICANT/AGENT

Mrs Rebecca Walker
Chapman Design
Lelleford House
Coventry Road
Long Lawford
Rugby
Warwickshire
CV23 9DT
On behalf of , Hawker and Busby Limited

APPLICATION DESCRIPTION

Listed Building Consent application: Extension/conversion to create 21 residential flats including provision of penthouse units on existing roof.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Existing & Proposed Elevations (Front)	3038-106/D	28/05/2018
Existing & Proposed Elevations (Rear/Side)	3038-107/D	28/05/2018
Side Elevations & Sections	3038-108/C	28/05/2018
Elevations & Sections	3038-109/D	28/05/2018
Existing & Proposed Elevations (Side)	3038-110/C	03/06/2018
Proposed Detailing	3038-111	28/05/2018
Proposed Ground Floor Plan	3038-101/A	04/01/2019
Proposed First Floor Plan	3038-103/B	09/04/2018
Proposed Second/Third Floor Plan	3038-105/D	19/06/2018

REASON:

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

CONDITION: 3

No development shall commence unless and until full details of all internal and external alterations, including:

- a) the amended shopfront;
- b) the design, materials and finishes of the extensions and dormer roofs;
- c) details of fascias, soffits and bargeboards
- d) balcony rails/screens and associated brackets;
- e) dormers, and all windows, rooflights and external doors, including header, cill, reveal depths and glazing details;
- f) details of the materials to be used where openings are infilled, including mortar mixes;
- g) rainwater goods;
- h) external lighting;
- i) fixtures and fittings, including any ducts, flues or vents and window or door furniture;
- j) treatment of existing steel framework;
- k) a schedule for materials and finishes, including samples, colouring and mortar/plaster mixes, for all interior surfaces (including walls, ceilings, roofs & floors);
- l) details of type and method of insulation;
- m) joinery details for skirting, cornices, architraves, panelling and any other exposed timber joinery;
- n) plasterwork details such as friezes, cornices & mouldings;
- o) staircases including balustrades, handrails & flights;
- p) internal lighting; &
- q) conduit and service routes.

have been submitted to and approved in writing by the Local Planning Authority.

Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

REASON:

To safeguard the character, appearance and integrity of the Listed Building.

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 number: R18/1932

Site address: Princethorpe College, Leamington Road, Rugby

Description: Erection of a two-story extension

Case Officer Name & Number: Nathan Lowde 01788 533725

Proposal:

The application seeks the erection of a new, two-storey building to accommodate 10 Science Teaching Labs and ancillary accommodation. This building would be an extension to a recently erected classroom block, which forms an extension to the existing Sports Centre and was permission was granted in 2012.

Site Description:

Princethorpe College is an independent Catholic school for students aged 11 to 16 years and a Sixth Form for students aged 16 to 18 years. The site was formally St Mary's Priory and has been an independent School since 1965. The main school building is grade II listed, listed in 1987, and the church is of grade 11* listed in the same year.

Relevant Planning History:

R11/1118

Erection of new building to accommodate Design and Technology Specialist Classrooms and proposed extension to existing Sports Centre to create 14 classroom block together with associated works.

Approved 20/07/2012

Technical Consultation Responses

WCC Ecology	no objection subject to informatives
WCC Highways	no objection subject to condition (see condition 7)
RBC Environmental Health	no comments to make
RBC Tree Officer	no objection subject to conditions (see conditions 4 and 5)

Third Party Consultation Responses:

Neighbours	no representations received
Parish Council	no representations received

Development Plan and Material Considerations:

Rugby Borough Core Strategy 2011

Policy CS1	Development hierarchy	Complies
Policy CS16	Sustainable Design	Complies

Rugby Borough Local Plan 2006 Saved Policies

Policy E6	Biodiversity	complies
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Material Considerations

National Planning Policy Framework (NPPF or "the Framework") (2019)
National Planning Practice Guidance (NPPG)
Emerging Rugby Borough Local Plan (see below)

Emerging Rugby Borough Local Plan

The Council is in the process of preparing a new Local Plan which will replace the Core Strategy 2011 and saved policies of the Rugby Borough Local Plan 2006. This has culminated in a Publication Local Plan being submitted for examination in July 2017. Following public hearings the Inspector has outlined that “subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound”. These main modifications have now been agreed with the Inspector, subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. Although hearings have concluded, the Examination is ongoing until receipt of the Inspector’s final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration. In this case the relevant emerging policies are listed below.

GP2	Settlement Hierarchy	complies
NE1	Protecting Designated Biodiversity and Geodiversity Assets	complies
SDC1	Sustainable Design	complies

Assessment of proposal

1. Principle of Development and Green Belt

The application site falls within the grounds of the Princethorpe College Facility. There is an extensive history of development on this site, including permissions for new buildings associated with its function as an educational institute.

In policy terms, CS1 of the Core Strategy and GP2 of the Emerging Local Plan, outline a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the West Midlands Green Belt which is classified as being the least sequentially preferable location for development. It consequently sets out that development will be resisted in such areas unless permitted by national policy on Green Belts.

Section 13 of the NPPF provides guidance on development within the Green Belt. Paragraph 143 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 145 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. Such exceptions include the extension of existing buildings provided that it does not result in a disproportionate addition over and above the size of the original building. Taking into account the scale and massing of the proposed extension it is judged that the proposal would be a disproportionate addition and therefore considered to be inappropriate development within the green belt which is by definition harmful to the Green Belt.

The NPPF advises that inappropriate development should not be approved except in very special circumstances. Paragraph 144 of the NPPF confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Princethorpe College currently has around 900 students, aged from 11 to 18 years of age, which is the optimum number of the establishment. There is currently no desire for expansion of pupil numbers, and as such the proposal is simply in response to the need to consolidate and improve facilities on the campus, whilst also spreading the school population more widely over the campus. Existing science accommodation on campus is quite outdated, with only 3 fit-for-purpose laboratories. In order to fulfil the requirements of the curriculum a total of 10 laboratories and two additional classrooms would be required.

The proposal, which would accommodate ten science teaching labs and ancillary accommodation, is considered appropriate to support the educational training opportunities for pupils and continued improvements to educational facilities at Princethorpe College. It is for this reason that a case of very special circumstances have been demonstrated to outweigh the harm by reason of inappropriateness.

Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form. The NPPF outlines that the government attaches great importance to Green Belts. The proposed extension would be viewed in context with the existing building and surrounding buildings and as such would not appear as an isolated feature within the Green Belt. The harm therefore to the openness of the Green Belt is limited.

2. Heritage

Heritage Assets

Princethorpe College, is a former convent, built between 1833-35, and grade II listed.

Princethorpe College occupies the building of St Mary's Priory. Now known as the Church of Our Lady and All Angels, it is a large and conspicuous late Gothic Revival Church, designed by Peter Paul Pugin and built between 1897-1901 as a convent chapel for French Benedictine nuns. This building is regarded as being among Peter Paul Pugin's richest buildings.

Policy Background

Policy CS16 refers to the historic environment. It states that new development should seek to compliment, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. Emerging policy SDC3 seeks to protect, sustain and enhance designated and non-designated 'heritage assets'.

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

Another key judgement recently is the Kedleston Hall high court appeal [Case No: CO/5004/2016]. This is a key judgement with regards to setting and how the surrounding rural context plays an important role in the significance of a heritage asset.

The Framework sets out the need to conserve and enhance the historic environment.

Assessment

The proposed development would be positioned within close proximity to existing modern buildings. This would ensure that the proposed development would not be seen in isolation and would rather be seen alongside the existing buildings on the campus. The scale of the development proposed, when judged against the existing buildings, together with its positioning within the site, would ensure that the proposal would not have an adverse impact upon the surrounding heritage assets.

Conclusion

It is considered that the proposed development would not have an adverse impact upon heritage assets within the application site. It would consequently accord with Core Strategy Policy CS16, Emerging Policy SDC3 and guidance contained within the Framework.

3. Landscape and Visual Impact

Policy CS16 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. This is consistent with emerging policy SDC1 which seeks to ensure that development responds to the character of the area in which they are situated and add to the overall quality of the area. Paragraph 127 and Chapter 12 of the NPPF are also relevant and set out the importance of good design in relation to new development.

The proposed development would be positioned within close proximity to existing modern buildings. This would ensure that the proposed development would not be seen in isolation and would rather be seen alongside the existing buildings on the campus. The overall scale and mass of the proposed extension reflects that of the previous extension, and is broken up by the protruding gable section whose character and appearance reflects those on the previous extension. The rise in finished floor level responds positively to the natural levels. It is noted that the ground floor windows within the proposed west elevation do not reflect the sash windows in the existing building. This is not ideal, however, given its intended use and the need to maximise natural light into the classrooms, and taking into account that it is on the rear elevation and therefore the impact would be less marked as this elevation is not readily within the public domain, it is considered, on balance, acceptable.

The proposed front elevation of the proposed extension would be set back from what is the east elevation of the existing sports hall building. The design itself introduces materials and design principals which are not common place within the established complex. Nevertheless the design and appearance of the front elevation would provide a distinctive, modern building, which could compliant the historical environment in which it is situated.

It is therefore considered that the proposal would not have an adverse impact upon the character and appearance of the area or the designated heritage assets in accordance with policy CS16, emerging Local Plan policy SDC3 and guidance contained within the NPPF.

4. Residential amenity

Policy CS16 of the Core Strategy, together with emerging policy SDC1 requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 3.2 of this SPD refers to Appendix B –

Residential Extension Design Guide (REDG), which at paragraph 4, provides guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Although directed at householder extensions, the principles of this SPD can equally be applied to applications for new houses. Paragraph 17 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

Given the distance to neighbouring properties, it is considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policy CS16.

5. Ecology

Policy E6 and emerging policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. This policy is consistent with paragraph 175 of the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 170, 174, and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

WCC Ecology has raised no objection, subject to informatives, and therefore it is not considered that the proposed would have an adverse impact upon protected species and habitats.

6. Trees and Hedgerows

Paragraph 175 of the Framework sets out that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The NPPF seeks to ensure that new development is sustainable and underlines the importance of Green Infrastructure, of which trees form an integral part. This encompasses a recognition of the importance of trees in relation to the management of air, soil and water quality along with other associated ecosystem services and climate change adaptation. Policy CS16 of the Core Strategy and Emerging Policy SDC1 are consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan and Emerging Policy SDC2 also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

Existing Trees on Site

The Tree Survey has identified 3 individual trees and 3 tree groupings in proximity to the proposal, of which 2 individual trees and one grouping are subject to protection under a Tree Preservation Order. One of these protected trees has consent for removal due to advance decay.

Assessment of Impact on Trees

It is not proposed that any trees or grouping will be removed as part of the proposal. Furthermore, the proposed development, including the creation of new pathways, would not intrude into the root protection zone of retained trees.

The Council's Arboricultural Officer has assessed the Arboricultural Report and raised no objection to the impact the proposed development would have on existing trees.

7. Highways and Access

As outlined above (see section 1) the proposal does not seek to increase pupil numbers across the site, and as such traffic flows to and from the site would not significantly increase. WCC Highways have provided a no objection comment to the proposal, subject to a condition requiring the submission of a Construction Management Plan.

8. Sustainable Design and Construction

Core Strategy policies CS16 and CS17, together with emerging policy SDC4 refer to sustainable design, water efficiency and reducing carbon emissions. The Sustainable Design and Construction Supplementary Planning Document (SDC SPD) 2012 further expands upon this and sets out the potential to reduce carbon emissions through improving energy efficiency in construction and design. This is consistent with chapter 14 of the Framework which supports the inclusion of renewable and low carbon energy within new development.

The proposed energy strategy focuses on a fabric-first strategy. This strategy ensures a reduction in energy consumption of the building by 8.14%. This is considered acceptable in accordance with Core Strategy policies, emerging Local Plan policies and guidance contained within the NPPF.

9. Economic Growth

Section 6 of the Framework highlights the need for the planning system to support sustainable economic growth with notable references to creating conditions in which businesses can invest, expand and adapt.

The proposed development has been submitted by The Princethorpe Foundation in relation to their existing facilities on the site. The proposal would support the educational training opportunities for pupils and continued improvements to educational facilities at Princethorpe College. The proposal would allow The Princethorpe Foundation to invest in new facilities and allow for existing facilities to expand and adapt. As a result it is considered that the development would have a positive impact on economic growth with this being a matter which weighs in favour of the application.

10. Conclusion

The application site is located within designated Green Belt. Policy CS1 of the Core Strategy sets out that development will only be permitted in this location where national policy allows. It has been found that whilst the proposed development would constitute a form of inappropriate development in the Green Belt, a case of very special circumstances have been demonstrated to outweigh the identified harm.

From an economic perspective the proposed development would result in money being invested in construction on the site. Furthermore the investment and improvement in educational facilities would deliver both social and economic benefits.

From an environmental perspective the potential adverse impacts of the proposed development in relation to highway safety, traffic flows, landscape, visual appearance, trees, hedgerows, ecology, heritage, and residential amenity have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances.

On balance, it is concluded that the proposal constitutes sustainable development. It complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission should be approved.

Recommendation

Approval subject to conditions

APPLICATION NUMBER

R18/1932

DATE VALID

24/10/2018

ADDRESS OF DEVELOPMENT

PRINCETHORPE COLLEGE
LEAMINGTON ROAD
RUGBY
CV23 9PX

APPLICANT/AGENT

At Architects
Kingsley House
63 Holly Walk
Leamington Spa
CV32 4JG
On behalf of The Princethorpe Foundation

APPLICATION DESCRIPTION

Erection of a two-storey extension

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

Proposed Ground Floor Plan (Drawing No 1150A-0500-03 Rev 03, received 10.01.19)

Proposed First Floor Plan (Drawing No 1150A-0501-03 Rev 03, received 10.01.19)

Proposed Elevations (Drawing No 1150A-0503-03 Rev 03, received 10.01.19)

Proposed Roof Plan (Drawing No 1150A-0502-01)

Proposed Site Location Plan (Drawing No 1150A-0505-01)

Proposed Site Plan (Drawing No 1150A-0504-05, received 15.03.19)

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, windows and doors of the extension shall be of the same type, colour and texture as those used on the existing classroom building which this proposed extension is extending off.

REASON:

In the interest of visual amenity.

CONDITION: 4

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

REASON:

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

CONDITION: 5

No works, demolition or development shall take place until a final arboricultural method statement and tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme must include details and positioning of tree protection fencing and any ground protection to create construction exclusion zones.

REASON:

To ensure retained trees and their Root Protection Area's are not damaged during the development phase and are successfully integrated into the scheme

CONDITION: 6

The proposed extension, hereby approved, shall not be used until the existing portacabins shown on drawing no 1150A-0504-05, received 15.03.19) have been removed from the site edged blue on drawing no 1150A-0505-01.

REASON

In the interest of visual amenity and Green Belt principles.

CONDITION: 7

No construction shall be undertaken until a Construction Management Plan, which should contain details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by both the Planning and Highway Authorities.

REASON

In the interest of highway safety.

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.

INFORMATIVE:Ecology

1. Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is

a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. The applicant is advised that to ensure no bats are endangered during any destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

2. In view of the pond nearby, which is suitable habitat for great crested newts care should be taken when clearing the ground prior to development and when moving the portacabins. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 02080 261 089 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 02080 261089
3. Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species, native species planting of hedges and wild flower meadows, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

Reference number: R19/0048

Site address: Alma Lodge Hotel, Albert Street, Rugby, CV21 2RS

Description: Change of Use from hotel to 8 residential units

Case Officer Name & Number: Maxine Simmons 01788 533697

Introduction

Application Proposal

This application seeks outline planning permission for a change of use from hotel to 8 residential units. The present building is to be retained and reinstated. Five of the flats would be one-bedroom, with two of the flats being two-bedroomed apartments, with a single studio apartment in the converted upper storey of the outbuilding. The basement is also proposed to be converted into an apartment.

The proposals will involve removing the existing signage associated with the hotel use whilst retaining the existing façade. New replacement windows would be installed and a new metal handrail will be introduced on the front elevation, together with a basement window below floor level to the basement flat. On the flank northern elevation, a new window will be incorporated into the wall with new glazed doors and a set of railings over a light well. The existing wall fronting James Street will be removed, which would be replaced by a dwarf wall with railings above. A pitched roof will be installed on the existing flat roof side extension. The existing spiral staircase will be removed on the southern elevation. At the rear, the more modern extension will be demolished in favour of reinstating the traditional elevation, including a first floor extension to accommodate a more efficient internal floor plan with a cat-slide roof.

Site and Surrounding Area

The application property is a striking and visually prominent building in the town centre on the corner of Albert Street and James Street with connected outbuildings, some of which are in a state of disrepair. The site is within Rugby Town Conservation Area and Alma Lodge is a locally listed building. The building has been extended at the rear in the past with various additions. A disused informal parking area exists at the rear (but outside of the red line boundary of this application). The site is currently operating as a hotel in providing a room only basis for longer term extended residential stay accommodation. The hotel has not been active in attracting tourists to Rugby Town Centre for some years. The interior is in a state of decline, as are some external features, such as windows in places, and the rear outbuilding and courtyard area.

The John Barford car park, providing 570 spaces is in close proximity to the site to the east. To the north is British Telecom's Telephone Exchange, a four storey structure. The Robbins Building, a four storey 1930s Art Deco commercial building is in close proximity on the corner of Albert Street and Henry Street. Albert Street contains a variety of uses and property styles as it transitions into the heart of the Conservation Area, the application premises existing on its very edge.

There are no listed buildings in close proximity to the site. The Conservation Area appraisal categorises this area as predominantly Victorian, interspersed with Gothic and Italianate styles, noting that this area of Albert Street is less harmonious, with a greater variety of building heights and plainer styles compared with the more Edwardian Regent Street nearby.

Alma Lodge Hotel is described as a two storey red-brick building incorporating fish scale roof tiles, timber mullions/transom windows, with ornate barge boards, contrasting blue diaper work and prominent chimneys.

Relevant Planning History

None relevant

Technical Responses

WCC Highways raise no objection to the proposal, subject to the Local Planning Authority ensuring that controls are put in place to remove residents from being eligible for on-street parking permits under the Rugby Town Centre residents parking scheme, requiring changes to Traffic Regulation Orders.

WCC Ecology state that the area of the building which will be demolished is in a heavily urbanised area and appears sub-optimal for bats or nesting birds, as a precaution they recommend that a bat note and a nesting bird note are attached to any permissions granted.

Environmental Health raise no objection in principle to the development, but due to the central location raise concerns over existing ambient noise levels which have the potential to have an adverse impact on residential amenity. Due to the location near to commercial (including licenced) businesses, the development may have the potential for noise impacts. They therefore recommend a noise assessment to determine the minimum acoustic specification of glazing and whether additional insulation or ventilation is required.

There are vertical conflicting room uses with living rooms above bedrooms for the ground floor northern apartment living room above the basement bedroom and the first floor eastern apartment living room/kitchen/shower above ground floor bed 1 and bed 2. Adequate sound insulation will be required to ensure that living conditions are not affected. These aspects can be secured by building regulations, together with window and sound insulation details to be submitted via condition, which can also ensure an appropriate design given that the building is locally listed.

A number of other informatives are suggested in relation to the Housing Act 2004 and other legislation other than planning legislation. These do not impact on the merits of the scheme in planning terms and the details have been forwarded to the agent.

Ward Consultation Responses

None received

Neighbour Responses

Neighbour consultation letters were sent, a site notice was posted, and a press notice was placed in the newspaper due to the potential effect upon the Conservation Area out and no letters of representation have been received.

Relevant Planning Policy and Guidance

National Planning Policy Framework – February 2019

Rugby Borough Local Plan Saved Policies

E6: Biodiversity

T5: Parking Facilities

Core Strategy – 2011

CS1 – Settlement Hierarchy

CS16 – Sustainable Design

Rugby Borough Council Planning Obligations SPD

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031:

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Emerging Local Plan (2011-2031)

GP1: Securing Sustainable Development

GP2 – Settlement Hierarchy

SDC 1 – Sustainable design

H1 – Informing Housing Mix

NE1: Protection Designated Biodiversity and Geodiversity Assets

Determining Considerations

The main determinants are the principle of development, the effect of the proposal on character and design, the impact on residential amenity, the Conservation Area, the building's locally listed status, and car parking issues.

Principle of Development

Policy CS1 of the Core Strategy and GP2 of the emerging Local Plan state that development must conform with the settlement hierarchy. The application is located within Rugby Town Centre which is at the top of the settlement hierarchy in sustainability terms, and therefore is in the most sustainable location. As a result, in principle, the proposal is acceptable subject to all planning matters being appropriately addressed in line with other policies.

Character & Design

Policy CS16 states that development should be of a scale, density and design that would not cause any material harm to the character and amenity of the surrounding area. Policy SDC1 of the emerging Local Plan supports the same principles as Policy CS16, stating that all developments will demonstrate high quality, inclusive and sustainable design.

The application premises is situated within the Town Centre, but outside of both the Primary Shopping Area and, in the emerging plan, primary and secondary shopping frontages. The use as a hotel does not fall within the definition of a community facility and as a result emerging policy HS3 does not apply with a view to seeking to retain the existing use. In policy terms, this means that there is no objection in principle to a change of use from hotel to residential. Residential uses are encouraged in town centre locations, as emphasised by paragraph 85 (f) of the NPPF which recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. Given that at present the Council does not have a 5 year land supply, the creation of residential units will also contribute to this supply as it is expected that this scheme could be delivered within 5 years.

At the rear, the small extension with cat-slide roof at first floor level, together with the demolition of unsympathetic modern extension and reduction of the rear high wall will improve the rear elevation of the premises and will be an improvement to the design of the property, creating a positive impact upon the Conservation Area and rear elevation. The replacement of the wall and removal of hotel signage will similarly be an improvement, as would replacement glazing subject to ensuring the details are sympathetic to the locally listed status of the building.

As a result, subject to a condition controlling the details of the replacement windows (which are also required as a result of the need for a noise survey to ensure amenities of future occupiers are protected) the proposal is considered acceptable in design terms and would not adversely affect the character of the area or the street scene, and would not conflict with this aspect of policy CS16 of the Core Strategy or policy SDC1 of the emerging Local Plan.

Emerging policy H1 of the Local Plan encourages a housing mix in developments that ensures that a wide choice of high quality market homes across the borough are provided. Whilst the proposal meets the requirement for two bedroom flats, 75% of the flats are in the one bedroom range which exceeds the recommended level for this category (which is suggested to be 5-10%). The proposal also does not include any 3 or 4 bedroom flats. Policy H1 stresses, however, allows alternative mixes where the shape and size of the site justifies it, where market factors demonstrate an alternative mix would better meet local demand, and where the location of the site is very accessible, in Rugby town centre. In this case, three of the criteria within the policy apply.

In addition, the layout of the property lends itself to smaller units and would be less suitable for families, given that there is a limited amount of amenity space in the form of a front and rear courtyard. Given the urban location, the predominance of one bed flats and the close proximity to public green spaces such as Caldecott Park it is deemed to be acceptable, and would be unreasonable to refuse consent either due to housing mix or a lack of amenity space

Residential Amenity

The alterations and extension will not adversely affect residential amenity. The Environmental Health Officer has raised concerns relating to vertical conflicting uses, and the need to ensure adequate insulation is incorporated to protect residential amenity of future occupiers. These aspects can be controlled successfully by condition. As a result there is no conflict with the amenity aspects of policy CS16 of the Core Strategy or policy SDC1 of the emerging Local Plan.

Effect on Conservation Area and Locally Listed Building

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 193 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification.

It is not considered that the use of the property as residential apartments would result in either substantial or less than substantial harm, given that the key features of the building that contribute to the Conservation Area are being retained and reinstated. There is no need, therefore, to balance the harm against the public benefits of the proposal in accordance with paragraph 196 of the NPPF (February 2019). It is considered that the proposal would secure an optimum viable use.

Since the building is to be reinstated with the key features of the building retained, this will have a positive impact upon the status of the building as a locally listed asset. A productive long term use will also promote the building being retained.

Highway Safety and Car Parking

The proposal does not include any car parking, as the informal car parking area adjacent to the site is in separate ownership. As a result this does not meet the RBC parking guidance standards. Given it is a town centre location, the residents of the apartments would have access to a range of public transport modes, with reliable bus services available, and the train station is within walking distance and as such the site is within a sustainable location. The NPPF in paragraph 109 emphasises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In this case, there is no objection to the development in highways terms subject to the condition that residents of the flats should be restricted from applying for on street car parking spaces in order to restrict parking demand. Highways have also requested details of cycle parking which is suggested can be secured by condition.

As long as on street car parking can be controlled, and cycle parking can be included it is considered that the proposal would not result in an adverse effect on highway safety and as such, the proposal complies

with Saved Policy T5: Parking Facilities of the Rugby Local Plan 2006, and is an accepted deviation from the parking standards outlined in the Rugby Council Planning Obligations SPD and the emerging car parking standards in the Local Plan.

Biodiversity

Subject to the imposition of informatives the scheme does not have an adverse impact on biodiversity and complies with both E6 of the Borough Local Plan saved policies and NE1 of the emerging plan.

Conclusion

The principle of a change of use from hotel to residential apartments is acceptable given that the site is within a sustainable location at the top of the sustainability hierarchy, and is not within the Primary Shopping Area or is defined as a community facility. The use of the flats will enable the locally listed building to be upgraded and its key features retained, thereby benefitting its listed status and its contribution to the Conservation Area. The extensions and alterations do not affect amenity, character or the street scene. The provision of residential accommodation will contribute to the Council's 5 year housing land supply. Noise issues and cycle parking can be controlled by condition. The car free aspect of the development is acceptable to the Highways Authority, and car parking permits will be restricted. Accordingly, the application is considered to be in accordance with the National Planning Policy Framework, the Core Strategy and the emerging Local Plan and is therefore recommended for approval subject to the imposition of appropriate conditions.

Recommendation:

Members are respectfully recommended to approve the proposal subject to conditions.

Report prepared by: Maxine Simmons, Principal Planning Officer

DRAFT DECISION

APPLICATION NUMBER

R19/0048

DATE VALID

07/02/2019

ADDRESS OF DEVELOPMENT

30 ALBERT STREET
RUGBY
CV21 2RS

APPLICANT/AGENT

Mr Richard Palmer
Hb Architects
The Old Telephone Exchange
Albert Street
Rugby
Warwickshire
CV21 2SA
On behalf of Mr James Shera

APPLICATION DESCRIPTION

Change of use from hotel to 8 residential units

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Design and Access Statement (received by the Local Planning Authority on 5 February 2019)

Drawing Number: 103: 18: 05 Rev B (received by the Local Planning Authority on the 4 March 2019)

Drawing Number: 103: 18: 06 Rev A (received by the Local Planning Authority on the 5 February 2019)

Drawing Number: 103: 18: 07 A (received by the Local Planning Authority on the 4 March 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:

No above ground development shall commence until samples of the facing bricks, roof tiles, bricks for boundary walls, blue plinth caps and railing details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 4:

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

REASON:

In the interest of visual and residential amenity.

CONDITION 5:

A noise assessment shall be undertaken by a suitably qualified person to determine the extent of the existing noise sources in the area that could have a significant adverse impact on the proposed development, including plant and machinery from external sources, music and entertainment from existing commercial/business and traffic noise.

This assessment should include a scheme of sound insulation to protect proposed residential development from any identified excessive noise ingress, it shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation taking place.

If in the opinion of the Local Planning Authority, noise mitigation measures affect the external appearance of the window details, full details of the glazing, glazing bars and external appearance of the windows shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation taking place.

REASON:

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

CONDITION 6:

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, and for the avoidance of doubt.

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.

INFORMATIVE 1:

For clarification, compliance with condition 6 of this consent prevents future occupiers from applying for on street parking permits in relation to occupants of apartments within the site.

The applicant is advised to seek guidance from WCC Highways as the Highways Authority as a matter of priority to discuss possible Traffic Regulation Order requirements to comply with condition 6 of this consent.

INFORMATIVE 2:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be found on-line at rugby.gov.uk Alternatively, you can contact the Street Naming and Numbering Team for an application form at: servicedesk@rugby.gov.uk or by ringing 01788 533456.

INFORMATIVE 3:

The applicant will be required to comply with Part 1 of the Housing Act 2004, as applicable and all relevant Regulations. Specifically, the development must be constructed so as to ensure there is no category 1 or category 2 hazard, as defined in Part 1 of the Housing Act 2004, which will expose any occupier or visitor to any significant risk of physical or mental harm.

INFORMATIVE 4:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 0845 1300 228 for advice on the best way to proceed.

INFORMATIVE 5:

Breeding Bird Note:

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

INFORMATIVE 6:

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.

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 7th February 2019 to 6th March 2019

Name of Committee: Planning Committee

Date of Meeting: 3 April 2019

Report Director: Head of Growth and Investment

Portfolio: Please select

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey 3774

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 - 3 April 2019

Delegated Decisions - 7th February 2019 to 6th March 2019

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 3 April 2019

Subject Matter: Delegated Decisions - 7th February 2019 to 6th March 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 FROM 07.02.2019 TO 06.03.2019

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R19/0156 Advertisement Refusal 25.02.2019</i>	Advertising Right 162 Newbold Road Rugby CV21 2NQ	Advertisement Consent for internally illuminated hoarding sign to replace 3 existing hoarding signs
Applications Approved		
<i>R19/0106 Approved 07.02.2019</i>	29 Richmond Road Rugby CV21 3AB	Proposed single storey side and rear extension
<i>R19/0032 Approved 07.02.2019</i>	6 Hambledon Close Cawston Rugby CV22 7YR	Garage conversion (Retrospective).
<i>R18/1722 Approved 08.02.2019</i>	2 Pinewood Drive Binley Woods CV3 2BX	Erection of a front porch and side extension, including provision of accommodation in the newly formed roof space, and formation of a new vehicular access point.
<i>R18/2119 Approved 11.02.2019</i>	102 Grove Road Ansty CV7 9JE	Erection of single storey side extension
<i>R19/0007 Approved 11.02.2019</i>	2 Kingsley Avenue Hillmorton Rugby CV21 4JT	Erection of single storey front and rear extension and two storey side extension including the provision of a rear dormer.
<i>R18/2208 Approved 11.02.2019</i>	Home Farm Main Street Brandon CV8 3HW	Conversion of an existing outbuilding to an annex
<i>R18/2115 Approved 11.02.2019</i>	11 Ashlawn Road Hillmorton Rugby	Proposed two storey rear extension, first floor side/rear extension, single storey rear extension, single storey front extension to

	CV22 5ET	dwellinghouse
<i>R18/1161 Approved 11.02.2019</i>	Cawston Farm House Coventry Road Cawston Rugby CV22 7RY	Change of dwelling house (C3) to day nursery (D1). Alterations to existing nursery and dwelling, including demolition of single storey timber extension and erection of 1.8m fencing and covered deck.
<i>R18/1616 Approved 11.02.2019</i>	Hillside Main Street Frankton Rugby CV23 9PB	Change of use from agricultural to equestrian use with erection of stable blocks and ménage
<i>R17/1869 Approved 13.02.2019</i>	Imperial 165 Oxford Street Rugby CV21 3LY	Erection of 13 new dwelling houses and one 9 bedroomed HMO.
<i>R18/1705 Approved 13.02.2019</i>	Brambles Pudding Bag Lane Thurlaston CV23 9JZ	Variation of Condition 2 of approval R17/1842 (Proposed extensions to existing bungalow including raising the roof to create the addition of first floor level) dated 4th May 2018 to alter window materials and window openings.
<i>R19/0023 Approved 13.02.2019</i>	25 Rugby Lane Stretton on Dunsmore CV23 9JH	Retention of a single storey rear extension.
<i>R19/0090 Approved 14.02.2019</i>	29 Bucknill Crescent Hillmorton Rugby CV21 4EX	Single storey rear and side extension and raised decking to rear to dwellinghouse
<i>R18/2205 Approved 14.02.2019</i>	46 Bucknill Crescent Hillmorton Rugby CV21 4HE	Erection of single storey rear extension
<i>R18/2035 Approved 14.02.2019</i>	Dennison Trailers Unit 17 Watling Street Watling Street Newton CV23 0AQ	Change of Use of open space for the storage of HGV
<i>R19/0105 Approved 15.02.2019</i>	Cawston Old Farm Barns Swallowfields Whitefriars Drive Cawston	Erection of a two storey side extension.

	Rugby CV22 7QR	
<i>R18/2249 Approved 15.02.2019</i>	77 The Heath Dunchurch CV22 6RJ	Extension to rear of dwellinghouse with mezzanine floor (Retrospective)
<i>R19/0135 Approved 15.02.2019</i>	Ashtree Farm Rugby Road Princethorpe CV23 9PN	Erection of 2 (no) agricultural buildings
<i>R18/2097 Approved 15.02.2019</i>	14 Sheridan Close Rugby CV22 5RL	Proposed first floor extension to side and rear and single storey rear extension
<i>R19/0138 Approved 15.02.2019</i>	320 Lower Hillmorton Road Hillmorton Rugby CV21 4AE	Single storey rear extension, and rear garden studio
<i>R19/0162 Approved 18.02.2019</i>	Tamhorn Park Draycote Hill Farm Draycote Hill Birdingbury CV23 8ES	Erection of garden building
<i>R19/0128 Approved 19.02.2019</i>	4 Brindley Road Hillmorton Rugby CV21 4BH	Erection of a single storey side and rear extension
<i>R19/0173 Approved 19.02.2019</i>	18 Perkins Grove Rugby CV21 4HU	Erection of a two-storey side extension and single storey rear extension
<i>R19/0055 Approved 19.02.2019</i>	5 th Rugby Scouts Group Scout Hut and Premises Lea Crescent Newbold Rugby CV21 1EX	Install shipping container to replace metal garage
<i>R19/0041 Approved 20.02.2019</i>	9 Mill Farm Close Dunchurch CV22 6QL	Erection of first floor side extension and alterations.

<i>R19/0155 Approved 21.02.2019</i>	Land North of 5 West Street and South of 16 Chapel Street Long Lawford CV23 9BJ	Erection of a bungalow with associated parking and two additional spaces for 5 West Street
<i>R19/0129 Approved 22.02.2019</i>	4 Gabor Close Rugby CV21 1XQ	Retention of a single storey rear extension (conservatory) and alterations to the roof.
<i>R19/0125 Approved 22.02.2019</i>	45 Cromwell Road Hillmorton Rugby CV22 5LZ	Erection of two storey rear extension
<i>R19/0205 Approved 25.02.2019</i>	40 Woodleigh Road Long Lawford CV23 9FD	Proposed two storey rear extension
<i>R19/0102 Approved 25.02.2019</i>	5 Maple Gardens Dunchurch Road Rugby CV22 6DZ	Proposed change of use of part of existing garage to an office/utility room. Removal of garage door and insertion of a new UPVC window to match existing
<i>R18/2263 Approved 25.02.2019</i>	116 Ashlawn Road Rugby CV22 5ER	Proposed single storey rear extension.
<i>R19/0114 Approved 26.02.2019</i>	First and Second Floor 17-19 Clifton Road Rugby CV21 3PY	Change of Use from an office (B1) to HMO (Sui Generis) to the first and second floor. Providing 8no bedrooms with ensuites and wardrobes, plus shared Kitchen, Dining Area and Common Room Area.
<i>R18/2229 Approved 27.02.2019</i>	37 Gainsborough Crescent Hillmorton Rugby CV21 4DQ	Erection of a two storey side extension together with a single storey front and, rear extension.
<i>R19/0201 Approved 27.02.2019</i>	12 Woodlands Road Binley Woods CV3 2DA	Erection of single storey rear extension.
<i>R19/0227 Approved 28.02.2019</i>	35 Dunsmore Avenue Rugby CV22 5HD	Erection of single storey side extension including provision of a front porch (Resubmission of previously approved scheme under R18/0970 granted on 28/06/18 for the

		erection of a part two storey part single storey side/rear extension including provision of a front porch).
<i>R19/0194 Approved 28.02.2019</i>	6 Tom Brown Street Rugby CV21 3JT	Change of use from non-residential Day Care Facility (Class D1) to part Financial and Professional Services (Class A2) and part Residential one bedroom apartment (Class C3), plus associated alterations
<i>R19/0005 Approved 28.02.2019</i>	Britvic Soft Drinks Britvic Soft Drinks Ltd Aventine Way Brownsover Rugby CV21 1HA	Variation of Condition 2 of planning permission R17/1458 to allow for the re-siting of the 40m high chimney; provision of environmental monitoring platforms on both 30m and 40m chimneys; and the provision of replacement temporary gas fired boilers, generators and flues, together with a temporary HV/LV transformer.
<i>R18/1023 Approved 28.02.2019</i>	The Robbins Building (Henry Street Frontage) Henry Street Rugby CV21 2QA	Replacement of ground floor shop fronts to Henry Street elevation only (Re-submission of planning application R17/2008)
<i>R18/1968 Approved 28.02.2019</i>	19 Sedlescombe Park Rugby CV22 6HL	Erection of a two storey side and front extension plus a single storey front and rear extension
<i>R18/2027 Approved 01.03.2019</i>	15 Longrood Road Bilton Rugby CV22 7RG	Erection of a first floor side extension, and provision of a pitched roof over the existing flat roofed former garage.
<i>R18/2243 Approved 01.03.2019</i>	Withybrook Stables Featherbed Lane Withybrook CV7 9LY	Change of use of part of the land from equestrian use to agricultural and agricultural contracting business use and the erection of a building for agricultural and agricultural contracting business use
<i>R18/2064 Approved 01.03.2019</i>	44 Coventry Road Brinklow CV23 0NF	Proposed two storey and single storey side extension, two storey and single storey rear extension and single storey extension to front of dwellinghouse
<i>R19/0038 Approved 01.03.2019</i>	29 Meadow Road Wolston CV8 3HL	Two storey side extension, two storey rear extension and single storey extension to the front of dwellinghouse

<i>R19/0009 Approved 01.03.2019</i>	2 Waverley Road Hillmorton Rugby CV21 4NW	Retention of replacement outbuilding and use as a store and study room.
<i>R18/1218 Approved 01.03.2019</i>	St Botolphs Church Main Street Newbold Rugby CV21 1HH	Re-roofing of church nave from lead to terne-coated steel
<i>R19/0223 Approved 01.03.2019</i>	55 Gibson Road Hillmorton Rugby CV21 4LJ	Erection of a single storey side extension and garage conversion
<i>R19/0004 Approved 01.03.2019</i>	King George's Playing Field School Street Long Lawford Rugby CV23 9AB	Variation of Condition 2 of planning permission R17/1994 (Demolition of existing pavilion and erection of a new replacement pavilion (variation of Condition 2 of Planning Permission R17/0016 to allow for amended plans) dated 20 December 2017) to allow relocation of the pavilion building.
<i>R19/0183 Approved 04.03.2019</i>	75 Meadow Road Wolston CV8 3JJ	Two storey side extension & associated alterations to provide enlarged garage, new utility, WC & dining area at ground floor along with new master bedroom & shower room at first floor.
<i>R18/1350 Approved 04.03.2019</i>	Haslemere Cottage Lilbourne Road Rugby CV23 0BB	Proposed change of use of agricultural land to garden and erection of granny annex.
<i>R18/2153 Approved 05.03.2019</i>	1 School Lane Stretton on Dunsmore CV23 9NB	Erection of a two storey rear extension and porch
<i>R18/2182 Approved 05.03.2019</i>	Land East of Church Road North of Sawbridge Road Church Road Grandborough CV23 8DH	Erection of four detached dwellings and all associated work (following application R17/1079 granted at appeal)
<i>R19/0222 Approved 05.03.2019</i>	49 Townsend Road Rugby CV21 3SB	Proposed two storey side extension, single storey rear and single storey porch extension to front (amendment to previously approved application R18/0572 on 19th June 2018)

<i>R18/1609 Approved 05.03.2019</i>	Catkins Church Lane Thurlaston Rugby CV23 9JY	Erection of a two storey side extension with side car port and first floor balcony to rear together with an orangery to rear, 2 no. front dormer windows and a new entrance porch.
<i>R18/2246 Approved 05.03.2019</i>	1 Fitzjohns Barby Road Rugby CV22 5QB	Erection of ground floor and first floor front and partly over side extension over existing single storey front extension.
<i>R18/2148 Approved 05.03.2019</i>	16 Aspen Road Rugby CV21 1SF	Erection of proposed single storey rear extension and side extension to dwelling.
<i>R19/0258 Approved 06.03.2019</i>	54 Gilbert Avenue New Bilton Rugby CV22 7BZ	Proposed erection of garden shed and demolition of existing detached garage.
<i>R19/0186 Approved 06.03.2019</i>	Dornford 240 Dunchurch Road Rugby CV22 6HS	Erection of a detached garage.
<i>R18/0581 Approved 06.03.2019</i>	40-41 High Street Rugby CV21 3BW	Change of use of the ground floor from Class A1 (retail) to Class A3 (café) of the Town and Country Planning (Use Classes) Order 1987 as amended. Change of use of the first and second floors to a house of multiple occupation.
Listed Building Consent		
<i>R18/1156 Listed Building Consent 04.02.2019</i>	Cawston Farm House Nature Trails Day Nursery Coventry Road Cawston Rugby CV22 7RY	Listed Building Consent for the erection of 1.8m fencing including installations of new doors and windows, creation of internal openings, a new glazed hallway door together with the removal of existing porch to create a new canopy and decking area to the side of the property
<i>R18/2261 Listed Building Consent 08.02.2019</i>	Four Winds Main Street Easenhall CV23 0JA	Listed Building Consent for the installation of satellite dish on a Grade II Listed Building.

<i>R18/2250 Listed Building Consent 15.02.2019</i>	77 The Heath Dunchurch CV22 6RJ	Listed Building Consent for an extension to rear of dwellinghouse with mezzanine floor (retrospective)
<i>R19/0059 Listed Building Consent 15.02.2019</i>	Newnham Hall Kings Newnham Lane Kings Newnham CV23 0JT	Listed Building Consent for: the construction of a brick wall and timber gates; estate fencing and metal gates; and the removal of a brick wall.
<i>R19/0001 Listed Building Consent 15.02.2019</i>	C Station Rugby Radio Station Watling Street Clifton Upon Dunsmore 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.
<i>R18/2055 Listed Building Consent 21.02.2019</i>	Brimham Main Street Easenhall CV23 0JA	Listed Building Consent for the repair of timber wall plate and replacement with new timber (retrospective)
<i>Certificate of Lawful use or development</i>		
<i>R19/0006 Certificate of Lawful use or development 07.02.2019</i>	Land opposite Draycote Water Southam Road Kites Hardwick	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.
<i>R18/1835 Certificate of Lawful use or development 14.02.2019</i>	55 Somers Road New Bilton Rugby CV22 7DG	Vehicle testing (MOT and VOSA) ancillary to the existing garage business
<i>R19/0198 Certificate of Lawful use or development 26.02.2019</i>	Elliot's Field Shopping Park Leicester Road Rugby CV21 1SR	Certificate of Lawfulness to establish the implementation of Planning Permission ref: R16/1367 dated 15.02.2017.
<i>R18/2093 Certificate of Lawful</i>	Caravan at Hawkesbury Field Farm	Certificate of Lawfulness in respect of residential use of a mobile home.

<i>use or development</i> 05.03.2019	Lentons Lane Aldermans Green CV1 1NY	
<i>R19/0383</i> <i>Certificate of Lawful</i> <i>use or development</i> <i>not required</i> 06.03.2019	24-25 Church Street Rugby CV21 3PU	Certificate of lawfulness for the conversion of existing A3 restaurant into two units with No 24 as A1 and No 25 as A3
Prior Approval Applications		
<i>R19/0003</i> <i>Prior Approval not</i> <i>required</i> 13.02.2019	90 Bawnmore Road Rugby CV22 6JP	Prior Approval Application for the erection of a single storey rear extension projecting 5.2 metres from the original rear elevation of the dwelling, 3 metres to the eaves height, with a maximum height of 3.8 metres.
Prior Notification		
<i>R19/0193</i> <i>Prior notification of</i> <i>proposed demolition</i> <i>not required</i> 21.02.2019	320 Lawford Road New Bilton Rugby CV21 2JQ	Prior notification for the demolition of the existing care home.
Approval of Details/ Materials		
<i>R18/1331</i> <i>Approval of Details</i> 01.02.2019	Richard Utley Limited Unit 8 Europark Watling Street Rugby CV23 0AL	Demolition of existing warehouse. Partial demolition of existing offices (3 bays of the existing office are proposed to be demolished). Erection of new warehouse building, incorporating existing offices as ancillary offices and associated parking. Discharge Condition 4
<i>R18/0753</i> <i>Approval of Details</i> 01.02.2019	Far Farm Lutterworth Road Burton Hastings CV11 6RA	Demolition and reconstruction of barn for residential purposes including reorientation, raising roof and other modifications. (Conversion approved under reference R17/1157).
<i>R12/0617</i> <i>Approval of non-</i> <i>material changes</i> 07.02.2019	Land opposite Draycote Water Entrance Southam Road Rugby CV23 8AA	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.
<i>R17/0011</i>	New Ash Tree Farm	Demolition of existing farm building.

<p><i>Approval of Details</i> 08.02.2019</p>	<p>Leicester Road Churchover Rugby CV23 0EZ</p>	<p>Construction of new Motorway Service Area ("MSA") to comprise: Amenity Building, Lodge (use class C1), Drive Thru Coffee Unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a Fuel Filling Station with retail shop, together with alterations to the adjacent roundabout on the M6 to form an access point and works to the local highway network. Provision of landscaping, signage, infrastructure and ancillary works including diversion of bridleway.</p>
<p><i>R15/1892</i> <i>Approval of Details</i> 08.02.2019</p>	<p>Land at Coton House Lutterworth Road Churchover Rugby CV23 0AA</p>	<p>Substitution of two houses and erection of further 6 dwellings with associated garaging, works and formation of an acoustic bund.</p>
<p><i>R18/1436</i> <i>Approval of non-material changes</i> 12.02.2019</p>	<p>The Millboard Company Ltd Ryton Lodge Oxford Road Ryton-On-Dunsmore CV8 3EJ</p>	<p>Erection of new production facility with limited infilling</p>
<p><i>R15/1702&R18/0544</i> <i>Approval of Details</i> 20.02.2019</p>	<p>Land at Wharf Farm Crick Road Hillmorton Rugby</p>	<p>A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout and scale. Landscaping is reserved. (Phase 1).</p>
<p><i>R11/1297</i> <i>Approval of Details</i> 20.02.2019</p>	<p>Elliotts Field Retail Park Leicester Road Rugby CV21 1SR</p>	<p>Redevelopment of Retail Park to include the demolition of existing units B1 to C2 and the erection of 12 new (class A1) retail units (with ancillary class A3); replacement structural frame to unit A2, the sub division of unit A2 and the installation of mezzanine floor space; external alterations to unit A1; erection of 2 new cafe (class A3) units; reconfiguration of the car park layout; alterations and improvements to the access including 2 no. new service and delivery access off Old Leicester Road; alterations and enhancements to landscaping and associated works.</p>

<i>R16/1387 Approval of Details 22.02.2019</i>	Former Tribune Trading Estate Leicester Road Rugby CV21 1NY	Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works
<i>R09/0035/MEIA Approval of Details 22.02.2019</i>	Ansty Park Land East of the A46 (Coventry Eastern Bypass) And South of the M6 Ansty	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
<i>R17/0011 Approval of Details 27.02.2019</i>	New Ash Tree Farm Leicester Road Churchover Rugby CV23 0EZ	Demolition of existing farm building. Construction of new Motorway Service Area ("MSA") to comprise: Amenity Building, Lodge (use class C1), Drive Thru Coffee Unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a Fuel Filling Station with retail shop, together with alterations to the adjacent roundabout on the M6 to form an access point and works to the local highway network. Provision of landscaping, signage, infrastructure and ancillary works including diversion of bridleway.
<i>R16/1387 Approval of Details 27.02.2019</i>	Former Tribune Trading Estate Leicester Road Rugby CV21 1NY	Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works
<i>R18/1448 Approval of Details 01.03.2019</i>	Spinney Farm Main Street Withybrook CV7 9LX	Erection of a new 6 bay stable with associated feed and tack rooms and creation of a manege (variation of condition 2 of approved planning application R16/2070 dated 12th May 2017 to include amendments to the design of the stable roof and size and positionings of openings)
<i>R18/2035 Approval of Details 01.03.2019</i>	Dennison Trailers Unit 17 Watling Street Watling Street Newton CV23 0AQ	Change of Use of open space for the storage of HGV
<i>R18/1109 Approval of Details</i>	50A Adkinson Avenue Dunchurch	Erection of a detached bungalow (previously approved under R17/0494). Discharge of

01.03.2019	Rugby CV22 6RQ	Conditions 3, 4 ,5 ,6, 11 and 12
<i>R18/1913</i> <i>Approval of non-material changes</i> 01.03.2019	Sharon Sawbridge Road Grandborough CV23 8DN	Erection of a single storey side/rear and a two storey rear extension (Changes to previously approved application R15/1903)
<i>R18/1695</i> <i>Approval of non-material changes</i> 01.03.2019	The Old Vicarage Lower Street Willoughby Rugby CV23 8BX	Erection of a two storey front/side extension, single storey front/side extension and first floor extension over existing single storey
<i>R15/1463</i> <i>Approval of non-material changes</i> 04.03.2019	Unit 3 (Plot 2) Rugby Gateway Employment Waver Way Rugby CV23 0XF	Erection of building for Class B8 - storage, warehouse and distribution use, with associated access and other works. (Approval of reserved matters relating to outline planning permission R10/1272.)
<i>R18/0270</i> <i>Approval of non-material changes</i> 05.03.2019	28 Warren Field Ryton on Dunsmore CV8 3FB	Erection of a first floor side and rear extension
<i>R18/1177</i> <i>Approval of non-material changes</i> 05.03.2019	Key Phase 3 Parcels A and B Rugby Radio Station Watling Street Rugby CV23 0AS	Key Phase 3 Parcels A and B - Submission of reserved matters comprising access, appearance, landscaping, layout and scale for the erection of 248 dwellings together with garages, access roads, parking and associated works pursuant to outline planning permission ref.no R17/0022 dated 28th June 2017.
<i>R17/1829</i> <i>Approval of Details</i> 05.03.2019	Rolls Royce Ansty Aerodrome Combe Fields Road CV7 9JR	Erection of building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended), including ancillary offices and storage space, primary vehicular access from Pilot Way (Ansty Park), secondary vehicular access from Combe Fields Road, car and cycle parking, service areas, reserve expansion land, external storage units, gatehouse, drainage, attenuation ponds, substation, foul pumping station, demolition of existing buildings, ground remodelling and associated works
<i>R17/1364</i> <i>Approval of Details</i> 06.03.2019	Hill Farm Draycote Road Bourton on Dunsmore CV23 9RD	Prior approval for the change of use of an agricultural building to residential dwelling house (Part Class Qa only)

<i>R18/0035 Approval of Details 06.03.2019</i>	Hill Farm Draycote Road Bourton on Dunsmore CV23 9RD	Prior approval for the change of use of an agricultural building to residential dwelling house (Part Class Qb only – in association with previously approved PACU R17/1364 – Part Qa)
<i>R18/1888 Approval of Details 06.03.2019</i>	18 Coventry Road Pailton CV23 0QB	Proposed conversion of former barn to a store
<i>R16/0391 Approval of Details 06.03.2019</i>	Barn off Frankton Lane Highfield Rugby CV23 9PP	Submission of details to vary condition 2 (drawings related to elevational details and floor plans) pursuant to planning permission reference R13/2275, for the proposed conversion of barns to a dwelling, granted on 15/10/2014 (Discharge of Conditions 5, 7 and 15)
<i>R17/1854 Approval of Details 06.03.2019</i>	Davenport Farm Long Itchington Road Birdingbury Rugby CV23 8EQ	Prior notification - Change of Use of Agricultural Buildings to 1 no. dwellinghouse.
<i>R18/0723 Approval of Details 06.03.2019</i>	Davenport Farm Long Itchington Road Birdingbury Rugby CV23 8EQ	Agricultural Prior Approval (Class Q(b) only) - Change of Use of agricultural building to 1 no. dwellinghouse.
Approval of reserved matters		
<i>R18/1902 Approval of reserved matters 26.02.2019</i>	Land to rear of 15 to 27 Townsend Lane Long Lawford	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).
<i>R18/1535 Approval of reserved</i>	Zone 3 and 4 Ansty Park Pilot Way	Creation of car park with associated infrastructure, landscaping, enclosures and

<i>matters</i> 04.03.2019	Coombe Fields CV7 9JU	lighting (application for approval of reserved matters relating to appearance, landscaping, layout and scale against outline planning permission R09/0035/MEIA dated 15th May 2009)
Withdrawn		
R19/0238 <i>Withdrawn</i> 01.03.2019	261 Dunchurch Road Rugby CV22 6HP	Demolition of existing carport structure and proposed single-storey extension to garage to form car port