



13 May 2019

PLANNING COMMITTEE - 22 MAY 2019

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 22 May 2019 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

AGENDA

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meetings held on 3 April 2019 and 16 May 2019.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

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

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Planning Appeals Update.
7. Delegated Decisions – 28 March 2019 to 17 April 2019.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2019/20 – 2) are attached.

Membership of the Committee:

Councillors Bearne, Mrs Brown, Brown, Butlin, Eccleson, Ellis, Mrs Garcia, Gillias, Miss Lawrence, Picker, Roodhouse and Sandison (subject to confirmation at Annual Council meeting on 16 May 2019)

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

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

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

Planning Committee – 22 May 2019

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R18/1992	Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN Installation of a turnstile, an outdoors grandstand seating, retention of two storage containers together with alterations to the roof of the main building.	3
2	R17/1834	The Stables Fitzjohns, Barby Road, Rugby, CV22 5QB Erection of a single detached dwelling with associated works including construction of access, parking & turning area, provision of garden amenity space and landscaping.	18
3	R19/0287	Trickle Brook, Smeaton Lane, Coombe Fields, Rugby, CV23 0PS Retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage. Retention of wood store, workshop/store and greenhouse (resubmission of planning application reference R18/1734).	27
4	R18/2026	208 Dunchurch Road, Rugby, CV22 6HR Erection of one dwelling, improvements to the highway access and erection of single storey side extension to form a garage for the existing property.	35
5	R19/0048	Alma Lodge Hotel, Albert Street, Rugby, CV21 2RS Change of use from hotel to 8 residential units.	48

Reference number: R18/1992

Site address: Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN

Description: Installation of a turnstile, an outdoors grandstand seating, retention of two storage containers together with alterations to the roof of the main building.

Case Officer Name & Number: Lisa Li (01788 533625)

Introduction

This application is being reported to Planning Committee on the count of Councillor Katheryn Lawrence for the following reason:

- Impact on the landscape and natural environment;
- Impact on the neighbouring land (maintained by Hillmorton Vale Residents Association) as a pocket park etc;
- Impact on surrounding neighbours;
- Impact of traffic on Kilsby Lane and the junction with Crick Road.

Description of Site

The application site is located in Hillmorton on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Junior Football Club.

The site consists of an area approximately 18 hectares and currently comprises of 12 grass pitches, 1 full size pitch, 1 medium and 1 small pitch. There are 361 car parking spaces across the site. The clubhouse is the main hub of the community football club which fronts the car park and the main pitch.

The Proposed Development

The application seeks the following:

- The installation of a turnstile between the existing mesh fencing which directly faces the main pitch adjacent the clubhouse. The turnstile will sit in a small fully galvanised steel hut with a durbar sheeted roof (2.5m in height) in an olive green colour.
- An outdoors grandstand seating area behind one side of the goal. This will accommodate 50 seats with lower platform designed to be accessible for wheel chair users. It will be 3.69m (W) x 3.8m (H) x 4.8m (H to pitch) x 10.5m (L). The intention is to set the one side of the mesh fencing 4m back into the embankment to provide space for the new seating-area. The mesh fencing is to be the same height as the existing fencing. To the front of the seating area, there will also be a metre high spectator rail to ensure some protection from the game-play.
- The application seeks to regularise two containers on site. There are currently two storage containers to the side of a smaller sport pitch to the south of the site. Container A is 3.8m (L) X 2.45m (W) X 2.6m (H). Container B is 7.6m (L) X 2.4m (W) X 2.6m (H).
- First floor addition to the roof of the main building in order to create additional floor space for lecture rooms. Externally, this will be a large flat roof dormer (26m long x 2.5m high x set in 5.4m) which directly looks onto the large pitch where the new seating area will be.

The dormer will be made of glass with vertical tile hanging to match the existing and black rubber roof finish.

The above additional facilities is to support the higher levels of the game based on the specific needs of the club and the Football Association's Ground Grading criteria.

Relevant planning history

There as an exhaustive list of planning history. Planning applications relevant to the proposal are as follows:

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R14/1398	Creation of a car parking area.	Approved 26.08.14
R17/2023	Installation of an all-weather sport pitch (pitch ref: SF2) and enclosure with mesh fencing, repositioning of current barriers that surround SF2 to SF3 and extension to existing tarmac path.	Approved 22.01.18

Planning policy and guidance

National Guidance

National Planning Policy Framework (NPPF): complies

Rugby Borough Local Plan Draft Publication 2011-2031:

Modifications to the Submission Local Plan have been agreed with the Inspector, were subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. The Examination in Public has now been completed and the Inspector's report has been published. The Local Plan and the Main Modifications have been found to be sound by the Inspector and will now be taken to Full Council for adoption.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and are consistent with the Framework and carry significant weight.

Whilst each case should be determined on its own merits, the emerging policies are a significant material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

SDC1	Sustainable Design	complies
D2	Parking Facilities	complies
SDC2	Landscaping	complies
NE1	Protecting Designating Biodiversity and Geodiversity Assets	complies
HS3	Protecting and provision of Local Shops, Community Facilities and services	complies

Rugby Borough Council Core Strategy 2011:

CS1	Development Strategy	complies
CS13	Local Services and Community facilities	complies
CS16	Sustainable Design	complies

Saved Local Plan Policies

E6 - Biodiversity
T5 - Parking Standards

complies

Other key documents

SPD Sustainable Design and Construction, including Residential Design Guide
SPD Planning Obligations

Technical Consultations:

WCC Ecology and Warwickshire Wildlife Trust	No objection subject to a further bat survey under a pre-commencement condition
WCC Highways	No objection
WCC Public Rights of Way Department	No objection subject to informatives
RBC Environmental Services	No objection subject to conditions and informatives
Sports England	No objection

Third Parties

Hillmorton Vale Resident Association (Objection)

- No need for these facilities and no local community will benefit. Football at an amateur level is viewed by people standing around a pitch – mainly on the half way line – no one will want to sit in a freezing cold stand especially behind the goal. Parents will not watch their children play from behind a glass screen in a viewing gallery.
- Roof addition is unsightly
- There are at least two other stadia in Rugby where semi or professional sport is played, that could be utilised.
- The plans do not show the development at the opposite end of the pitch. Does not include Rugby Gymnastic Club.
- Light pollution
- Noise pollution
- Alcohol consumption on site
- Increase traffic and no provision for parking
- No walkway or footpath from Crick Road to the site
- Unclear who is applying for the application
- Adult use and planning creep
- The club is well-funded and some of the players playing for Rugby Borough are getting paid

Neighbours (10) objections

- Increase noise in area.
- Neighbouring occupiers around the site are old and deserve some peace and quiet.
- No further provision to deal with the increased volume of traffic and already there are cars that are regularly parked on Crick road creating a dangerous situation on what is already a very congested road.
- No longer a club for young, local footballers but instead a commercial sports facility which has been built up on the basis of creep through the planning process
- The proposed stand for merely 50 people is of no use. There is such a small number is to gain planning permission 'by creep' because the club are aware that they will be able to keep applying for even larger stands.
- Any money intended for this building work should be channelled to benefit the young members and not used to create an extravagant viewpoint for the trustees, nor extra floor space upon which to further develop the Rainsbrook Conference Centre commercial venture
- A second storey is not part of the requirements to fulfil their league/cup ambitions and is certainly not needed as a viewing gallery. Parents watch their children from the sidelines, where they can cheer and encourage.
- The raising of the roof of what was supposed to be a junior football team club house will be an eyesore.
- Seating is not needed as there are at least two other stadiums in Rugby at Rugby Town and Rugby Lions which would provide covered seating
- The club do not maintain the bridleway and during summer they sometimes even close the pathway so that they can use it to access their far pitches.
- The seating area is not needed for amateur football, and an eyesore.
- There is no footpath from Crick Road to the site, and neither have the applicants considered the extra usage of the Crick Road /Kilsby Lane junction.
- Alcohol consumption will lead to problems.
- Junior and other members are asked to pay sizeable subscriptions each year and particularly in light of the substantial national funding and council support the club has received.

Neighbours (28) support

- A good addition to an ever expanding football club. There is no need for a single monopoly to have one adult football club for Rugby.
- Promotes a healthy lifestyle for children and adults.
- These improvements would add to the experience and hopefully increase participation
- Allow the Senior side to play at step 6 of the national football pyramid, Youth Teams to play in the FA Youth Cup and tiny tots football classes which take place off site
- Bring facilities up to date and help enhance the reputation
- all concerned locally and those who travel from other communities only speak highly of what is done and being done in an environment and culture where sport is declining in schools-places like this are essential for exercise and development.
- All players and Parents will benefit from the grandstand where we can sit down and watch games out of the wind and rain

- Will open up opportunities to address that situation for both Children Teenagers and Adults. The thought of parents taking their children to football and then themselves doing 1 hours exercise is very appealing and must be encouraged by the governing bodies. Then to produce a football team where people can attend and watch with their families in a nice welcoming atmosphere and sitting down can only be encouraged.
- A potential space for local businesses to hold parties and other uses
- Much needed additional space for educational use

Assessment of proposal

The main issues concerning this application are the principle of the proposal, the design and appearance of the proposal; the impact of the proposal upon the amenities of the neighbouring properties; and the impact on the visual and residential amenities of the area.

Principle

Policy CS1 states that the location and scale of the development must comply within the settlement hierarchy. It also notes that the proposed facilities that aim to serve more than a local community or neighbourhood must demonstrate that they cannot be located within or on the edge of the town centre before alternative locations will be considered.

Policy CS13 states that existing local services and community facilities should be retained unless it can be demonstrated that the existing service or facility can be provided in an alternative manner or on a different site in the Local Area.

Emerging Local Plan Policy, Policy HS3 states that proposals that would result in a significant total loss of a site and /or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement or the urban area will not be permitted.

The site is an existing recreational use benefitting from a planning permission originally granted in 2004 (under R02/0487/5742/P) and subject to various planning conditions. The proposed development falls within the existing land use. Whilst the site is located within the open countryside which is the penultimate tier of the hierarchy, it is considered that the site is sequentially preferable given the facility will be of benefit to the existing Rugby Town football club. Thus complies with Core Strategy Policy CS1, CS13 and Policy HS3 in the Emerging Local Plan which seeks to ensure no loss of a site that contributes towards the sustainability of a local settlement.

Adult facility

As part of this application a significant number of third party objections have been received relating to the age restriction condition and planning creep to establish the club for adults which would in turn, erode what the facility was established for- Junior Football. When the football club was first considered in 2004, a planning condition was made for restricting the use of the site to under 18s only. However since this original approval, a number of application have been submitted over the years which allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.

The existing facilities are still being used for junior football purposes as envisaged – the majority of the pitches on the upper levels of the ground are terraced and thus the level areas are only suitable for smaller age groups. The only areas suitable for adult pitches are the main pitches adjacent to the clubhouse and the grass pitch to the west of the main pitch. When the main pitch was altered to form a 3G astro-pitch, there were no age restrictions applied to the usage of the pitch aside from the hours allowed to be used (see reference R17/2023). In planning policy terms there are no restrictions to fully resist proposed facilities by persons over the age of 18 and therefore, it is not a reason for refusal nor remit of the Council to restrict the application of such needs.

The proposed facilities surrounds one of the pitches, it is considered that the extent of the proposed scheme is focused to a small part of the overall site which does not extend to other artificial pitches. It should also be noted that the additional facilities, such as a covered seating area, provides better support for those that visit.

Alteration to roof

When considering the additional first floor to the main pavilion, the proposed three lecture rooms will be ancillary to the football club. The classrooms are to support education programs for boys or Girls aged from 16 to 19 looking for a career in football/ sports industry as an alternative to college or 6th form. The use of the classroom will be conditioned to ensure the proper use of the first floor addition is maintained.

It should also be noted that the additional floor space is approx. 320sqm and therefore, does not meet the threshold to undertake a sequential test required under Policy TC2 in the Emerging Local Plan.

Containers

The two containers, which are to be regularised, are ancillary to the football club. A condition will be included to ensure the use of the containers is restricted to the football club.

As such the main consideration is therefore the impact upon the design and appearance of the facilities and amenities of the locality.

Impact to design and appearance and protecting amenity

The NPPF within Section 12 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of

a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.

The policies CS16 and SDC1 both make reference to the Sustainable Design and Construction SPD.

Design and appearance

Seating area

When assessing the design and appearance of the seating area, this is a typical feature within a football playing fields which also provides disability spaces. The views of the seating area looks directly south of the site and blends in with relatable hard-structures within the vicinity. There is a distance of at least 200m from the seating area behind the meshed fencing which is to be set back 4m into the grass verge to the nearest neighbouring properties, north of the site. There were concerns of the visual appearance of the seating area, however on balance, the scale and mass of the area is reasonable for the football pitch it looks onto.

The seating area will be made of galvanised steel in an olive green colour. The use of the material/ colour is considered sympathetic within the built area and does not detract from what currently is a built area for outdoor-recreation. Therefore, it is visually acceptable.

The existing mesh fencing will be setback behind the seating area and will be the same height as the mesh fencing surrounding the main pitch. A condition will be added to ensure that the mesh fencing will be erected at the same level as the pitch.

Containers

The two containers are located on a smaller pitch to the south of the site and faces the car park. Planning permission was required for the containers as it are no permitted development rights within playing fields.

The position of the containers is discreetly placed on one side of the smaller pitch where the large scale and massing of the containers are not as imposing. The visual amenity is not lost by the positioning of the containers as it faces onto the main car park where views are not of significant interest.

The turnstile

The turnstile will sit between the existing openings leading to the main pitch. The hut that the turnstile will sit in is made of fully galvanized steel with durbar sheeted roof in Olive Green. It is considered that the hut/ turnstile would not be unduly prominent nor out of character with the built structures and therefore considered visually acceptable.

Alteration to the roof

The alteration of the roof will create what is a first floor and will be flush with the front elevation which looks directly at the main pitch. This feature will be made of glass, flat roof with black rubber roof finish. It is considered that the appearance of the first floor will be sympathetic to the existing building as the bulk would not appear top-heavy with proportion to the roof being kept. Additionally, the main views of the first floor would be most prominent to the pitch it fronts

onto. When considered the views from neighbors, views of the alteration will be soon from the west elevation where there appears to be no change and the side elevation which would appear small to the overall scale of the pavilion. Furthermore, the additional will utilize the roof space that it currently offers.

In terms of materials, to ensure that the materials are sympathetic with the building, sample materials have been requested prior to commencement.

Protecting amenity

Taking into consideration the distance and orientation to neighboring properties and where the proposed development will be focused at the lowest part of the site, it is considered that the scheme would not impact upon the amenities of nearby residents given the substantial distance to the nearest neighboring property.

The seating area faces the nature reserve and there is sufficient separation distance of at least 200m to nearest neighbouring property. Therefore, it is considered that there is substantial distance to adjacent neighbours to not create overlooking, overbearing issues arisen by the seating area.

There were concerns raised by neighbours on the potential noise and disturbance and, the necessity for a first floor addition in the main building used for the class rooms.

Environmental Health were consulted on the matter and recognise that the use of the first floor solely for educational facilities would be acceptable subject to conditions that the usage is restricted to educational purposes within a restricted time.

Overall, the proposal therefore accords with policy CS16 of the Rugby Borough Core Strategy 2011 and the SDP - Sustainable Design and Construction Supplementary Planning Document and the Emerging Local Plan Policy SDC1.

Impact to landscape

Under Policy SDC2: Landscaping, new development should maintain and, where possible, extend the landscape network of a settlement by taking advantage of existing features and creating new features which are appropriate to the location. The policy seeks to ensure there is sufficient provision for planting within and around the perimeter of the site to minimise visual intrusion on neighboring uses or the countryside.

One of the councilors raised concerns on landscape and the natural environment. The proposed facilities are located on the lowest part of the site next to the main pitch. It is considered that the only impact to the landscape is the relocation of the fencing 4m into the bund and the creation of hard-standing to incorporate a seating area. The overall landscape will be maintained as only a small portion of the bund will be turned into hard standing as a result and this bund is of little value in the wider setting. The excess material is to be removed off site by the contractor.

Ecology have been consulted and did not raise concern to the retention of the portion of bund that will be loss to the development.

The existing height of the fence will remain the same and pushed into the bund to accommodate the seating area. The proposed fencing behind the seating area will remain the same.

The information provided addresses the concerns raised by third parties on the matter of the impact on the landscape and natural environment.

The concerns raised by third parties on noise, lighting, potential overlooking to adjacent neighbours have been addressed in this chapter.

Ecological Considerations

Part 15 of the NPPF (Conserving and Enhancing the Natural *Environment*) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things. In addition, Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance.

The Emerging Local Plan Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets and Saved Policy E6 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

Initially, WCC Ecology requested for an initial bat survey as the adjacent fields are known for roosting bats given the nature and proximity to the open countryside and works to the main clubhouse. The additional information from the applicant was provided by the applicant.

Based on the bat survey report produced by Elite Ecology, there are no evidence of bat roosting found internally or externally nor evidence of void-dwelling bats such as brown long-eared within the loft space. However WCC Ecology notes there are a number of lifted/broken roof tiles and mortar along the hip tiles which has become missing in the main clubhouse, providing suitable gaps for bat access. Internally, the roof is lined with roof felt, therefore there is potential for crevice dwelling bats to be present between the roof tiles and roof lining. As such, WCC Ecology has requested a further bat survey prior to commencement and informatives for nested birds and encouragement for bat and bird boxes.

The proposed alterations to the grandstand seating and proposed turnstile are not considered likely to have any impact on protected species or sites.

It is considered that the proposal will not have an adverse impact on protected species in accordance with saved policy E6 and the Emerging Local Plan Policy NE1.

Highway safety and car parking

Saved Local Plan Policy T5: Parking Facilities seeks to ensure that sufficient parking is provided within the curtilage of new development sites to avoid parking on the highway and the potential traffic hazards and congestion that may result.

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

The applicant has not proposed any additional parking and there are 361 spaces currently on site. It was noted in the Planning Statement provided by the applicant that Sundays is the sites busiest day with up to 18 games being played across the site. A typical Sunday morning would have 12 games played at 10am with a site footfall of 520 people and 260 cars.

The footfall to the football club is expectant to increase due to the improved facilities despite what was described in the planning statement. It is considered that on balance there is ample parking (361 parking spaces) already at present. Given the level of car parking that exists currently on site, it is considered that there is sufficient designed car parking to accommodate this development. The proposed development are located around the main pitch and club house towards the lower part of the site and therefore, users would be more inclined to park in the designed spaces as oppose to along the access road into the site, which is of concern to the local residents.

Permission was recently granted for a gymnastics club with ancillary car parking and facilities on site under permission R18/1048. The proposed development will have its own dedicated new car parking (approx. 90 parking spaces) on the southern east boundary This would cover their staff and visitors during the day. Therefore, it is considered that there will be no material impact in terms of Highways as there are already provisions to accommodate the running of the granted gymnastics when constructed.

Warwickshire County Council Highways have been consulted regarding the proposal and have raised no objection. It was considered that the proposal is unlikely to have a significant impact on the safety or capacity of the surrounding road network. Therefore, it is considered the proposal is acceptable in terms of highway safety and would meet the requirements set out under Policy D2. The issue raised by Councillor has been addressed in the no objection response by WCC Highways.

Other matters

Public Right of Way

WCC Rights of Way were consulted as the public bridleway RB28 crosses by the western part of the application site.

The Rights of Way team has no objection to the proposals but request that an advisory note is carried on any consent stating that public bridleway RB28 must remain open and unobstructed at all times. This matter also addresses the concerns raised by third parties.

Sports England

Sports England were consulted as the application will affect a playing field land. It was noted in their response that 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or

- land allocated for use as a playing field

Sport England were satisfied that the proposed development meets exception 2 of our playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

Environmental Health

Environmental Health were consulted on this application. There were concerns regarding the alterations to the roof of the main building to create first floor rooms that are to be used for purposes likely to generate high volume/intensity of noise as this may have a wider impact than noise generated at ground floor. Their use as lecture rooms or other low impact/low intensity uses would have less impact. The document R18/1992 Kilsby Lane Loft Usage indicates 'Zumba' and 'exercise' which have the potential for excessive noise breakout from music, vocals and / or amplified vocals from the instructor. Therefore, conditions regarding windows to be fixed and ensure any planting or equipment such as air conditioning/ handling were recommended.

Noise

Environmental Health have had no details on additional lighting or Public Address systems (i.e. tannoy) and therefore, have made no comments. No systems has been requested and therefore unlikely to create issues on noise.

Use of the new first floor addition

There were also concerns on the use of the floor space created for other means. To ensure the use of the first floor is there will be a condition made to ensure the use of the floor space remains for this use only.

A condition is to be added to any decision made to ensure no lighting is installed unless otherwise agreed in writing.

Other Concerns

There were concerns raised on alcohol consumption. This matter raised is not a planning matter and would be for licensing to impose subject to decision and therefore, will not be assessed as part of the planning application.

The need for the proposed development was raised by third parties. The reason for the additional facilities is to meet the grading criteria set out by the Football Association in order to support higher levels of the game.

Conclusion

The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon landscape, ecology and highway safety. Accordingly, it complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the NPPF, it is considered that planning permission should be approved.

Recommendation

Approval subject to conditions and informatives.

Report prepared by: Lisa Li

DRAFT DECISION NOTICE:

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:

- Drawing No: NSRTFC002 Site location plan
Received by the Local Planning Authority on 30/11/18
- Additional Information. Details on materials
Received by the Local Planning Authority on 13/02/19
- Preliminary Roost Assessment. Date: February 19. Produced by Elite Ecology
Received by the Local Planning Authority 14/02/19
- Drawing No: 249/005/C Proposed containers
- Drawing No: 249/006/B Proposed turnstile
- Drawing No: 237/5/A Proposed plans and elevations north stand
All above received by the Local Planning Authority on 04/04/19
- Drawing No: 237/1/D Site plan
Received by the Local Planning Authority on 07/05/19
- Drawing No: 237/4/B Section and details pitch
- Updated Planning Statement (October 2018)
Received by the Local Planning Authority on 08/05/19

REASON:

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

CONDITION 3:

The materials used for the new spectator rail, fencing, stand and turnstile shall be as specified on the supporting document: R18/1992-Additional Information, received by the Local Planning Authority on 13/02/19 and on drawing No: 237/5/A, received by the Local Planning Authority on 04/04/19.

REASON:

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

CONDITION 4:

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

REASON:

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

CONDITION 5:

The development hereby permitted shall not commence until a method statement is provided for the disposal of the excess soil from the embankment 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 proper development of the site.

CONDITION 6:

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

REASON:

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

CONDITION 7:

The proposed first floor addition as per plan Pavillion 237/3/A, received by the Local Planning Authority on 04/04/19, shall only be used for educational and training purposes as set out in the Planning Statement, received by the Local Planning Authority on 08/05/19 and for no other purposes including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.

REASON:

To ensure the proper development of the site.

CONDITION 8:

The glazed windows on the first floor addition as per plan Pavillion 237/3/A, received by the Local Planning Authority on 04/04/19, shall be fixed only.

REASON:

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

CONDITION 9:

The proposed windows to be formed at first floor level, within the extension hereby approved, shall be fitted with an acoustic trickle vent(s), in accordance with details to be submitted to and approved by the Local Planning Authority, prior to the extension first being brought into use.

REASON:

In the interest of residential amenity.

CONDITION 10:

No development shall commence in any phase unless and until full details of finished floor levels of the grand stand seating area and proposed mesh fencing on the main pitch have

been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other in accordance with the approved details.

REASON:

To ensure the details are acceptable to the Local Planning Authority.

CONDITION 11:

A scheme of noise control for any plant and equipment to be installed on site, as air handling plant/air conditioning/air extraction systems serving the main building, to be submitted to and approved in writing by the Local Planning Authority prior to such equipment being installed. The approved scheme shall be implemented before the plant and machinery is brought into operation and the approved noise protection measures shall thereafter be retained.

REASON:

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

CONDITION 12:

The first floor addition hereby permitted shall only be used between the hours of 7.00am and 9.30pm daily.

REASON: In the interests of the amenities of the locality.

CONDITION 13:

The containers hereby approved shall only be used for the purposes ancillary to the football club.

REASON:

To ensure the proper development of the site.

CONDITION 14:

The development hereby permitted shall not commence until a 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.

INFORMATIVE 1:

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

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

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

No work on Sundays & Bank Holidays.

INFORMATIVE 2:

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 3:

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

INFORMATIVE 4:

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.

INFORMATIVE 5:

The applicant is advised by the Rights of Way Team that the public bridleway RB28 must remain open and unobstructed at all times.

INFORMATIVE 6:

The applicant is advised by Environmental Health that If the proposed development is to incorporate piling in the foundation detail, the developer is consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration.

INFORMATIVE 7:

Should the first floor lecture rooms be used for functions or other activities involving amplified music and/or amplified vocals, excessive breakout of noise may occur through the windows or roof. Levels of noise should be assessed to ensure it will be adequately contained by the structure of the building.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R17/1834

Site address: The Stables Fitzjohns, Barby Road, Rugby, CV22 5QB

Description: Erection of a single detached dwelling with associated works including construction of access, parking & turning area, provision of garden amenity space and landscaping.

Case Officer Name & Number: Lucy Davison 01788 533 696

Introduction

This application was originally seeking full planning permission for the erection of one detached dwelling and detached garage with associated works including construction of access, parking and turning area, provision of garden amenity space and landscaping. Following the submission of amended plans the detached garage was removed from the development proposal. The proposed dwelling is part single storey and part one and a half storey with four bedrooms.

This application has been brought to the Committee due to the number of objections received in relation to the proposal.

Relevant Planning History

The Stables

R06/1534/PLN Erection of a single storey rear extension Approved 21/12/2006

R09/0147/HOUS Erection of front porch Approved 16/03/2009

The piece of land subject to this application has no previous planning history.

Technical Consultations

Rugby Borough Council Environmental Health No objection subject to informatives

Rugby Borough Council Tree Preservation Officer No objection subject to conditions

Warwickshire County Council Highways No objection

Warwickshire Fire Rescue No objection subject to informative

Warwickshire County Council Ecology No objection subject to informatives

Third Party Responses

15 objections were received in relation to the proposal.

Reasons for objection included (both planning and non-planning matters):

Unacceptable in principle

Unacceptable in terms of form, scale and location

Significant adverse impact on landscape including loss of trees

Impact on ecology

Access proposals unacceptable

Impact on horses from Highway to bridle path

Children on pony's safety

Impact on Rugby school kid activities

Adult rider's safety

Not fitting in with aesthetically with the surroundings
Increased traffic
Not meeting the adopted sustainable development policy
Impact on riding business
Site open countryside not brownfield
Unsustainable location
Increased number of cars on shared driveway

All objections were received during the initial consultation period, there were no further comments received following the consultation on the amended plans.

Relevant Planning Policies and Documents

National Planning Policy Framework (NPPF)

Section 12: Achieving well-designed places

Section 15: Conserving and Enhancing the Natural Environment

Core Strategy

Policy CS1: Development Strategy

Policy CS16: Sustainable Design

Saved Local Plan Policies

Policy E6: Biodiversity

Policy T5: Parking Facilities

Policy GP2: Landscaping

Other Documents

Sustainable Design and Construction SPD: Appendix B Residential Design Guide

Rugby Borough Local Plan Main Modifications to the Submissions Local Plan 2011-2031:

Modifications to the Submission Local Plan have been agreed with the Inspector, were subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. The Examination in Public has now been completed and the Inspector's report has been published. The Local Plan and the Main Modifications have been found to be sound by the Inspector and will now be taken to Full Council for adoption.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and are consistent with the Framework and carry significant weight.

Whilst each case should be determined on its own merits, the emerging policies are a significant material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Rugby Borough Council Local Plan 2011-2031 (proposed policies)

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy D2: Parking facilities

Policy SDC2: Landscaping

Assessment of Proposals

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

Principle of development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy. Policy GP2 of the emerging new Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.

The application site is located outside the Rugby Urban Area and is therefore located on land defined as countryside. Countryside locations are the fifth location (out of six) and policy CS1 states that within the countryside new development will be resisted and development will only be permitted where national policy allows. When the application was submitted there was information submitted relating to the application outlining the site of the proposed dwelling as curtilage to The Stables. This is not a viewpoint accepted by the Local Planning Authority and the assessment of the application is on the basis of the site being within the open countryside as set out in Policy CS1.

The Core Strategy is the current adopted plan for the Council's administrative area. The Council published its position on housing supply in December 2016 as part of its monitoring report for the period 2015-16. As set out in the monitoring report the Council's position is that it has a housing supply of 3.78 years for the purposes of the Core Strategy. As the Council cannot demonstrate a five year housing supply, policies for the supply of housing within the Core Strategy should be considered to be out of date and the tilted balance set out in paragraph 11(d) of the NPPF is therefore engaged.

In relation to the Council's emerging local plan, work has been undertaken to update the Council's position on housing supply in its administrative area. The Inspector's report was published on the 7th May 2019. In paragraph 230, the Inspector sets out the position regarding 5 year supply on the emerging Local Plan. He concludes that Rugby Borough Council 5 year supply ranges from 5.38-6.1 years (depending upon the assumptions used) and so the Authority will have a 5 year supply upon adoption. Whilst this is a significant material consideration, since the plan has not yet been formally adopted, the current application has to be determined in accordance with the adopted development plan i.e. the Core Strategy.

Whether a proposal constitutes sustainable development is not simply a matter of location. The NPPF states that there are 3 objectives to sustainable development: an economic, social and environmental objective. In determining this application permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. These objectives will be considered in relation to the overall balancing of the proposal later in this report.

Impact on the qualities, character and amenity of the area

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. New Local Plan Policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated. Section 12 of the NPPF require all development proposals to be of a high quality design.

The proposed dwelling would be situated to the south of the main Fitzjohns building which has been converted into four dwellings. The proposed dwelling has been designed to incorporate original design aspects from north east facing facades of the original Fitzjohns building. There has been three pitched roofs proposed, exposed wood on part of the first floor, brick facings on ground floor walls and render on first floor walls.

A condition will be attached to any permission granted requiring a full schedule of materials to be submitted to the LPA. This will ensure the materials used are sympathetic to the immediate and wider surroundings and are visually acceptable.

This application is therefore considered to not have an adverse impact upon character and appearance of the area compiling with Policy CS16 of the Core Strategy and the NPPF.

Impact on the amenity of neighbouring properties

Policy CS16 states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Policy SDC1 of the new local plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

The proposed position of the dwelling in comparison to the other properties at Fitzjohns has separation distances of over 80m. Due to the separation from the neighbouring properties it is not considered that the proposal would have an adverse impact upon the amenities of neighbouring properties.

This application is therefore considered to be in accordance with Section 12 of the NPPF, Policy CS16 of the Core Strategy and the emerging Local Plan Policy SDC1.

Ecological Considerations

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Policy NE1 states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Section 15 of the NPPF states that the planning system

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

Warwickshire County Council Ecological Services department recommend that a general trench note, biodiversity enhancement note and the replacement tree planting condition are attached to any permission granted.

It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Saved Local Plan Policy E6, Policy NE1 of the new emerging Local Plan and Section 15 of the NPPF.

Impact on parking

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Policy D2 of the new local plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development.

For a dwelling consisting of 4 bed unit within a low access area as defined by the parking standards guidance a quote of 3 parking spaces are required. There will be 3 parking spaces provided at the proposed property. The implications on access of the site as a result of the proposal was raised in the objections against the development. Warwickshire County Council Highways Department responded to the consultation on the proposal with no objection. Therefore the proposal will not have an adverse impact on highway safety and complies with parking standards.

Trees and Hedgerows

Paragraph 175 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.

The NPPF seeks to ensure that new development is sustainable and underlines the importance of Green Infrastructure, of which trees form an integral part. This encompasses a recognition of the importance of trees in relation to the management of air, soil and water quality along with other associated ecosystem services and climate change adaptation. Policy CS16 of the Core Strategy and emerging Policy SDC1 are consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Saved Local Plan Policy GP2 and emerging Policy SDC2 also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

Existing Trees on Site

The Protected Species Survey of Trees identifies two semi-mature pear, two semi-mature horse chestnut, two mature apple and small greengage.

Assessment of Impact on Trees

It is proposed that two semi-mature pear and one mature apple tree would be removed. The number of trees proposed for removal was reduced from the previously proposed 8 following the amendments to the application.

The Council's Arboricultural Officer has assessed the information submitted and following the minor alteration in layout the proposed dwelling would move slightly closer to TPO'd oak tree (T14) but is still outside the root protection area and canopy spread.

In the event of planning permission being granted a condition to require submission of a final arboricultural method statement and proposed tree planting would be required.

Planning Balance

Located within the open countryside on the outskirts of Rugby Urban Area, with a range of services and facilities such as shops, schools, cultural services etc. within walking distance or bus service from the application site, the site is considered to be sustainably located.

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

In terms of the economic objective, the NPPF places significant weight on the need to support economic growth through the planning system, and the government has made clear its view that house building plays an important role in promoting economic growth. The NPPF does not, however, identify a straightforward correlation between the construction of houses and ensuing economic growth. Rather, in describing the "economic role" that is to be played by the planning system, paragraph 8 identifies the need to identify and coordinate development requirements, including the provision of infrastructure. The economic benefit of

an additional dwelling include jobs created in the construction phase and the new residents would inject money into the local economy and support shops and facilities within the area.

The social objective of sustainability includes supporting strong, vibrant and healthy communities. The proposed dwelling would be located within an area where local services are within walking distance to the application site or can be accessed by sustainable modes of transport.

The environmental objective includes contributing to protecting and enhancing our natural, built and historic environment. The design of the proposed dwelling will reflect the surrounding built environment. From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, landscape character and appearance, trees and hedgerows, highway safety, visual amenity and residential amenity have all been considered. Proposed conditions relating to tree protection and planting will help to improve biodiversity.

Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay. In this case it has been found that the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal should be approved subject to conditions.

Recommendation

Approval, subject to conditions and informatives.

Report prepared by: Lucy Davison

DRAFT DECISION NOTICE:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

- Application form
- Site location plan
- Arboricultural Survey by Richard Jones MICFor, F Arbor A
- Arboricultural Survey and Constraints Plan 01 received by the Local Planning Authority on 5th September 2018
- Protected Species Survey of Trees at The Stables by Philip Irving received by the Local Planning Authority on 13th February 2019
- Site plan Rev A D1730.3C
- Proposed floor plans Rev A D1730.1E

- Proposed elevations Rev A D1730.2E
received by the Local Planning Authority on 1st March 2019

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

No works or development shall take place until a final site specific arboricultural method statement/tree protection plan for the protection of the trees (section 5.5 & 6.1, BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA and then successfully implemented. This scheme must include details of all trees to be retained/ removed and positioning of tree protection fencing to create construction exclusion zones. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA.

REASON:

To ensure retained trees and their Root Protection Areas are not damaged during the development phase and are successfully integrated into the scheme.

CONDITION 5:

No works or development shall take place until a specification of all proposed tree planting (including those to replace defective TPO'd trees as detailed in Tree Report dated December 2017 ref: Fitzjohns_Rugby/01) has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

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

CONDITION 6:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE 2:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), the latter of which deems them a European Protected Species. Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060.

INFORMATIVE 3:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and

bird boxes which can be used by a variety of species, native species planting of hedges and wildflower planting, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 4:

Warwickshire Fire and Rescue advise that the development must comply with Building Regulations Approved Document B, Volume 2, Section B5- Access and Facilities for the Fire Service. In addition the access to the site, during construction and once completed, must be maintained free from obstructions to allow access for emergency vehicles.

INFORMATIVE 5:

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 6:

Suitable drainage provision and method of foul sewage disposal should be applied during the design and construction phase.

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

INFORMATIVE 7:

It should be noted that the development is in a smoke free area.

INFORMATIVE 8:

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

This can be downloaded at:

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

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

Reference: R19/0287

Site Address: Trickle Brook, Smeaton Lane, Coombe Fields, Rugby, CV23 0PS

Description: Retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage. Retention of wood store, workshop/store and greenhouse (resubmission of planning application reference R18/1734).

Case Officer Name & Number: Chris Davies, 01788 533633

History:

- | | | |
|----------|--|-----------------------|
| R16/1494 | Prior notification for the change of use of a redundant farm building to a residential dwelling. | Not required 25/08/16 |
| R18/1734 | Retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage, siting of a shipping container, erection of wooden structure affixed to the shipping container, and erection of a greenhouse. | Withdrawn 03/01/19 |

Proposal:

The applicant seeks retrospective consent for the change of use of land from agricultural to an extension to the existing residential curtilage of the property known as Trickle Brook, and to retain the existing structures and fencing (except for the shipping container presently located on the site, which is to be removed). The one exception to this will be that a small enclosure to the front of the outbuildings will be reopened such that it once again forms part of the adjoining field.

Relevant Information:

This application has been brought before Members for determination at the request of Councillor Heather Timms.

Conversion of the original building to form a house was carried out under the Prior Approval method in 2016/17. At the time of confirming Prior Approval was not required, the LPA prescribed a limited site curtilage that essentially wrapped around the building and the access. The limitation of outside space is a standard requirement for Prior Approval, but in this case, it has meant that there is very little practically usable outdoor space.

When the applicant took up residence, she erected a small number of outbuildings and sited a storage container on the land adjacent to the house (the land was also in her ownership) to help to resolve the issue of having so little storage and outside space. She also set up a small vegetable plot, as there wasn't enough room within the originally approved curtilage for a garden per se. Unfortunately, these additions were done without the benefit of planning permission, and the subsequent effective change of

use of agricultural land created by doing this was therefore unauthorised as were the other works.

The applicant is aware that it will not be possible to gain consent to retain the shipping container, and this will be removed from the site in the near future (date to be determined pending the outcome of this application).

Technical Consultation Responses:

WCC Ecology - Note recommended re habitat enhancement.

Parish/Ward Consultation Responses:

Parish - No objections, but sought clarification on how the residential curtilage is identified and how development is controlled (the LPA has provided this).

Ward - Request made to take the case before the Planning Committee due to concerns that it would set a precedent for development in similar Green Belt locations.

Neighbour Consultation Responses:

Objection (1) - Object to woodstore and workshop/store. Shipping container “hard up” against boundary fence, and additional buildings and hardstanding mean there is more standing water on their land during heavy rain. Green paint now peeling off container to show blue colour underneath. Overall has an “undesirable visual impact”.

Planning Policy:

The National Planning Policy Framework February 2019 (referred to hereafter as the NPPF 2019)

Section 2: Achieving sustainable development	Complies
Section 8: Promoting healthy and safe communities (Para.91.c)	Complies
Section 13: Protecting Green Belt land (Para. 144)	Complies (see below for explanation)
Section 15: Conserving and enhancing the natural environment	Complies

Rugby Borough Core Strategy 2011

CS1: Development Strategy Complies (see below for explanation)

CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies

E6: Biodiversity Complies

Rugby Borough Local Plan Draft Publication 2011-2031:

GP2: Settlement Hierarchy Complies

SDC1: Sustainable Design Complies

NE1: Protecting Designated Biodiversity and Geodiversity Assets Complies

Modifications to the Submission Local Plan have been agreed with the Inspector, were subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. The Examination in Public has now been completed and the Inspector's report has been published. The Local Plan and the Main Modifications have been found to be sound by the Inspector and will now be taken to Full Council for adoption.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and are consistent with the Framework and carry significant weight.

Whilst each case should be determined on its own merits, the emerging policies are a significant material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Considerations:

Principle of Development

The development site lies wholly within the West Midlands Green Belt, where development is generally considered to be inappropriate except for in certain circumstances. These circumstances include allowances for limited erection or extension of buildings and limited potential for changes of use of agricultural and/or "green field" land (i.e. previously undeveloped), provided that these changes would not be detrimental to the reasons for designating the area in which the development is sited as warranting Green Belt status in the first place.

Both Policy CS1: Development Strategy of the Rugby Borough Core Strategy 2011 and Emerging Policy GP2: Settlement Hierarchy of the Rugby Borough Local Plan Draft Publication 2011-2031 identify Green Belt land as being afforded the most protection in terms of the impact from development. Both state that development will be considered acceptable only when national legislation deems that to be the case.

In Section 13: Protecting Green Belt land (Paragraph 144), the NPPF 2019 states that *"Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

In this instance, the erection of the buildings and fencing, the creation of the vegetable garden and the associated change of use from agricultural to residential have undeniably affected the way in which the site is seen and how it operates as part of the wider setting and context of this part of the Green Belt.

However, as the buildings are all of a low level and small size, their impact in terms of affecting the openness and rural character of the Green Belt is very limited. The vegetable garden comprises low level beds and a greenhouse, with the general appearance of a small allotment. The built structures are the only visible indication that the small parcel of land affected has in any way changed its purpose or intent.

It is considered that the retention of the low-level buildings and the vegetable garden is necessary to maintain a reasonable level of residential amenity for the property, and that their collective visual impact does not detract from or cause harm to the openness or rural character of this part of the West Midlands Green Belt. Whilst the buildings are not physically attached to the dwelling, they do sit in close proximity and directly relate to it. Whilst not therefore being extensions per se, it is argued by the LPA that the intent of the Green Belt development exception for modest enlargement of dwellings could still be applied in this instance, meaning that the buildings would be deemed to be an acceptable form of development.

It is therefore considered that the retention of the said buildings and vegetable garden, and by direct association the limited extent of the change of use of the land to residential, complies with the general principles and intent of Policy CS1: Development Strategy of the Rugby Borough Core Strategy 2011, Emerging Policy GP2: Settlement Hierarchy of the Rugby Borough Local Plan Draft Publication 2011-2031, and Section 13: Protecting Green Belt land of the NPPF 2019.

The applicant has put forward a case that due to dietary and health conditions she needs to be able to grow her own organic vegetables, hence the need for the vegetable garden. She has also put forward that there is a chronic lack of usable outside space within the confines of the originally approved dwelling and site curtilage. Section 8: Promoting healthy and safe communities (and Paragraph 91.c) in particular) of the NPPF 2019 identifies good practice as including the provision of access to healthier food and allotments. The facilities on site enable the applicant to access the healthy fresh produce that she requires to meet the needs of her health and dietary conditions, as well as enabling her to access facilities comparable to an allotment. This is only possible through the enlargement of the site curtilage, and there is no feasible space within the approved outside space to achieve the same level of provision afforded through her vegetable garden. The scheme is therefore also considered to comply with the principles of Section 8: Promoting healthy and safe communities (Para.91.c) of the NPPF 2019 as regards access to and ability to grow healthy food.

The other key considerations in determining this application are the impact of retaining the buildings and fencing and also retaining the enlarged residential curtilage (all as detailed on the proposed plans), with the obvious exception of the shipping container, on a) the character and appearance of the property and the locality, b) neighbouring residential amenity, and c) biodiversity.

Character and Appearance

The buildings erected on the proposal site are all small in scale and low level, and all are of a design that suits their functions without appearing out of keeping with the setting. They are located immediately adjacent to a high boundary hedge and are close to the existing dwelling, so they do not appear exposed or overtly prominent features of the site. The low level and open nature of the limited fencing to be retained is such that

it creates no visual barrier or obstruction that would disrupt the otherwise fairly open appearance of adjacent fields.

The one incongruous feature of the site at the moment is the large shipping container currently located between the woodstore, the workshop and the high hedge. The applicant has already been advised that the retention of the container will not be supported, and a condition would be applied in the event of an approval that would require its removal within 28 days of the date of decision.

As the buildings to be retained are deemed to be an appropriate exception as they directly relate to the use of the dwelling and the applicant's needs, the LPA considers it prudent to apply a condition in the event of approval that would limit the use of them to being solely for purposes incidental to the residential use of the dwelling. This would allay any fears of future commercial development.

In terms of enlarging the residential curtilage, the key concern with doing this in rural locations such as this one usually relates to the potential to create scope for additional dwellings. In this case however, whilst the square meterage may appear to be generous, the actual shape of the site means that it would have no practical benefit as a separate residential unit – there is simply not enough space to build a structure large enough to be considered habitable. The LPA does not therefore consider it necessary to further restrict the development potential by applying a condition to prevent it.

As regards the fencing, this closely resembles examples of stock and field fencing in the immediate locality, and so appears entirely in keeping with the visual character of the setting.

Overall, it is not considered that the retention of the structures and fencing and the acceptance of the change of use of the land to residential will result in any significant or adverse impacts on the character or appearance of the site or its contribution to the context of the wider setting.

The scheme as proposed therefore complies with the relevant elements of Policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to character and appearance, with emerging Policy SDC1: Sustainable Design of the Rugby Borough Local Plan Draft Publication 2011-2031, and the principles and guidance set out in Section 2: Achieving sustainable development of the NPPF 2019.

Residential Amenity

Objections were raised by the neighbouring resident with regards to the impact of the shipping container and to the workshop and woodstore. Whilst the concerns over the shipping container were detailed in the objection (relating to its position by the fence, its state of repair (peeling paintwork making it look worse), and the associated hardstanding causing more standing surface water on her property during heavy rain), the objections to the workshop and woodstore are not identified.

As mentioned above, the LPA agree that the shipping container must be removed and have already advised the applicant that this will be necessary irrespective of whether or not Members are minded to support the Officer's recommendation and vote to approve this application. This is further clarified through the recommended inclusion of a condition requiring its removal within 28 days of the date of decision (if approved). In the event that the outcome is a refusal, the case would be passed back to the Planning Enforcement team, and we would begin proceedings to have *all* the unauthorised structures removed and the land returned to agricultural use. It may however be necessary to allow longer than 28 days for this option, as the applicant will need time to source alternative storage solutions for the items presently stored in the buildings.

The presence of excessive standing water on adjacent land, whilst possibly wholly or partly as a result of the siting of the buildings, could potentially have a number of causes unrelated to the adjacent development at Trickle Brook. The LPA has been provided with no evidence to show that the total removal of all structures would resolve this issue on the adjacent site, nor evidence that would categorically prove that the siting of the buildings etc. are the direct cause of the problem. The location is not within a recognised area where flooding is a persistent or excessive issue, and so the retention of the buildings could not be refused on the basis of them having directly led to a flooding issue.

As the objector rightly states, the shipping container is immediately adjacent to the hedge, as are the majority of the other structures. As stated, the shipping container will be removed in the near future, significantly reducing the physical impact of the development in terms of potential for appearing overbearing or oppressive from the perspective of the neighbouring resident. As any future structures would require planning consent unless sited on agricultural land and used for an agricultural purpose (there are no options for forestry in this location, and the property has no Permitted Development Rights as it was approved under the Prior Approval method), it will be easy to control and mitigate against any future construction that could potentially increase the impact.

Widening the scope of focus for consideration, the use of the land and buildings could also have potential to change the way in which the site relates to the amenities of the adjacent property (Thistledown). The proposal is to retain the buildings and land for residential use, as they have been used up until now, rather than for a commercial operation or activity, and this can be controlled via a suitably worded condition. Again, further consent would be required for any change of use, so any concerns over potential impact from this aspect can be easily controlled should the need arise.

Overall it is considered that there are no material planning considerations in relation to impact on residential amenity that would carry sufficient weight to support refusal on that basis.

The scheme therefore complies with the relevant elements of Policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity,

Emerging Policy SDC1: Sustainable Design of the Rugby Borough Local Plan Draft Publication 2011-2031, and the principles and guidance set out in Section 2: Achieving sustainable development of the NPPF 2019.

Biodiversity

WCC Ecology Unit has raised no objections or concerns in relation to the scheme and has not requested the inclusion of any restrictive or compensatory conditions in the event of approval.

They have however recommended an informative note re opportunities for habitat enhancement to guide the applicant, and this would be included in the event of approval.

The scheme therefore complies with Saved Policy E6: Biodiversity of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and with Emerging Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Local Plan Draft Publication 2011-2031. It also accords with guidance set out in Section 15: Conserving and enhancing the natural environment of the NPPF 2019.

Recommendation:

Approval subject to appropriate conditions.

Report prepared by: Chris Davies

DRAFT DECISION NOTICE

CONDITION 1:

This permission shall be deemed to have taken effect on 22 May 2019.

REASON:

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

CONDITION 2:

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

Application form (received by the Council on 27 February 2019).

Drawing reference 18 23 02A - Site Plan (received by the Council on 27 February 2019).

Drawing reference 18 23 03A - Outbuildings Plans and Elevations (received by the Council on 27 February 2019).

REASON:

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

CONDITION 3:

Unless non-material variations are agreed in writing with the Local Planning Authority the development hereby permitted shall only be occupied and used for purposes linked to the operational use of Trickle Brook as a single residential unit, and for no other purpose.

REASON:

As the development is sited within the Green Belt and is only acceptable if retained as part of a single residential curtilage.

CONDITION 4:

The outbuildings and vegetable garden hereby approved shall not be used for any purpose other than incidental to the residential use of Trickle Brook.

REASON:

In the interest of residential amenity and to prevent the inappropriate development of or inappropriate use of the site.

CONDITION 5:

Within 28 days of the date of this decision, the shipping container shall be completely removed from the site.

REASON:

In the interests of residential amenity and to ensure the proper development of the site.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE:

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

Reference number: R18/2026

Site address: 208 Dunchurch Road, Rugby, CV22 6HR

Description: Erection of one dwelling, improvements to the highway access and erection of single storey side extension to form a garage for the existing property

Case Officer Name & Number: Frances Keenan – 01788-533 845

Introduction:

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as the application site is owned by Councillor Jim Sheera.

Application Proposal:

This application seeks full planning permission for the erection of one dwelling, improvements to the highway access and erection of single storey side extension to form a garage for the existing property. The existing dwelling will also undergo relocation of two side elevation windows which will be moved to the front and rear elevations of the property.

The Site and Surrounding Area:

The application site is located in the grounds of No.208 Dunchurch Road which has a substantial residential curtilage. No.208 is a large detached dwelling located on the main A426 connecting Rugby town centre with Bilton and the main rural settlement of Dunchurch. The area is characterised by large houses set well back from the road, in individual plots with wide frontages and adequate off-street parking. The infilling of No.208 garden area would be considered previously developed land.

The property has a number of mature trees on site (Oak, Holly, Cedar and Lime Trees) with a number of them having tree preservation orders. Mature TPO trees are a common theme along Dunchurch Road and are visible at the front of both neighbouring properties.

Planning History:

R89/1403/4749/OP	Erection of a dwelling	R	10.01.1990
R02/0303/04749/OP	Use of land for the erection of dwelling and garage	R Appealed	21/08/2002 19/06/2003
R08/0619/MAJP	Alteration and extension of existing dwelling to form 12no. 1 bed apartments for the elderly.	W	20.06.2008
R09/0164/MAJP	Alteration and extension of existing dwelling to form 10 no. one bedroom units for the elderly (Resubmission) (amended).	R	27.01.2010

It is also worth noting the application at 206 Dunchurch Road which is mentioned in the design and access statement:

R17/1241 - Erection of 3 dwellings, garaging, access improvements and associated works. - Approved: 25/08/2017

Technical Responses:

- Warwickshire County Council Ecology Unit - No objection, subject to conditions
- RBC Environmental Health Department – No objection, subject to conditions
- RBC Tree Preservation - No objection, subject to conditions
- Warwickshire County Council Highways – No Objection, subject to conditions
- RBC Waste Services – No comments received
- Warwickshire County Council Archaeology – No Objection

Third Party Responses

Neighbours notified, and one letter of representation have been received:

- Previous application submitted in 2002 was rejected by both Rugby Planning department and The Planning Inspectorate on appeal
- Appeal statement referred to the living conditions, outlook, sunlight and privacy of No.208 Dunchurch Road.
- Protection of trees in the area
- Question the need for two entrances on a busy A road. Adjacent properties and proposed dwellings all use one entrance
- Two entrances will affect the character of the area
- Proposed industrial looking gates affecting the rural landscape
- No.210, 212, 214 and 216 don't have gates and No.218 has attractive wrought iron gates
- TPO – doesn't believe a 'no dig solution' will protect the Trees
- Driveway may affect the TPO trees
- No houses in the area have 'untreated cedar to weather naturally'. No.69 Bawnmore Road is a recent build with untreated cedar and has become shoddy and broken in places
- At 9 metres high this house would be taller than any others built recently in the area. 3 new houses being built at No.206 are all dormer bungalows. Should restrict the house at No.208 to the same or less height.
- Bungalows at No.210 and 212 will be overpowered and No.208 will experience loss of light and privacy

Relevant Planning Policy and Guidance

National Planning Policy Framework – 2019

Section 2: Achieving sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 15: Conserving and Enhancing the Natural Environment

Core Strategy - 2011

Policy CS1: Development Strategy
Policy CS16: Sustainable Design
Policy CS17: Sustainable Buildings

Saved Local Plan Policies

E6: Biodiversity
Policy T5: Parking Facilities

Rugby Borough Local Plan Main Modifications to the Submissions Local Plan 2011-2031:

Modifications to the Submission Local Plan have been agreed with the Inspector, were subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. The Examination in Public has now been completed and the Inspector's report has been published. The Local Plan and the Main Modifications have been found to be sound by the Inspector and will now be taken to Full Council for adoption. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and are consistent with the Framework and carry significant weight. Whilst each case should be determined on its own merits, the emerging policies are a significant material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Emerging Local Plan (2011-2031)

Policy GP2: Settlement Hierarchy
Policy SDC1: Sustainable Design
Policy SDC4: Sustainable Buildings
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy D2: Parking Facilities

Supplementary Planning Documents

Sustainable Design and Construction – 2012

Determining Considerations

The main considerations in respect of this application are the principle of development, impact on neighbouring properties, character and design of the proposed dwelling and the impact on the TPO trees.

Principle of Development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy and it must be demonstrated that the most sustainable locations have been considered. Policy GP2 of the emerging new Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. These policies are an appropriate basis for guiding development to the most sustainable locations within the Borough. The application site is located within the 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.

Section 11 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Under paragraph 118, it states that as a planning authority we should give substantial weight to the value of using suitable brownfield land. The proposed site is located within the residential curtilage of No.208 Dunchurch Road and is therefore classed as previously developed brownfield land.

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

An Economic Objective:

If this proposal were to be approved, it would result in the creation of a number of short-term construction jobs in relation to the erection of the dwelling. On a long-term basis the property would make Council-tax contributions, but this holds very little positive impact in the grand scheme of the proposal.

An Environmental Objective:

The application site is considered garden land and based on its location would weigh in favour of the scheme. The presence of a dwelling in such a location would continue the built form along Dunchurch Road which is dominated by large dwellings. The development is situated in a sustainable location in Rugby Urban Area with easy access to public transport and is within walking distance of convenience stores, schools etc. This will assist in mitigating and adapting to climate change and support moving towards a low carbon economy.

A Social Objective:

The site is located within Rugby Urban Area which is the primary focus for meeting strategic growth targets. The erection of one dwelling house will contribute towards providing a sufficient range of homes for future generations and it will be located within close proximity to open green space and local facilities.

This application is therefore considered to comply with the Section 2 ad 11 of the NPPF, Policy CS1 of the Core Strategy and Policy GP2 of the emerging Local Plan.

Character and Design

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

Section 12 of the NPPF states that planning policies and decisions should ensure that developments add to the overall quality of the area, not just for the short term

but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This proposal seeks permission for a two-storey dwelling, consisting of four bedrooms. The property will have a total length of approximately 18.4 metres and a total width of 19.2 metres. It will have a total ridge height of approximately 8.6 metres and a varying mix of eaves height with the tallest being approximately 5.65 metres to the East elevation. One of the objections above had concerns towards the height of the proposed dwelling at 8.6 metres. Having regard to the street elevation plan [100-18-11] the proposed dwelling sits at a similar height of that of its surrounding neighbours at No.206 and No.214 Dunchurch Road. The 3 dwellings proposed at No.206 are located a significant distance from the proposed dwelling and will not be impacted by the two-storey nature of this proposal.

The proposal is to be visible from the street scene; Dunchurch Road, however is not considered to be prominent due the scale and massing of the surrounding properties and the shielding the TPO trees and shrubs will provide. The design of the dwelling is considered appropriate and the materials will be in-keeping with the existing dwelling on site. The dwelling will be built using facing brick, white render and natural cedar cladding walls, slate roof tiles and grey composite windows frames, zinc guttering and grey aluminium panel garage door. The proposal also includes the erection of slatted aluminium gates, 1.2 metres in height and 3.4 metres in width.

One of the objections written above raised concern towards the character and appearance of the 'untreated cedar to weather naturally'. Cedar cladding has become a modern building material seen on new dwellings throughout the Borough and if well maintained will add an attractive edge to the proposed dwelling. Another objection concerned the proposed entrance gates to the property. These gates will be set back from the red-edge boundary of the site by approximately 10.0 metres and 18.0 metres from the highway. The gates will be made from aluminium and will provide a level of privacy for the existing and proposed dwelling as the slates obscure the view of passers-by. These gates will match the design/colour of the proposed dwelling and will not appear out of character for the area.

This application is therefore considered to be in accordance with Section 12 of the NPPF, Policy CS16 of the Core Strategy and Policy SDC1 of the emerging Local Plan.

Impact on Residential Amenity

Section 12 of the NPPF states that planning should always seek a high standard of amenity for existing and future users of developments. Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Policy SDC1 of the emerging new Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

The planning history listed above refers to a planning application: R02/0303/04749/OP which was refused and upheld at appeal: APP/E3715/A/02/1102804. One of the key points written within this appeal document

is reference to the residential amenity of No.208 Dunchurch Road and the impact a new dwelling would have on the living conditions of this occupier. The existing dwelling, No.208 Dunchurch Road, has a number of window openings on the south elevation of the property which face towards the application site. To combat the loss of outlook and material loss of sunlight these window openings will receive from the proposed dwelling, the amended plans [100-18-08 (A)] show the re-location of two first floor windows that serve two separate bedrooms. Following this amendment, on balance, the application is not considered to significantly affect the residential amenity of No.208.

In respect to appeal decision: APP/E3715/A/02/1102804 it also has regard towards the living conditions of the prospective occupants of the proposed dwelling. It was previously considered that a significant degree of overlooking of the rear garden area of the proposed dwelling would take place from the first-floor windows of No.208. As mentioned previously, these windows are set to be relocated (a condition will be attached to any decision notice to ensure these are relocated prior to the occupation of the proposed dwelling) but this issue has also been combated by the juxtaposition of the rear wing of the proposed dwelling.

In terms of other neighbour dwellings, five were consulted on the application: No.206, No.210, No.212, No.214 and No.1 Laurel Gardens Dunchurch Road. All properties are located a significant distance from the application site with the two closest properties: No.206 and No.212 (other than No.208) situated approximately 12.0 metres away. The site is also boarded by mature trees and shrubs, as well as 6ft fencing/walls which will significantly shield the proposed property. Although, the proposal will be visible from a number of these properties, it is not considered to have a detrimental impact on their residential amenity.

This application is therefore considered to be in accordance with Section 12 of the NPPF, Policy CS16 of the Core Strategy and Policy SDC1 of the emerging Local Plan.

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. Policy D2 of the emerging Local Plan also mimics that of the Policy T5 by stating that; permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities. Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users.

For a dwelling consisting of four-bedroom units, a minimum of three parking spaces are required. The proposal has an internal garage and large driveway area with another space to accommodate more than three vehicles.

Warwickshire County Council Highways Department is of a position of no objection subject to a number of conditions and informatives. These conditions relate to:

- Widening the existing vehicles access prior to occupation of the dwelling

- Surfacing the access prior to vehicles accessing the site in connection with the proposed development
- Widening the access whilst not limiting the capacity of the drains
- Laying of footway/verge access prior to vehicles accessing the site in connection with the proposed development
- Submission of visibility splays prior to occupation
- Restricting the hanging of gates on the front elevation

This application is therefore considered to be in accordance with Section 9 of the NPPF, the Saved Local Plan Policy T5 and Policy D2 of the emerging Local Plan.

Environmental Health:

RBC Environmental Health department are of a position of no objection subject to conditions relating traffic noise and submitting a noise assessment prior to occupation of the dwelling. There will also be informatives relating to noise, drainage, lighting and smoke control.

Ecological Considerations:

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Policy NE1 states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Section 15 of the NPPF states that the planning system should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

Warwickshire County Council Ecological Services department recommend two condition and three informatives. The first condition will be pre-development, to avoid disturbing bats that could be potentially roosting in the mature trees on site and within those set to be removed for the development. The second condition refers to the installation of four nesting boxes erected on mature trees.

It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Saved Local Plan Policy E6, Policy NE1 of the emerging Local Plan and Section 15 of the NPPF.

Tree Preservation:

In respect to appeal decision: APP/E3715/A/02/1102804 it was also dismissed on grounds relating to the protected trees to the front of the property, in particular the Cedar Tree (T5). At the time, it was considered that the extent of the root damage potentially caused by the proposed dwelling would compromise the trees longevity and the physical disfigurement arising from necessary tree surgery would cause future pressure to fell the tree. Due to the trees contribution to the character and appearance of the area it was considered to conflict with policy.

The two Oak Trees and Cedar Tree are still present on site and their protection has been addressed with the amended Tree Report. Our Tree Officer commented on the

application and did raise initial concerns regarding the structure encroaching into the tree protection area of the T12 Cedar Tree and recommended it was moved /scaled back to clear the root protection area. The Tree Officer also commented on using a “no-dig construction” for areas within the new driveway area. These issues were both amended within the revised plans and tree report, the house was moved back and shortened in length and a no-dig construction was noted for the areas within the root protection area.

For clarification, David had no objection to the proposed loss of 3 relatively insignificant/low value trees (not protected) within the site.

It is therefore considered that this proposal will not have an adverse impact on protected trees and the overall scheme received no objection, subject to conditions from the Tree Officer.

Conclusion

On balance, the dwelling is located in a sustainable location and as such there is a principle in favour of development. The proposal is considered to respect the character of the area, mirroring the two-storey dwelling at No.208 Dunchurch Road and is not considered to affect the residential amenity of the neighbouring properties. This proposal has overcome the issues addressed within the 2002 Planning Appeal, designing a property that does not inhibit the residential amenity of No.208 Dunchurch Road and does not adversely affect the protected trees to the front of the site. Accordingly, the application is to be considered to be in accordance with the Core Strategy, the NPPF and the emerging Local Plan.

Recommendation:

Approval subject to conditions.

Report prepared by: Frances Keenan, Planning Officer

Draft Decision

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

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents [100-18-04, 100-18-07, 100-18-09, 100-18-10 and Design and Access Statement] received by the Council on [08-Feb-2019] and [100-18-11] received by the Council

on [19-02-2019] and amended plans [100-18-05 (A), 100-18-08 (A)] received by the Council on [09-04-2019] and [190308 0888 AMS V3 Arboricultural Method Statement] received on [09-05-2019].

REASON: 2

For the avoidance of doubt.

CONDITION: 3

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Council on [08-02-2019] and on amended plan [100-18-05 (A) and 100-18-08 (A)] received by the Council on [09-04-2019].

REASON: 3

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

CONDITION: 4

Prior to the occupation of the proposed dwelling, the windows at first floor level on the south elevation of the existing property (208 Dunchurch Road) shown on amended plan [100-18-08 A] received on [09/04/2019] shall be removed.

REASON: 4

In the interest of residential amenity

CONDITION: 5

The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5.0 metres, as measured from the near edge of the public highway carriageway.

REASON: 5

In the interest of Highway Safety

CONDITION: 6

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 distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: 6

In the interest of Highway Safety

CONDITION: 7

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

REASON: 7

In the interest of Highway Safety

CONDITION: 8

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

REASON: 8

In the interest of Highway Safety

CONDITION: 9

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON: 9

In the interest of Highway Safety

CONDITION: 10

Gates 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: 10

In the interest of Highway Safety

CONDITION: 11

The development hereby permitted shall either:

- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

REASON: 11

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

CONDITION: 12

No part of the development hereby permitted shall be commenced until a scheme for the provision of four suitable nesting boxes to be erected on mature trees and/ or buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON: 12

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

CONDITION: 13

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

REASON: 13

In the interest of residential amenity.

CONDITION: 14

[Other than those shown on the approved plans] No new window shall be formed in the north elevation of the proposed development, unless non-material variations are agreed in writing with the Local Planning Authority.

REASON: 14

In the interest of residential amenity.

CONDITION: 15

The windows to be formed in the side, north elevation of the first floor of the proposed development shall not be glazed or reglazed other than with obscure glass.

REASON: 15

To protect the residential amenity of neighbouring properties.

CONDITION: 16

All tree protection measures identified within the Arboricultural Method Statement and Tree protection plans (Dated 9th May 2019 Ref:190308 0888 AMS V3) relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

REASON: 16

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

INFORMATIVE: 1

Condition numbers 5 and 8 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must

serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

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

INFORMATIVE: 2

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

INFORMATIVE: 3

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE: 4

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity such as bat boxes, which can be used by a variety of species, native species planting of hedges and wildflower planting, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE: 5

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R19/0048

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

Description: Change of Use from hotel to 8 residential units

Case Officer Name & Number: Maxine Simmons 01788 533697

Introduction

Application Proposal

This application is being referred to committee because the applicant is a serving Councillor. This application was previously presented to Planning Committee on 6 March 2019 but it was deferred for further discussion on condition 6 in relation to car parking permits.

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

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

Amended plans have been received submitting 8 cycle parking spaces by means of a covered cycle rack to be installed in the rear courtyard.

Site and Surrounding Area

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

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

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

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

Along James Street the highway is designated as 'no waiting at any time' which wraps around the corner of Albert Street. On Street pay and display bays exist along the eastern and western side of Albert Street. The 'no waiting at any time zone' resumes between 2 to 8 Albert Street. Bank Street has a mixture of 'no waiting at any time' and pay and display on street bays. Castle Street has limited waiting zones on street. The application site is situated within a 'traffic regulation order' controlled area and is designated within Zone R0. Rugby residents are normally allowed to apply for a resident permit and if displayed on a vehicle allows them to park anywhere within Zone R1, although it does not guarantee a space outside of the resident's property.

Relevant Planning History

None relevant

Technical Responses

WCC Highways raise no objection to the proposal, subject to the Local Planning Authority ensuring that controls are put in place to remove residents from being eligible for on-street parking permits under the Rugby Town Centre residents parking scheme, requiring changes to traffic regulation order. In a number of cases, this has been controlled via planning condition. At the planning committee of 6 March 2019, a discussion ensued during the meeting regarding the legality of the said condition, in the present case proposed condition 6. Subsequent to the meeting it was confirmed by the Legal Services Team Leader that condition 6 cannot be imposed on this planning permission. The reasoning for this is set out below. WCC Highways were re-consulted on the application on the basis that condition 6 would be removed, and were asked to confirm if they object to the scheme in the absence of the condition. At the time of writing no response from Highways has been received and as a result it is assumed for the purposes of this report that WCC Highways object to the scheme on highways grounds. Any subsequent responses will be reported orally at the meeting.

The Legal Services Team Leader responded to the question of the legality of the condition. She considered two potential options could be used to secure restrictions on future residents applying for parking permits within Zone R0. Option 1 relates to a unilateral undertaking pursuant to s.106 which contains an obligation to covenant that the owner or occupier will not apply for a resident's permit, with a restrictive covenant inserted into every lease or transfer of the land to the same effect, and it is made clear in any marketing materials that there are restrictions in place in relation to parking permits. Option 2 is the controlled parking zone in the area is amended to exclude residents of specific properties from being able to apply for a permit.

In relation to Option 1, the Court of Appeal in 2017 held that agreements made pursuant to s.106 of the TCPA 1990 could not be used to impose obligations of the type outlined in Option 1 (Khodari [2017] EXCA Civ 333). The key reasoning being that the obligation did not comply with the requirements of s.106(1) of the TCPA 1990. The obligation:

- restricted the actions of the residents of the property and not the development or use of the land itself (contrary to s.106(1)(a));
- the obligation did not require specific operation or activities to be carried out on the land that was subject of the planning obligations (i.e. the land in which the owner had an interest) as the restriction related to the use of highway land (contrary to s.106(1)(b)); and
- the obligation did not require n the land that was subject of the planning obligation (i.e. the land in which the owner had an interest) to be used in a specified way as the restriction related to the use of highway land (contrary to s.106(1)(c)).

In terms of Option 2, to alter the arrangements in relation to a controlled parking zone, a traffic regulation order that is in place would need to be altered, which is a separate statutory process outside of the planning system. A traffic regulation order is made by the relevant traffic authority, in this case WCC

Highways. In order to impose a planning condition, there are six tests as set out in the NPPF and Planning Practice Guidance, which states that a condition should be:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

The Planning Practice Guidance also includes a “Key Questions” document which provides additional guidance on applying these six tests. The following questions from that document are pertinent to the consideration of whether condition 6 can be imposed:

- *Relevant to planning*
 - *Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?*
 - *A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation (for example, advertisement control, listed building consents, or tree preservation).*
 - *Specific controls outside planning legislation may provide an alternative means of managing certain matters (for example, works on public highways often require highways’ consent).*
- *Enforceable*
 - *Would it be practicably possible to enforce the condition?*
 - *Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.*
- *Reasonable in all other respects*
 - *Is the condition reasonable?*
 - *Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness*

“Permit free” obligations of the type outlined in Option 1 have been held by the courts to be outside of the scope of s.106 of the TCPA 1990. As such, the only arrangement to which condition 6 could relate is Option 2.

Condition 6 would fail the “relevant to planning test” as the traffic regulation order required by Option 2 is governed by a separate regulatory/statutory regime.

Condition 6 would fail the “enforceability test” as the traffic regulation order required by Option 2 requires the consent of a third party body (in this case the highways authority as the relevant traffic authority) over which the applicant has no control. Therefore if no traffic regulation order is made it is not within the gift of the applicant to remedy that breach.

Condition 6 would fail the “reasonable in all other respects test” as the traffic regulation order required by Option 2 requires the consent of a third party body (in this case the highways authority as the relevant traffic authority). The process to obtain a traffic regulation order is lengthy, costly and one over which the applicant has no control. In the event that the required traffic regulation order is not made this would prevent occupation of the development and there are limited rights of appeal available to the applicant.

Planning Practice Guidance clearly sets out that any proposed condition that fails to meet any of the 6 tests should not be used. Therefore, subject to any alternative arrangements suggested by Warwickshire County Council, condition 6 cannot be imposed on this planning permission.

WCC Highways could seek a financial contribution from the applicant towards the costs of making a change to the existing traffic regulation order in order to exclude future residents from applying for a residents parking permit. It should be noted that since the report was presented to committee the agent was requested to enter into such an agreement, but the agent has declined due to the lack of evidence that the contribution is necessary in this case.

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

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

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

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

Ward Consultation Responses

None received

Neighbour Responses

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

Relevant Planning Policy and Guidance

National Planning Policy Framework – February 2019

Rugby Borough Local Plan Saved Policies

E6: Biodiversity

T5: Parking Facilities

Core Strategy – 2011

CS1 – Settlement Hierarchy

CS16 – Sustainable Design

Rugby Borough Council Planning Obligations SPD

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

Modifications to the Submission Local Plan have been agreed with the Inspector, were subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. The

Examination in Public has now been completed and the Inspector's report has been published. The Local Plan and the Main Modifications have been found to be sound by the Inspector and will now be taken to Full Council for adoption.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and are consistent with the Framework and carry significant weight.

Whilst each case should be determined on its own merits, the emerging policies are a significant material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Emerging Local Plan (2011-2031)

GP1: Securing Sustainable Development

GP2 – Settlement Hierarchy

SDC 1 – Sustainable design

H1 – Informing Housing Mix

NE1: Protection Designated Biodiversity and Geodiversity Assets

Determining Considerations

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

Principle of Development

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

Character & Design

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

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

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

As a result, subject to a condition controlling the details of the replacement windows (which are also required as a result of the need for a noise survey to ensure amenities of future occupiers are protected) the proposal is considered acceptable in design terms and would not adversely affect the character of the

area or the street scene, and would not conflict with this aspect of policy CS16 of the Core Strategy or policy SDC1 of the emerging Local Plan.

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

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

Residential Amenity

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

Effect on Conservation Area and Locally Listed Building

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

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

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

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

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

Highway Safety and Car Parking

The site is situated within a town centre location, a very sustainable location, at the top of the sustainability hierarchy of the entire borough. Rugby town centre has the greatest concentration of sustainable modes of transport to which residents of the apartments would have access to, with reliable bus services being

available, and many facilities within walking and cycling distance. The train station is within walking distance and 8 covered cycle parking spaces are to be provided in the rear yard.

WCC Highways raised no objection to the proposal, subject to the Local Planning Authority ensuring that controls are put in place to remove residents from being eligible for on-street parking permits under the Rugby Town Centre residents parking scheme, requiring changes to the 'traffic regulation order'. Given that the response of the Legal Services Team Leader has now clarified that the previously proposed condition 6 cannot be imposed, WCC Highways requested that the agent confirms if they are willing to provide the sum of money of between £3,000 to £6,000 via a Section 106 agreement to amend the traffic regulation order to exclude future residents of Alma Lodge from applying for parking permits. The agent has responded that he is not prepared to enter into a legal agreement and has referred to various car free schemes that have been allowed in the town centre without such contributions being sought on larger schemes, and the need for a consistent approach, based on evidence. The agent considers the scheme is small scale with very limited highway impacts and has therefore requested that the case be determined on its merits.

The proposal does not include any car parking, as the informal car parking area adjacent to the site is in separate ownership. The Council's car parking standards have generally lower standards in the town centre and this site is within the 'Parking Standards High Access Zone'. For dwelling apartments within the high access zone, 7 of the units would be required to provide 0.75 space per unit, thereby needing 5.25 spaces in total, with the studio requiring 0.5 of a space, meaning the total requirement would be between 5 and 6 spaces. However, in the notes it is written that '**the standards do not preclude zero or minimal parking close to major transport interchanges, or for conversions of existing buildings.**' In the present case, the proposal is both for a conversion and is located close to the borough's major transport interchange in the most sustainable location in the borough at the top of the sustainability hierarchy. In policy terms therefore, it is considered that the proposal does not conflict with Saved Policy T5: Parking Facilities of the Rugby Local Plan 2006, or the parking standards outlined in the Rugby Council Planning Obligations SPD and the emerging car parking standards in the Local Plan. The proposal is therefore considered to be policy compliant.

The NPPF in paragraph 109 emphasises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No evidence has been presented by WCC Highways that the impact of the proposal would result in a severe highway impact. It is correct that without a condition, future residents of Alma Lodge would be entitled to apply for a residents permit, and would be entitled to park their cars in appropriate parking bays within Zone R1. However, it is not known at the time of writing how many permits have been issued within Zone R1, nor the capacity of existing on street parking, and as such it is not possible to evaluate how congested Zone R1 parking is, or if adding further residents parking would result in a severe impact. Similarly, no evidence has been presented by WCC Highways that there is a residual cumulative impact on the road network that would be severe. As this proposal is policy compliant, and due to the lack of evidence of the impacts of this proposal on highways are severe, it is considered that it would be unreasonable to refuse planning permission on highway grounds.

Biodiversity

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

Conclusion

The principle of a change of use from hotel to residential apartments is acceptable given that the site is within a sustainable location, and is not within the Primary Shopping Area or is defined as a community facility. The use of the flats will enable the locally listed building to be upgraded and its key features retained, thereby benefitting its listed status and its contribution to the Conservation Area. The extensions and alterations do not affect amenity, character or the street scene. The provision of residential accommodation will contribute to the Council's 5 year housing land supply. Noise issues can be controlled by condition. The car free aspect of the development is considered to not result in an unacceptable impact on highway safety given the scale of the proposal, nor has any evidence been put forward by the Highways Authority to suggest that the residual cumulative impacts on the road network would be severe. Accordingly, the application is considered to be in accordance with the National Planning Policy

Framework, the Core Strategy and the emerging Local Plan and is therefore recommended for approval subject to the imposition of appropriate conditions.

Recommendation:

Approve the proposal subject to conditions.

Report prepared by: Maxine Simmons, Principal Planning Officer

DRAFT DECISION NOTICE:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

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

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

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

Drawing Number: 103: 18: 07 A (received by the Local Planning Authority on the 4 March 2019)

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

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

REASON:

In the interest of visual and residential amenity.

CONDITION 5:

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

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

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

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

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

INFORMATIVE 2:

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

INFORMATIVE 3:

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

INFORMATIVE 4:

Breeding Bird Note:

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

INFORMATIVE 5:

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

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

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

No work on Sundays & Bank Holidays.

AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 22 May 2019

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance:

Prior Consultation:

Contact Officer: Nick Freer

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

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

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

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

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

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

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

Ensure that the council works efficiently and effectively (CR)

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

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

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

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

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

Protect the public (EPR)

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

Statutory/Policy Background:	The Planning Appeals procedure which came into effect on 6th April 2009
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/01/2019 to 31/03/2019.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to Cost Claims and any subsequent Costs awards.
Equality and Diversity:	Equality and Diversity: No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	This report has been noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 22 May 2019

Planning Appeals Update

Public Report of the Head of Growth and Investment

Recommendation

This report has been noted.

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

1.1 Appeals determined

During the last quarter from 1st of January to 31st of March a total of 2 planning appeals were determined, of which 0 were allowed, 2 were dismissed and 0 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st March 2019 there were 7 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 22 May 2019
Subject Matter: Planning Appeals Update
Originating Department: Growth and Investment

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st January 2019 – 31st March 2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
The Chalet Hinckley Road Wolvey LE10 3HQ	Lawful Development Certificate for a Proposed Outbuilding	Nathan Lowde R18/0239 APP/E3715/X/18/3212474	Refusal 26/03/2018 Written Reps	Dismissed 07/02/2019
Highwood Farm Coventry Road Brinklow Rugby CV23 0NJ	Erection of extensions to form a double garage with a room over and enclosing and linking of the existing detached swimming pool area.	Lucy Davison R18/0854 APP/E3715/D/18/3216427	Refusal 30/08/2018 Householder Appeals Service (HAS)	Dismissed 06/03/2019

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.03.2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Land to the rear of Florin Place Hillmorton Rugby	Outline planning permission for the erection of up to three dwellings (all matters reserved with the exception of access)	Nathan Lowde R17/1663 APP/E3715/W/18/3209430	Committee Refusal 20/06/2018	Written Reps
Dunsmore Garage site Coventry Road Thurlaston Rugby CV23 9JR	Demolition of the existing car showroom and erection of four detached dwellings with associated parking and landscaping.	Chris Davies R17/1977 APP/E3715/W/18/3211787	Delegated Refusal 30/05/2018	Written Reps
Land adjacent to Brookside Cottage Hinckley Road Ansty CV22 5SL	Outline planning permission for the erection of 16 residential dwelling houses comprising of 11 market housing units and 5 local needs dwelling (all matters reserved except access). (resubmission for previously refused planning permission ref: R16/2058 dated 22/02/2017)	Nathan Lowde R17/1976 APP/E3715/W/18/3211527	Committee Refusal 18/07/2018	Written Reps
Oakfield Recreation Ground Bilton Road Rugby CV22 7AL	Erection of extra care retirement village comprising of 62 apartments (C2 Use Class), 14 bungalows (C2 Use Class), communal facilities, vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure	Chris Kingham R18/0214 APP/E3715/W/18/3219296	Committee Refusal 05/12/2018	Inquiry
The Paddocks Top Road Barnacle CV7 9FS	Change of use for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates	Jo Orton R17/1251 APP/E3715/W/18/3217596	Committee Refusal 18/07/2018	Hearing
Grange Bowling and Sports Club Stanley Road Rugby	Application for prior determination under Part 16 of Schedule 2 of The Town and Country Planning [General Permitted Development][England	Thomas Leech R18/1563 APP/E3715/W/18/3217815	Delegated Refusal 09/10/2018	Written Reps

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
CV21 3UE	[[Amendment]No 2 Order 2016 and in accordance with Electronic Communications Code Under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003 for the: Erection of 15m shrouded monopole to support 3no. Telecommunications antennas for shared use by EE and Three, which together with the installation of 1no. Dish and 5 no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation			
7 Nayler Close Rugby CV21 1XG	Change of use from an integral garage to a home office.	Jo Orton R19/0015 APP/E3715/D/19/3222245	Delegated Refusal 06/02/2019	Householder Appeals Service (HAS)

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 28th March 2019 to 17th April 2019

Name of Committee: Planning Committee

Date of Meeting: 22 May 2019

Report Director: Head of Growth and Investment

Portfolio: Please select

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey 3774

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

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

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

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

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

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

Protect the public (EPR)

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

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

Planning Committee - 22 May 2019

Delegated Decisions - 28th March 2019 to 17th April 2019

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 22 May 2019

Subject Matter: Delegated Decisions - 28th March 2019 to 17th April 2019

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 28.03.2019 TO 17.04.2019

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R18/1427 Refused 05.04.2019</i>	98 Bilton Road Bilton Rugby CV22 7AT	Proposed new dwelling on land to the front of 98 Bilton Road, Rugby.
Applications Approved		
<i>R18/0801 Approved 29.03.2019</i>	5 & 6 Royal George Buildings Market Place 69 & 70 Church Street Rugby CV21 3PT	Conversion and extension of upper floors to twelve dwellings (8x1-bed, 3x2-bed & 1x3-bed) with associated works, including provision of ground floor door to front elevation.
<i>R19/0190 Approved 29.03.2019</i>	Sheriff House 7 Barby Road Rugby CV22 5DU	Internal alterations to Sheriff House, Rugby School. Erection of 3 extensions to main entrance, courtyard and first floor respectively.
<i>R19/0364 Approved 01.04.2019</i>	Brockhurst Barn Brockhurst Lane Monks Kirby CV23 0RA	Extensions and alterations to existing dwelling including the erection of a timber outbuilding.
<i>R19/0373 Approved 01.04.2019</i>	The Furrows Birdingbury Road Hill CV23 8EA	Erection of one new dwelling (previously approved under R18/0079).
<i>R19/0113 Approved 01.04.2019</i>	4 Timber Court Hillmorton Rugby CV22 5AZ	Proposed erection of single storey rear extension
<i>R19/0404 Approved 03.04.2019</i>	Gorse House Ashlawn Road Rugby CV22 5QE	Formation of covered car port.

<i>R18/1871 Approved 03.04.2019</i>	Flats 69A – 77 Hillmorton Road Rugby CV22 5AG	Replacement of windows on all elevations.
<i>R19/0311 Approved 03.04.2019</i>	17 South View Road Long Lawford Rugby CV23 9BP	Proposed loft extension, garage conversion and internal alterations.
<i>R19/0208 Approved 04.04.2019</i>	2 Livingstone Avenue Long Lawford CV23 9BU	Erection of detached garage.
<i>R19/0446 Approved 04.04.2019</i>	Unit 36 Rugby Central Manning Walk Rugby CV21 2JR	Change of use from A3 (Restaurant) to an open use class consent for B1 (Offices) and/or D1 (Non-residential institution)
<i>R19/0428 Approved 05.04.2019</i>	Manor Barn Church Road Church Lawford CV23 9EG	Relocation of front door to central position on existing front elevation and installation of solar panels to south facing rear garage roof slope.
<i>R19/0036 Approved 05.04.2019</i>	54 South Road Clifton Upon Dunsmore CV23 0BZ	Erection of a first floor side, two storey rear and single storey front extension
<i>R19/0375 Approved 08.04.2019</i>	42 Main Street Wolston CV8 3HJ	Erection of a timber garage/carport and storage shed
<i>R18/0530 Approved 09.04.2019</i>	4 Webb Ellis Road Bilton Rugby CV22 7AU	Erection of a front porch and single storey rear extension together with external changes to the existing property. Erection of a detached garage to the rear of the property, to include formation of an additional access onto Webb Ellis Road
<i>R19/0054 Approved 10.04.2019</i>	242 Lower Hillmorton Road Hillmorton Rugby CV21 4AF	Erection of a two storey side extension
<i>R19/0024 Approved 10.04.2019</i>	9 Woodlands Road Binley Woods CV3 2DA	Erection of 2no.two storey side extensions, an increased storey to 50% of the existing property and 50% one and a half storey.

<i>R19/0365 Approved 11.04.2019</i>	15 Bloxam Gardens New Bilton Rugby CV22 7AP	Demolition of garage to provide new garden room, and single storey rear extension.
<i>R19/0300 Approved 11.04.2019</i>	24 Long Furlong Rugby CV22 5QS	Alteration of flat roof porch to a pitched roof.
<i>R19/0517 Approved 11.04.2019</i>	41 Mulberry Road Bilton Rugby CV22 7TD	Erection of front porch to infill existing tiled canopy
<i>R19/0010 Approved 11.04.2019</i>	1 Barton Road Bilton Rugby CV22 7PT	Retention of fencing
<i>R18/2114 Approved 12.04.2019</i>	Brickyard Cottage Monks Kirby Lane Monks Kirby CV23 0RH	Demolition of existing attached garage and erection of single storey side and rear extension to act as a wrap around structure (part retrospective)
<i>R19/0043 Approved 12.04.2019</i>	Co-operative Retail Services Limited Newbold On Avon Post Office 19 Main Street Newbold Rugby CV21 1HH	Installation of new refrigeration units at rear of premises together with relocation of existing air conditioning units
<i>R19/0536 Approved 15.04.2019</i>	29 Rugby Road Dunchurch CV22 6PG	Erection of a single storey rear extension, garage conversion, two storey side extension and hip to gable roof alterations to accommodate loft conversion
<i>R19/0351 Approved 16.04.2019</i>	22 Tennyson Avenue Rugby CV22 6JH	Erection of a two storey side extension and a single storey rear extension
<i>R18/1668 Approved 16.04.2019</i>	12 Woodside Park Oxford Road Ryton on Dunsmore CV8 3JY	Demolition of existing multi-functional outbuilding and erection of a replacement outbuilding with concrete base

<i>R18/1790 Approved 16.04.2019</i>	Mill House Southam Road Toft Dunchurch CV22 6NW	Erection of a front, side and rear ground floor extension and a side first floor extension with erection of a gabion/acoustic wall
<i>R19/0466 Approved 16.04.2019</i>	Newnham Fields Farm Coal Pit Lane Willey CV23 0SL	Erection of detached carport.
<i>R18/1765 Approved 17.04.2019</i>	Land at and to the rear of 80-84 Railway Terrace Rugby CV21 3EZ	Outline planning permission (with all matters reserved except access) for the demolition of existing building and structures and erection of five no. dwellings and an apartment building comprising four no. apartments together with associated works including utilisation of existing accesses, provision of new parking areas, private amenity areas and landscaping
<i>Certificate of lawful use or development</i>		
<i>R19/0456 Certificate of lawful use or development 10.04.2019</i>	The White House Priory Road Wolston CV8 3FX	Certificate of Lawfulness for a proposed use or development for the erection of a front porch, 2no.single storey side extensions, a two storey rear extension, and a rear dormer.
<i>Prior Approval Applications</i>		
<i>R19/0445 Prior approval not required 01.04.2019</i>	1 Rowland Street New Bilton Rugby CV21 2BN	Prior approval for a rear extension measuring 4.23 metres in depth; 3.02 metres in height to the ridge; and 2.82 metres in height to the eaves.
<i>R19/0286 Prior approval required and granted 01.04.2019</i>	Gibraltar House Farm Gibraltar Lane Leamington Hastings CV23 8EX	Prior Approval (Class Q(b)) for change of use of agricultural building to 1 no. dwellinghouse (Large barn)
<i>R19/0288 Prior approval required and granted 01.04.2019</i>	Gibraltar House Farm Gibraltar Lane Leamington Hastings CV23 8EX	Prior Approval (Class Q(b)) for change of use of agricultural building to 1 no. dwellinghouse (Small barn)
<i>R19/0216 Prior approval required and granted 04.04.2019</i>	Barns at Priory Farm Priory Road Wolston CV8 3FX	Conversion of agricultural building to 5 n. dwelling houses (Prior Approval) Revised scheme to R17/1831 and R18/0546

<i>R19/0079 Prior approval required and granted 08.04.2019</i>	1 Regent Street Rugby CV21 2PE	Prior approval application for the change of use of first and second floor offices to dwelling houses (Under Class O).
<i>R19/0080 Prior approval required and granted 08.04.2019</i>	5 Regent Street Rugby CV21 2PE	Prior approval application for the change of use of first and second floor offices to dwelling houses (Under Class O).
<i>R19/0547 Prior approval not required 10.04.2019</i>	Arbury House Farm Withybrook Road Wolvey CV12 9JW	Prior Notification for the erection of an agricultural building for the purpose of storing grain and machinery
<i>R19/0256 Prior approval required and granted 12.04.2019</i>	Agricultural Building Montilo Lane Harborough Magna	Prior approval application for the change of use from agricultural building to 1 no. dwelling (Under Class Qa).
Prior notification of agriculture or forestry development		
<i>R19/0563 Prior notification of agriculture or forestry development not required 10.04.2019</i>	Lawford Heath Farm Lawford Heath Lane Long Lawford CV23 9EU	Prior Notification of Agricultural Development - New Grain Store Building (Town & Country Planning General Permitted Development Order 2015, Schedule 2, Part 6)
<i>R19/0649 Prior notification of agriculture or forestry development not required 12.04.2019</i>	Nelsons Wharf Rugby Road Stockton CV47 8AA	Prior approval for the erection of a general purpose agricultural building
Approval of Details/ Materials		
<i>R09/0035/MEIA Approval of details 29.03.2019</i>	Ansty Park Land East of the A46 (Coventry Eastern Bypass) and South of the M6 Ansty	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.

<p><i>R17/0011</i> <i>Approval of details</i> 01.04.2019</p>	<p>New Ash Tree Farm Leicester Road Churchover Rugby CV23 0EZ</p>	<p>Demolition of existing farm building. Construction of new Motorway Service Area ("MSA") to comprise: Amenity Building, Lodge (use class C1), Drive Thru Coffee Unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a Fuel Filling Station with retail shop, together with alterations to the adjacent roundabout on the M6 to form an access point and works to the local highway network. Provision of landscaping, signage, infrastructure and ancillary works including diversion of bridleway.</p>
<p><i>R17/0011</i> <i>Approval of non-material changes</i> 02.04.2019</p>	<p>New Ash Tree Farm Leicester Road Churchover Rugby CV23 0EZ</p>	<p>Demolition of existing farm building. Construction of new Motorway Service Area ("MSA") to comprise: Amenity Building, Lodge (use class C1), Drive Thru Coffee Unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a Fuel Filling Station with retail shop, together with alterations to the adjacent roundabout on the M6 to form an access point and works to the local highway network. Provision of landscaping, signage, infrastructure and ancillary works including diversion of bridleway.</p>
<p><i>R14/2256</i> <i>Approval of details</i> 03.04.2019</p>	<p>Land to rear of 15 to 27 Townsend Lane Long Lawford</p>	<p>Outline application for demolition of no. 19 Townsend Lane, to create a vehicular access and use of land for residential development for the erection of up to 14 dwelling houses (access not reserved).</p>
<p><i>R16/1655</i> <i>Approval of non-material changes</i> 03.04.2019</p>	<p>Rugby Radio Station (Key Phase 2) Crick Road Hillmorton Rugby</p>	<p>Urban extension to Rugby under ref.no R11/0699 approved on 21 May 2014 - Application for reserved matters approval of access, appearance, landscape, layout and scale in respect of primary infrastructure, ground remodelling and associated works at Key Phase 2 of the Radio Station Rugby development including internal primary and secondary street network, junctions and turning heads, land reprofiling, utilities infrastructure including alignment of service runs, foul and surface water drainage infrastructure including pumping station, any necessary demolition, archaeological investigations, temporary stockpiling of construction materials and areas for construction use (Grey Infrastructure - Part discharge of condition 15 of outline planning permission R11/0699).</p>
<p><i>R18/0241</i> <i>Approval of details</i> 04.04.2019</p>	<p>38 Rugby Lane Stretton on Dunsmore CV23 9JH</p>	<p>Demolition of existing dwelling and erection of a replacement dwelling</p>

<i>R18/0688</i> <i>Approval of details</i> <i>09.04.2019</i>	Bayton Lodge Withybrook Road Wolvey CV12 9JW	Demolition of existing ancillary buildings and the erection of four new dwellings with associated access and parking.
<i>R11/1521</i> <i>Approval of details</i> <i>09.04.2019</i>	Land South of Coventry Road and North East of Cawston Lane Coventry Road Cawston Rugby CV22 7SW	Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.
<i>R18/0998</i> <i>Approval of details</i> <i>10.04.2019</i>	Clifton Lakes Farm Clifton Lakes Watling Street Clifton Upon Dunsmore CV23 0AQ	Retention of alterations and change of use forming access way and landscaping and provision of fencing, hardstanding, further landscaping and other associated works to create a sheep and cattle holding area.
<i>R19/0421</i> <i>Approval of details</i> <i>11.04.2019</i>	Unit 8-10 Webb Ellis Industrial Estate Rugby CV21 2NP	Variation of Condition 1 of prior approval for change of use application (R18/1972 Change of use from Class B1a to Class C3, to create 21 apartments): alterations to approved parking layout
<i>R17/0011</i> <i>Approval of details</i> <i>11.04.2019</i>	New Ash Tree Farm Leicester Road Churchover Rugby CV23 0EZ	Demolition of existing farm building. Construction of new Motorway Service Area ("MSA") to comprise: Amenity Building, Lodge (use class C1), Drive Thru Coffee Unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a Fuel Filling Station with retail shop, together with alterations to the adjacent roundabout on the M6 to form an access point and works to the local highway network. Provision of landscaping, signage, infrastructure and ancillary works including diversion of bridleway.
<i>R16/0960</i> <i>Approval of details</i> <i>16.04.2019</i>	The Stables Green Lane Brinklow CV23 0NU	Demolition of existing buildings and construction of 7No. residential bungalows and associated works.
Withdrawn		
<i>R18/1805</i> <i>Withdrawn</i> <i>16.04.2019</i>	15 Sheep Street Rugby CV21 3BU	Prior approval change of use of first and second floor, from shop storage (A1) to two residential flats (C3) (Class M)