

28th October 2016

## **PLANNING COMMITTEE - 9TH NOVEMBER 2016**

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 9th November 2016 in the Council Chamber, Town Hall, Rugby.

### **Site visit**

3pm            The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore

Adam Norburn  
Executive Director

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

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

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

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the meeting held on 19th October 2016.
2. Apologies.  
To receive apologies for absence from the meeting.
3. Declarations of Interest.  
To receive declarations of –  
  
(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Delegated Decisions – 22nd September to 12th October 2016.

## **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 2016/17 – 8) are attached.

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

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

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

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

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

**Planning Committee – 9th November 2016**

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

**Applications for Consideration**

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

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

There are no applications recommended for refusal to be considered.

### Recommendations for approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1.	R14/2166	The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore. Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.	3
2.	R16/0566	The Old Hall, 24 Lilbourne Road, Clifton-upon-Dunsmore. Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.	21
3.	R16/0153	11 Millfields Avenue, Rugby. Erection of a two storey side extension.	30
4.	R16/1663	Lion Farm, 48 Rugby Road, Dunchurch. Erection of one detached dwelling including new vehicular access to Rugby Road.	39

**Reference number: R14/2166**

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

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

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

### **Description of Site**

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

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

### **Description of Proposal**

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

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

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

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

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

#### **Main dwelling house and proposed Unit 3**

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

#### The barn and proposed Unit 4

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

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

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

#### New buildings (units 6 and 7)

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

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

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

#### Lower Stable (barns)

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

### **Relevant Planning History**

#### R12/2360

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

Approved 08/07/2013

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

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

Undecided

### **Third Party Comments**

#### On original proposal

#### Neighbours (4 objections)

- No alterations to the front façade and landscaping frontage should be permitted
- Loss of large trees particularly the beech tree is a concern
- Increased in traffic

- Insufficient car parking spaces
- Poor visibility from the proposed access
- Impact upon bats
- No need for new dwellings within the area
- Increase in noise and disturbance
- Overlooking into 2 The Heathlands
- 

Clifton-upon-Dunsmore Parish Council

Parish Council resolved to express the following points of concern:

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

Ward member Cllr Leigh Hunt

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

## **Technical Consultation Reponses**

### On original proposal

WCC Highways

no objection subject to conditions

Historic England

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

RBC Environmental Services

No objection subject to informatives

Severn Trent

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

RBC Tree Officer

Objection to the loss of the Beech tree (T8).

WCC Archaeology  
No objection subject to conditions

WCC Ecology  
Pre-determinative bat survey required

### On Amendments

Neighbours (2 objections)

- The amendments do not overcome previous objections

Ward Member Cllr Leigh Hunt

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

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

Clifton-upon-Dunsmore Parish Council      no comments received

### **Technical Consultee responses**

#### On Amendments

Historic England – no objection

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

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

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

#### Rugby Borough Core Strategy, 2011

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

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

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

#### Other material considerations

Clifton-upon-Dunsmore Conservation Area Appraisal

## **Assessment of Proposal**

### **1. Principle**

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

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

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

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

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

### **2. Heritage**

#### **2.1 Background**

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

significance of the Warwick Priory features, these would be protected by the original listing and therefore it has been deemed unnecessary to undertake a full reassessment in order to name them specifically.

## **2.2 Policy**

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

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

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

## **2.3 Assessment**

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

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

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

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

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

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

### 2.3.1.3 Unit 4 Barn

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

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

#### 2.3.2.1 Stable

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

#### 2.3.2.2 Barn

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

### 2.3.3 Impact upon Setting of the Listed Building

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **4. Residential Amenity**

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

#### 4.1 Kingston Garth

Proposed units 6 and 7 would be positioned approximately 21 metres from the boundary with this neighbouring property. The positioning of these dwelling houses to this boundary, together with the retained landscaping particularly the large Copper Beech will assist in reducing any loss privacy, or

overbearing impact to may be created. This is therefore considered that the erection of these 2no. dwelling houses will not have an adverse impact upon the amenities of this neighbouring property.

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

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

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

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

#### 4.3 Living conditions for future occupiers

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

### **5. Trees**

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

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

### **6. Ecology**

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

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

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

## 7. Highway and Parking

### 7.1 Parking

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

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

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

### 7.2 Highway

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

### 7.3 Pedestrian link to the village centre

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

## 8. Planning Obligations

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

During the course of this application amendments to the Planning Obligations National Planning Practice Guidance stipites that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The gross floorspace of unit 6 is

263.59sqm and unit 7 315.04sqm. Therefore the gross floorspace of the new build in under 1000sqm and therefore contributions towards open space is no longer required.

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

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

## **9. Balancing Exercise**

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

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

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

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

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

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

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

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

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

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

#### **10. Other Matters**

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

#### **11. Recommendation**

Approval subject to conditions and S106 or S111 agreement

**APPLICATION NUMBER**

R14/2166

**DATE VALID**

09/03/2016

**ADDRESS OF DEVELOPMENT**

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

**APPLICANT/AGENT**

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

On behalf of Mr Richard Matthews, c/o Sworders

**APPLICATION DESCRIPTION**

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

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

**CONDITION: 1**

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

**REASON:**

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

**CONDITION: 2**

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

Amended Plan Proposed Site Plan Drawing No. 212014DWG002 Rev J received by the LPA on the 17/10/2016

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

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

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

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

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

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

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

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

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

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

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

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

Main House Elevations Drawing No. 212014DWG122 Rev A

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

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

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

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

**CONDITION: 4**

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

**REASON:**

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

**CONDITION: 5**

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

**REASON:**

In the interest of visual and residential amenity.

**CONDITION: 6**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 7**

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

**REASON:**

To ensure the proper development of the site.

**CONDITION: 8**

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

**REASON:**

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

**CONDITION: 9**

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

**REASON:**

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

**CONDITION: 10**

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

**REASON:**

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

**CONDITION: 11**

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

**REASON:**

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

**CONDITION: 12**

No development shall commence unless and until:

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

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

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

**REASON:**

In the interest of archaeology.

**CONDITION: 13**

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

**REASON**

In the interest of highway safety and sustainability

**CONDITION: 14**

Access for vehicles to the site from the public highway (Lilbourne Road) shall not be made other than at the position identified on the approved drawing number Drawing No. 212014DWG002 Rev J received by the LPA on the 17/10/2016

**REASON**

In the interest of highway safety

**CONDITION: 15**

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

**REASON**

In the interest of highway safety

**CONDITION: 16**

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

**REASON**

In the interest of highway safety

**CONDITION: 17**

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

**REASON**

In the interest of highway safety

**CONDITION: 18**

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

**REASON**

In the interest of highway safety

**CONDITION: 19**

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

**REASON:**

In the interest of highway safety

**CONDITION: 20**

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

**REASON**

In the interest of highway safety

**CONDITION: 21**

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

**REASON**

In the interest of highway safety

**CONDITION: 22**

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

**REASON**

In the interest of highway safety

**CONDITION: 23**

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

**REASON:**

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

**CONDITION: 24**

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

**REASON:**

In the interest of residential amenity.

**CONDITION: 25**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 26**

The accommodation for car parking, shown on the approved plan drawing no 212014DWG002 Rev J received by the LPA on the 17/10/2016 shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons residing in or calling at the dwellings and shall not be used for any other purpose.

**REASON:**

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

**CONDITION: 27**

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

**REASON:**

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

**Reference number: R16/0566**

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

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

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

### **Description of Site**

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

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

### **Description of Proposal**

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

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

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

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

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

### Main dwelling house and proposed Unit 3

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

### The barn and proposed Unit 4

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

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

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

### Lower Stable (barns)

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

## Relevant Planning History

### R12/2360

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

Approved 08/07/2013

### R14/2166

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

Undecided

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

### On original proposal

#### Neighbours (4 objections)

- No alterations to the front façade and landscaping frontage should be permitted
- Loss of large trees particularly the beech tree is a concern
- Increased in traffic
- Insufficient car parking spaces
- Poor visibility from the proposed access

- Impact upon bats
- No need for new dwellings within the area
- Increase in noise and disturbance
- Overlooking into 2 The Heathlands

#### Clifton-upon-Dunsmore Parish Council

Parish Council resolved to express the following points of concern:

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

Ward member Cllr Leigh Hunt

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

### Technical Consultation Responses

#### On original proposal

Historic England

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

#### On Amendments

Neighbours (2 objections)

- The amendments do not overcome previous objections

Ward Member Cllr Leigh Hunt

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

- Is there sufficient access for emergency services to reach the current Old Hall dwelling, especially if residents have visitors (which would further reduce accessibility)
- Loss of few remaining large family houses with large gardens within the village
- It is essential for the social and economic wellbeing of the local community that a range of homes are provided, or that unusual or rare properties such as this should be retained. This application

does not meet those criteria, and will simply add to the number of medium-sized family homes that are already available in Clifton and its wider environs

- Restricting should be imposed around street lighting, in terms of height restriction, light fall and brightness
- Condition should be applied to restrict the height of any external lighting to the rear of the properties adjacent to Kingston Garth so as to prevent light spillage into that property

Clifton-upon-Dunsmore Parish Council      no comments received

## **Technical Consultee responses**

### On Amendments

Historic England

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

## **Relevant planning policies/guidance**

Rugby Borough Core Strategy, 2011  
CS16 Sustainable Design

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

## **Assessment of Proposal**

### **1. Heritage**

#### **1.1 Background**

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

#### **1.2 Policy**

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

The duty imposed by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) made clear that

special regard to the desirability of preservation means that avoiding harm to a listed building, or its setting, is a factor that is not only one of considerable importance, but also one that attracts considerable weight in any balancing exercise.

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

### **1.3 Assessment**

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

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

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

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

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

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

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

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

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

##### **1.3.2.1 Stable**

The proposal seeks to convert this existing outbuilding to create a two-bedroom dwelling house. This building is considered to be curtilage listed, built between 1851-1886 and re-modelled in the 1920s. This building is described, within the applicants Significant Assessment, as having some historical value, some evidential value, and having some aesthetic value with the western elevation having little aesthetic value.

In order to facilitate this conversion four rooflights within the western roof light are proposed together with the insertion of a first floor window within the southern gable ended elevation. These alterations are considered minimal and therefore would not harm the character and appearance of this building.

### 1.3.2.2 Barn

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

### 1.3.3 Impact upon Setting of the Listed Building

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

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

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

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

## **2. Balancing Exercise**

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

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

The social role of sustainability includes supporting strong, vibrant and healthy communities. The services provided within the village are outlined within the applicants planning statement. These services would be readily accessible to future occupiers of these dwellings by foot, and would therefore make a positive

contribution towards the social dimension of sustainable development. In addition to this the contribution that the applicant is willing to make towards the improvement/refurbishment of the existing open space area would make a further positive contribution towards the social dimensions of sustainability.

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

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

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

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

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

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

### **3. Recommendation**

Approval subject to conditions

**APPLICATION NUMBER**

R16/0566

**DATE VALID**

10/03/2016

**ADDRESS OF DEVELOPMENT**

THE OLD HALL  
24 LILBOURNE ROAD  
RUGBY  
CV23 0BD

**APPLICANT/AGENT**

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

On behalf of Mr Richard Matthews, c/o agent

**APPLICATION DESCRIPTION**

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

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

**CONDITION: 1**

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

**REASON:**

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

**CONDITION: 2**

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

Amended Plan Proposed Site Plan Drawing No. 212014DWG002 Rev J received by the LPA on the 17/10/2016

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

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

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

Main House Elevations Drawing No. 212014DWG122 Rev A

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

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

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 4**

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

**REASON:**

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

**CONDITION : 5**

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

**REASON:**

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

**CONDITION: 6**

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

This schedule of works shall include:

Mortar mix to be used

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

Full details of the wall lining

**REASON**

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

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**Reference number: R16/0153**

**Site address: 11 Millfields Avenue, Rugby**

**Description: Erection of a two storey side extension.**

**Case Officer Name & Number: Jo Orton – 01788 533549**

## **Introduction**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a request has been received from Borough Councillors and more than 15 letters of objection have been received from neighbouring properties.

## **Application Proposal**

This application seeks full planning permission for the erection of a two storey side extension and a new pitched roof in place of the existing flat roof to the front elevation of the property. The proposed extension projects 3.8 metres off the side elevation of the original dwelling house and would incorporate two pitched roofs to the front elevation. The proposal seeks to provide a utility room; study and extended kitchen to the ground floor and an extended bedroom; study and additional bedroom with ensuite facilities to the first floor of the existing dwelling.

## **The Site and Surrounding Area**

The application dwelling is a semi-detached property which is sited on the corner of Millfields Avenue and Kirkby Road. The property is set back from the main road frontage with access taken from Millfields Avenue. The area is residential in nature with the property being constructed from brown roof tiles with cream rendered walls.

During the course of the application an additional plan was requested which identified the location of the parking spaces and also confirmed the works required to the hedgerow, the pitched roof has also been amended to ensure that the guttering is not affected on the neighbouring property. This plan has been submitted and will therefore be determined using this plan.

There is no relevant planning history on this site.

## **Consultation Responses – Original Plans**

### **Technical Responses**

No objections have been received from:

Warwickshire County Council (Ecology)  
Warwickshire County Council (Highways)

### **Third Party Responses**

Neighbours notified and sixteen letters of objection has been received raising the following:

- Increase in traffic and vehicles parking on the road;
- Use of the property as a home in multiply occupation;
- Do not feel that a hostel/hotel business would be appropriate for the area;
- Damage caused to the hedge and tree on the public footpath;
- Loss of privacy into neighbouring properties;

- The proposal would be out of character with the area;
- Would result in the creation of a block of low rise flats;
- The proposal would block the view of the fields and farmland; and
- Noise and disturbance generated from the proposed development.

Neighbours notified and three letters of observation has been received raising the following:

- A house with four, potentially six bedrooms, is likely to generate parking demand;
- Use of the property at present is not within keeping with the area
- Condition should be imposed ensuring the property is used only as a family home or ensuring that the studies remain as studies; and
- Condition should be placed ensuring at least three off-road parking spaces.

### Consultation Responses – Amended Plans

#### **Technical Responses**

No objections have been received from:

Warwickshire County Council (Highways)  
Rugby Borough Council (Tree Officer)  
Warwickshire County Council (Ecology)

#### **Third Party Responses**

Councillor New has objected to the proposal on the grounds of:

- Overbearing development, not in keeping with the street scene
- Loss of privacy to opposite resident's properties
- Loss of natural daylight to residents living opposite
- Risk of property becoming a H M O at a later date
- Risks to pedestrians and vehicles due to extensive off road parking provision
- Exacerbate problems with parking and vehicle movements in an already congested road
- Detrimental impact on character, scale and design of attached and surrounding properties

Neighbours notified and twelve letters of objection was received raising the following:

- The proposal allows for up to ten people in occupancy creating the possibility of ten vehicles;
- The destruction of green areas should not be encouraged;
- Development is taking the proportions of a guest house and use as a HMO;
- Will dropped kerbs be allocated as part of the application and how will they be accessed when two cars park opposite the house;
- Parking located on the corner of Millfields and Kirkby Road;
- Parking within the vicinity is congested with inconsiderate parking practices;
- Proposal may result in the tree to the front of the application site being damaged;
- Parking area would result in vehicles having to cross the pedestrian crossing;
- Entrance to the site would cause a hazard on exit and entry in an emergency;
- Amendments would result in an oppressive overbearing appearance;
- Noise and disturbance generated from the proposals;
- Insufficient parking available for a 5 bedroomed property;
- The proposal would be out of character with the surrounding area;
- Would extend beyond the building line of Kirkby Road;
- Over development on the site;

- Proposal would result in more off road parking making it more difficult to safely negotiate the junction; and
- Traffic flow has increased following development already happened over the last few years

An additional comment were received from 1 Kirkby Road on behalf of the owners of No. 9 Millfields Avenue raising concerns over the proposal being out of character with the surrounding area and the use of the property. These however cannot be taken into consideration as they have not been received directly from the owners of the property.

## **Relevant Planning Policy and Guidance**

### National Planning Policy Framework – 2012

#### Core Strategy – 2011

Policy CS1: Development Strategy  
Policy CS16: Sustainable Design

#### Saved Local Plan Policies – 2011

Policy E6: Biodiversity  
Policy T5: Parking Facilities

### Supplementary Planning Document – 2012

Sustainable Design and Construction  
Planning Obligations

## **Determining Considerations**

The main considerations in respect of this application are the principle of development, impacts on the character and design; impact on residential amenity; highway safety and tree protection.

### Principle of Development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy and that the most sustainable locations should be considered ahead of those further down.

The application site is located in Rugby Urban Area as defined in Policy CS1 of the Core Strategy; as such there is a principle in favour of development subject to all planning matters being appropriately addressed.

This application is therefore in accordance with Policy CS1 of the Core Strategy.

### Character and Design

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the area.

The proposal seeks to extend the property along its side elevation and to replace an existing flat roof with a pitched roof to the front elevation. The property is set at least 6 metres back from the main road frontage and with its reasonable sized plot are not considered to constitute over development, nor would they compromise the street scene.

The proposed front elevation combined with the removal of five windows in place of the two on the side elevation would result in a well-balanced and uniform appearance and thus on design grounds the scheme is considered to be in keeping with the character and appearance of the existing dwelling and will not detract from the visual appearance of the street scene.

This application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

### Impact on Residential Amenity

Policy CS16 states that the development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

No. 1 Kirkby Road is located to the north of the application site and is detached. There are a number of side windows which face towards the application dwelling however by virtue of the separation distance which exists here of at least 37 metres, combined with the height of the existing boundary treatment consisting of a 2 metre high boundary fence, it is not considered there will be any adverse impacts on the occupiers of this property.

No. 13 Millfields Avenue is located to the east of the application site and is detached. There are windows located on the side elevation of this dwelling with one large window at the first floor. The proposal sees the removal of five non-obscure glazed windows to be replaced with a ground floor window serving the study and a first floor obscure glaze window to the ensuite. The proposed amendments combined with the separation distance of at least 15 metres there will be no materially adverse impacts on the occupiers of this property in terms of overlooking or loss of privacy.

This application is therefore considered to be in accordance with Policy CS16.

### Highway Safety

Saved Local Plan Policy T5 along with the SPD on Planning Obligations states that planning permission will only be granted for development incorporating satisfactory parking arrangements.

For a dwelling consisting of 4 bedrooms a maximum of 3 parking spaces are required. The proposal indicates parking for the 3 vehicles, 1 to be parked as existing to the front of the site and the remaining 2 spaces to be parked with access from Kirkby Road, these works would be carried out under permitted development and therefore cannot be assessed as part of this application.

Warwickshire County Council (Highways) was consulted on the application and they have advised that the revised proposals would not require planning permission however they do require permission from the Highways Authority. It has been confirmed that the proposed access does appear to be acceptable subject to appropriate conditions and informatives should it be minded that planning permission is granted.

An additional condition would also be imposed to any planning approval which ensures that the parking arrangements proposed will be implemented prior to the commencement of the extensions to ensure sufficient parking is provided and retained.

This application is therefore considered to be in accordance with Saved Local Plan Policy T5.

## Tree Protection

To the front of the application site there is a mature Maple tree which appears to be in good condition and is a prominent feature within the street scene. The proposal involves the creation of hardstanding to the front of the property which could have a detrimental impact on the health and visual amenity of the tree and surrounding area.

Rugby Borough Council (Tree Officer) was consulted on the amended plans and has advised that there are no objections to the proposal as the new parking spaces will be located 13.4 metres to the rear of the property which whilst it will require a section of hedgerow to be removed, with access over the adjacent verge, this has been conditioned to ensure that works would be carried out outside of the bird nesting season. The nearest tree is an early mature cherry plum which is located 6.5 metres away from the proposed access; this tree has a root protection area which equates to 2.2 metres ensuring that there will be no impacts on this tree.

## Biodiversity

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Following the submission of a pre-determinative bat survey Warwickshire County Council (Ecology) have confirmed that they have no objections subject to an appropriate condition which provides appropriate mitigation measures for the protection of house sparrows who actively use the property for nesting. Due to the house sparrow being on the RSPB Red Listed Species of Conservation Concern list the report recommends such appropriate timing of works and mitigation for the loss of house sparrow nest sites to include the installation of at least two house sparrow terrace boxes in a suitable location. An appropriately worded condition has been included within the draft decision.

This application is therefore considered to be in accordance with Saved Local Plan Policy E6.

## Other Matters

In relation to objections raised during the course of the application regarding the existing use of the property as a Home in Multiple Occupation (HMO), unfortunately this cannot be considered as a material consideration under this application as the applicant is seeking approval under a householder application to extend the property. However, a HMO can be implemented under permitted development provided that no more than 6 non-related people occupy the property; if this number was to be increased an application for a change of use would need to be submitted to the Local Planning Authority for consideration. To alleviate concerns raised a condition on any planning approval will be included which restricts the number of occupants at the property in relation to the property being used as a HMO.

The agent has confirmed in an email received by the Local Planning Authority on 20<sup>th</sup> June 2016 confirming that the dwelling is to be used as a single dwelling and not intended to be used as a HMO.

## Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the occupiers of neighbouring properties. Accordingly, the application is to be considered to be in accordance with the policies contained in the NPPF, RBC Core Strategy and the Saved Policies the application is therefore recommended for approval subject to conditions and informatives.

## Recommendation

This application is therefore recommended for approval subject to appropriate conditions and informatives.

### DRAFT DECISION

#### APPLICATION NUMBER

R16/0153

#### DATE VALID

17/05/2016

#### ADDRESS OF DEVELOPMENT

11 MILLFIELDS AVENUE  
RUGBY  
CV21 4HJ

#### APPLICANT/AGENT

Mrs Rebecca Walker  
Chapman Design  
Lelleford House  
Coventry Road  
Long Lawford  
Rugby  
Warwickshire  
CV23 9DT  
On behalf of Mr and Mrs Kotani

#### APPLICATION DESCRIPTION

Erection of a two storey side 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: 1

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

##### CONDITION: 2

The development shall not be carried out other than in accordance with the plan numbers 2655-LP; 2655-04; 2655-05; 2655-01; and 2655-02 received by the Local Planning Authority on 17 May 2016 and amended plan 2655-03 Rev F received by the Local Planning Authority on 18 August 2016.

##### REASON: 2

For the avoidance of doubt.

##### CONDITION: 3

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

##### REASON: 3

In the interest of visual amenity.

##### CONDITION: 4

The number of occupiers at the property in connection with any possible future use of the property as a House in Multiple Occupation shall not exceed 6 non-related persons.

##### REASON: 4

In the interest of protecting residential amenity of local residents from the intensification of use and define the consent for the avoidance of doubt.

**CONDITION: 5**

The accommodation for car parking, shown on the approved plan 2655-03 Rev F, received by the Local Planning Authority on 18 August 2016, shall be provided before the commencement and occupation of the development hereby permitted and shall be retained permanently thereafter for the accommodation of vehicles of persons residing at 11 Millfields Avenue, Rugby and shall not be used for any other purpose.

**REASON: 5**

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

**CONDITION: 6**

The access to the site on Kirkby Road (D32830) for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

**REASON: 6**

In the interest of highway safety.

**CONDITION: 7**

The development shall not be occupied until an access for vehicles has been provided to the site on Kirkby Road (D32830) not less than 5 metres in width for its whole distance, as measured from the near edge of the public highway carriageway.

**REASON: 7**

In the interest of highway safety.

**CONDITION: 8**

The access to the site on Kirkby Road (D32830) for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length, as measured from the near edge of the public highway carriageway.

**REASON: 8**

In the interest of highway safety.

**CONDITION: 9**

The access to the site on Kirkby Road (D32830) shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

**REASON: 9**

In the interest of highway safety.

**CONDITION: 10**

The access to the site on Kirkby Road (D32830) shall not be used until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON: 10**

In the interest of highway safety.

**CONDITION: 11**

The parking spaces on Kirkby Road (D32830) shall have minimum dimensions of 2.4 metres wide by 4.8 metres long.

**REASON: 11**

In the interest of highway safety.

**CONDITION: 12**

The council owned verges to the front and side of the property must be treated as a “construction exclusion zone”. The construction exclusion zone should be treated as sacrosanct with no building activity, storage of building materials, or parking of vehicles taking place within it.

**REASON: 12**

To ensure there is no damage to the adjacent street trees and their associated rooting areas.

**CONDITION: 13**

No hedgerow shall be removed to facilitate the access until outside of the bird nesting season, which runs March to September, however, birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts.

**REASON: 13**

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

**CONDITION: 14**

The development hereby permitted shall proceed in accordance with the mitigation measures for house sparrow as set out in the document Internal/External Bat Survey prepared by Dr Stefan Bodnar dated September 2016 and received by the Local Planning Authority on '02 October 2016'. The approved mitigation measures shall be implemented in full.

**REASON: 14**

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

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**INFORMATIVE: 1**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 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.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season

**INFORMATIVE: 2**

Condition numbers 6-9 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

**INFORMATIVE: 3**

It should be noted that birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts.

**INFORMATIVE: 4**

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

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

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

No work on Sundays & Bank Holidays.

**INFORMATIVE: 5**

The applicant/agent is advised that once development commences that the boundary treatment to be provided under the approval is commenced prior to construction in the interests of neighbouring amenity and public safety during construction.

**Reference number:** R16/1663

**Site address:** Lion Farm, 48 Rugby Road, Dunchurch

**Description:** Erection of one detached dwelling including new vehicular access to Rugby Road

**Case Officer Name & Number:** Chris Kingham, 01788 533629

**Site Description:**

The application site is a triangular piece of land which falls within the boundaries of Lion Farm, 48 Rugby Road, Dunchurch. It is situated within an area of designated countryside near the edge of the Main Rural Settlement of Dunchurch. The land itself forms part of the large garden which surrounds the existing detached dwelling of Lion Farm. It currently takes the form of an area of lawn and allotments and is defined along the northwest and southeast boundaries by hedgerows, mature trees and estate fencing. Lion Farm takes the form of a two storey building with a number of projections in different positions creating an irregular shape. Access to the site is via a dropped kerb off Rugby Road and through a gate set back from the edge of the highway. To the front of the property is a driveway and garden defined by hedgerows. The garden land inbetween the side of the dwelling (to the northeast) and side of the application site (to the southwest) has extant planning permission for a 'zero carbon' eco house.

To the southeast of the site is a Public Right of Way (R172) which runs alongside the boundary. Beyond this are the grounds to Bilton Grange School which are designated as a Registered Park and Garden. These grounds contain large areas of open space, sports pitches and a number of mature trees.

To the northwest of the site is the public highway of Rugby Road which acts as one of the main links between Rugby and Dunchurch. The highway verge along this road contains a number of mature trees beyond which is an area of open space.

**Relevant Planning History (Application Site):**

R89/1426/5965/P: Erection of two detached dwellings. Refused 10/01/1990. Appeal dismissed 11/07/1990.

**Relevant Planning History (Area within Vicinity of Application Site):**

R13/0940: Lion Farm, 48 Rugby Road, Dunchurch. Creation of a 'zero carbon' eco house. Approved 30/01/2014.

**Technical Consultation Responses:**

Development Strategy	No response
Environmental Health	No objection subject to condition and informative
Garden Trust	No response
Historic England	No objection subject to condition
Severn Trent Water	No response
Tree Officer	No objection subject to conditions
WCC Ecology	No objection subject to condition and informatives
WCC Highways	No objection subject to conditions and informatives
WCC Rights of Way	No objection subject to informative

**Third Party Consultation Responses:**

None

**Assessment of Proposal:**

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

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan Saved Policies 2009 with the relevant policies outlined below.

Rugby Borough Core Strategy 2011

CS1	Development Strategy	Does not comply (see assessment below)
CS2	Parish Plans	Complies
CS11	Transport and New Development	Complies
CS14	Enhancing Strategic Green Infrastructure Network	Complies
CS16	Sustainable Design	Complies
CS17	Sustainable Buildings	Complies

Rugby Borough Local Plan Saved Policies 2009

GP2	Landscaping	Complies
E6	Biodiversity	Complies
E17	Development affecting parks and gardens and historic landscape	Complies
T5	Parking Facilities	Complies

Guidance

Sustainable Design and Construction SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG)

Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Emerging Rugby Borough Local Plan (see paragraph below)

The Council is in the process of preparing further Development Plan Documents (DPDs) which will update the Core Strategy 2011 and progressively replace the Rugby Borough Local Plan Saved Policies 2009. Consultation on the Local Plan: Publication Draft is currently underway and scheduled to end on 11<sup>th</sup> November 2016. The Council currently expects to adopt the Local Plan by July 2017. However, as it has yet to be submitted for examination and so is subject to change, it has been afforded little weight as a material consideration.

**Key Issues**

1. Principle of Development, Housing Need and Housing Land Supply
2. Location and Accessibility
3. Access, Traffic Flows, Highway Safety and Parking Provision
4. Heritage
5. Trees and Hedgerows
6. Ecology and Green Infrastructure
7. Economic Growth
8. Design, Layout and Visual Amenity
9. Residential Amenity
10. Drainage
11. Noise
12. Sustainable Design and Construction
13. Planning Balance and Sustainability of Development

**1. Principle of Development, Housing Need and Housing Land Supply**

*Policy Position*

Policy CS1 of the Core Strategy outlines 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 countryside which is classified as being the fifth out of six sequentially preferable locations for development. Paragraph 2.8 of the Core Strategy indicates that this is the most unsuitable location for development and will therefore only be permitted where national policy on countryside locations allows. It then clarifies that the only variation to this approach will be ‘the exceptional delivery of housing to

meet a specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting’.

The proposal to build a dwelling on this area of designated countryside would not comply with policy CS1 and would therefore fail to be in accordance with the Development Plan. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 there is consequently a presumption against granting planning permission unless material considerations indicate otherwise.

In this case the main material considerations arise from the National Planning Policy Framework (NPPF) which was published by the Government in 2012 following the adoption of the Core Strategy in 2011. It is consequently considered that the NPPF carries significant weight as a material consideration in the determination of this application.

Paragraph 49 of the NPPF is particularly relevant and outlines that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. To this end it is clear that the effect of policy CS1 is such that it seeks to influence the supply of housing land by restricting the locations where new housing may be developed. In doing this policy CS1 serves to act against the Government’s policy of boosting significantly the supply of housing land. It is consequently necessary to consider whether the Council has a five year supply of deliverable housing sites which would result in policy CS1 being out-of-date.

#### *Housing Need and Housing Land Supply*

The NPPF sets out a need to significantly boost the supply of housing and therefore requires the Council to fully and objectively assess housing need across the housing market area in co-operation with neighbouring authorities (paragraphs 47, 157 and 159). There is also a requirement for the Council to identify a deliverable five year supply of housing land to meet this identified need (paragraph 47). However, to ensure choice and competition in the market for land, a 5% buffer is further required and this increases to 20% where there is a persistent under delivery of new homes.

It is within the context of the above that the Council has adopted a Core Strategy which includes Strategic Development Targets for new development. In relation to residential development, the Core Strategy sets out that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 with at least 9,800 dwellings accommodated within or adjacent to Rugby Town itself. This target equates to the development of 540 dwellings per year over the plan period. However, a Housing Land Supply Position statement published by the Council in December 2015 indicates that the number of dwellings erected within the Borough to date has failed to meet this target. It therefore calculates that the Council can only demonstrate a 3.78 year housing land supply with a shortfall of 775 dwellings over five years.

#### *Implications of a Lack of a Five Year Housing Land Supply*

As previously outlined, paragraph 49 of the NPPF states that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. As set out above, the Council cannot. Policy CS1 relates to the supply of housing and therefore cannot be considered up-to-date due to the absence of a five year housing land supply. Paragraph 14 of the NPPF is consequently relevant and sets out a presumption in favour of sustainable development. For decision-taking it explains that this means that where the development plan is absent, silent, or as is the case here, out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole, or specific policies in the NPPF indicate development should be restricted.

The effect of the above is not such that policy CS1 should be ignored or disapplied but rather that consideration should be given as to what weight it holds in the decision. In this respect policy CS1 states that new development on land designated as countryside will be resisted and only allowed where permitted by national policy. Policy CS1 is therefore only being given limited weight in the assessment of this application and full weight is being given to the content of the NPPF.

It is consequently necessary to assess the proposal within the context of the presumption in favour of sustainable development as outlined in paragraph 14 of the NPPF. In this case there are no specific

policies within the NPPF which indicate that development on this site should be restricted. In order to determine whether the proposal constitutes sustainable development it is therefore necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be 'sustainable development'.

### *Land Use*

Paragraphs 17 and 111 of the NPPF are relevant in setting out that decisions should encourage the re-use of previously developed land as opposed to greenfield land. In this respect the application site is predominately comprised of private residential garden land. A recent High Court decision has found that where such land is outside of "built-up" areas it should be classified as previously developed land in accordance with annex 2 of the NPPF. In this case the site falls outside of "built-up" areas and the re-use of this previously developed land for housing would therefore be appropriate.

### *Benefits of Proposed Dwelling*

It is within the context of the above that it is necessary to recognise that there is a significant need for new houses within the Borough and that there is currently not a high enough level of supply of new houses to meet that need. This is consequently a matter which in itself carries weight in favour of the application because it would improve the number of available homes in the Borough and thereby contribute towards resolving current housing land supply issues, albeit just by one dwelling.

## **2. Location and Accessibility**

The core planning principles outlined in paragraph 17 of the NPPF set out the need for planning to 'Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. It also seeks to ensure that planning 'takes account of the different roles and character of different areas, promoting the vitality of our main urban areas'. The NPPF consequently seeks to promote a mix of land uses within an area to minimise journey length times (paragraphs 37, 38 and 70). A range of local services and facilities should all be within walking and cycling distances of most properties. Policy CS11 of the Core Strategy and the Planning Obligations SPD is consistent with this and promotes the use of sustainable transport modes. Further guidance on acceptable walking and cycling distances to shops, services, facilities and employment areas are outlined within Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot' (2000).

### *Location*

The application site is located 200 metres away from the edge of the Main Rural Settlement of Dunchurch. It is connected directly to this settlement via Rugby Road which includes a combined footway and cycleway. Both the Core Strategy and emerging Local Plan make it clear that such settlements are the second most sustainable locations for new housing within the Borough behind the Rugby Urban Area. Paragraph 2.6 of the Core Strategy indicates that this is because such settlements have a sufficient level of services, or access to services, to allow for development within the existing settlement boundaries. Weight is therefore given to the proximity of the site to Dunchurch when considering whether it is a sustainable location in geographical terms as the NPPF requires.

### *Accessibility by Walking*

In terms of accessibility, the proposed dwellings would be within the preferred maximum Institution of Highways and Transportation (IHT) walking distances to the closest local food retail store, local centre, primary school, public house, GP surgery, dentist and supermarket. This would consequently provide future residents with an excellent opportunity to walk to these uses rather than having to rely on the use of a private car. However, the proposed dwellings would be over preferred walking distances for a mixed use secondary school and college, library, leisure centre, town centre and areas of employment. In relation to these uses it would therefore have to be accepted that residents would be more likely to rely on the use of a private car to access them.

### *Accessibility by Cycling*

Manual for Streets outlines that cycling has the potential to act as a substitute for short car trips, particularly those under 5km. In this respect all of the proposed development would be within a 5km distance of the main local services and facilities that occupants would need.

### *Accessibility by Bus*

The closest existing bus services to the application site can be found on Rugby Road (approximately 140 and 240 metres away). These bus stops are served by regular bus services which provide access to Rugby town centre and Rugby railway station. It is consequently the case that the proximity of the site to regular bus services is such that this would provide a viable form of frequent, reliable and sustainable transport for future residents. This would therefore reduce reliance on and provide a suitable alternative to the use of private cars.

### *Location and Accessibility Conclusions*

It is important to recognise that the application site is located on the edge of the Main Rural Settlement of Dunchurch and close to the defined Rugby Urban Area. It is consequently a sustainable location in geographical terms. In addition, future residents would be within walking and cycling distance of a number of services and facilities they would need. They would also have good access to regular bus services which would particularly provide further sustainable transport opportunities to access Rugby town centre and further afield. Nonetheless, it must equally be accepted that some of the services and facilities they would need would be beyond preferred maximum walking distances. The implication of this is consequently such that some harm would arise from the reliance of future residents on private cars. However, on balance, this harm is considered to be of very limited weight given the general accessibility of this location when combined with the proximity to the Dunchurch and Rugby Urban Area. This is particularly the case when considering that the services and facilities that would be beyond the preferred maximum walking distances are likely to be the same as would be the case for alternative sites around the edge of Dunchurch and Rugby. Nonetheless, this harm of very limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance.

## **3. Access, Traffic Flows, Highway Safety and Parking Provision**

Section 4 of the NPPF sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Policy CS11 of the Core Strategy is consistent with this and states that measures should be put in place to mitigate any transport issues arising from development. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

### *Access, Traffic Flows and Highway Safety*

It is proposed that a new vehicular access would be constructed off Rugby Road into the site. This would be 5 metres wide for a distance of at least 7.5 metres, as measured from the near edge of the carriageway. There is a 40mph limit along this section of the road and minimum visibility splays of 2.40 metres by 120 metres would therefore be provided. WCC Highways have raised no objection to this and are satisfied that the proposal would not have a detrimental impact on highway safety or the operation of the local highway network.

### *Parking Provision*

The explanatory text accompanying policy T5 sets out that the availability of car parking can influence people's transport decisions and that an excessive increase in car parking can reinforce car dependency. Equally, the guidance on parking standards within the Planning Obligations SPD sets out that the Council will seek well designed parking solutions that will accommodate the likely level of car ownership in any given area and reduce the level of on street parking.

The proposal is for a 4-bedroom dwelling located within a defined low access zone. A total of 4 parking spaces are proposed and this would therefore provide 1 space extra above the guidance figures contained within the Planning Obligations SPD. Taking into account the size of the site and location it is considered that this level of parking would be acceptable in this instance.

#### *Access, Traffic Flows, Highway Safety and Parking Provision Conclusions*

The proposed site access would be able to operate in a safe and efficient manner without causing detrimental harm to highway safety. The impact of traffic flows arising from this development on the local highway network is also considered to be acceptable and would not be severe. The level of parking proposed is slightly above guidance figures but would not represent significant and detrimental overprovision.

#### **4. Heritage**

Policy CS16 of the Core Strategy sets out that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. Policy E17 of the Local Plan also indicates that permission will not be granted for development which would adversely affect the character, appearance or setting of registered parks and gardens. This is consistent with section 12 and the tenth core planning principle outlined within paragraph 17 of the NPPF which sets out the need to conserve and enhance heritage assets in a manner appropriate to their significance.

The application site is located adjacent to the grounds of Bilton Grange School which are designated as a Grade II Registered Park and Garden. In accordance with the NPPF these grounds are consequently classified as a designated heritage asset. The significance of this asset primarily originates from the 1840s when Augustus Welby Pugin altered and extended an existing Georgian house (now Bilton Grange School) and remodelled the grounds as gardens and pleasure grounds. The listing indicates that the main area of parkland lies to the north of the house which is situated by the application site. This area of the grounds specifically takes the form of sports pitches which are separated from the site by a Public Right of Way (PRoW).

The proposed development would not be located within the grounds of the Registered Park and Garden and would consequently not result in any direct loss of this heritage asset. Nonetheless, the development has the potential to impact upon the setting of this asset. Historic England has therefore commented that "The main issue ... is the importance of maintaining an appropriate boundary treatment to the east with the Registered Park and Garden associated with Bilton Grange". They have ultimately raised no objection to the proposal but recommended a condition is imposed to ensure that there is appropriate landscaping on the boundary.

It is within this context that the site layout plan indicates the provision of a new yew hedge along the perimeter of the site. This had already been planted at the time of visiting the site and will establish over time to provide an appropriate natural boundary to the Registered Park and Garden. The proposed dwelling itself would also not be of such a scale and appearance to significantly and detrimentally harm the grounds within the context of existing and approved development.

Aside from the Registered Park and Garden it is acknowledged that there are listed buildings located within 1km of the application site. Nonetheless, it is considered that the proposed development would not have any adverse effects upon the setting or heritage significance of these buildings owing to distance, intervening topography, trees, hedgerows and existing modern development. For the same reasons there would be no detrimental and adverse impacts or effects on non-designated built heritage assets identified within Historic Environment Records.

#### *Heritage and Archaeology Conclusions*

The potential impact of development on designated and non-designated heritage assets within the vicinity of the site has been considered and found to have no significant and detrimental impact. The impact on heritage is therefore considered to be acceptable.

#### **5. Trees and Hedgerows**

Paragraph 118 of the NPPF 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. Policy CS16 of the Core Strategy is 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 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 and Hedgerows on Site*

There are a number of trees located around the site boundaries both within and immediately adjoining the site. Of particular importance to the amenities of the area is a row of Scots Pine Trees located along the northwest boundary of the site adjoining Rugby Road. These trees play an important role in creating an attractive green thoroughfare when entering Dunchurch from Rugby. All but three of these trees are covered by a Tree Preservation Order (TPO TR4.395). An Arboricultural Report submitted with the application includes a survey which identifies the arboricultural value of all existing trees. This identifies that out of a total of 25 individual trees, 60% were moderate quality, 32% were low quality, and 8% were unsuitable for retention. A hedgerow is also located along the boundary of the site with Rugby Road.

#### *Proposed Tree and Hedgerow Removal and Planting*

The proposal includes provisions for the removal of three Scots Pine Trees (the three trees not covered by TPO TR4.395) and a small section of hedgerow along Rugby Road. Two of these trees are low quality and one is unsuitable for retention. Further to this it is proposed that two Chestnut Trees of low quality (not covered by a TPO) located along the southeast boundary adjacent to the PRoW would be removed. To mitigate for this loss it is proposed that three Scots Pine Trees would be provided along the Rugby Road boundary in place of the trees proposed to be removed. None of the trees covered by TPO TR4.395 would be removed.

The Council's Arboricultural Officer has assessed the report and proposed tree and hedgerow removal. His response is one of no objection subject to two conditions requiring the submission of an arboricultural method statement, tree protection plan and planting of replacement trees. This would ensure existing trees are not adversely impacted and require the planting and maintenance of proposed trees to mitigate for those proposed to be removed. Importantly, he is satisfied that the proposed development would not harm the trees covered by TPO TR4.395.

#### *Trees and Hedgerows Conclusion*

It has been demonstrated that the proposed development could be constructed on the application site without requiring the significant removal of existing trees and hedgerows. Only trees of low value and not covered by a TPO would be removed and new tree planting would be provided in appropriate places to compensate for this. It is consequently considered that the proposed development would not have a harmful impact on existing trees and hedgerows.

## **6. Ecology and Green Infrastructure**

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

#### *Habitats*

As indicated above, the majority of trees and hedgerows located within and immediately adjoining the application site would be retained. The proposal also includes provisions for new tree planting and a new yew hedge. Existing grassland would also be retained as part of a lawn garden area.

#### *Impact on Habitats and Protected and Priority Species*

WCC Ecology has subsequently undertaken an assessment of the impact of this development on habitats and protected and priority species. They have ultimately raised no objection subject to a condition requiring the submission of a bat survey of existing trees. This would identify whether any bat roosts are present and ensure appropriate mitigation is provided if necessary. Advisory notes have also been requested concerning the undertaking of work outside of the bird nesting season and details of what to do if evidence of protected species is found.

#### *Ecology Conclusions*

The majority of existing habitats on and adjoining the site would be retained with further enhancements through a new yew tree hedge provided. A condition and informatives would be provided to ensure that the impact of development on protected species would not be harmful. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species.

### **7. Economic Growth**

Section 1 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. In this respect the proposed development would only be for one additional dwelling and the economic benefits would therefore be limited. Nonetheless, the proposed development would result in: money being invested in construction on the site; construction and associated in-direct jobs being supported; increase in Gross Value Added; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; an increase in the viability of existing public services; and additional Council Tax revenue. Such matters would have a positive, albeit limited, impact on the local economy and prosperity of the Borough.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if development was carried out at other locations within Dunchurch or the Rugby Urban Area. However, not enough homes are being constructed within the Borough to meet identified housing needs and these potential benefits are therefore not being realised. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract positive weight.

### **8. Design, Layout and Visual Amenity**

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. Paragraph 17 and Section 7 of the NPPF are also relevant and set out the importance of good design in relation to new development.

#### *Existing Character, Pattern and Appearance of Area*

The application site is situated along Rugby Road within an area of designated countryside inbetween the Main Rural Settlement of Dunchurch and Rugby Urban Area. Existing development is consequently limited within the immediate vicinity and is rather restricted to two large detached dwellings to the immediate southwest. A nearby group of one detached dwelling and four detached dwellings is separated from the site by a wooded area to the northeast. All of these dwellings front onto Rugby Road in a linear fashion and historically originate from the nineteenth century. The dwellings are set back from the road and with the exception of one dwelling are all two-storey in nature. The predominant building material to the elevations is orange brick with some render and clay tiles to gable roofs. All of the dwellings are surrounded by spacious landscaped areas which contain a number of mature trees, shrubs and hedgerows that front onto Rugby Road. The overall effect of the above is such that there is not one clear style and appearance of dwelling in

this location. However, the similarities between the dwellings are such that they do have shared characteristics which help to create a positive sense of place.

#### *Approved Development within Area*

Planning permission has previously been granted by Committee in 2014 for the erection of a zero carbon eco house on garden land to the side of Lion Farm (ref: R13/0940). The appearance and layout of this building was considered to resemble that of a farmhouse. Bold design features including a mix of pastiche timber framing and timber cladding coupled with glazing and polychromatic brick detailing were incorporated into the building. In doing this it sought to take design inspiration from Bilton Grange, Rugby School and a number of properties within the centre of Dunchurch rather than those within the immediate area. Once constructed this dwelling would consequently be seen within the immediate setting and context of the proposed dwelling. The design and layout of the approved dwelling is consequently a material consideration in the determination of this application.

#### *Proposed Development and Impact on Visual Amenity*

It is within the context of the above that the proposed dwelling draws on the design and layout of the approved dwelling. In respect of the layout the plans indicate that the dwelling and detached garage would be sited to form a broad 'U' shape. The orientation of this in relation to the side elevation of the approved dwelling is such that this would effectively create a courtyard group. The main wing of the building would be one-and-a-half storeys in height whilst the return wing and garage would be single-storey. A gable roof would be located over all of the buildings. Design features would include a mix of pastiche timber framing and timber cladding coupled with large areas of glazing and polychromatic brick detailing.

Taking into account the above it is considered that the proposed dwelling would integrate with the character and pattern of development in the surrounding area. Although the design features and materials proposed are not currently found in this immediate location, it is recognised that this does reflect that found in the wider area. Moreover, the design features and materials do match those that have been approved for use in the adjacent approved dwelling. In this respect the dwellings would complement each other and create a distinctive group of buildings with a clear character. The footprint of the building would also be set back from the road and this would therefore be consistent with other dwellings in this location. The set back would also reduce the prominence of the development within the streetscene thereby reducing the impact of the building. It is consequently considered that the proposed dwelling would not appear intrusive, prominent or incongruous within this location. The impact on visual amenities would therefore be acceptable.

#### *Visual Amenity Conclusions*

Overall, it is considered that the design, scale, massing, height, layout and materials of the proposed development would be appropriate for this location. It is therefore considered that it would not have a detrimental impact on the visual amenities of the area.

### **9. Residential Amenity**

Policy CS16 of the Core Strategy 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.

#### *Existing Properties*

The existing property of Lion Farm is located to the southwest of the application site over 30 metres away from the proposed dwelling. The closest windows to the proposed dwelling overlooking the garden area to

Lion Farm would be over 12 metres away. The impact to this property is consequently considered to be acceptable.

#### *Approved Dwelling*

Planning permission has previously been granted by Committee in 2014 for the erection of a zero carbon eco house on garden land to the side of Lion Farm (ref: R13/0940). Although this has not been constructed to date it is necessary to consider the impact that the proposed dwelling would have on this approved dwelling.

The proposed dwelling would have a single storey elevation facing the garden of the approved dwelling at a distance of 1m. This elevation would be blank with no windows and so there would be no detrimental impact on privacy. This elevation would also not infringe a 45-degree line from the central point of a bedroom window to the approved dwelling thereby indicating that the light and aspect to this room would not be detrimentally impacted. However, this elevation would run 5 metres in length along part of the garden boundary of the approved dwelling and would therefore result in some limited impact to this. Nonetheless, the overall size and layout of the approved dwelling is such that this impact would not significantly and detrimentally impact upon the primary usable amenity space for this dwelling.

#### *Proposed Dwelling*

Planning permission has previously been granted by Committee in 2014 for the erection of a zero carbon eco house on garden land to the side of Lion Farm (ref: R13/0940). Although this has not been constructed to date it is necessary to consider the impact that this would have on the proposed dwelling.

Part of this approved dwelling would be located immediately along the boundary with this proposed application site. The closest elevation within the approved dwelling is single storey in nature and contains a number of high level windows to non-habitable rooms (i.e. a plant room, w.c., utility and en-suite). The other elevation within the approved dwelling facing the application site is two-storeys in height approximately 9 metres from the site boundary. This elevation contains a ground floor high level secondary window to a living room and a first floor high level window to an en-suite. It is consequently considered that the approved dwelling would not give rise to overlooking which would harm the privacy of the proposed dwelling.

The closest elevation within the approved dwelling to the application site is single storey in nature with an eaves height of 2.40m and gable roof sloping away from the boundary with a ridge height of 5.10m. This elevation would be set 1m away from the boundary. The closest primary habitable windows within the proposed dwelling facing this elevation would be over 12 metres away. It is consequently considered that there would be no detrimental loss of light and aspect to these windows. Aside from this, the elevation would be located adjacent to the proposed garden/courtyard area that would be created by the proposed dwelling. Although there would be some impact to this area it is noted that this would not be the primary usable amenity space for this dwelling. The impact is consequently not considered to be detrimental to the future occupant's residential amenity.

#### *Residential Amenity Conclusions*

It is considered that the proposed development would not have a significant and detrimental impact upon the residential amenity of existing properties and approved dwelling. The residential amenity of the proposed dwelling would also be acceptable.

### **10. Drainage**

The applicant intends to use an existing sewage package plant for foul sewage provisions for the proposed development. Environmental Health has raised no objection to this subject to confirmation that the existing plant has capacity to deal with the proposed development. A condition is therefore proposed requiring details of the drainage for this site to be provided before development commences.

### **11. Noise**

Paragraph 123 of the NPPF outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider

measures, including the use of conditions, to minimise noise and mitigate against the impact from it. Environmental Health has consequently considered the proposed development and raised no objection in respect of noise subject to an informative indicating appropriate hours of work during construction.

## **12. Sustainable Design and Construction**

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

### *Water Efficiency*

Policy CS16 and the SDC SPD specifically state that all new residential developments should incorporate measures to meet the water conservation standards in Level 4 of the Code for Sustainable Homes. This is consistent with paragraph 94 of the NPPF which outlines the need to take account of water supply and demand. Level 4 of the Code for Sustainable Homes sets out that the potential consumption of water by persons occupying a new dwelling should not exceed 105 litres per person per day. However, it is necessary to note that the Code for Sustainable Homes was withdrawn by the Government in March 2015 and this policy is effectively out-of-date. Nonetheless, the Design and Access Statement outlines that the proposed dwelling would incorporate grey water use including both rainwater recycling and SuD systems. This provision is above the standard policy requirements and consequently is a matter which attracts positive weight to be considered in the overall planning balance. A condition requiring details of the water conservation measures and SuD systems is therefore necessary to ensure this is appropriate and provided.

### *Energy Efficiency and Carbon Dioxide Emissions*

Policy CS17 and SDC SPD specifically state that development must comply with the Building Regulations relevant at the time of construction. The Design and Access Statement consequently confirms that the dwelling has been designed to exceed the current Building Regulations standards. It also indicates that the dwelling would obtain a minimum of 10% of its energy requirements from renewable energy. This would be achieved through high level glazing, mechanical ventilation with heat recovery, solar hot water system, photo-voltaic panel electricity generation and wood pellet boiler system with on-site storage. This provision is above the standard policy requirements and consequently is a matter which attracts positive weight to be considered in the overall planning balance. A condition stipulating that the proposed dwelling must comply with the Building Regulations relevant at the time of construction would be necessary. A further condition requiring details of the renewable energy technologies is therefore necessary to ensure this is appropriate and provided.

### *Sustainable Design and Construction Conclusions*

It is considered that the proposed development would be able to reduce carbon emissions through improving energy efficiency in construction and design. Planning conditions would need to be imposed to ensure that this is provided.

## **13. Planning Balance and Sustainability of Development**

The location of the application site within designated countryside is such that the proposed development would be contrary to policy CS1 of the Core Strategy. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should consequently be refused 'unless material considerations indicate otherwise'. It is therefore necessary to consider whether material considerations exist which are of sufficient weight to justify sanctioning a departure from the Development Plan.

In this case the main material considerations arise from the NPPF and the Council being unable to demonstrate a five year supply of deliverable housing sites to meet the identified housing need within the Borough. Paragraph 49 of the NPPF is consequently relevant and states that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Policy CS1 relates to the supply of housing and therefore cannot be considered

up-to-date. The effect of this is not such that policy CS1 should be ignored or disapplied but rather that consideration should be given as to what weight it holds in the decision. In this respect it has been found that only limited weight can be given to policy CS1 in this instance.

Paragraph 14 of the NPPF is consequently relevant and sets out a presumption in favour of sustainable development. For decision-taking it explains that this means that where the development plan is absent, silent, or as is the case here, out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole, or specific policies in the NPPF indicate development should be restricted. In this case no specific policies within the NPPF have been identified that would indicate that the scheme should be restricted. The test must therefore be whether the proposed development would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme.

It is within this context that it is necessary to have regard to paragraph 7 of the NPPF which indicates that sustainable development has three dimensions: economic, social and environmental. Paragraphs 18 to 219 of the NPPF taken as a whole subsequently constitutes what this means in practice when considering proposals for new development.

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

From a social perspective there is a significant need for new housing within the Borough and the Council does not have a five year housing land supply to meet that need. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed additional dwelling would consequently make a small but positive contribution towards meeting this housing need. This consequently weighs in favour of the application. As such, the proposed development would satisfy the social role of sustainable development.

From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, highway safety, traffic flows, heritage trees, hedgerows, ecology, green infrastructure, visual amenity, residential amenity, drainage, noise, water conservation and energy efficiency and carbon emissions have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered. Further to this it is recognised that the proposal would provide water conservation and energy efficiency measures which exceed the minimum policy requirements. This consequently has a positive impact of limited weight in favour of the application.

Notwithstanding the above, it is clear that the proposed development would give rise to some unavoidable environmental harm which could not be adequately mitigated against. This would arise because the physical location of the site in relation to some of the services and facilities that future residents would need is such that they are more likely to rely on the use of private cars rather than sustainable transport alternatives such as walking. However, the majority of services and facilities could still be accessed by a range of transport options and harm of only very limited weight is therefore attributed to this.

In conclusion, it is necessary to acknowledge that the proposed development would be contrary to the Development Plan and should consequently be refused unless material considerations indicate otherwise. In this respect regard has been had to national policy and the presumption in favour of sustainable development. It is therefore considered that the identified environmental harm of only limited weight does not, on balance, significantly and demonstrably outweigh the identified economic and social benefits of significant weight and environmental benefits of limited weight. It is consequently considered that this would be a sustainable development and the presumption in favour of such development should apply here.

It is concluded that the identified conflict with the Development Plan is outweighed by material considerations, which weigh strongly in favour of the proposed development and are to be afforded significant weight in that balance. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and by reference to the presumption in favour of sustainable development set out within the NPPF, it is recommended that planning permission should be granted.

**Recommendation:**

The Head of Growth and Investment be given delegated powers to grant planning permission subject to conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R16/1663

**DATE VALID**

03/08/2016

**ADDRESS OF DEVELOPMENT**

LION FARM  
48 RUGBY ROAD  
DUNCHURCH  
RUGBY  
CV22 6PW

**APPLICANT/AGENT**

Mr Richard Palmer  
Hb Architects  
The Old Telephone Exchange  
Albert Street  
Rugby  
CV21 2SA  
On behalf of Mr Pete Jenkins

**APPLICATION DESCRIPTION**

Erection of one detached dwelling including new vehicular access to Rugby Road

**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:**

The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan/Report No.</u>	<u>Date Received</u>
Site Location Plan	58-16-06B	11-10-16
Site Layout Plan	58-16-05B	26-09-16
Floor Plans and Street Elevation	58-16-07A	11-10-16
Elevation Plans	58-16-08A	11-10-16
Design and Access Statement	58-16	26-07-16
Tree Report	3165	26-07-16

**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 until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks, timber cladding, and roof tiles, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON:**

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

**CONDITION 4:**

No development shall commence until full details of all boundary treatments, including walls, fences, railings and gates, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the position, materials, appearance and height of the boundary treatments. The development shall not be carried out other than in accordance with the approved details. The dwelling hereby approved shall not be occupied until the approved boundary treatments have been installed in accordance with the approved details.

**REASON:**

In the interest of visual and residential amenities.

**CONDITION 5:**

No development shall commence until full details of the access, including materials, construction, alignment, levels, drainage, lighting, footway and verges have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the access has been constructed in accordance with the approved details.

**REASON:**

In the interests of highway safety, in the interest of visual amenities and to ensure appropriate drainage within the existing ditch.

**CONDITION 6:**

No development shall commence until full details of all highway surfaces, driveway and parking areas, including details of materials, construction, drainage and levels, together with samples of the materials, 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. The dwelling hereby approved shall not be occupied until the parking areas for the plot have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

**REASON:**

To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality and to ensure adequate parking provision in the interests of highway safety.

**CONDITION 7:**

No development shall commence until drainage plans for the disposal of surface water and foul sewage, including details of proposed grey water use incorporating both rainwater recycling and Sustainable Drainage Systems (SuDS), have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

**REASON:**

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

**CONDITION 8:**

Notwithstanding the Arboricultural Report approved under condition 2, no development or works shall commence until an Arboricultural Method Statement and Tree Protection Plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012) has been submitted to and approved in writing by the Local Planning Authority. The Statement and Plan shall include full details and positioning of tree protection fencing, ground protection measures, root pruning and access facilitation pruning specification, project

phasing and an auditable monitoring schedule. The approved Statement and Plan shall thereafter be implemented in full.

**REASON:**

To ensure all retained trees are not damaged during the development phase and in the interest of visual amenities.

**CONDITION 9:**

No development shall commence unless and until a comprehensive landscaping scheme, including details of the proposed Yew Hedge and Scot Pine Trees shown on the Site Layout Plan (58-16-05A, received 26-09-16), 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 maintain and enhance continuity of tree cover within the site, to ensure the proper development of the site and in the interest of visual amenity.

**CONDITION 10:**

No tree works, including felling and lopping, shall commence unless and until a bat survey of the site has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall thereafter be implemented in full.

**REASON:**

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

**CONDITION 11:**

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 120 metres above the level of the public highway carriageway.

**REASON:**

In the interests of highway safety.

**CONDITION 12:**

The development shall not be first occupied unless and until details of the proposed energy efficiency and renewable energy measures, including high level glazing, mechanical ventilation with heat recovery, solar hot water system, photo-voltaic panel electricity generation and wood pellet boiler system with on-site storage, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

**REASON:**

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

**CONDITION 13:**

The dwelling hereby approved shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

**REASON:**

To ensure sustainable design and construction.

#### CONDITION 14:

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be in branches, stems or roots without the prior written consent of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations) and shall be carried out before the commencement of development on the application site unless otherwise agreed in writing with the Local Planning Authority.

#### REASON:

To protect and enhance biodiversity and in the interests of visual amenity.

#### STATEMENT OF POSITIVE ENGAGEMENT:

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

#### INFORMATIVE 1:

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

#### INFORMATIVE 2:

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

#### INFORMATIVE 3:

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.; and no work on Sundays and Bank Holidays.

#### INFORMATIVE 4:

WCC Rights of Way Team advise that:

- Public footpath R172 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction;
- If it is necessary to temporarily close public footpath R172 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this; and
- Any disturbance or alteration to the surface of public footpath R172 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

#### INFORMATIVE 5:

WCC Highways advise that condition 5 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must

familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

**INFORMATIVE 6:**

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be downloaded at: [http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223) Alternatively, you can contact the Street Naming and Numbering Team for an application form at: [SpecialistSupport@rugby.gov.uk](mailto:SpecialistSupport@rugby.gov.uk) or by ringing 01788 533885.

***AGENDA MANAGEMENT SHEET***

<b>Report Title:</b>	Delegated Decisions – 22 <sup>nd</sup> September 2016 to 12 <sup>th</sup> October 2016
<b>Name of Committee:</b>	Planning Committee
<b>Date:</b>	9 <sup>th</sup> November 2016
<b>Report Director:</b>	Head of Growth and Investment
<b>Portfolio:</b>	
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Dan McGahey x3774
<b>Public or Private:</b>	Public
<b>Report subject to Call-In:</b>	Not applicable
<b>Report En-Bloc:</b>	Not applicable
<b>Forward Plan:</b>	Not applicable
<b>Corporate Priorities:</b>	
<b>Statutory / Policy Background:</b>	Planning and Local Government Legislation
<b>Summary:</b>	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
<b>Financial Implications:</b>	N/A
<b>Risk Management Implications:</b>	N/A
<b>Environmental Implications:</b>	N/A
<b>Legal Implications:</b>	N/A

**Equality and Diversity:**

N/A

**Options:**

N/A

**Recommendation:**

The report be noted.

**Reasons for Recommendation:**

To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

**Planning Committee – 9th November 2016**

**Delegated Decisions – 22<sup>nd</sup> September 2016 to 12<sup>th</sup> October 2016**

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

**Recommendation**

The report be noted.

**1. BACKGROUND**

Decisions taken by the Head of Growth and Investment in exercise of powers delegated to him during the above period are set out in the Appendix attached.

Name of Meeting: Planning Committee

Date of Meeting: 9th November 2016

Subject Matter: Delegated Decisions – 22<sup>nd</sup> September 2016 to 12<sup>th</sup> October 2016

Originating Department: Growth and Investment

### **LIST OF BACKGROUND PAPERS**

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER  
DELEGATED POWERS FROM 22.09.2016 TO 12.10.2016

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R16/1709 Refused 03.10.2016</i>	Smeaton Paddocks Smeaton Lane Rugby	Erection of a Dayroom
<b>Applications Approved</b>		
<i>R16/1811 Approved 22.09.2016</i>	49 Charlesfield Road Rugby	Conversion of existing house to two apartments with the erection of a single storey rear extension.
<i>R16/1726 Approved 22.09.2016</i>	The Dairy Manor Farm Buckwell Lane Rugby	Erection of a 4 bay oak framed car port with log store.
<i>R16/1569 Approved 22.09.2016</i>	Land to the Rear of 52 to 56 Hillmorton Road Rugby	Erection of four detached dwellings to the rear of 52, 54 and 56 Hillmorton Road (Amendment to a previously approved scheme under R16/0459 granted 18th May 2016 for the erection of four detached dwellings to the rear of 52, 54 and 56 Hillmorton Road, to include a larger ground floor area to the rear elevations of plots 1, 2 and 3).
<i>R16/1719 Approved 22.09.2016</i>	Open space land to North of Cawston Extension Site Coventry Road Cawston Rugby	Provision of underground surface water and foul sewage connections to provide off-site drainage in association with the Cawston Extension Site.
<i>R16/1819 Approved 22.09.2016</i>	8 Back Lane Birdingbury	Erection of porch to front elevation and single storey rear extension
<i>R16/1824 Approved 23.09.2016</i>	Applewell House 36A Bulkington Road Shilton Coventry	Erection of glazed front extension linking main dwelling house to existing garage and conversion of garage loft to home office.

<i>R16/1068 Approved 27.09.2016</i>	118 Bawnmore Road Rugby	Erection of a single storey rear extension
<i>R16/1704 Approved 27.09.2016</i>	40 Percival Road Rugby	Outline planning permission for a detached dwelling with all matters reserved except access
<i>R16/1315 Approved 27.09.2016</i>	Manor House 28 Church Hill Stretton on Dunsmore Rugby	Replacement of 3 sets of metal gates with wrought iron gates and pillars
<i>R16/1390 Approved 27.09.2016</i>	Quigleys 22 Albert Street Rugby	Erection of a two storey side extension (resubmission of R16/0590).
<i>R16/1401 Approved 28.09.2016</i>	The Hollies Wood Lane Coventry	Erection of a side extension with associated loft conversion through the raising of the ridge and inclusion of roof lights and dormer windows.
<i>R16/1754 Approved 28.09.2016</i>	Overture 18 Laburnum Grove Rugby	Erection of a conservatory
<i>R16/1796 Approved 28.09.2016</i>	75 Buchanan Road Bilton Rugby	Erection of single storey extension to rear of existing garage
<i>R16/1463 Approved 28.09.2016</i>	Brooke School Overslade Lane Rugby	Creation of a 'sand school' on part of the existing football field and improvement works to the drainage system serving the playing field, together with associated works including retention and completion of perimeter fencing and installation of access gates.
<i>R16/1192 Approved 28.09.2016</i>	Land adjacent to The Coal Yard High Street Ryton on Dunsmore Rugby	Outline planning permission for the erection of 7 No. dwellings with all matters reserved other than access.
<i>R16/1785 Approved 29.09.2016</i>	G A Spencer and Son Magpie Lodge Farmyard Lilbourne Road Clifton Upon Dunsmore Rugby	Erection of an agricultural storage shed

<i>R16/1008 Approved 29.09.2016</i>	Zone 6 Ansty Park Central Boulevard Ansty	Single storey extension to production hall to provide employee welfare facilities.
<i>R16/1671 Approved 30.09.2016</i>	The Dress Shop Unit 11 Swan Centre Chapel Street Rugby	Change of use from wedding dress shop (A1) to beauty and aesthetics (Sui)
<i>R16/1818 Approved 30.09.2016</i>	Elmhurst 42 Hillmorton Road Rugby	Replacement of existing wall.
<i>R16/1739 Approved 30.09.2016</i>	3 The Elms Paddock Clifton Rugby	Erection of a boundary wall and a porch
<i>R16/0689 Approved 30.09.2016</i>	45 Lytham Road Rugby	Erection of a single storey side and rear extension
<i>R16/1836 Approved 30.09.2016</i>	Murco Petroleum Limited Coventry Eastern Bypass Binley Woods Rugby	Partial increase in height of forecourt canopy to service station.
<i>R16/1876 Approved 03.10.2016</i>	Brandon Club Main Street Brandon Coventry	Removal of planning condition Number 4 (Live bands) pursuant to planning permission reference R16/0987 for the Single storey rear extensions and alterations to provide enlarged store and reconfiguration of committee room to allow the provision of accessible WC and ramped access, granted on 08/07/2016
<i>R16/1885 Approved 03.10.2016</i>	Street Ashton Farmhouse Withybrook Road Street Ashton Rugby	Conversion of barns to 4 no. dwelling houses including demolition of existing dilapidated building & construction of garages and minor extensions (identical to scheme previously approved under R13/1325 dated 6th December 2013)
<i>R16/1861 Approved 04.10.2016</i>	18 Pinewood Drive Coventry	Erection of single storey rear extension
<i>R16/1752</i>	Land North of	Conversion of a barn into a residential dwelling

<i>Approved</i> 04.10.2016	Burnthurst lane Burnthurst lane Princethorpe	(amendments to approval R15/2033 including the reinstatement of the balcony to the front and introduction of a new 3 bay detached garage)
<i>R16/1829</i> <i>Approved</i> 05.10.2016	25 Lammas Court Wolston Coventry	Erection of single storey rear extension
<i>R16/1764</i> <i>Approved</i> 05.10.2016	12 Barton Road Bilton Rugby	Erection of first floor side and rear extension
<i>R16/1860</i> <i>Approved</i> 07.10.2016	The Stock Pot Café Ryton Organic Gardens Wolston Lane Ryton on Dunsmore Rugby	Alterations to the fenestration of The Stock Pot Café, Ryton Organic Gardens.
<i>R16/1878</i> <i>Approved</i> 07.10.2016	Princethorpe College Leamington Road Princethorpe	Creation of a secondary access, removal of a section of the existing wall and erection of brick piers and a pair of metal double gates (part retrospective).
<i>R16/1695</i> <i>Approved</i> 07.10.2016	1 Blackthorn Close Rugby	Erection of a conservatory
<i>R16/1837</i> <i>Approved</i> 07.10.2016	9 Beech Drive Rugby	Demolition of existing garage and erection of triple garage with hobby room and ancillary accommodation to the residential dwelling.
<i>R16/1815</i> <i>Approved</i> 07.10.2016	Manor Farm House Daventry Road Woolscott Rugby	Change of use of agricultural land to residential garden land including the erection of a garage and associated hardstanding.
<i>R16/1727</i> <i>Approved</i> 10.10.2016	Land adjacent to Barby Road (57 Moat Farm Drive) Hillmorton Rugby	Retrospective change of use of agricultural storage building to B8 storage
<i>R16/1935</i> <i>Approved</i> 11.10.2016	Marks & Spencer Unit A3 Elliotts Field Shopping Park Leicester Road Rugby	Installation of 1 temporary refrigerated container

R16/1940 Approved 11.10.2016	Debenhams Unit 12 Elliotts Field Shopping Park Leicester Road Rugby	Installation of a self-contained storage area with the service yard
R16/1816 Approved 11.10.2016	23 Main Street Coventry	Erection of new detached dwelling to include erection of 2 bay detached car port with external store, ancillary storage and provision of new residential curtilage and new boundary wall and gates and installation of 2 no air source heat pumps including rebuilding of side facing gable walls [Part retrospective]
R16/1347 Approved 11.10.2016	Old Station Yard Oxford Road Marton	Erection of live/work unit (Comprising B2 - General Industrial to ground floor and 4 bedroom dwelling to first floor) with associated garden and car parking.
R16/1817 Approved 12.10.2016	Casa de Tapas 69 Newbold Road Rugby	Conversion of outbuildings to one new dwelling.
R16/1827 Approved 12.10.2016	30 Longrood Road Bilton Rugby	Erection of a two storey rear extension and porch alteration
R16/1203 Approved 12.10.2016	Land adjacent to 10 Coventry Road Brinklow	Erection of a detached dwelling (Reserved matters application for layout, scale, appearance and landscaping following outline planning approval under R15/1734 granted 30th September 2015).
<b>Prior Approval Applications</b>		
R16/1867 Prior Approval Not Required 30.09.2016	2 Sparrow Hall Cottage Coombe Fields Road Coventry	Prior notification for the erection of a single storey rear extension projecting 4.5 metres from the rear elevation of the original dwelling, 3 metres in height to the eaves and 3.9 metres in height to the highest point of the extension
R16/1682 Prior Approval Required and Granted 04.10.2016	Chestnut Farm Rugby Road Harborough Parva Rugby	Prior approval under Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q(a) for the proposed change of use of an agricultural building to a dwelling house (Class C3).
R16/1888	3 Clifton Road	Prior notification for a proposed change of use

<i>Prior Approval Required and Granted</i> 12.10.2016	Rugby	from A1 (hairdresser) to A3 (Café)
<i>R16/1943</i> <i>Prior Approval Not Required</i> 12.10.2016	114 Manor Estate Wolston Coventry	Prior notification for the erection of a single storey rear extension projecting 3.5 metres from the rear elevation of the original dwelling, 2.3 metres in height to the eaves and 3.5 metres in height to the highest point of the extension
<b>Prior Notification</b>		
<i>R16/2031</i> <i>Prior Notification of agriculture or forestry development</i> 06.10.2016	Padge Hall Farm Watling Street Hinckley	Prior notification for the extension to an existing agricultural building to expand existing storage capabilities.
<b>Listed Building Consents</b>		
<i>R16/1318</i> <i>Listed Building Consent</i> 28.09.2016	Manor House 28 Church Hill Stretton on Dunsmore Rugby	Listed Building Consent for the replacement of 3no. sets of metal gates with wrought iron gates and pillars
<b>Advertisement Consents</b>		
<i>R15/2241</i> <i>Advertisement Consent</i> 29.09.2016	Land at Evreux Way and North Street Rugby	Advertisement consent for the display of advertisement signs relating to the use as a car park (for a period of 5 years).
<b>Approval of Details/ Materials</b>		
<i>R15/2394</i> <i>Approval of Details</i> 22.09.2016	Land at Former Ballast Pits and Railway Sidings Lower Street/Moors Lane Hillmorton Rugby	Formation of new access road and associated infrastructure
<i>R16/0266</i> <i>Approval of Details</i> 22.09.2016	Cawston Extension Site Coventry Road Cawston Rugby	Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).
<i>R16/0266</i>	Cawston Extension Site	Outline application for residential development

<i>Approval of Details</i> 22.09.2016	Coventry Road Cawston Rugby	(up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).
<i>R15/0876</i> <i>Approval of Details</i> 23.09.2016	Land adjacent existing cottages at Coton House Lutterworth Road Churchover Rugby	The erection of a detached dwelling and double garage.
<i>R12/1947</i> <i>Approval of Details</i> 23.09.2016	Grange Farm Cottage Coventry Road Cawston Rugby	Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.
<i>R13/0783</i> <i>Approval of Details</i> 26.09.2016	The Old Dairy Coton House Lutterworth Road Churchover Rugby	Listed Building Application for the alteration and extension of the Old Dairy to form a single dwelling house
<i>R14/2183</i> <i>Approval of Details</i> 27.09.2016	Coton House Lutterworth Road Churchover Rugby	Listed Building Application for various internal and external alterations to form one dwelling.
<i>R14/2183</i> <i>Approval of Details</i> 27.09.2016	Coton House Lutterworth Road Churchover Rugby	Listed Building Application for various internal and external alterations to form one dwelling.
<i>R14/2183</i> <i>Approval of Details</i> 27.09.2016	Coton House Lutterworth Road Churchover Rugby	Listed Building Application for various internal and external alterations to form one dwelling.
<i>R16/0266</i> <i>Approval of Details</i> 27.09.2016	Cawston Extension Site Coventry Road Cawston Rugby	Spine road and strategic landscaping (Phases 1a and 2a) only, Approval of Reserved Matters in relation to outline planning permission R11/0114.
<i>R15/0876</i> <i>Approval of Details</i> 28.09.2016	Land adjacent Existing Cottages at Coton House Lutterworth Road Churchover Rugby	The erection of a detached dwelling and double garage.

<i>R16/1360 Approval of Details 28.09.2016</i>	The Former Coffin Works Hunter Street Rugby	Variation of Condition 2 of approval R11/0997 (Erection of 2 dwellings) dated 20th November 2013 to allow alterations to the dwellings including a 0.8 metre separation between the two dwellings and an increase in height of the dwellings by approx 0.1 metres.
<i>R16/0247 Approval of Details 30.09.2016</i>	124 Ashlawn Road Rugby	Erection of a detached bungalow, together with the erection of a replacement garage and new vehicular access to serve the existing dwelling house.
<i>R12/1353 Approval of Details 30.09.2016</i>	Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<i>R14/0407 &amp; R15/2239 Approval of Details 30.09.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton Rugby	Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R14/0407 &amp; R15/2239 Approval of Details 03.10.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton Rugby	Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R14/0407&amp;R15/2239 Approval of Details 07.10.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton	Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning

	Rugby	permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R13/1380 &amp; R16/0189 Approval of Details 11.10.2016</i>	Former New Bilton Conservative Club 59 Avenue Road New Bilton Rugby	Part demolition and conversion of the existing building to 2 No. flats together with external alterations and erection of 8 No. dwellings together with the provision of a new vehicular access, and car parking provisions and associated works.
<i>R15/2394 Approval of Details 11.10.2016</i>	Land at Former Ballast Pits and Railway Sidings Lower Street/Moors Lane Hillmorton Rugby	Formation of new access road and associated infrastructure
<i>R16/1255 Approval of Reserved Matters 11.10.2016</i>	Land at Stretton Croft A5 A Road Watling Street Wolvey	Mixed use development incorporating C1 hotel with ancillary A3 restaurant, B1 offices and D2 leisure unit with associated works. Approval of reserved matters in relation to outline planning permission R11/0239 (Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.)
<i>R16/1739 Approval of Details 12.10.2016</i>	3 The Elms Paddock Clifton Rugby	Erection of a boundary wall and a porch
<i>R12/1353 Approval of Details 12.10.2016</i>	Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).

<i>R12/1353 Approval of Details 12.10.2016</i>	The Old Dairy Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<b>Approval of non-Material Changes</b>		
<i>R14/0217 &amp; R15/0883 Approval of Non-Material Changes 22.09.2016</i>	Unit DC7 Prologis Ryton Sites A & B Former Peugeot Site Oxford Road Ryton-On-Dunsmore	Application for Reserved Matters for Unit DC7 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, sprinkler tanks and pump house (Application K), against outline planning permission R14/0217 (for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access).
<i>R15/2239 Approval of Non-Material Changes 03.10.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton Rugby	Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R15/1043 Approval of Non-Material Changes 05.10.2016</i>	Land at Beech Drive (Formerly Rear of 23 Plexfield Road) Bilton Rugby	Erection of 2 detached bungalows with garages
<i>R15/0540</i>	Land at Williams Fields	Erection of 113 dwellings including new

<i>Approval of Non-Material Changes</i> 05.10.2016	Coventry Road Cawston Rugby	vehicular access to Coventry Road
<i>R15/2059</i> <i>Approval of Non-Material Changes</i> 11.10.2016	24 Crick Road Hillmorton Rugby	Demolition of Existing Bungalow and Garage and the Erection of Four New Dwellings with Garages
<i>R15/2397</i> <i>Approval of Non-Material Changes</i> 05.10.2016	23 Alwyn Road Bilton Rugby	Erection of a two storey side extension and a single storey rear extension
<i>R16/1739</i> <i>Approval of Non-Material Changes</i> 12.10.2016	3 The Elms Paddock Clifton Rugby	Erection of a boundary wall and a porch
<b><i>Withdrawn/ De-registered</i></b>		
R16/0820 Withdrawn 22.09.2016	Green Earth Nurseries Draycote Road Draycote Rugby	Demolition of existing poly tunnels and erection of 3No. Holiday chalets.