



27 January 2023

PLANNING COMMITTEE - 8 FEBRUARY 2023

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 8 February 2023 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley
Chief Executive

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 11 January 2023.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Planning Appeals Update.
7. Delegated Decisions – 15 December 2022 to 18 January 2023.
8. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“Under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraph 2 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. Planning Enforcement Update – July to December 2022.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Gillias (Chairman), Mrs Brown, Daly, Eccleson, Mrs Hassell, Lawrence, Lewis, Mrs Maoudis, Sandison, Slinger, Srivastava and Willis

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

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

Planning Committee – 8 February 2023

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R22/0722	50 Windsor Street, Rugby CV21 3NY Loft conversion and change of use to Sui Generis (7-bed HMO).	3
2	R22/0861	Land off Viggen Way, Coombe Fields Erection of unit for employment use (Class B2) with ancillary offices, car parking and landscaping.	18
3	R22/1037	Brinklow Marina, Cathiron Lane, Brinklow, Rugby CV23 0JH Proposed change of use of 30 existing leisure moorings to residential moorings.	41
4	R22/1144	Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School.	61
5	R22/1145	Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional classrooms and educational facilities.	85
6	R22/1348	Hospital of St Cross, Barby Road, Rugby CV22 5PX 2 storey endoscopy facility complete with new pedestrian crossing and hard landscaping on existing vacant land.	100

Reference: R22/0722

Site Address: 50, Windsor Street, Rugby, Warwickshire, CV21 3NY

Description: Loft conversion and change of use to Sui Generis (7-bed HMO)

Recommendation

1. Planning application R22/0722 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report.
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Introduction

- 1.1 The application is being reported to the Planning Committee in accordance with the Scheme of Delegation, as Councillor Harrington has requested the application be determined by the Planning Committee due to concerns regarding:
- Noise and disturbance due to the extra people in the house compared to normal.
 - Traffic generation – up to 7 cars could be in the area plus 7 different sets of family and friends visiting the HMO. The facilities would not cope with extra.
 - Traffic and parking – with up to 7 cars, currently is hard to park on that street.
 - Highway safety – as it's a narrow street getting past would make it difficult. This will make it harder for emergency services to attend or go down the street.

2.0 Description of site and surrounding area

- 2.1 The application site lies within the Rugby urban area approximately 800 metres (0.5 miles) from the town centre and approximately 800 metres (0.5 miles) from the train station. The application dwelling is a mid-terraced two-storey 3 bedroom property located on Windsor Street. The property has a two-storey rear projecting outrigger with an existing single storey extension attached to the rear. The property is finished in a cream painted pebbledash and concrete tiles on the roof. There is an alleyway between the application dwelling and No. 52 Windsor Street which allows access to the rear private amenity space. The property is subject to on-street parking.

- 2.2 The surrounding properties on Windsor Street are generally formed in a linear arrangement and of a similar era to that of the application dwelling with bay windows common and a range of finishes present in the streetscene.
- 2.3 A search of the public register of licensed houses in multiple occupation (January 2023) shows there are 197 licensed HMO's within the Borough. Windsor Street has 3 licensed HMO's:
- No. 8 Windsor Street: permitted occupants – 6
 - No. 32 Windsor Street: permitted occupants – 8
 - No. 40 Windsor Street: permitted occupants – 6
- 2.4 There are 89 separate addresses within Windsor Street and 3 licensed HMO's, which equates to approximately 3.37% of the street. One additional HMO would equate to 4.49% of the street in use for registered HMO housing.

3.0 **Description of proposals**

- 3.1 This application seeks full planning permission for the change of use from a dwellinghouse (C3) into a 7 bedroom house in multiple occupation (HMO) (Sui Generis), an 'L' shaped dormer and minor external alterations. Refuse bin storage and secure cycle storage provision will be made available in the rear garden.
- 3.2 It should be noted that not all conversions of residential properties to HMO's require planning permission. A change of use of a C3 dwellinghouse to a small HMO (Use Class C4) where the HMO is occupied by between three and six unrelated individuals does not require planning permission. Therefore, changing the use of a C3 dwellinghouse to a HMO with more than six residents (Use Class Sui Generis) would require planning permission. In this case the application seeks seven occupants therefore planning permission is required.
- 3.3 The 'L' shaped dormer will be located on the main rear roof slope and on the roof slope of the rear projecting two-storey outrigger. The part of the 'L' shaped dormer to be on the main rear roof slope will have dimensions of approximately: width – 6.0 metres, depth – 3.7 metres and flat roof height – 2.4 metres. The part of the 'L' shaped dormer to be on the projecting two storey outrigger will have dimensions of approximately: width – 3.0 metres, depth – 5.7 metres and flat roof height – 2.4 metres. The 'L' shaped dormer will have a volume of approximately 47 cubic metres. The dormer will be tile hung. Two windows are to be inserted in the rear elevation and one window inserted in the side elevation of the proposed dormer.
- 3.4 The ground floor will comprise of two bedrooms and an open plan kitchen and lounge area. The first floor will comprise of three bedrooms and two bedrooms are proposed on the second floor. All bedrooms will have ensuite bathrooms and will be single occupancy meaning there will be a maximum of seven occupants living at the property.
- 3.5 Minor external alterations are proposed which include the insertion of a velux skylight in the front roof slope. One existing window at ground floor level on the rear elevation will be removed and replaced by a door and a window on the side elevation at ground floor level will be removed and replaced by a full height window.

- 3.6 In the rear garden a cycle storage shelter is proposed which will have dimensions of approximately: width – 3.3 metres, length – 6.1 metres and flat roof height – 2.5 metres. The shelter will be of facing brick construction and will be able to accommodate at least seven bicycles. The bicycle storage shelter could be built under permitted development. Also to the rear will be the bin storage area. The bins will be stored at the rear of the property and will be moved kerbside on collection days.
- 3.7 Internal and external works have begun at the property. The internal alterations do not require planning permission. Works to the dormer has begun. On a site inspection on 17/01/2023 the only external works that appear to have started were the installation of a dormer window within the main rear roof slope. Under permitted development, a dormer with a volume of up to 40 cubic metres could be constructed on a terraced property without planning permission. The part of the dormer in question is approximately 27 cubic metres so there has been no breach of planning control. The use of the property as a HMO has not commenced.

4.0 **Relevant planning history**

- 4.1 No relevant planning history.

5.0 **Relevant Planning Policies and Guidance**

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

Rugby Borough Local Plan 2011-2031 (June 2019)

Policy GP2: Settlement Hierarchy

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

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy SDC1: Sustainable Design

Policy D2: Parking Facilities

Policy D3: Infrastructure and Implementation

Policy D4: Planning Obligations

Supplementary Planning Documents

Sustainable Design and Construction Supplementary Planning Document (February 2012)

Air Quality Supplementary Planning Document (July 2021)

National Planning Policy Framework – 2021

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

6.0 **Technical consultation responses**

- 6.1 WCC Highway Authority – initially objected due to insufficient information to determine whether the proposed HMO will create further demand for parking in an area which already has a significant demand for on-street parking and whether additional demand can be accommodated without impacting on existing residents parking amenity or highway safety. The Highway Authority note that vehicles park close to the junction and on the pavement blocking the visibility of Sun Street which has a highway safety impact. The Highway

Authority requested a parking survey to determine whether additional parking demand generated by the development could be accommodated without impacting on existing residents parking amenity or highway safety.

The Highway Authority at a later date removed their initial objection subject to a condition (*condition 4*) and obligation in regards to the implementation of a TRO (Traffic Regulation Order) (double yellow lines) at the junction of Windsor Street and Sun Street. With the agreement to contribute £3,000 to implement the TRO, the Highway Authority are able to mitigate the concerns of highway safety.

- 6.2 WCC Ecology – building appears to be well-sealed with interlocking concrete tiled roof. Recommend a bat note, nesting bird note and biodiversity enhancement note are attached as informatives (*informatives 5, 6 and 7 respectively*).
- 6.3 Warwickshire Fire & Rescue – no response received.
- 6.4 RBC Environmental Health – recommend a previously unidentified contamination condition, air quality informative, construction hours informative, asbestos informative and HMO license informative (*condition 8, informatives 1, 2, 3 and 4 respectively*).

Environmental Health initially recommended an air quality neutral/mitigation condition; however, the applicant has since submitted an air quality neutral statement and boiler details to negate the need for a condition requesting such information. Environmental Health are satisfied with the proposed development, providing the suggested mitigation details are implemented in full.

- 6.5 RBC Works Services – has no objection to the application. Works Services have recommend an informative (*informative 8*) regarding collection of refuse, recycling, and green bins.

7.0 **Third party comments**

- 7.1 Councillor Harrington – raised health and safety concerns in regard to building work and requested the application be determined by the Planning Committee due to concerns regarding:
 - Noise and disturbance due to the extra people in the house compared to normal.
 - Traffic generation – up to 7 cars could be in the area plus 7 different sets of family and friends visiting the HMO. The facilities would not cope with extra.
 - Traffic and parking – with up to 7 cars, currently is hard to park on that street.
 - Highway safety – as it's a narrow street getting past would make it difficult. This will make it harder for emergency services to attend or go down the street.
- 7.2 Neighbours – neighbours notified and a site notice displayed with three household objections received.

Summary of the objections received:

- Negative impact on the value of our property and surrounding properties.
- Uncontrolled increase in HMO's in Benn Ward is having a detrimental effect on the area.
- Impact parking in the area.

- Cars parked on double yellow line making it dangerous for pedestrians and disabled.
- Construction work is being carried out with a disregard to neighbours and health and safety regulations.
- Other general concerns regarding the building work and damage to property.
- Concerns that building works had started prior to planning permission.
- Can't see how a family home can be converted into a 7 bedroomed property.
- Occupants expected to only have bikes which isn't realistic long term and the road is a nightmare to park on.
- Already at least four houses that are multiple occupancy.
- Many neighbours rent and the street community has all but vanished.
- Not unusual to have to reverse up or down the road when driving if another vehicle comes from the opposite direction.
- Dormer is horrendous and out of place for the size of the house.

*Concerns in relation to health and safety, possible damage to property and impact on property values are not material planning considerations.

8.0 **Assessment of proposals**

8.1 The main considerations in respect of this application are as follows:

9. Principle of Development;
10. Character and Design;
11. Impact on Residential Amenity;
12. Highway Safety and Parking;
13. Ecological Considerations;
14. Air Quality;
15. Planning Obligations;
16. Other matters; and
17. Conclusion and Recommendation.

9.0 Principle of Development

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

9.2 The application site is located within Rugby town as defined by Policy GP2. Rugby town is the main focus for all development in the Borough and development is permitted within existing boundaries. Rugby Town is considered to be the most sustainable location within Rugby Borough, providing the best access to a range of services and facilities.

9.3 The application is considered to be in accordance with Policy GP2 of the Local Plan.

10.0 Character and Design

10.1 Policy SDC1 in the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and that proposals will only be supported where the scale, density and design responds to the character of the area in which they are situated. Factors including the massing, height, landscape, layout, materials and access are a key consideration in the determination of planning applications.

- 10.2 Section 12, paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 further states that 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.
- 10.3 Although it is considered that the proposed dormer is of a large size and scale, the overall volume is approximately 47 cubic metres which is only of a marginally greater volume than what could be achieved under permitted development (40 cubic metres). In addition, the dormer is located to the rear of the property and the dormer will not project above the ridgeline of the existing roof. Given that this is a mid-terraced property, the dormer will not be overly visible from the streetscene and will therefore not have a significant impact on the visual amenity of the area. The proposed face and sides of the dormer will comprise of hung concrete tiles. A condition (*condition 3*) will be included for the concrete tiles to be of a similar visual appearance to those on the existing house, to ensure the dormer integrates into the design of the existing dwelling.
- 10.4 In terms of assessing the external alterations, the velux skylight to be inserted in the front roof slope is not considered to be a prominent feature and would therefore not have an unduly detrimental impact on the character and appearance of the area, or the streetscene. Additionally, rooflights can typically be installed under permitted development. The two windows to be replaced (one with a door and the other with a full height window) are to the rear of the property and will not have a material impact on the streetscene.
- 10.5 The provision of a bin storage area to the rear will ensure that firstly there is adequate off-street storage space for bins and reduces the likelihood that bins will be stored in public view. The cycle storage shelter, which could be built under permitted development, is also to the rear of the property so will not have a significant impact on the character and appearance of the area.
- 10.6 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.
- 11.0 Impact on Residential Amenity
- 11.1 Policy SDC1 in the Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 11.2 Section 12, paragraph 130 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.
- 11.3 The dormer is proposed to have three windows. Two in the rear elevation and one in the side elevation facing No. 52 Windsor Street. The separation distance between the rear of the two storey outrigger and the rear of No. 24 Bridge Street (property directly to the rear) is approximately 16 metres. The proposed windows in the rear elevation of the dormer will not cause significant additional overlooking over and above the existing windows at first floor level to the properties to the rear on Bridge Street or to the neighbouring properties either side of the application dwelling given that the windows would not be closer than those at first floor level. No. 48 has a small terrace which according to the approved

application is used for drying laundry. The window in the rear elevation of the dormer will cause a degree of overlooking to this terrace but given the relationship, it will not result in considerable direct overlooking. In addition a dormer, albeit with a slightly smaller volume, could be constructed which has windows in a similar location without planning permission. The window to be inserted in the side elevation of the dormer is recommended to be conditioned to be obscure glazed to ensure it protects the amenities of No. 52 Windsor Street (*condition 6*). The dormer will not cause any significant loss of light to any adjoining property when considering the existing situation, the dormers relationship with the existing property and that it won't project above the main roof or outrigger's roof ridge. For similar reasons, the dormer is not considered to create an overbearing impact upon the neighbouring properties.

- 11.4 The proposed velux skylight will not cause significant overlooking over and above the existing windows on the front elevation of the property. Similarly, replacing an existing window with a door and replacing a window with a full height window will not cause any significant additional loss of privacy to the neighbouring properties.
- 11.5 The cycle storage shelter will not cause any detrimental loss of light to any surrounding property when considering the height of the building, existing light levels and built form. The cycle store and bin storage area can be secured by condition to ensure they are available prior to first occupation of any room (*condition 5*). As the property benefits from an alleyway between itself and No. 52 Windsor Street, bins can be brought out onto the kerbside on collection day. An informative (*informative 9*) is recommended to encourage the disposal of waste appropriately in the bins provided on site and to ensure their collection (*informative 8*). The remaining external amenity space is considered to be of an acceptable size for the intended number of future occupiers of the HMO.
- 11.6 Although the proposal may increase the number of residents at the property, the property will remain residential and provide a home for occupants. Environmental Health have raised no noise concerns. The HMO will be subject to a separate licensing process to ensure compliance with legislation separate to planning. If the planning application is approved, any noise, waste, parking or antisocial behaviour complaints would be dealt with separately. Possible disturbance from building work is a temporary issue whilst the building works are being carried out and would not be a reason to refuse planning permission. An informative is included with good practice guidelines for appropriate working hours within residential areas. Overall, the proposals would not have an unduly detrimental impact on the amenities of the surrounding properties.
- 11.7 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

12.0 Highway Safety and Parking

- 12.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities (or impaired mobility), based on the Borough Council's Standards.
- 12.2 Section 9, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 12.3 The parking standards within the Local Plan state that each HMO will be considered on its own merits.
- 12.4 It is acknowledged that the property may have an increase in the number of occupants over the current use which may increase the number of associated vehicles. However, it is considered on balance that there is sufficient parking facilities to support this application when considering:
- a. The application dwelling is located in a highly sustainable location with the town centre (~800 metres) and train station (~800 metres) in close proximity. Additionally, there are bus stops in the vicinity such as on Clifton Road. The site is in an area with access to a range of services and facilities which are accessible by foot, bicycle and public transport.
 - b. The applicant is providing secure undercover cycle storage to the rear of the property which reduces the reliance on the private car and helps shift towards sustainable modes of travel.
 - c. On two separate site visits to the property (September 2022 and January 2023) the percentage of available parking on Windsor Street was over 25%. However, it is noted that the visits were at times when parking demand would likely not be at its greatest level.
 - d. The property could be converted to a six occupant HMO without planning permission and the potential additional demand for parking generated by the one extra occupant will not be significant. *Condition 7* is recommended to limit the HMO to no more than seven occupants at any one time. This will help ensure that the area has adequate parking provision and that the additional demand created by more occupants would not be detrimental to the residential amenities of the existing and future neighbouring occupiers.
- 12.5 WCC Highway Authority initially objected to the application due to the increase in demand for parking generated by this application which may have an impact on highway safety with vehicles potentially parking close to/on the junction with Sun Street which would block visibility and disrupt the free flow of traffic.
- 12.6 The junction with Sun Street currently has no TRO to prevent vehicles parking on/close to the junction. The junction has bollards to discourage vehicle parking at the junction. To address the highway safety concerns raised by the Highway Authority the applicant proposed and agreed to contribute towards a TRO (double yellow lines) on the public highway junction of Windsor Street and Sun Street. With the agreement to implement the TRO, the Highway Authority are able to mitigate concerns of highway safety and the Civil Parking Enforcement team as well as the police are able to fine/remove dangerously parked vehicles. The Highway Authority therefore has no objection to the application subject to a condition (*condition 4*) and the planning obligation outlined in the heads of terms later in the report. With the existing TRO at the junction with Clifton Road and the TRO to be implemented at the junction with Sun Street, it is considered that vehicles will be constrained to parking where they will not have a detrimental impact on highway safety and operation.

12.7 The application is considered to be in accordance with Policy D2 of the Local Plan and Section 9 of the NPPF.

13.0 Ecological Considerations

13.1 Policy NE1 in the Local Plan states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Furthermore, development will be expected to deliver a net gain in biodiversity and planning permission will be refused if significant harm to biodiversity cannot be avoided, mitigated or compensated for.

13.2 Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. The planning system should also promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

13.3 WCC Ecology commented that the building appears to be well-sealed and recommend a bat note, nesting bird note and biodiversity enhancement note are attached to the decision notice (*informatives 5, 6 and 7 respectively*). The proposed works are not anticipated to impact upon protected species.

13.4 The application is considered to be in accordance with Policy NE1 of the Local Plan and Section 15 of the NPPF.

14.0 Air Quality

14.1 Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area that generates new floorspace must achieve or exceed air quality neutral standards or address the impacts of poor air quality by mitigating their effects. The Council seeks to reduce air pollution in order to contribute to achieving national air quality objectives.

14.2 It is recognised that the current proposal impacts on the Air Quality Management Area and as such policy HS5 is relevant. The applicant has submitted an air quality neutral statement and boiler details. The boiler proposed is a 'Baxi Megafluo 32kw Condensing System Boiler' which is an 'A' rated boiler. The boiler has a high efficiency, lowering carbon emissions. The applicant is also promoting the use of bicycles rather than the private car through the provision of secure undercover bicycle storage which will assist in lowering emissions in the Air Quality Management Area. Environmental Health have commented that they are satisfied with what is proposed as long as both are implemented, which will be secured through *condition 2 and 5*. In addition, *informative 1* is recommended which identifies various initiatives which assist in reducing the impact upon the Air Quality Management Area.

14.3 The application is considered to be in accordance with Policy HS5 of the Local Plan.

15.0 Planning Obligations

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

- 15.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has received a request for a planning obligation from WCC Highway Authority, as detailed below. It is considered that this request meets the necessary tests and is therefore CIL compliant.

- 15.3 WCC Highway Authority has requested a sum of £3,000 for the implementation of a Traffic Regulation Order to install double yellow lines on the public highway junction of Windsor Street and Sun Street in the interests of highway safety which is to be secured through a Section 106 agreement.

Heads of Terms

- 15.4 In summary the contribution required for this proposal has been highlighted as per the table below:

Obligations	Requirement	Trigger
Warwickshire County Council Highway Authority	Requests a sum of £3,000 for the implementation of a Traffic Regulation Order to install double yellow lines on the public highway junction of Windsor Street and Sun Street.	Prior to occupation of any room.

- 15.5 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.
- 15.6 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 (s.106) covering the aforementioned heads of terms.
- 15.7 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.
- 15.8 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

16.0 Other matters

16.1 Objections have been received with concerns over the number of HMO's in the area. Whilst it is acknowledged that there are a number of HMO's within the locality, which have introduced an alternative type of sustainably located residential accommodation being provided, there is no policy position or constraint that would prevent further changes of use from houses to multiple occupation accommodation. The application must be determined in accordance with the currently adopted Development Plan unless material considerations indicate otherwise.

17.0 Conclusion and Recommendation

17.1 The site is located within the most sustainable location in the borough with access to a range of services and facilities. The dormer and the majority of the other external works are to the rear of the property therefore not adversely impacting the character and appearance of the area. The proposals will have little adverse impact on the amenities of the adjoining properties. The proposals are unlikely to have a detrimental impact on highway safety which is mitigated by the obligation towards the implementation of a TRO. The application is not envisaged to have a detrimental impact upon the Air Quality Management Area or protected species.

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

17.3 **Recommendation**

1. Planning application R22/0722 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report.
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R22/0722

DATE APPLICATION VALID:
16-Sep-2022

APPLICANT:

Mr Justin Lai, JCL PROPERTY GROUP LTD, Asm House, 103a Keymer Road, Hassocks, BN6 8QL

AGENT:

Mr Ray Yim, ABACUS PROPERTY NETWORK LTD, 3 Gatehouse Close, Hillmorton, Rugby, CV21 4EA

ADDRESS OF DEVELOPMENT:

50, Windsor Street, Rugby, Warwickshire, CV21 3NY

APPLICATION DESCRIPTION:

Loft conversion and change of use to Sui Generis (7-bed HMO)

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON 1:

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

CONDITION 2:

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

Application form received by the Council on 16th September 2022.

Design & Access Statement received by the Council on 14th July 2022.

BR01 - 50WS EXISTING received by the Council on 15th September 2022.

BR01 - 50WS PROPOSED received by the Council on 15th September 2022.

BR02 - 50WS EXISTING received by the Council on 15th September 2022.

BR02 - 50WS PROPOSED (Drawing no. MD-100117-PL-00D) received by the Council on 15th September 2022.

BR03 - 50WS EXISTING received by the Council on 15th September 2022.

BR03 - 50WS PROPOSED received by the Council on 04th November 2022.

Front & Side Elevations and Floor Plan of Cycle Shelter (Drawing no. PL03) received by the Council on 06th September 2022.

Air quality neutral statement received by the Council on 04th November 2022.

Baxi Megaflow 32kw System Boiler as detailed in Baxi Range Guide received by the Council on 04th November 2022.

REASON 2:

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

CONDITION 3:

The hung tiles to be used on the face and sides of the proposed dormer shall be of a similar visual appearance to the tiles on the existing house.

REASON 3:

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

CONDITION 4:

The development shall not be occupied until the public highway junction at Windsor Street and Sun Street has been improved so as to provide double yellow lines, in accordance with a scheme to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON 4:

In the interests of highway safety and operation.

CONDITION 5:

Prior to the first occupation of any room, the cycle storage shelter and bin storage area as shown on BR01 - 50WS PROPOSED and cycle storage shelter detailed on Front & Side Elevations and Floor Plan of Cycle Shelter (Drawing no. PL03) must be implemented and shall remain available in perpetuity.

REASON 5:

In the interest of visual and residential amenity.

CONDITION 6:

The second-floor window to be formed in the side elevation of the proposed dormer shall not be glazed or reglazed other than with obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The window shall be retained as such thereafter.

REASON 6:

To protect the residential amenity of neighbouring properties.

CONDITION 7:

The application site at 50, Windsor Street, Rugby, Warwickshire, CV21 3NY shall be limited to no more than 7 occupants at any one time.

REASON 7:

To help ensure the area has adequate parking provision and in the interests of residential amenity.

CONDITION 8:

In the event that contamination is found at any time when carrying out the development hereby permitted it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON 8:

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

INFORMATIVE 1:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here: https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute as mitigation for air quality purposes. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

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

INFORMATIVE 2:

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 3:

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

INFORMATIVE 4:

The applicant is advised that the development must comply with legislation dealing with houses in multiple occupation (HMOs). The landlord should contact ept@rugby.gov.uk to request an

HMO licence application and property inspection prior to commencement of works and occupation.

INFORMATIVE 5:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0208 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

INFORMATIVE 6:

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 7:

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

INFORMATIVE 8:

Refuse, recycling and green bins must be presented kerbside for collection by 7.30 a.m. on morning of collection and returned back to the property after emptying.

INFORMATIVE 9:

The occupiers of the HMO should dispose of waste appropriately in the refuse, recycling and green bins provided within the site as shown on the proposed site plan.

INFORMATIVE 10:

Planning permission is subject to a S106 legal agreement.

Reference: R22/0861

Site Address: Land Off, Viggen Way, Coombe Fields

Description: Erection of Unit for Employment Use (Class B2) with Ancillary Offices, Car Parking and Landscaping

Recommendation

1. Planning application R22/0861 be approved subject to:
 - a. Referral to the Planning Casework Unit;
 - b. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development which is required to be referred to the Government's Department for Levelling Up, Housing and Communities Planning Casework Unit.

1.2 The application site is within Zone 2 of the original parameters plan of the Ansty Park redevelopment and as approved by outline consent in May 2009. Zone 2 included a total developable area of 33,628 sqm gross external area and 1,077 car parking spaces. To date, two developments have been completed on Zone 2 which are now occupied by Fanuc UK and AVL Technical Centre Coventry:

- Fanuc UK- 12,000sqm GEA and 98 car parking spaces; and
- AVL Technical Centre- 3,147sqm GEA and 103 car parking spaces.

1.3 This leaves a remaining area of Zone 2 a total of 18,481sqm GEA of developable floor space and 876 car parking spaces.

1.4 Whilst the outline planning permission has now expired the application proposal falls well within the original threshold for development in Zone 2 permitted by the outline consent.

2.0 Description of site

2.1 The site is located within the Green Belt. The main development site is 1.04hectares. The site is bounded on three sides by existing development, on the southern edge by the car park to AVL Technical Centre, north the established landscape corridor, eastern boundary fencing and service access to Fanuc UK and western boundary by fencing and car park to IPG Photonics. The site is accessed directly from Viggen Way.

2.2 The site is within the allocated employment site of Ansty Park but is currently vacant open land. The topography of the site is level with only self-setting planting present. The site is

predominantly surrounded by both commercial and industrial premises and major highway infrastructure.

2.3 In the context of Ansty Business Park a substantial part of this land has now been developed and occupied with a limited number of plots remaining. Buildings present on the site include the Manufacturing Technology Centre (19m high), London Taxi Corporation (17.60m high), FANUC (14.35m high), Sainsbury's (13m high), AVL (9.10m high), Ericsson (6.10m high), High Temperature Research Centre (14.50m high) and Aerospace Research Centre (15.20m high). The primary access to this area is afforded off the A46 and M6 J2 with a secondary access off Combe Fields Road. A dual lane spine road called Central Boulevard runs through the centre of the Park providing direct access to each building. Areas of strategic landscaping have been incorporated around the perimeter of the site with further ornamental landscaping throughout the Park.

3.0 Description of proposals

3.1 This is a full planning application for the erection of a unit for employment use (Class B2) with ancillary offices, car parking and landscaping.

3.2 The unit would comprise of a total employment floorspace of 4,715sqm (GIA), which would be 4,088sqm (GIA) of Class B2 floorspace and 627sqm (GIA) of ancillary office floorspace. The B2 section of the building would have a 16 metre parapet and the office parapet of 14 metres above a finished floor level of 81.3m AOD giving a height of 97.3m AOD. A total of 105 car parking spaces would be provided of which 12 would have access to electric vehicle charging points. There would be 24 covered cycle spaces.

3.3 Subtle banding from the colour palette is proposed balanced with sensitively designed vertical elements, in order to break up the elevational expanses. Different cladding profiles are proposed to subtly distinguish between the different internal functions with the building. Areas of glazing used to emphasise prominent entrance areas, providing focal points, clearly visible from the approach to the buildings.

Planning History

R09/0035/MEIA	Use of land for the construction of 124,484 sq.m. of floorspace 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.
Approval	15/05/2009
R20/0277	Erection of one fascia sign and one freestanding sign.
Approval	07/07/2020

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP4: Safeguarding Development Potential

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

ED3: Employment Development Outside Rugby Urban Area

ED2: Employment Development Within Rugby Urban Area

ED1: Protection of Rugby's Employment Land

HS5: Traffic Generation and Air Quality

HS2: Health Impact Assessments

HS1: Healthy, Safe and Inclusive Communities

NE3: Landscape Protection and Enhancement

NE2: Strategic Green and Blue Infrastructure
NE1: Protecting Designated Biodiversity and Geodiversity Assets
SDC1: Sustainable Design
SDC9: Broadband and Mobile Internet
SDC6: Sustainable Drainage
SDC5: Flood Risk Management
SDC4: Sustainable Buildings
SDC2: Landscaping
D5: Airport Flightpath Safeguarding
D4: Planning Obligations
D2: Parking Facilities
D1: Transport

National Planning Policy Framework, 2021 (NPPF)

Supplementary Planning Documents (SPDs)

Sustainable Design and Construction SPD (2012)
Air Quality SPD (2021)

Technical consultation responses

National Air Traffic Safeguarding No objection
National Highways No objection
Warwickshire Fire Authority No objection subject to informative
Water Officer No objection subject to condition
WCC Infrastructure No contribution sought
Coventry City Council No comment on the application
WCC Highways No objection subject to conditions and informatives
RBC Landscape Officer No objection subject to condition
RBC Environmental Health No objection subject to conditions and informative
WCC Ecology No objection subject to condition
WCC Flood Authority Initial objection due to insufficient surface water drainage details, following receipt and assessment of further information no objection subject to conditions and informative
WCC Archaeology No objection

Third party comments

Parish Council No particular objection, comments provided on lighting, design, building use, BREEAM standard and drainage.

4.0 Assessment of proposals

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

5.0 Settlement Hierarchy and Green Belt

Settlement Hierarchy

5.1 Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the West Midlands Green Belt which is classified as being the least sequentially preferable location for development. The policy consequently sets out

that development will be resisted in such areas unless permitted by national policy on Green Belts.

5.2 A key issue to assess in relation to this application is whether the principle of the development is acceptable in this Green Belt location.

National Policy on Green Belts

5.3 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.4 In relation to new buildings paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. This then sets out a range of exceptions to this:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.5 The application site is previously developed land and therefore consideration against Paragraph 149(g) is required. To determine whether development in these areas would be inappropriate development in the Green Belt, it is necessary to ascertain whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. This is considered below.

Impact on Openness

5.6 Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics being its permanence and openness. It is important to note that openness is a broad policy concept which has variously defined by the Courts as “unbuilt on land” or “the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact”. The Courts have also established that the concept of the openness can have a spatial aspect as well as a visual aspect. However, it is not a necessarily a statement about the visual qualities of the land. Equally, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the

Green Belt because of the location of a new building there. In essence, even if new buildings have a limited visual impact, they can still reduce openness.

5.7 In the case of the application site, it is currently open and free from development. The proposed building construction and associated infrastructure will result in an impact on openness.

5.8 From a visual perspective the presence of the buildings would be readily observed from the public vantage point of the public walkway behind the site accessed from Airfield Drive or Central Boulevard through the strategic landscape buffer. From Viggen Way the building will fill the existing gap that can be viewed between IPG Phototonics and Fanuc. The visual impact will be somewhat reduced by landscape planting proposed at the northern boundary. Furthermore, the building would not be seen in isolation but within the context of the existing buildings accessed from Viggen Way and Airfield Drive.

5.9 Having regard to the spatial and visual aspects of development it is considered that the proposal would cause permanent harm to the Green Belt by reducing its openness. This harm must be given substantial weight in accordance with paragraph 148 of the Framework.

Other Harm

5.10 Aside from the impact on openness, the five purposes of including land within the Green Belt are set out in paragraph 138 of the Framework which are:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns from merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.11 It is considered that the proposal would be contained within the limits of the defined Ansty Business Park. The site itself is also effectively contained by clear and defensible urban boundaries. Although currently free from development and washed over by Green Belt designation, the site in reality offers very little to the five purposes of Green Belt land. It is consequently considered that the development of this site would not give rise to harm to three of the five purposes of including land in the Green Belt.

5.12 Some limited harm would arise in relation to checking the unrestricted sprawl of large built-up areas by virtue of development infilling a limited open area within the wider site. The site also plays a moderate role in safeguarding the countryside from encroachment. The loss of this land to development would consequently give rise to some limited harm to this purpose. This is tempered by its limited connectivity to open countryside and position.

5.13 It has been established that the proposal would give rise to harm to the Green Belt by reason of inappropriateness, impact on openness and impact on two purposes of including land in the Green Belt. This harm must be given substantial weight in accordance with paragraph 147 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.

6.0 General Principle of Development

6.1 It is important to recognise that development has been located on this site since 1935 when used as an RAF airfield. Rolls-Royce subsequently took over and began further developing the site from 1966 onwards. The status of this land as an employment site has therefore been long established despite its location in the Green Belt. This has been further recognised and protected by virtue of the site's allocation in successive development plans which allows for redevelopment. Such recognition has ultimately allowed for the redevelopment of the northern part of the airfield as a large scale 140,000 sq.m commercial development known as Ansty Business Park. This precedent and the legacy of the site is an important consideration in understanding the high value and regional significance of the site for meeting economic and employment needs at both a local and regional level.

6.2 Policy GP3 of the Local Plan further sets out that the Council will support the redevelopment of previously developed land where proposals are compliant with other policies in the Local Plan. It particularly highlights the need to consider the impact on visual amenity, landscape, properties, services, and biodiversity assets. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.

7.0 Principle of Employment Development

7.1 Notwithstanding the location of the site in the Green Belt Ansty Park is an existing strategically significant employment site as outlined in Policy ED1 and accompanying Rural Policies Map. The policy states such sites are to be retained for B1, B2 and B8 use classes (Class B1 now Class E). The policy outlines that "the infilling or the partial or complete redevelopment of existing employment sites will be supported subject to the consideration of potential impacts to their surroundings against the relevant policies in the Local Plan and national policy, in particular those sites located in the Green Belt".

7.2 In this case the proposal is the redevelopment of the previously developed land part of the wider business park development as defined on the Rural Policies Map. It therefore complies with policy ED1 which indicates support in principle for the proposed use class employment development in this location. In turn, the proposal also complies with policy ED3 of the Local Plan because it is for employment development outside of the Rugby Urban Area but within a site allocated for employment purposes.

7.3 The proposal also complies with policy ED3 of the Local Plan because it is for employment development outside of the Rugby Urban Area but on a site historically and currently used for B use class employment purposes. Equally, the proposal complies with policy ED2 of the Local Plan because the proposed office (E(g) use class) floorspace within the unit would be ancillary to the proposed main B2 use.

7.4 Furthermore, the proposal complies with policy DS1 of the Local Plan which sets out the need for 208ha of employment land, including 98ha to contribute to Coventry's unmet needs between 2011 and 2031. Paragraph 4.16 of the supporting text to this policy makes clear that the employment land target would be delivered partly through intensification opportunities at existing sites. The redevelopment of the application site would therefore help to ensure this target is met.

8.0 Economic Growth

8.1 Policy GP1 of the Local Plan sets out a goal to secure development that improves the economic conditions of this area. This is consistent with paragraph 81 of the Framework which outlines that "decisions should help create the conditions in which businesses can invest, expand

and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

8.2 The proposed development seeks to accommodate B2 class use with ancillary offices and represents a unique opportunity to provide additional business opportunities at a well-established and well-connected employment location.

8.3 The proposed development would help create jobs, which are considered to be high skilled manufacturing jobs. The proposed development would also represent an investment in the Borough arising from the construction of the unit. Other economic benefits would include: safeguarding of construction jobs; associated in-direct jobs and businesses being supported; the potential for new jobs within the Borough; and support of businesses and jobs who provide services to the facility.

8.4 Overall, the proposal represents an investment in the Borough. It would safeguard existing jobs and provide new employment opportunities. As a consequence, it would have a significant and positive impact on the regional and local economy. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development. As a result, the proposal complies with the Framework and policy GP1.

9.0 Landscape and visual impact

9.1 Section 12 of the Framework and policies NE3, SDC1 and SDC2 of the Local Plan set out the importance of good design and landscaping in new developments. They also set out the importance of considering the impact of development on the landscape.

9.2 The application site comprises of 1.04 hectares of land accessed from existing highways. The development site itself is currently bare ground and some vegetative growth. The proposal would result in the construction of single free standing industrial unit. It would have a gross internal floor area of 4,715 square metres. The unit is orientated north-south through the site and is located on the eastern extent of the site. Car parking is provided at the southern end of the site providing 44 car parking spaces including 3 disabled spaces and 12 EV charging points with a further 16 spaces to the west by the office accommodation. Ancillary three storey office accommodation is located at the south eastern corner of the proposed unit adjacent to the car parking area.

9.3 A 35metre deep service yard is provided to the west of the proposed unit. Further car parking is provided at the northern end of the service yard (45 spaces). The building is to be clad in profiled metal cladding with an alternating pattern of blue and grey panels. The roof would be goosewing grey.

9.4 In terms of landscape and visual impact the proposal would result in development in a part of the site where there is currently no physical built development. The proposed building heights are office parapet 14metres and main building parapet 16metres. This compares to the: 13.70m height of the Meggitt building; 19m height of the MTC and Cadent buildings; 9.2m height of the AVL building and 14.6m height of the FANUC building.

9.5 The position and size of the proposed building are consequently visible when viewed from public vantage points including Central Boulevard and the public footpath through the strategic landscape buffer.

9.6 In order to mitigate against the visual impact, the proposal includes provisions for additional landscape planting around the north, western and southern perimeters of the development site. Soft landscaping in the way of new tree, hedge and shrub is proposed in the interests of visual amenity, site enhance and biodiversity.

9.7 The Council's Landscape and Arboricultural Officer has considered all the submitted plans and landscape management plan. They have no objection to the proposed development subject to post development planting and successful implementation of the landscape plan and landscape management plan. Subject to the granting of any approval this is secured via **Condition 12** in the appended draft decision.

9.8 It is acknowledged that the proposed development would be readily visible from the public footpath however it would not be seen in isolation and would rather be seen alongside the existing buildings on the Ansty Business Park. The proposed height of the unit conforms with those existing across the site. It is therefore considered that the development would not have a greater impact.

9.9 On balance, it is considered that the proposed development would have an acceptable impact on the landscape and visual amenities of the area. The scale and layout of the proposed development is such that this would invariably have a greater impact than was previously the case. However, in mitigation, the development would be seen within the immediate context of well-established buildings rather than intruding into open countryside. Over time the impact would be lessened as the existing and proposed strategic landscape planting matures and thereby softens and filters views of the development. As a result, the proposal complies with the Framework and policies NE3, SDC1 and SDC2 of the Local Plan.

10.0 Ecology

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

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

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

10.3 The site is a development plot which forms part of the larger Ansty Park site which was previously given planning permission in 2009 under outline application R09/0035/MEIA. Habitat compensation development within the park, comprising a landscape buffer zone, has already been created. WCC Ecology therefore consider it is not necessary to demonstrate Biodiversity Net Gain in this instance. The Landscape Management Plan produced by Zebra Landscape Architects provides sufficient information to ensure that the tree and grassland within the scheme are established and maintained in the long term.

10.4 The Construction Environmental Management Plan includes precautionary working measures for implementation to avoid impacts on great crested newts. These mitigation measures, along with mitigation for reptiles, bats, birds and other wildlife are within the CEMP which is included in conditions. A **condition (8)** relating to bat and bird box scheme is also included in the draft appended decision notice.

10.5 It has been found that the findings of the ecological investigations are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. The biodiversity impact arising from this application, would be secured through the use of planning conditions. Similarly, the potential impact on species could be mitigated against through the use of planning conditions and the details submitted with the proposal. It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 and Section 15 of the Framework.

11.0 Highways and Transport

11.1 Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.

Access

11.2 The proposed development is located off Viggen Way which is a circa 6.8m wide industrial access road. This joins Central Boulevard via a four-arm at-grade roundabout to the south. Both Viggen Way and Central Boulevard within the business park are private and consequently do not form part of the currently adopted highway.

11.3 The main entrance to Ansty Business Park is approached from the new spine road which is accessed from a signalised junction with the A46 to the west. The A46 is a dual carriageway road and can be used to access the M6 motorway to the north-west via Ansty Interchange (Junction 2). M6 Junction 2 provides strategic and regional connections to several key motorway and strategic road network corridors. These include the M6 and M69 motorway corridors and the A46 Coventry Eastern By-pass and A4600 road corridors. To the south, the A46 forms the Coventry Eastern Bypass and provides connection to the A45 and the A444.

11.4 WCC Highway has assessed the proposed access arrangements and raised no objection to this.

Parking standards

11.5 A total of 105 car parking space including 5no. Disabled spaces would be provided of which 12 would have access to electric vehicle charging points. There would be 24 cycle parking spaces.

11.6 The Council's car parking standards are set out within Appendix 5 of the Local Plan. The parking and cycling provision proposed meets the standards included in the Local Plan.

Traffic Flows

11.7 The submitted Transport Statement concludes that the traffic impact arising from the proposed development would have a negligible impact on the operation of the local highway network. The traffic analysis demonstrates that the development has the potential to generate 10-16 two-way vehicle trips during the peak periods.

11.8 WCC Highways have no objection subject to **conditions (9&10)** to the proposal and it is considered that the proposal would have an acceptable impact on highway safety. As a result, the proposal complies with the Framework and policies HS5, D1 and D2 of the Local Plan.

12.0 Flood Risk and Drainage

12.1 Paragraphs 159-169 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.

12.2 The Flood Risk Assessment and Drainage Strategy submitted with the application confirms that the proposed development would be carried out within flood zone 1 (very low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework.

12.3 In respect of surface water drainage, the Flood Risk Assessment considers the impact of ground conditions, topography and layout upon this. The surface water drainage strategy has been designed to cater for storm events up to 1 in 100 years plus a 40% allowance for climate change. WCC Flood Risk Management has carried out an independent assessment of the Flood Risk Assessment and Drainage Strategy and raised no objection subject to **condition 6 and 7**.

12.4 Foul sewage would be discharge under gravity to the 150mm diameter drain within Viggen Way.

12.5 It has been found that the findings of the Flood Risk Assessment and Drainage Strategy are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone and would therefore not be susceptible to flooding. Surface water drainage would be dealt with using sustainable drainage systems and storm discharge into existing storm drains which discharges in pond number 3. It has been demonstrated that foul sewage could be drained from the site. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

13.0 Archaeology

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

13.2 An Archaeological Desk Based Assessment has been submitted with the application. This sets out that the site contains no designated archaeological heritage assets and there will be no direct impact to any designated heritage assets.

13.3 This desk-based assessment has documented evidence within the study area from the Roman-British period to the present day, with the record of a twentieth century airfield extending across the site. It is considered that there is negligible to low potential for remains associated with prehistoric or Romano-British remains of to exist within the site, moderate to high potential for remains associated with early medieval to post-medieval agricultural and land-management regimes of low significance to exist within the site and a high potential for remains associated with the perimeter of the airfield and Rolls Royce plant of negligible heritage significance to exist within the site. It was considered that this assessment fulfils the obligation of paragraph 194 of the Framework and no further archaeological field investigations are required.

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

14.0 Air Quality

14.1 Paragraph 186 of the Framework, policy HS5 of the Local Plan and the Air Quality SPD set out the need to consider the impact of the proposed development on air quality.

14.2 An Air Quality Assessment has been submitted with the application. It identifies that the site is located outside the Rugby Air Quality Management Area (AQMA) but is in close proximity to the Coventry City-Wide AQMA. The AQA considers the potential impact at existing sensitive receptors within the vicinity of the site and proposed receptors within the site

14.3 Potential construction phase air quality impacts from fugitive dust and fine particulate matter emissions were also assessed. The AQA identifies that these could be mitigated through a range of good practice control measures. The Construction Environmental Management Plan and implementation of the measures included in the Redmore Environmental Air Quality Assessment would ensure these measures are achieved.

14.4 In line with policy HS5 of the Local Plan, development must achieve or exceed air quality neutral standards. Measures including on-plot landscaping, electric vehicle charging points, a cycle shelter, travel plan, BREEAM 'very good' sustainability rating and solar PV panels contribute towards achieving air quality neutral standards. Environmental Health are satisfied with the conclusions reached within the AQA, i.e. that the proposed development would not have an overall significant effect on local air quality. As a result, the proposal complies with the Framework and policy HS5.

15.0 Noise

15.1 Paragraph 174 and 185 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that noise arising from the proposed development would not adversely impact on the amenity of nearby noise-sensitive receptors.

15.2 Environmental Health has assessed the proposal and provided **conditions 4 and 5** regarding a noise assessment prior to commencement of above ground works and in relation to reversing alarms to ensure that residential amenity is maintained, and the details are acceptable to the Local Planning Authority. As a result, the proposal complies with the Framework and policies HS5 and SDC1.

16.0 Contamination

16.1 Paragraphs 174, 183 and 184 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.

16.2 A ground investigated report covering a desk study/Phase I assessment and Phase II ground investigation was submitted with the planning application. The testing undertaken has not identified any exceedances compared to the screening values for human health for a commercial/industrial end use, with the vast majority of results having been recorded below the limit of laboratory detection. The risk assessments established negligible risk to human health

and Controlled Water receptors and it is therefore considered that no remedial actions are necessary as part of the development.

16.3 Environmental Health have accepted the report provided and although no remediation works are recommended, they have provided the limited **condition 3** for actions in the event that previously unidentified material is found. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development. As a result, the proposal complies with the Framework.

17.0 Light

17.1 Paragraph 185 of the Framework sets out the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. National Planning Practice Guidance also expands on this. It indicates that getting the design and setting right is important as artificial lighting can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.

17.2 A full lighting scheme design accompanies the planning application. This shows that the proposed lighting has been designed in line with national lighting guidance and industry standards. Environmental Health have assessed the lighting plan and consider it acceptable to minimise off site glare/light wash and shall be implemented. As a result, the proposal complies with the Framework.

18.0 Residential Amenity

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

18.2 The closest residential property is located approximately 650metres away on Coombe Fields Road. The distance from these properties to the proposed buildings is such that this would not give rise to significant and detrimental impacts on light, aspect and privacy. The impact on residential amenity would therefore be acceptable. As a result, the proposal complies with policy SDC1.

19.0 Sustainable Design and Construction

19.1 Policies SDC1 and SDC4 of the Local Plan sets out support for the enhanced energy efficiency of buildings and need to achieve a BREEAM very good sustainability rating. This is consistent with section 14 of the Framework which indicates a need for the planning system to support the transition to a low carbon future to help tackle climate change. Rugby Borough Council also declared a climate emergency in July 2019.

19.2 BREEAM standards represent best practice in the sustainable design of non-residential buildings. The BREEAM preassessment report provides indication that a BREEAM very good sustainability rating could be achieved. This rating is in line with the requirements of the Local Plan and represents a material benefit. **Condition 13** requires measures to ensure this is achieved and implemented.

19.3 As a result, the proposal complies with the Framework and policies SDC1 and SDC4.

20.0 Broadband

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

20.2 A **condition (18)** is included in the attached draft report to ensure the provision of broadband. As a result, the proposal complies with policy SDC9.

21.0 Other matters

21.1 Warwickshire Fire and Rescue Service has raised no objection to this application subject to an informative drawing the applicant's attention to the need for the development to comply with building regulations and a condition from their Water Officer (**condition 17 in the draft decision**)

22.0 Planning Balance and Conclusion

22.1 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) means "approving development proposals that accord with an up-to date development plan without delay". The Local Plan was adopted in June 2019 and is considered to be an up-to-date development plan.

22.2 In this case the application site is located in the Green Belt. Policy GP2 of the Local Plan is therefore relevant and sets out that development will be resisted in such areas unless permitted by national policy on Green Belts. In this case the proposed scheme would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 148 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. In this case it was identified that there would be harm by reason of inappropriateness, the impact on openness and the impact on two purposes of including land in the Green Belt. This harm must be given substantial weight in accordance with paragraph 148 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. In order to determine this, it is consequently necessary to have regard to the economic, social and environmental impact which the proposal would have.

Economic

22.3 From an economic perspective, the proposed development represents an investment in the Borough providing new employment opportunities.

22.4 It would further have a significant, positive and direct impact on the regional and local economy. This is entirely consistent with the designation of this site as an Existing Strategically Significant Employment Site. Indeed, policy ED1 of the Local Plan sets out that such sites should be protected and retained for employment purposes. It also supports the complete redevelopment of such sites where potential impacts, including to the Green Belt, allow. Furthermore, the redevelopment of this site within Zone 2 of Ansty Park would help to ensure the Council meets its employment land targets as outlined in policy DS1 of the Local Plan.

22.5 Other economic benefits would include: safeguarding of construction jobs; associated indirect jobs and businesses being supported; potential new construction employment

opportunities; the potential for new jobs within the Borough; and support of businesses and jobs who provide services to the facility.

22.6 Overall, the proposal represents a substantial investment in the Borough. It would provide new employment opportunities. As a consequence, it would have a significant positive impact on the regional and local economy. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development. As a result, the proposal complies with the Framework and policy GP1.

22.7 It is considered that the clear economic benefits outlined above should carry very substantial weight in favour of the proposed development.

Social

22.8 From a social perspective, the proposed development of this site would consequently bring the land into active economic use in line with the site allocation and in turn provide to new jobs in the Borough. This would therefore create opportunities for new employment. The provision of job security would further play a key role in helping improve and safeguard mental health and wellbeing.

22.9 It is considered that the clear social benefits outlined above should carry very substantial weight in favour of the proposed development.

Environmental

22.10 From an environmental perspective, the potential adverse impacts of the proposed development in relation to landscape, visual appearance, ecology, highway safety, traffic flows, flood risk, drainage, archaeology, air quality, noise, contamination, light and residential amenity have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered.

Conclusion

22.11 On balance, it is concluded that the benefits of the proposed development are such that they clearly outweigh the definitional harm and other identified harm to the Green Belt. Very special circumstances do therefore exist which would justify development in the Green Belt. Accordingly, the proposal would not conflict with policy GP2 of the Local Plan and Green Belt policy in Section 13 of the Framework.

22.12 In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social and environmental benefits. These benefits would consequently outweigh the identified harm to the Green Belt. The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.

22.13 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and

having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

24.0 Recommendation

24.1 Planning application R22/0861 be approved subject to:

- a. Referral to the Planning Casework Unit;
 - b. the conditions and informatives set out in the draft decision notice appended to this report;
- and

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

DRAFT DECISION

REFERENCE NO:
R22/0861

DATE APPLICATION VALID:
23-Aug-2022

APPLICANT:

Barberry Industrial Limited Barberry House, Bromsgrove Road, Belbroughton, Nr Stourbridge, DY9 9XX

AGENT:

John Pearce, Harris Lamb Planning Consultancy Harris Lamb Planning Consultancy, 75-76, Francis Road, Edgbaston, BIRMINGHAM, B16 8SP

ADDRESS OF DEVELOPMENT:

Land Off, Viggen Way, Coombe Fields

APPLICATION DESCRIPTION:

Erection of Unit for Employment Use (Class B2) with Ancillary Offices, Car Parking and Landscaping

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date received</u>
Proposed Site Location Plan	6925-15	23-08-2022
Proposed External Finishes & Fencing	6925-8 Rev A	16-11-2022
Proposed Site Plan	6925-9 Rev B	16-11-2022
Proposed Site Section	6925-019 Rev A	16-11-2022
Outline Drainage Strategy	530 P5	06-12-2022
Proposed Elevations	6925-17	23-08-2022
Proposed Building Plan	69250-10 Rev A	23-08-2022
Proposed Office Floor Plans	6925-11 Rev A	23-08-2022
Detailed Soft Landscaping	zla 1324 Rev A	23-08-2022
Proposed Roof Plan	6925-14	23-08-2022
External Lighting Layout	24371/E01	23-08-2022

Report Description

<u>Report Description</u>	<u>Report No.</u>	<u>Date received</u>
Air Quality Assessment	5729r3	23-08-2022
Archaeological Desk Based Assessment	19344	18-08-2022
Design and Access Statement	July 2022 (Rev A)	16-11-2022
Preliminary Ecological Appraisal	PE0283	23-08-2022
Landscape Management Plan	ZLA 1324	23-08-2022

Flood Risk Assessment and Drainage Strategy	SBK-22-133	31.10.2022	Rev 03	06-12-2022
Response to LLFA comments dated 7 October 2022	SBK-22-133			10-11-2022
Response to LLFA comments Dated 2 December 2022				06-12-2022
Transport Statement	SJT/TM/24213-01	Rev1		18-08-2022
Framework Travel Plan	SJT/TM/24213-02			18-08-2022
Ground Investigation	AG3374-22-A025			18-08-2022
Construction and Environmental Management Plan	B3046			04-01-2023
Planning Statement	P2033			23-08-2022
BREEAM Pre assessment Report	2437-E6			23-08-2022
BREEAM Shell&Core Tracker	2437			23-08-2022
BREEAM Pre-assessment Assessment Report	2437-Excellent			23-08-2022

REASON:

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

CONDITION 3:

When carrying out work as part of this development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION 4:

Prior to commencement of above ground works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing and predicted noise levels that could adversely affect existing noise sensitive receptors and consider nearby commercial receptors. Regard shall be had to noise from air handling plant and noise from operations including loading/unloading. Regard may be had to BS8233:2014, BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise. The report shall include recommendations for any necessary acoustic mitigation works, to protect the existing residents both inside their dwellings and their external amenity spaces, having regard to current guidance. Any recommended works shall be completed prior to operation of the development and shall be maintained thereafter.

REASON:

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

CONDITION 5:

Reversing alarms incorporating one of more of the features listed below or any other comparable system shall be used on any mobile plant or vehicle operated on site. Where reasonably practicable this will apply to any delivery vehicles;

i) highly directional sounders; ii) use of broadband signals; iii) self-adjusting output sounders; and iv) flashing warning lights.

REASON:

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

CONDITION 6:

The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (SBK-22-133 Rev 03). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

CONDITION 7:

Prior to the unit first being brought into use a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (SBK-22-133 Rev 03) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

REASON:

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

CONDITION 8:

No part of the development hereby permitted shall be commenced until a scheme for the provision of 1x bat box and 1x bird nest box to be erected on trees/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:

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

CONDITION 9:

No construction will be undertaken until a Traffic Management Plan (TMP), which must contain details of the proposed HGV Routing Plan is submitted and approved by the Local Planning Authority. The approved Traffic Management Plan shall be implemented in full.

REASON:

In the interest of highway safety

CONDITION 10:

No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.

REASON:

In the interest of highway safety

CONDITION 11:

No internal fit out of the proposed development shall commence until full details of on-site changing and showering facilities to be incorporated into the unit has first been submitted to and approved in writing by the Local Planning Authority. The unit shall not be first brought into use until on-site changing and showering facilities have been provided in accordance with the approved details. The on-site changing and showering facilities shall be permanently retained and used for these purposes in perpetuity.

REASON:

In the interests of traffic flows, health, sustainable development and sustainable transport.

CONDITION 12:

All proposed landscape planting detailed within the approved Detailed Soft Landscaping Plan and Landscape Management plan dated June 2022 must be planted in the 1st planting season following completion of construction. If within a period of 10 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 13:

The unit hereby approved shall not be first brought into use until measures demonstrating that the building achieves a BREEAM very good standard or above in terms of carbon reduction has 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 measures and details.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction and to reduce carbon emissions.

CONDITION 14:

Once first brought into use the buildings hereby approved, no part of the application site, other than within the proposed buildings, shall be used for storage purposes.

REASON:

In the interests of visual amenity.

CONDITION 15:

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no change of use permitted from the approved use class to a different use class of The Town and Country Planning (Use Classes) Order 1987 (as amended)).

REASON:

In the interests of sustainable development, economic growth, protection of employment land, traffic movements and highway safety.

CONDITION 16:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, equipment or development/extension shall be installed/undertaken that would increase the overall height of the building hereby permitted.

REASON:

To reduce the impact on the Green Belt. In the interests of visual amenity and landscape impact.

CONDITION 17:

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

REASON:

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

CONDITION 18:

Prior to first being brought into use the building broadband infrastructure shall be provided to the building to allow broadband services to be provided.

REASON:

To provide broadband connectivity for future occupiers.

CONDITION 19:

No above ground development shall commence on each of the buildings and structures listed below until full details, including floorplans, elevation plans, materials, colours, level plans and cross-section plans, have first been submitted to and approved in writing for the following buildings and structures shown on the Proposed Site Plan (6925-9 Rev B 16-11-2022) and Proposed External Finishes&Fencing (6925-8 Rev A 16-11-2022):

- a. Cycle shelter;
- b. Substation;
- c. Paladin Fencing and Gates

The unit hereby approved shall not be occupied until the relevant associated buildings and structures listed in this condition have first been provided for that unit in accordance with the approved details. The cycle shelter shall be permanently retained for the accommodation of cycles of persons working on or calling at the premises and shall not be used for any other purpose.

REASON:

In the interests of visual amenity, highway safety, sustainable development and sustainable transport.

CONDITION 20:

No above ground development shall commence until full details of all areas of hard surfacing, including footpaths, service/yard areas and parking areas, have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials (together with samples where appropriate) and how parking spaces will be marked out. The unit shall not be occupied until the areas of hard surfacing for that unit have first been provided in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON:

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

CONDITION 21:

The unit shall not be first brought into use until the photovoltaic panels indicated on the Proposed Roof Plan (6925-14, 23-08-2022) have been provided and brought into use.

REASON:

In the interests of sustainable development and tackling climate change.

CONDITION 22:

No part of the development hereby approved shall be first brought into use until full details of electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority. The unit shall not be first brought into use until the electric vehicle charging points have first been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

REASON:

To ensure the proper development of the site, to reduce air pollution, to lower carbon emissions and in the interests of visual amenity.

CONDITION 23:

Prior to the unit being first brought into use a detailed Travel Plan in line with the Framework Travel Plan (SJT/TM/24213-02, 18-08-2022) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of: a Travel Plan Coordinator to be appointed for the development hereby approved; mode share targets; measures to achieve the targets; a programme of monitoring and review; and other supporting incentives to

promote the use of sustainable transport over single occupancy car journeys. Prior to the unit first being brought into use the approved Travel Plan and associated measures shall be implemented in full and maintained in perpetuity.

REASON:

In the interests of highway safety, traffic flows, reducing vehicular emissions and promoting the use of sustainable transport.

INFORMATIVE 1:

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

INFORMATIVE 2:

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

INFORMATIVE 3:

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

INFORMATIVE 4:

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

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

INFORMATIVE 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.

DRAFT

Reference: R22/1037

Site Address: BRINKLOW MARINA, CATHIRON LANE, BRINKLOW, RUGBY, CV23 0JH

Description: Proposed Change of Use of 30 existing leisure moorings to residential moorings at Brinklow Waterside and Marina, Cathiron Lane, Brinklow, CV23 0JH.

Recommendation-

1. Planning application R22/1037 be approved subject to;
 - The conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

- 1.1- This application is being reported to planning committee in accordance with paragraph 5.2.2 (c) major developments of the scheme of delegation through the proposed change of use of 30 existing mooring stations from leisure to residential moorings (*Sui Generis*).

2.0 Description of site

- 2.1- Brinklow Marina is located approximately 2 miles to the west of Brinklow village in the Rugby district of Warwickshire. Twenty-five metres north of the site boundary lies Cathiron lane which connects the marina to the villages of Brinklow (1.7 miles northwest), and Newbold on Avon (1.9 miles southeast).
- 2.2- The centre of Rugby is about 4 miles to the southeast and Coventry is 5 miles to the west. The marina features 200 berths which provides access to the Oxford canal on the northern arm leading onto the Grand Union canal. The site itself was established as a result of application R03/0159, which granted consent for the construction of a 200-berth mooring station with associated services and facilities, car parking and a vehicular access road. Of these 200, 190 are consented for leisure use whilst 10 are permanent residential moorings.
- 2.3- Leisure moorers are subject to an annual mooring contract and as an onsite rule, should not be staying on their boats for any more than 3 nights in any given week, with the exception of holidays. In order to be eligible for a leisure mooring, they must have a separate postal address and proof of a primary residence for the current year before any contract can be issued. Residential users as full-time occupiers, receive a postal address and have to pay council tax.

- 2.4- The site is located on land characterized as the Rugby-Coventry Green Belt and benefits from a vehicular access which is located to the north of the mooring basin. The access enters from Cathiron lane which is a quiet highway classified as a D road and connects the village of Harborough Magna with the main rural settlement of Brinklow. When entering the site, the road leads up to a connection road around the basin and an area of hard standing wasteland which is used as an informal car park and houses the reception/ security building. Aquavista are the freehold owners of the site, whilst the adjoining Oxford canal is within the ownership of the Canal and River trust.
- 2.5- The site contains limited development, however the existing infrastructure is in-situ;
- Reception + toilet & shower building (timber built).
 - Area of hard standing for informal parking provision (north of the site).
 - Waste disposal, recycling & collection area.
 - Storage provision for residents.
 - Informal parking areas adjacent to each mooring station.

3.0 Description of Proposals

- 3.1- Proposed change of use of 30 existing leisure moorings to residential moorings (*Sui Generis*) and associated infrastructure provision to provide a total of 40 residential stations on site.
- 3.2- The scheme proposes to maintain flexibility in the location of the residential moorings across the marina basin for both business and logistical reasons. This gives future residential occupiers the flexibility to choose their own mooring. It is often common practice to organize the residential boats across the site according to size and type of boat. Therefore, a plan showing the exact location of the moorings that will change to residential has not been submitted and instead the scheme seeks the consent for an additional residential mooring units rather than providing exact stations. The proposed development will not require any physical alterations to the marina, beyond minor incidental elements.
- 3.3- Application R21/0858 gained approval for the erection of a timber-built structure adjacent to the existing reception area. This structure will comprise of additional showering and washing facilities in order to provide further amenities to the residents of the site;
- 4 x en-suites
 - 1 x accessible en-suite;
 - 1 x laundry (Inc 4 x double stack washer/dryers and post room);
 - Combined reception and retail space; and
 - Combined staff office and staff room.
- 3.4- Whilst this provision is not directly included within this application, should permission be granted, a grampian styled condition shall be imposed to ensure that these works are carried out prior to any residential occupation as proposed.

- 3.5- In order to serve the proposed change of use, the following infrastructure provision is proposed;
- Storage space and postal boxes for each residential unit.
 - Demarcation and formalization of parking on the northern boundary of the site adjacent to the existing reception building.
 - Cycle storage.
 - Electric charging stations.

4.0 Planning History

- R03/0159/23111/P- Construction of 200 berth mooring basin with associated facilities, car parking, vehicular access road and temporary security building.- **Approval**
- R07/0445/ELOH- Installation of an above ground electric line of nominal voltage of less than 132 kilovolts.- **Approval**
- R11/1121- Retention of three containers including the creation of a compound area and siting of a container.- **Refused**
- R11/1087- Siting of one storage container (highlighted blue on the attached site plan), construction of internal road (outlined yellow on the attached site plan), sheet piling, two switch rooms (highlighted red on attached site plan) and two ponds.- **Approval**
- R12/2140- Certificate of lawfulness of the siting of a forty foot container, construction of hardstanding, main switch room No1 and transformer, internal roads and other works identified within Drawing Number P1-935 REV B. **Approval**
- R12/2128- Retention of four storage containers (containers shown cross hatched on drawing P1- 935 Rev D) including the creation of hard surfacing (cross hatched blue on drawing P1-935 Rev D). **Approval**
- R21/0858- Retrospective approval for the construction of a Marina reception/ security building, and approval for the construction of a new facilities unit which will house washing and changing facilities for visitors to Brinklow Marina. **Approval**

5.0 Technical Consultation responses

Warwickshire CC Ecology Dept- No objection

Canal and rivers trust- No objection

Warwickshire Highways Dept- No objection

Warwickshire CC Flood Risk- No objection

Environmental Health- No objection

Work Services- No comment

Warwickshire CC Infrastructure Team- No objection

6.0 Third-Party Consultation Responses

Cllr Heather Timms- Ensure that a robust planting scheme of mature and semi-mature trees are put in place to provide screening and reduce light pollution on the Green Belt site.

Parish council Harborough Magna Council;

- The traffic increase could be an issue to surrounding villages. This also includes the increase in extra service vehicles for the site.
- There are existing issues on the junction of All Oaks Lane and Cathiron Lane with poor visibility, this will increase with the increase of traffic.
- Tuckeys Bridge junction is considered an already dangerous junction at present.

Kings Newnham Parish- No objection

Following the comments received by third party consultees, the agent provided the following information in response;

- The site cannot be seen from Kings Newnham road due to the contours of the land. However, the site can be seen from Little Lawford lane. The proposed development does not result in any additional moorings. Nor does it include any significant built development beyond incidental items (such as post boxes and storage boxes). Therefore, the visual harm is negligible.
- The proposal will not require any additional servicing vehicles attending the site for the purposes of refuse collection or other associated site management requirements. The site operator will continue to manage the site refuse collection by way of the existing arrangement, and so no additional large commercial or refuse collection vehicles will be visiting the site on a day-to-day basis.
- As part of the assessment of the existing highway conditions surrounding the marina site and on the approaches, the safety record of the public highway was reviewed using the CrashMap database. This study area included Cathiron lane and its junctions with the principle highway network in all directions, and also that immediately adjoining the site

access, where it was noted that 2 slight accidents had occurred in the 5 year period to date. However, both of these accidents were single vehicle incidents which, whilst causing personal injury, suggest driving error rather than an incident caused by 2 vehicles using, for example, a junction where a shortfall in visibility might be an issue.

- The Transport statement determines that the proposed development may generate 8 or 9 additional two-way vehicle movements in both the AM and PM peaks and a total of 120 two-way vehicle movements in a 24-hour period. This will be distributed across the network and in light of the existing light flows on the Cathiron lane, for example, not result in any increase in traffic at any one particular location that would result in a severe impact on the safety and free flow of traffic on the existing highway network.

7.0 Development Plan and Material Considerations

7.1- As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development plan unless material considerations indicate otherwise. The statutory development plan for the area relevant to this application site comprises of the Rugby borough core Local Plan 2011-2031. The relevant policies are outlined below.

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

GP1: Securing Sustainable Development
GP2: Settlement Hierarchy
HS5: Traffic Generation and Air Quality
NE1: Protecting Designated Biodiversity and Geodiversity Assets
NE2: Strategic Green and Blue Infrastructure
NE3: Landscape Protection and Enhancement
SDC1: Sustainable Design
SDC5: Flood Risk Management
D1: Transport
D2: Parking facilities

7.3- National Planning Policy Framework, 2021 (NPPF or 'The framework')

Section 2; Achieving Sustainable Development
Section 5; Delivering a Sufficient Supply of homes
Section 8; Promoting healthy and safe communities
Section 9; Sustainable Transport
Section 12; Achieving well designed places
Section 13; Protecting Green Belt land
Section 15; Conserving and enhancing the natural environment

7.4- Supplementary Planning Documents (SPDs)

- Sustainable Design and Construction SPD – 2012
- The Community Infrastructure Levy Regulations 2010

7.5- Material Considerations

- National Planning Policy Framework (NPPF or “the Framework”) 2021

- National Planning Practice Guidance (NPPG)
- National Design Guide 2021
- Planning Policy- Residential Moorings guide

8.0 Assessment of Proposal

8.1- The main considerations in respect of this application are:

- Section 9 Principle of Development
- Section 10 Character and Design
- Section 11 Impact on Residential Amenity
- Section 12 Highways considerations
- Section 13 Pollution
- Section 14 Biodiversity
- Section 15 Flooding
- Section 16 Other matters
- Section 17 Planning Balance and Sustainability of Development

9.0 Principle of Development

- 9.1- Policy GP2: Settlement Hierarchy of the Local Plan 2011-2031 (2019) outlines that development will be allocated in accordance with the settlement hierarchy with Rugby town being the main priority of development in the borough. The marina is located outside of the confines of the settlement boundary of Brinklow and within the Coventry-Rugby Green Belt.
- 9.2- The Rugby borough Local Plan regards Green Belt land as an area which contains the greatest protection, with development only being permitted in the circumstances where National Policy on Green Belt permits. Policy NE3 aims to ensure that significant landscape features are protected and enhanced, and that the nature of the surrounding area is taken into context for each application.
- 9.3- Within Section 13 of the National Planning Policy Framework, paragraph 149 & 150 defines the list of special circumstances which in certain cases will allow development within the Green Belt to be appropriate. Paragraph 150 makes emphasis to the fact that proposals must preserve the openness and must not conflict with the purposes of including land within it. The listed exceptions detailed in paragraph 150 are listed (a) to (f), with 150 (e) relevant to this proposal;
- e.) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*
- 9.4- Paragraph 150 (e) outlines that material changes of use in the land are acceptable, subject to the change preserving the openness of the land contained within the site. The extent of the mooring basin on the site is already established through the approval of application R03/0159. This permitted the development of a 200-berth basin, however of this approval only 10 were permanently residential, with the remaining 190 used for leisure uses only.

- 9.5- On this basis, the proposed change of use will not materially impact on the openness of the surrounding Green Belt land to that already resulting from the existing uses. However, whilst the occupancy rates may be higher at certain periods of the year, the principle for the change of use is established. Therefore, the infrastructure proposed to accommodate the change of use is the biggest material consideration when assessing the impact on the openness of the Green Belt.
- 9.6- The proposed infrastructure as stated in paragraph 3.5 of this report has been designed in a minimalistic manner using sympathetic materials in order to comply with 149 (b) of the Framework. This exception to Green Belt development is stated below;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- 9.7- In addition to this, paragraph 83 of the Framework 2019 specifically recommends that, in promoting a strong rural economy, planning policies should: 'promote the support sustainable rural tourism and leisure developments that benefit businesses in rural areas. Whilst it is appreciated that the proposed is not for a leisure use, the marina on the whole is considered a key site for rural tourism in the borough with the canal network a part of the rural economy. Therefore, minor incidental development in order to promote the viability of the site should be supported subject to the Green Belt being preserved.
- 9.8- Therefore, this scheme is considered to comply with Paragraph 83, 149 (b) and 150 (e) of the Framework and the principle is therefore established as the Green Belts openness will not be materially impeded outside the confines of the site boundary. This application is therefore considered to be in accordance with Policy GP1, GP2 & NE3 of the Local Plan and Section 2 & 13 of the National Planning Policy Framework.

10.0 Character and Design

- 10.1- Local Plan Policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.
- 10.2- Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Paragraph 130 (a) of the Framework states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 (b) states that buildings are visually attractive as a result of good architecture and layout.
- 10.3- The scheme comprises of the implementation of storage units, postal boxes, electric charging stations & the demarcation and formalization of parking on the northern boundary of the site adjacent to the existing reception building. Whilst not a material consideration in this application, the implementation of the approved facilities in application R21/0858

will also be erected in order to accommodate the scheme, however the consideration on this design has already been made.

- 10.4- With regards to the above listed provision, all are considered to be minor additions within the confines of the site. Details of the storage facilities and postal boxes have been provided on plan form and will be detailed in the decision notice (Condition 2) to be carried in accordance with these details. They are not considered significant development within the site and instead incidental provisions in order to accommodate the proposed change of use.
- 10.5- The provision for postal facilities will include the implementation of a large single unit measuring 1.415m in height by 2.148m in width, providing a total of 48 boxes as per Drawing No. 22033.P05. In addition to this, in the same plan document, individual storage boxes are proposed and will be provided for each of the 40 overall residential units. These will sit 1.7m in width by 1.34m in height.
- 10.6- The formalization of the new hard-surfacing and parking lay-out on the northern parking area of the site is shown in an indicative plan (Drawing No. 22033.P05). However, condition 3 included in the decision is intended to provide more detailed specifications of the materials used in this aspect prior to commencement of the works. Warwickshire CC Highways have provided a stance of no objection to this and along with this fact this aspect of the scheme will provide an improved aesthetic to this area of the site it is therefore acceptable.
- 10.7- Therefore, this proposal will not have a detrimental visual impact on the surrounding area whilst providing the required infrastructure and provision in order to fulfil the proposed change of use. The proposal also aims to use suitable materials throughout and will provide no material harm to the existing nature of the site and surrounding Green Belt land. This application is therefore considered to be in accordance with SDC1 of the Local Plan and Section 12 of the NPPF and the Sustainable Design and Construction Supplementary Planning Document (2012).

11.0 Impact on Residential Amenity

- 11.1- Policy SDC1 and Section 12 of the NPPF states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 11.2- Due to the nature of the development and the characteristics of the wider locality surrounding the site, no additional impacts will be generated on the amenity of the surrounding area to that already experienced.
- 11.3- In terms of the amenity of existing occupiers, waste storage and collection will be as existing, with on-site patrons emptying when required. No additional lighting is proposed with existing noise levels not considered to be adversely impacted by the scheme.

11.4- This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan, Section 12 of the Framework.

12.0 Highway safety

12.1- Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals.

12.2- Local Plan Policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.

12.3- Section 9 paragraph 110 of the Framework states that it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

12.4- A Transport statement was submitted as part of the application. Various technical notes were submitted at a later date in order to address the concerns raised by third party members during the consultation period. The contents of which have been used as material considerations when the highways impacts were assessed.

12.5- Cathiron Lane is a single-track road with verges and occasional passing places. It is subject to a 50mph speed limit. Extending westwards from the marina's entrance, it provides a link to the B4455 (Fosse Way), an on-road distance of 2.5km. The Fosse way passes through the village of Brinklow on its route northwards towards the A5 (Watling Street) at High Cross. The Fosse way also extends southwards from Brinklow to the A45, an on-road distance from the development site of 8.7km. The A45, in turn, extends north-westwards to Coventry and south eastwards to Daventry. It also provides a link to the M45.

12.6- The site benefits from an existing bell-mouth alignment which provides suitable access from Cathiron lane into the site. The access is at a point approximately 200m to the west of the road bridge over the arm of the canal that links the Brinklow Marina to the Oxford canal itself. This serves the marina as well as a small car park to the west of this access which is used by walkers along the canal. This can accommodate 2-way traffic and has good visibility onto Cathiron lane by virtue of the alignment of the road and the width of the verge on the nearside. There are some semi-mature trees in the highway verge, but these do not appear to unreasonably obstruct visibility for any emerging vehicles. Concerns of which were not raised during the consultation period. However, it is appreciated that no new access arrangements are proposed, only the existing will be likely to be slightly intensified as a result of the proposal.

- 12.7- An un-classified highway located within the confines of the red line boundary then extends from Cathiron lane up to the marina reception and parking area and then around the mooring basin to each individual station. The existing on-site car parking provision can be broken down into the following;
- Parking at the northern part of the basin behind and adjacent to the marina office;
 - Parking at the southern boundary
 - Space for cars to park around the east and west borders of the marina basin to serve each unit.
- 12.8- The parking provision adjacent to the reception building as shown in Drawing No. 22033/P05, shows the provision of 64 formal parking spaces. The parking allocated for residential users and visitors within the northern car park will be clearly demarcated through the use of bollards and is proposed to become regularised by clearly marked white lined parking bays. The space adjacent to the maintenance area has capacity for a further 20 cars, and there is ample space adjacent to each mooring station where a single car can be parked in a safe manner associated with the corresponding station. Both of which are proposed to remain in situ.
- 12.9- In terms of the compliance with policy D2, the proposal does not require the need for additional parking provision on the site. This is due to the fact that the scheme in theory should not increase the expected number of cars at the site during peak times of the year, but instead maintain the higher numbers for longer periods. However, due to the nature of the proposal, existing parking areas will be formalised into set parking spaces for the additional residential units proposed. This providing safe, sustainable and formal provision for the full-time residents all as shown in plan Drawing No. 22033.P05.
- 12.10- With regards to the required provision as set in Appendix 5 of Policy D2, a Marina should provide 1 space per 2 participants. Therefore, the assessment in this application, 2 mooring stations should therefore provide 1 space. Therefore, 100 spaces should be provided throughout the site. As existing this is complied with, as the area to the north of the site can accommodate 64 cars (as shown in Drawing No. 22033.P05) with the area to the south housing circa 20. In addition to this the area around the basin can accommodate a car associated to each station. As residential mooring units are classified as *sue generis*, required provision will be assessed on its own merit. The existing coupled with the proposed formalization of parking is sufficient to comply with policy D2 of the Local plan. Electric charging points will also be proposed in the northern parking area, however specific details of this will be secured through condition 6 of the decision notice.
- 12.11- Warwickshire CC Highways authority were consulted as part of the application. The development proposal seeks to provide secure cycle storage for residents which is shown on illustrative plans, along with an indicative layout showing the proposed formalisation of existing parking areas adjacent to the marina reception. The intensification of the access was not considered great enough to pose a threat to highway safety and the existing parking maintained and formalised warranted a stance of no objection from the highways authority.

- 12.12- In addition to this, the applicant has provided the following statistical data in conjunction with the submitted Transport statement and in response to concerns raised by third-party members during the consultation period.
- 12.13- The Transport statement stipulates that the proposed development may generate 8 or 9 additional two-way vehicle movements in both the AM and PM peaks and a total of 120 two-way vehicle movements in a 24-hour period. These movements do not take into account existing traffic associated with the leisure use. However, that generated from the proposal will be distributed across the network and in light of the existing light flows on the Cathiron Lane, for example, not result in any increase in traffic at any one particular location that would result in a severe impact on the safety and free flow of traffic on the existing highway network.
- 12.14- An assessment of the existing highway conditions surrounding the marina site and, on the approaches, the safety record of the public highway was reviewed using the CrashMap database. This study area included Cathiron lane and its junctions with the principle highway network in all directions, and also that immediately adjoining the site access, where it was noted that 2 slight accidents had occurred in the 5 year period to date. However, both of these accidents were single vehicle incidents which, whilst causing personal injury, suggest driving error rather than an incident caused by 2 vehicles using, for example, a junction where a shortfall in visibility might be an issue.
- 12.15- Concerns were raised by the parish council of the impact that the increase traffic movements would have on the local Tuckeys bridge. No specific injury accident issues are observed at these junctions to suggest any shortfall in the standard of the local highway network that might be exacerbated to a severe degree by traffic associated with the proposed change of use.
- 12.16- On this basis of the above assessment, it is duly contended that the development proposals fully accord with the requirements for promoting sustainable transport and, as such, consent should be forthcoming in accordance with Paragraph 106, 110 & 111 of the NPPF along with Local Plan policy D1 & D2.

13.0 Pollution

- 13.1- Paragraph 174 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 183 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.
- 13.2- Local Plan Policy HS5 states that proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality action Plan. Development proposals should also promote a shift to the use of sustainable transport modes and low emission vehicles in order to minimise the impact on air quality,

noise and vibration caused by traffic generation. Environmental Health have assessed the application and have no objections subject to informatives.

Noise

- 13.3- A Noise assessment was not submitted as part of the application. However, this aspect was discussed in the design and access statement, submitted as part of the initial application submission. This was assessed by Environmental health and no concerns were raised in relation to Local plan Policy HS5 due to the existing uses on site in comparison to that proposed. Overall, it is considered that the proposal would comply with the NPPF and local plan policy HS5.

Lighting

- 13.4- No additional lighting has been proposed as part of this submission. Existing provision is considered adequate. Therefore, Environmental Health and Warwickshire CC Ecology had no concerns on light pollution.

Air Quality

- 13.5- The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a major development and as such policy HS5 is relevant. The development would result in a reduction of cruising along the canal as the residential moorings allow for permanent occupation. The development would consist of a cycle storage which would allow residents and visitors safe storage of their bikes.
- 13.6- Environmental health noted that highways have no objections and the potential vehicle movements are likely to be under the threshold to require progressing to a detailed air quality assessment and as considered in the design and access statement. A suitably worded informative has been suggested to encourage further air quality mitigation measures.
- 13.7- However, mitigation measures as detailed in points 2 to 4 of policy HS5 are required. The following on-site mitigation measures are proposed:
- Electric Charging points
 - Cycle parking spaces
- 13.8- Overall, it is considered that the development will have no adverse impacts in terms of pollution and therefore complies with the paragraph 174 of the Framework and Local plan policy HS5.

14.0 Biodiversity

- 14.1- Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their

functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25-year environment plan.

- 14.2- Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 14.3- Policy NE1 of the Local Plan relates to the protection of designated biodiversity and geodiversity assets. Policy NE3 states that new development which positively contributes to landscape character will be permitted.
- 14.4- The development site falls within an SSSI impact zone due to its proximity to two Sites of Special Scientific Interest (SSSI). However, due to the site's distance from the SSSI sites, it only falls within the outermost ring of the Impact Risk Zone.
- 14.5- Warwickshire CC Ecology were consulted with respect to the application with the following stance 'No additional lighting, buildings or hardstanding is proposed beyond what has already been approved in previous applications' Therefore a stance of no objection was provided, and no mitigation comments were made.
- 14.6- This application is therefore in accordance with Local plan Policy NE1 & NE3 along with Section 15 of the Framework.

15.0 Flooding

- 15.1- Chapter 10 of the NPPF sets out government requirements on how the planning system should take into account the risks caused by flooding. The Planning Practice Guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 15.2- Policy SDC5 of the Local Plan sets out the sequential approach taken in relation to flooding based on the flood zone.
- 15.3- A detailed document was provided by the applicant as submission stage. The development sits within Flood zone 1, meaning that it has a low probability of flooding. As the proposed development site is larger than 1 hectare a Flood Risk Assessment has been submitted as part of the application package and demonstrates that the development will not have any risks associated with flooding.
- 15.4- As the marina basin is located in an area designated as Flood Zone 1 indicating a low risk of flooding from fluvial and tidal sources. The proposed residential moorings are considered to be a water compatible development type and development of this type is considered appropriate in all flood zones.

- 15.5- A screening assessment has reviewed a wide range of potential flood sources and has concluded that the risk of problematic flooding posed to the moorings is negligible. The Flood Risk authority also provided a stance of no objection and therefore this application is in accordance with Local plan policy SDC5 and section 10 of the Framework.

16.0 Other Matters

- 16.1- Waste collection and storage will remain as current with the site operator continuing to manage the site refuse collection by way of the existing arrangement, and so no additional large commercial or refuse collection vehicles will be visiting the site on a day-to-day basis. Therefore, the change of use will not, require any additional servicing vehicles attending the site for the purposes of refuse collection or other associated site management requirements.
- 16.2- At present, all 10 residential moorings are fully occupied, whilst a total of 145 leisure moorings are subject to long-term contracts. On this basis, there are currently 45 leisure moorings vacant or available to let within the site. As such, there is a 100% occupancy of the residential moorings, 76% occupancy of the leisure moorings and an overall occupancy rate of 82.5% within the marina.
- 16.3- Whilst there is currently no longer-term waiting list for leisure moorings at the site, there is currently a waiting list of 50 interested parties wishing to take a residential mooring contract at the site. Given the immediate demand for residential moorings at the site (50 no.), it is anticipated that the additional residential moorings would be occupied immediately, As such, it is anticipated that there would continue to be a 100% occupancy rate for residential moorings at the site, whilst the leisure mooring demand would remain around the 75% occupancy level (given some existing users would change from leisure to residential contracts).

17.0 Planning Balance

- 17.1- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 17.2- As per the sequential test as detailed in local plan policy GP2, the application site is located in an unsustainable location for development within the Rugby-Coventry Green Belt. However, this stance is subject to national policy. As detailed in section 9 of this report, the Framework permits the material change of use of land Green Belt land, subject to it preserving the openness of the surrounding locality and does not conflict with the purposes of including land within it. Whilst the addition of residential units in an isolated location such as this would not normally be compliant with both local and national policy, consideration must be given to the unique nature of the narrow boat living and existing mooring basin development in-situ. Therefore, the application is in accordance with Local plan policy GP2.

- 17.3- As stated in section 9 & 10 of the report, the proposed development has been detailed and an assessment has been made into the impact on the surrounding Green Belt openness. The development proposed is considered small-scale and incidental to the proposed change of use. Therefore, the impact on the surrounding Green Belt is negligible and paragraph 149 (b) of the Framework is complied with. The application is therefore in accordance with Section 13 of the Framework. That proposed is also of suitable scale and design and is therefore in accordance with Local plan policy SDC1 and Section 12 of the Framework.
- 17.4- The proposed development would not result in the loss of any additional green infrastructure to that originally permitted on the site in application R03/0159 and no additional lighting is proposed and therefore Warwickshire Ecology have no concerns over the impact of the scheme to biodiversity or the surrounding landscape. The application is therefore in accordance with Local plan policy NE1 & NE3 along with Section 15 of the Framework.
- 17.5- Whilst there is no conflict with policy NE3, it was suggested by a third-party consultee that additional landscaping is proposed in order to mitigate lighting impacts from the proposal to the surrounding settlement of Kings Newnham. The local authority considered on this occasion that the nature of the proposed coupled with the fact that no additional lighting was included in the scheme, this was not considered essential. However, should the committee be mindful to think this is required then a suitably worded pre-occupation condition can be included to cover this matter.
- 17.6- The access is existing, and Warwickshire CC Highways have no objection to any level of intensification resulting from the scheme. The applicant has also provided data which indicates the level of additional car movements which would result in an acceptable increase. However, consideration must be given to the limited level of intensification that the change of use will actually generate to the site due to no additional mooring stations proposed. A site plan has also been provided which shows adequate parking for the scheme. This application is therefore in accordance with Local plan policy D1, D2 & HS5 along with section 9 of the Framework.
- 17.7- 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 dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advice that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 17.8- From an economic perspective the proposed development would result in an additional 30 permanent residents to the area. Whilst not all tied to the locality like a normal residential dwelling, the residential users have the flexibility to move up and down the

canal network. However, an economic benefit will still be particularly apparent to the local services of Brinklow and Rugby. Therefore, the proposal would also result in a contribution to the viability of local retail uses and services, this is considered to be a minor benefit to the sub-regional economy. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development. The economic benefits associated with the scheme hold significant weight.

- 17.9- From a social perspective the scheme will provide an increase in the number of 'households' to the area providing a benefit to the community and the viability of the site. Providing users of the canal network a permanent place to live with such a high demand for this way of living also plays a key role in helping improve and safeguard mental health and wellbeing. As such, the proposed development would satisfy the social role of sustainable development. These benefits are given moderate weight within the planning balance. Environmental Health also have no issues with the impact of the scheme on the amenity of the area through noise, lighting and air quality.
- 17.10- From an environmental perspective there is no impact on existing biodiversity. The environmental benefits are given significant weight.
- 17.11- The scheme is considered appropriate in order to meet the increasing demand for residential moorings across the UK. This development is reflective of this change and will prove to keep up with the changing demands of living on the water.
- 17.12- On balance, taking into account the identified negligible harm and the proposed benefits along with the compliance with local and national policies, it is considered that the proposed is acceptable. Therefore, it is considered that the development would result in sustainable development and is therefore recommended for approval. Significant weight is also placed on the need to support economic growth and productivity in accordance with paragraph 81 of the NPPF.

Recommendation

1. Planning application R22/1037 be approved subject to;
 - The conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R22/1037

DATE APPLICATION VALID:
28-Sep-2022

APPLICANT:
MR Adrian Saunders, Aquavista Watersides and Marinas Limited

AGENT:
Ms C Hughes, SLR Consulting Ltd

ADDRESS OF DEVELOPMENT:
BRINKLOW MARINA,
CATHIRON LANE,
BRINKLOW,
RUGBY,
CV23 0JH

APPLICATION DESCRIPTION:
Proposed Change of Use of 30 existing leisure moorings to residential moorings at Brinklow Waterside and Marina, Cathiron Lane, Brinklow, CV23 0JH.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:
The change of use to which this permission relates must not be implemented later than the expiration of three years from the date of this permission.

REASON 1:
To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

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

Application Form- 374031-ApplicationForm_v1.pdf (Received 28th September 2022)

PLANNING, DESIGN AND ACCESS STATEMENT SLR Ref: 416.V10154.00041 September 2022 (Received 28th September 2022)

Proposed Site Layout Plan Drawing No. 22033.P01 Revision C (Received 28th September 2022)

Application Boundary Plan Drawing No. 22033.OS01 Revision C Scale 1:1250 (Received 28th September 2022)

SITE LOCATION PLAN 001 Scale 1:25,000 (Received 28th September 2022)

Ancillary Infrastructure And Parking Demarcations Drawing No. 22033.P05 (Received 5th January 2023)

REASON 2:

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 for the formalization of car parking as shown in plan Drawing No. 22033.P05, until full details of the colour, finish and texture of all new materials to be used on all external surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and the car park shall be laid out prior to occupation of the residential mooring stations hereby approved.

REASON 3:

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 of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided, in accordance with the approved details before the first occupation of the residential mooring stations hereby approved.

REASON 4:

In the interest of visual and residential amenity.

CONDITION 5:

No permanent residential mooring units as hereby approved in this application, shall be occupied until the approved facilities as shown in application R21/0858 have been provided in accordance with the approved details and are ready to be brought into use.

REASON 5:

In the interests of future occupiers of the site.

CONDITION 6:

Prior to the occupation of the additional 30 residential mooring units hereby approved, details of electric vehicle charging points to be located in the car-park on the northern boundary of the site as shown in Drawing No. 22033.P05 shall be provided and approved with the local authority. The details approved shall then be retained in perpetuity.

REASON 6:

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

CONDITION 7:

As a result of the change of use hereby approved, the operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the leisure moorings on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority. These stations shall not be occupied as a person's sole or main place of residence.

REASON 7:

To protect the amenity of the occupiers of the site and the wider locality.

INFORMATIVE:

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

INFORMATIVE:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon air quality as part of this development. Initiatives could include, increased tree planting/landscaping, solar photovoltaic or thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

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

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

INFORMATIVE:

The applicant / occupiers should consult with RBC waste services team regarding waste collection proposals for the proposed development, should the increase in residential moorings alter the waste collection volumes.

INFORMATIVE:

Moored residential vessels now fall within the remit of smoke control legislation under Environment Act 2021. This development is currently outside of any smoke control area however the applicant should be aware that in the event of a new smoke control area be declared, it could affect vessels.

INFORMATIVE:

It is a legal requirement that all new properties are numbered and roads named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity for both new or changes to existing properties, including development revisions. Failure to do this in good time can delay the installation of services and/or prevent the sale of properties. To register the properties on a development and receive correct addressing or to amend an existing address please complete an application form for Street Naming and Numbering. The

form can be accessed at:
https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering .



Reference: R22/1144

Site Address: BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

Description: The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School.

Recommendation

1. Planning application R22/1144 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

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

2.0 Description of site

- 2.1 The application site is located to the southwest of Rugby, within the Parish of Dunchurch and just outside the village boundary. Bilton Grange is a preparatory school and former country house located on a 90-acre site and currently provides education for 225 pupils including boarders and a further 127-day pupils in the Pre-Prep and Nest (pre reception year.) A nursery "Little Grange" is currently under construction and will open onsite extending the educational provision.
- 2.2 The principal building is Grade II* listed and the site includes three lodges, a gardeners cottage and walls and gate piers, which all have a Grade II listing designation. The whole of the site sits within 90 acres of Grade II listed Parkland.
- 2.3 The main school building is approached via The Drive which is accessed from the A426 opposite a T-junction with Northampton Lane. There is a central area where the main built form is located with smaller fringe developments dotted around the edges of the park.
- 2.4 The current boarding facilities are located on the top floors of the historic main building and the 'National Heritage List for England' provides a detailed listing description; the following extract describes the external building:

'DUNCHURCH RUGBY ROAD SP47SE (East side) 2/30 Bilton Grange School and 02/08/84 attached chapel and terrace (Formerly listed as Bilton Grange School) - II* Country house, now a school. 1841-1846 by Augustus Welby Northmore Pugin for Captain J. Washington Hibbert, incorporating a small, probably late C18 house. Considerable late C19 and C20 additions and alterations for the school. Flemish bond brick with limestone dressings and moulded string courses. Tile roofs, some with ridge cresting, have moulded stone coped gable parapets with finials; brick external, internal and ridge stacks with shaped and moulded shafts have limestone dressings. Complex courtyard plan. Tudor

Gothic style. 2 storeys and attic. Entrance front is a 4-window range with wing of 1891 and chapel of 1889 at right angles on left and right respectively. 3-storey porte cochere tower has diagonal buttresses and alternating quoins. Wide moulded arches. Entrance has 5-light window with Tudor-arched double-leaf plank doors and carved spandrels. Chamfered and moulded mullioned windows, mainly with Tudor-arched lights, transoms, and hood moulds, throughout. First floor has 2-light canted oriel with shield panel. Second floor has stone clock in square panel dated MDCCCXLVI, with frieze and cornice. Flanking small single lights. Pyramidal decorative slate roof has traceried open lantern with pyramid cap. Left range has ground floor 4-light window with large king mullion and lozenge stops. Single lights on right. Right range has external stack with shaft removed. One and 2-light windows. First floor throughout the Pugin building has the initials of Captain Hibbert and his wife and crosses in blue brick. 2-light roof dormer. Plain 3-storey tower set back on right has 3-light window to second floor. Late C20 parapet. Irregular one-window left wing of 1891. One storey, basement and attic. Buttresses. Altered basement openings. Cross windows. First floor has 4-light window. Irregular 3-window right return side has porch with part-glazed double-leaf doors. Right wing has gabled hall range in angle. 2 full-height 2-light windows have 2 transoms and continuous hood mould. Chapel beyond. Shaped tile roof. Nave, apsidal chancel, shallow transepts, and east turret. Gothic Revival style. 3-bay nave, 2-bay chancel. The ritual east end is actually north-east. Apse has 5 lancets with geometrical tracery. 2 bands of terracotta ornament. Moulded limestone sill course throughout. Ornamented stone cornice. Brick and terracotta parapet has blind tracery. Shallow south transept has small east lancet, and 3-light south window with plate tracery and hood mould. Ornamental stone coped gable. Square turret projects slightly. Plank door has double-chamfered straight-headed Tudor arch with sill course farming hood mould. Frieze of 4 traceried stone panels with carved shield reliefs of the Holy Spirit etc. Octagonal upper stage. Alternating long and short traceried straight-headed openings. Moulded stone cap and finial. Nave has gabled portal between 2 gabled buttresses. Heavily moulded stone segmental-pointed arch. Two 3-light windows have tracery and transom. North transept has 3 stepped lancets to east. High one-storey-and-attic, late C19 irregular range to right. Bay with 3-light Perpendicular window and moulded parapet. Cross window and 2 large polygonal bays with single light between. Roof dormer has 2-light mullioned window. South-east front has wing at right angles on right. Main range has four 2-storey 3-light canted bays with castellated parapets. Large gabled dormers have 2-light mullioned windows. Left return side of wing has, to left, a single light and 2-light mullioned window above, and to right a large 4-light window with king mullion and 3-light window above, the range stands on an attached L-plan terrace of diapered brick and stone. Elaborate balustrade with pierced inscription in Gothic script recording the date of building. Piers carved with heraldic shields. Steps on left. Right wing has low link to 1891 addition of canted bay with loggia below. 1891 range has 2 large, canted bays of similar design to main front. First floor has Tudor arch sashes. Date in blue brick. Gables with internal stack between. South-west front has cross gable and canted bay on right. Large 6-light window with central plank door in moulded Tudor-arch. 3-light window above. Single lights to left. Large 3-storey late C19 canted bay on left has wood cross windows with stone lintels, 2-light windows above, and 3-light windows to second floor. Pyramidal roof. Two 2-light roof dormers. Lower late C18/early C19 range to left has later alterations. 3 storeys; 3 bays. Central 3-storey canted bay has wooden casements. Large windows in altered openings to left. 16-pane sashes to right. Second floor has four 12-pane sashes. Kitchen wing to north-west has massive external stack with 4 offsets. Outer courtyard has long, late C19 one-storey-and-attic range. Gabled roof. dormers have bargeboards. 2-light latticed windows.'

2.5 In 1887 the house was purchased for conversion to a prep school by the Reverend Walter Earle and the site has continued to evolve since then as an educational establishment. The Ravenscroft Theatre was added in the 1960s, an indoor 25m swimming pool in the 1970s, a Sports Hall and Music School in the 1980s, a Craft Design and Technology centre in the 1990s, a full-size hockey pitch in the walled garden in 2015 and in 2019 an extension to the Music School was opened.

2.6 The main built form of the site is located centrally within the site and comprises the main historic buildings and modern developments including the car parking and maintenance buildings. The Ravenscroft Theatre is located to the northeast of this central area, and the topography of the land to the north of this building, slopes down and away from the main historical school buildings in this part of the school site. It is proposed to locate the new building to the northeast of the modern built form of the Ravenscroft Theatre.

3.0 Description of proposals

3.1 The application seeks consent for the construction of a new purpose built co-educational junior boarding house for up to 80 pupils, with associated offices, kitchen, dining accommodation, common rooms, laundry and storage facilities. The development would also provide adult accommodation for supporting staff as follows:

- 2 x 4 bedroom houses with roof gardens
- 2 x 2 bedroom flats with balconies and flexible 3rd bedroom
- 1 x 3 bedroom residence with private terrace
- 1 x staff overnight bedsit

3.2 Also included for the new building is an onsite access road, a small car parking area and newly designed outside space for the boarders to include a sensory garden and amphitheatre landscaped area.

3.3 The new boarding house is also intended to be used in the holiday periods for commercial lettings as an extension of the existing activity at Rugby School. This will be discussed further under Section 14 of this report

3.4 The application includes information showing the internal alterations to the main Grade II* Listed Building to refurbish the existing boarders accommodation into additional classrooms and educational facilities. This aspect of the proposal does not require formal planning permission but is instead the subject of a listed building consent application which includes these alterations and the accommodation block. Reference number R22/1145 is being determined alongside this application for full planning permission.

Planning history for this part of the site.

R16/0360 – Demolition of the existing grounds man's hanger building and provision of staff and visitors car parking area including access, amenity lighting and landscaping. Approved 07/04/2016

R16/0361 – Outline Planning Permission for the replacement grounds man's hanger building with all matters reserved other than access and scale. Approved 11/04/2016

R16/0967 – Erection of a groundman's ganger (Reserved matters application for layout, appearance and landscaping following outline planning approval under R16/0361 granted 11th April 2016). Approved 02/08/2016

R22/0956 – Listed building consent for the rebuilding and repair to wall buttress. Approved 06/12/2022

R22/1145 – Listed building Consent for the erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional educational facilities. Decision pending.

Relevant Planning Policies

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

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

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework, 2021

Section 12. Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16. Conserving and enhancing the historic environment

Rugby Borough Local Plan, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC3: Protecting and enhancing the historic environment

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

Policy HS1: Healthy, Safe and Inclusive Communities

Policy HS4: Open Space, Sports Facilities and Recreation

Policy HS5: Traffic Generation and Air Quality

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy NE3: Landscape Protection and Enhancement

Policy D1: Transport

Policy D2: Parking Facilities

Supplementary Planning Documents

Sustainable Design and Construction SPD, 2012

Air Quality SPD, 2021

Technical consultation responses

WCC Ecology – no objection subject to conditions

WCC Rights of Way – no objection; advisory notes recommended

WCC Fire & Rescue Water Officer – no objection; firefighting condition required
WCC Fire & Rescue – no objection; Informative for the development to comply with Approved Document B, Volume 1, Section B5 – Access and Facilities for the Fire Service
WCC Strategic Growth and Infrastructure Team – no contributions required
WCC Highways – no objection
WCC Local Lead Flood Authority – no objection subject to conditions
WCC Police – no comments received
WCC Archaeology – no comments received
Historic England – no objection; recommended condition for securing material details with samples.
The Gardens Trust – no objection. Recommendation for a Conservation Management Plan to help with any future development at the school.
RBC Works Services Unit – no objection
RBC Environmental Health – no objection subject to conditions
RBC Tree Officer – no objection subject to conditions

Third party comments

Ward councillors notified and no comments were received.

Dunchurch Parish Council – no objection; comments provided as follows:

- Concern over the length of time the application has taken following the consultation with Historic England
- Comments re the proposed commercial and holiday let functions during the school holidays
- Potential loss of the Ravenscroft Theatre.
- Design concerns in the context of the main listed building
- Potential of increased traffic at the site
- Impact upon trees
- Substantial harm to Bilton Grange
- Conflict with paragraph 208 of the National Planning Policy Framework

Close proximity neighbours were notified, and a site notice was displayed. An objection was received from one address, raising the following points:

- The development will harm the listed building and the character and setting of the registered gardens
- The design is unattractive and unsympathetic in appearance to the listed building
- The development conflicts with national and local planning policy
- The new building fails to recognise the heritage of the original building and will erode the value of the listed asset.

4.0 Assessment of proposals

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

5. Principle of Development
6. Character, Design and Location
7. Impact upon the Grade II* Listed Building and Grade II Park and Garden
8. Impact neighbouring properties
9. Arboricultural Matters

- 10. Biodiversity and Ecology
- 11. Highways and Transport
- 12. Air Quality and Sustainable Energy
- 13. Planning Obligations
- 14. Other Matters

5.0 Principle of development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise
- 5.2 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 5.3 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 5.4 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 5.5 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base
- 5.6 Section 66(1) and Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting), to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which it possesses.
- 5.7 Policy 16 of the National Planning Policy Framework requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.
- 5.8 Policy SDC3, of the Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets. It looks to protect and preserve the historic environment and heritage assets and their settings.

- 5.9 The application site is located within the countryside. Policy GP2 states for developments within the countryside that new development will be resisted; only where national policy on countryside locations allows will development be permitted.
- 5.10 Section 15, paragraph 174 (b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 5.11 The application site is located within the parish boundary of Dunchurch. Although the application site is not located within the Dunchurch village boundary, the proposal is located within an already developed site and as such, is not considered to impact on the surrounding open countryside land. Therefore, as the development will be permitted within the existing curtilage of Bilton Grange School the proposals are acceptable and considered to comply with Policy GP2 of the Local Plan.
- 5.12 Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the heritage assets, residential amenity, ecology, trees, and highways, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

6.0 Character, Design and Location

- 6.1 As the site is within a Grade II Listed Garden and affects a Grade II* Listed Building and its setting, it falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the duty of Local Planning Authorities to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which it possesses, when considering whether to grant planning permission.
- 6.2 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Development affecting the significance of a designated heritage asset and its setting, will be expected to preserve or enhance its significance.
- 6.3 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.
- 6.4 Included with the submitted documents for the application, is the pre application submission information, which sets out the different options that were considered for the new boarding house accommodation. The document sets out a thorough master planning process that was undertaken for the site, including the decision reached regarding the location for the new building within the site and listed parkland. The document then examines three building design options and provides an evaluation of the three schemes.
- 6.5 It is recognised that the requirement for a substantial building, potentially carries a significant impact for the registered parkland, wherever it is placed. The analysis of the

Historic Parkland identifies two distinct categories. A central area is comprised of the main historic buildings and modern developments, including a car park and maintenance buildings, and these form the centre of the school. The second category is that of fringe development that is comprised of small developments all around the edges of the park. These are divided again into the following areas:

- Area 1 located to the southwest of the central area, is the old gardens of the Manor House with the Victorian walled garden. This area is very much the private side of the school and is predominantly used for recreation. The area has many original features and fine trees.
- Area 2 located to the northwest of the central area, is a large area laid out in grass pitches for Football, Rugby, Cricket and Golf.
- Area 3 located to the northeast of the central area, is laid out in grass areas and woodland with no formal pitch marking. This area has lost some of its original importance now that the original entrance route is no longer in use. A large part of area 3 is now used for farming.
- Area 4 is the central area that comprises: buildings, car parking, roads, service and maintenance yards and an area of unstructured garden. This is generally the public area of the school and has the most use.
- Area 5 located to the west of the main school buildings and forms an important green space that is used occasionally for sport, but forms a break in the buildings, of the fringe, and the main School development. This area allows important views through the site from area 2 to area 1 and is important to maintaining an openness to the park as a whole.

- 6.6 The preferred location for the new building is within the central area 4, located to the northeast of the Ravenscroft Theatre and behind the car park and maintenance building/yard. It is a gently sloping site that has far reaching views to the Southeast across the Warwickshire and Northamptonshire countryside. Visually its impact would be mainly towards area 3 with a lesser impact on area 2 keeping it away from the old gardens of the Manor House with the Victorian walled garden. It also protects area 5 which would remain open, to connect two elements of the park and have the central area surrounded by landscape much as the original Hall and Manor House would have. The topography of the land in this location also enables the new building to be set down from the other built form within the site, helping to reduce potential visual impacts.
- 6.7 Of the three design options considered, the preferred option is C. This proposes a building that is set slightly remotely from the existing buildings and connects to the other buildings and the spaces between them using landscape and views. This approach is welcomed and helps to distinguish the new accommodation facility from the academic buildings, providing a recognisable separation between work and 'home' for the student borders and the staff.
- 6.8 The new building would be centred around a courtyard and set down within its location, with accommodation arranged over four floors. The partial lower ground floor would be built into the topography of the land and provide the main refectory area and kitchen facilities for the building along with a hub space; this is designed to have a multi-function use including social activities and quiet areas for study.

- 6.9 The main entrance would be through the courtyard which accesses onto the upper ground floor which provides facilities for laundry, storage areas and common rooms. A circular staircase would provide access to the upper floors and there is also lift access to serve all floors. A slide surrounding each level of the staircase, would offer a fun alternative for the children to access the lower floors. Bedroom accommodation for the children would be arranged over the first and second floors of the building. The accommodation for the supporting staff would be set across the floor levels of the building within the four corners and with access to roof gardens from the second floor.
- 6.10 At roof level the building will incorporate solar panel arrays, and these will be discussed more at Section 12 of this report.
- 6.11 The building and surrounding landscape have been designed to be fully accessible. There are lavatory facilities for those with disabilities on the upper and lower ground floors and the scheme has three bedrooms with accessible shower rooms. All entries to the building will have level thresholds.
- 6.12 The lighting for the building has been assessed using Building Information Modelling (BIM) software. All the rooms will benefit from natural daylight and the building will be lit with many different types of luminaires designed to achieve the appropriate standards.
- 6.13 The selection of finished materials for the new building has been the subject of a review with Historic England who undertook a separate pre-application process with the school for these proposals. Bilton Grange is not all red brick. there are many colours of brick, mainly red, buff and blue and all shades in between, these are set close to each other as can be seen on the main entrance tower. There is quite a lot of natural Stone in the buildings, particularly the Pugin designs. The stone element of the Pugin facades could potentially be more than 50 percent of the composition. Fringe buildings around the school within the Listed Park also offer a variety of materials. For example, the Lodge House on the entrance to the school is predominantly buff brick and stone with red and blue brick highlights.
- 6.14 The proposed materials shown on approved drawings have been carefully considered in line with advice from Historic England. The response from this statutory consultee states that 'The style of the historic buildings is very much about the richness of the detail, as would be expected from Pugin. In contrast, and in deference to Pugin, the new build is quite low key in terms of the decorative elements. The materials of the outward facing elevations of the new build are proposed to be in buff brick and a similar coloured stone. That choice is a careful reflection of Pugin's relatively pale brickwork.' They have also recommended securing the materials with a condition to include submitted samples. **Condition 3** will be applied to any consent granted.
- 6.15 Overall the design and location of the new building is considered acceptable. It has been clearly evidenced through the pre application process and master planning, that the scheme has been carefully thought out in terms of its design and visual impacts. The new accommodation block would be subordinate to the main listed buildings of the school, set down within the topography of the location, and lower in height than the historic school buildings.
- 6.16 The new building would mainly be viewed from within the context of the modern Ravenscroft Theatre and adjacent modern teaching block. It would be visible from views

from the southwest of the school and Dunchurch however, there are few viewing points, given that most of the land is arable farming land.

- 6.17 The new access road within the site, would connect the new building from the car park and also provide some private parking for the adult accommodation. The chosen route for this has been selected to avoid further intrusion into the parkland and prevent impacts upon the Grade II Listed Gatepiers, that are located approximately 100 metres northeast of the main school building.
- 6.18 The development proposal therefore accords with Policies 12 of the National Planning Policy Framework and Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 in that the new development responds to the site's immediate and wider context and local character and is of good design.

7.0 Impact upon the Grade II* Listed Building and Grade II Park and Garden

- 7.1 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Proposals should provide sufficient information and assessment of the impacts of the proposal on the significance of heritage assets and their settings. Development affecting the significance of a designated and non-designated heritage asset and its setting, will be expected to preserve or enhance its significance.
- 7.2 Policy 16 (paragraph 206) of the National Planning Policy Framework, requires local planning authorities to ensure that development within the setting of a heritage asset, enhances or better reveals the significance of that asset.
- 7.3 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 7.4 As stated, Bilton Grange School is a Grade II* Listed Building, and the site also contains a number of other listed elements. This application has been submitted with a full Heritage Report and Heritage Assessment that provides detailed analysis of the significance of the Listed Building and other assets including the Heritage Landscape. It recognises that the heritage significance of Bilton Grange includes the principal building, three lodges, a gardener's cottage and walls, gate piers, and the surrounding park and garden. The document summarises the evidential, historic, aesthetic and communal values for the site, providing detailed information to enable an assessment to be made of the importance of that significance for the planning process, and in accordance with National and Local Planning Policies.
- 7.5 The Heritage Report from Worledge Associates summarises the heritage values of Bilton Grange, and these are briefly outlined below –
- a substantially intact example of a country house designed Augustus Welby Northcote Pugin with intact interiors
 - a substantially intact example of the building work of the London based builder George Myers

- Architecturally significant as a substantial example of the Tudor Gothic Revival style.
 - For its historical associations with Abraham Hume (1769-1846), Captain John Washington Hibbert (c1805-75), John Lancaster (1817-84)
 - For its association with Bilton Grange School from 1887 onwards.
- 7.6 The Heritage Impact Assessment also prepared by Worlledge Associates incorporates the findings of the report and goes on to appraise the proposals. This has been done within the context of the National Planning Policy Framework and incorporating several Historic England Good Practice Planning Guidelines and Advice Notes.
- 7.7 Historic England's approach to effective management of the historic environment is summarised in paragraph 86 of its 'Conservation Principles' (2008), which states:
- 'Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process'.
- 7.8 The assessment notes the falling topography of the site, enabling the new built form to be subordinate to the existing built form. The selected location would not be significant in the historic use of the site, either as a school or previous country house. The proposed new building would not have intervisibility with the existing historic building. There would instead be intervisibility with the 20th century theatre block although views out from within this are limited. Accordingly, the report concludes that the impact to these limited views is considered to be neutral.
- 7.9 Views from the currently unused northern drive would be unaffected. The new building would sit beyond existing modern service buildings, which are screened from view by tree belts. The setting of the listed Pugin gate piers would be unaffected by the proposed new building.
- 7.10 When approaching from the western drive, the new building would be visible in glimpsed views through tree belts when walking into the reception entrance which is located in the principal building. As such, it is not considered that views of the new contemporary building, would detract from the experience when arriving at Bilton Grange. The proposals would demonstrate the strong growth of the school and provide an opportunity to improve the setting of the 20th century additions.
- 7.11 There would be no direct connection of the accommodation block with the existing building, and so no disturbance of fabric, historic or modern, would be required. The continual evolution of the site reflecting changes in educational practices, demonstrated by additional ranges of buildings along with change of use within existing buildings. is an important aspect of the historic narrative of Bilton Grange.

- 7.12 The location forms part of what was a larger naturalistic parkland setting extending east of the house but is now in separate ownership. The setting of the school viewed from this direction forms an integral part of understanding of Bilton Grange as a country house formerly sited within a larger estate. The existing modern Ravenscroft theatre building projects forward of the tree belt at the top of the hill, with a new modern education block (circa 1970) extending north-eastwards from this. The proposed accommodation block would sit alongside this, adding a new contemporary aesthetic element to this group of buildings set within their broader landscape setting.
- 7.13 The more formal lawn areas to the north and west of the house are unaffected by the proposals, due to the screening of the building by existing and new tree belts. The proposed building would not be visible from the formal gardens to the southwest of the house. The remaining evidence of the mid-19th century landscape would be unaltered by the proposals.
- 7.14 It is considered that any potential impact on the Listed Building, Parkland and the historic setting, has been considered and the design complements the surrounding historic environment in which the application site is located. It is therefore in accordance with Policy 16 of the National Planning Policy Framework and Policies SDC3 and SDC1 of the Rugby Borough Council Local Plan 2011-2031

8.0 Impact neighbouring properties

- 8.1 In addition to seeking development to respect the character of an area, Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.
- 8.2 The proposed alterations do not give rise to any amenity concerns over and above the use of the existing site. The building will have lights on during the evening but there are no neighbours, not associated with the school, near to the building that could be disturbed by artificial lights at night.
- 8.3 Notwithstanding this a letter of objection has been received from one address raising the following concerns:
- The development will harm the listed building and the character and setting of the registered gardens
 - The design is unattractive and unsympathetic in appearance to the listed building
 - The development conflicts with national and local planning policy
 - The new building fails to recognise the heritage of the original building and will erode the value of the listed asset.
- 8.4 The design, character and potential impacts of the proposed scheme upon the heritage assets has been discussed at length within Sections 6 and 7 of this report and this has concluded that the proposed scheme is in accordance with development plan policies and that the design is acceptable. Consultation with Historic England and the response by Nicholas Molyneux, who is the Principal Inspector of Historic Buildings and Areas, has not raised any objections to the scheme. Design is a subjective process and in regard to Listed

Buildings, can be more modern. As stated at paragraph 7.11 of this report, the continual evolution of the site reflects changes in educational practices, demonstrated by additional ranges of buildings along with change of use within existing buildings. This is an important aspect of the historic narrative of Bilton Grange.

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

9.0 Arboricultural Matters

9.1 Policy NE3 of the Rugby Local Plan seeks to ensure that significant landscape features are protected and enhanced and that landscape design form a key component in the design of new development.

9.2 Although the trees in close proximity to the location for the new accommodation block are not protected or within a conservation area, the school site is characterised by its mature tree stock comprising collections of evergreen trees (e.g. Monkey Puzzle, Wellingtonia, Yew, Cedar, Cypress) Lime tree avenues and other mature deciduous trees.

9.3 The Rugby Tree Officer has been consulted and conducted a site visit to the school on 13/01/2023 and provided the following comments:

- Tree losses to facilitate this scheme are proposed towards the rear of the school to facilitate the development and are generally out of view as viewed from within the context of the school grounds.
- Overall, these are minor losses in terms of their quality, height and stature within the overall landscape and site especially given the retention of a significant mature tree group to the northwest of the proposed build and across the site.
- Other works to install new hard surfacing around retained trees must be subject to a robust arboricultural method statement and tree protection plan.

9.4 In regard to the landscape, the following comments are given:

- Having walked the site and surrounding countryside footpaths to the southeast I am confident that the proposal and associated landscape measures and mitigation planting can be undertaken successfully in relation to landscape and visual effects. Indeed, given the undulating nature of the landscape and existing strong hedge and tree/woodland networks I believe there is low negative impact in terms of wider public views.
- There are far reaching specific sporadic views of predominately coniferous trees that are proposed for removal but given the retention of larger trees of greater stature whose canopies are visible against and above the sky line there will be no negative landscape impact. Proposed landscaping (details to be conditioned) will have a positive impact to the parkland setting.

9.5 Following this there is no objection to the development subject to the inclusion of conditions for tree protection measures (**Condition 5**) and tree planting specification details (**Condition 6**) to be submitted and approved.

10. Biodiversity and Ecology

- 10.1 Policy NE1 seeks to safeguard priority habitats/species of conservation concern and requires developers to take mitigating measures for their protection.
- 10.2 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
- 10.3 The NPPF at chapter 15 'Conserving and Enhancing The Natural Environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
- 10.4 The application includes a Preliminary Ecological Appraisal (PEA), A Biological Impact Assessment, a Landscape Framework Plan and Roof Garden Landscape Framework Plan and a Landscape & Visual Assessment. WCC Ecology have been consulted and provided a response requesting additional information for a Biodiversity Net Gain Assessment and amendments to the PEA to reference all sources of data used for the report at page 13. These matters have been addressed.
- 10.5 WCC Ecology have requested conditions for the submission of a Landscape and Ecological Management Plan (LEMP) (**Condition 7**), a Construction Environmental Management Plan (**Condition 8**), and details of any proposed external lighting (**Condition 9**).
- 10.6 Subject to these conditions Ecological Matters and Biodiversity Net Gain is considered acceptable and the scheme accords with Policy NE1 and NE3 of the Local Plan

11.0 Highways and Transport

- 11.1 Policy D2 seeks to ensure adequate car, cycle and electric vehicle parking should be achieved on site in line with Appendix 5 of the Local Plan.
- 11.2 The proposed accommodation will be to replace existing accommodation for boarders whilst the current accommodation will be converted to teaching classrooms providing additional educational space. Whilst it is recognised that there might potentially be a small increase to traffic impacts from the proposals, WCC Highways have been consulted as part of the application process and have not objected to the scheme.
- 11.3 A response received from Dunchurch Parish Council has raised concerns with regard to the congestion experienced around the main entrance to the school and the intensification of this, if pupil numbers were to increase. The application makes no reference to an increase in student numbers at the school. Only material planning issues can be considered, and these are based on the submitted information with the application, not what may happen in the future.
- 11.4 The application includes some additional parking for the new accommodation block, and this is considered to be sufficient.
- 11.5 It is therefore considered that the proposal accords with Policy D2.

12.0 Air Quality and Sustainable Energy

- 12.1 The urban area of Rugby town and Dunchurch was designated as an Air Quality Management Area (AQMA) under the Environment Act 1995 on 16th December 2004 due to air quality and not being able to meet government standards for nitrogen dioxide (NO₂). The AQMA designation map is contained within Appendix 8 of the Local Plan.
- 12.2 Policy HS5 sets a threshold for developments differentiating the requirements in terms of air quality mitigation. These are defined as:
- Development throughout the Borough of 10 units or more, or if above 1000 square metres.
 - All development within the Air Quality Management Area that would generate any new floorspace.
- 12.3 The proposal will create some floorspace and given that the site lies within the air quality management area the proposal would therefore need to:
1. Achieve or exceed air quality neutral standards; or
 2. Address the impacts of poor air quality due to traffic on building occupiers, and public realm or amenity space users by reducing exposure to and mitigating their effects, proportionate to the scale of the development.
- 12.4 Environmental Health have been consulted and have no objections to the scheme subject to the following conditions should approval be granted; **Condition 11** for contamination, **Condition 12** to secure appropriate gas boilers if used and **Condition 13** for the control of odour
- 12.5 The application includes the installation of solar panel arrays on the roof of the new accommodation block. Policy SDC8 of the Local Plan supports the provision of renewable energy and low carbon technology. No comments have been provided in regard to this, and it is considered acceptable supporting the low carbon generation design strategy for the new building. **Condition 10** will be applied to any consent given to secure water efficiency for the new building

13.0 Planning Obligations

- 13.1 Paragraphs 54, 56 and 57 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 13.2 Consultations with statutory consultees have been returned and no requests for contributions have been received.

14.0 Other Matters

- 14.1 Waste: Rugby Works Unit requested to see the proposed site layout for the bin store. Drawing A-P-02-004 Rev P1 Refuse Arrangements, has been provided and is considered acceptable.
- 14.3 Rights of Way: Public footpath R172 crosses the track used for access to the application site. WCC have requested that informatives are added to raise awareness and ensure the footpath remains open.
- 14.4 Dunchurch Parish Council Ward have not objected to the application but have queried a number of points.; these are addressed as follows:
- 14.5 *Concern over the length of time the application has taken following the consultation with Historic England:* consultations undertaken with other statutory bodies by applicants, whilst these can assist significantly when submitted as part of the application, the timescales are outside the scope of the planning process.
- 14.6 *Comments re the proposed commercial and holiday let functions during the school holidays:* The new boarding house is also intended to be used in the holiday periods for commercial lettings as an extension of the existing activity at Rugby School. The lets will primarily be for groups of international children attending for English language courses, or for UK or international children attending for other residential holiday activity courses e.g. cricket or rugby camps, depending on the season. Residential A level revision courses will be offered in the Easter holidays. In addition, we may also let the new house for occasional conferences in the holiday time. The courses will be managed and run by Dusmond who run study summer programmes combining engaging English classes with fun activities. The company already provides courses at Rugby School and their website <https://dusemond.co.uk/>, offers further information
- 14.7 *Potential loss of the Ravenscroft Theatre:* the application process has confirmed that this is not being removed as part of this application.
- 14.8 *Substantial harm to Bilton Grange and design concerns in the context of the main listed building:* This has been discussed in Section 7 of this report
- 14.9 *Potential of increased traffic at the site:* This has been discussed in Section 11 of this report
- 14.10 *Impact upon trees:* This has been discussed in Section 9 of this report
- 15.0 Planning Balance and Conclusion
- 15.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 15.2 The NPPF identifies three interdependent and overarching objectives to sustainable development
- 15.3 Firstly, an economic objective; jobs would be created during the construction phase and thereafter and the proposed accommodation block would be able to provide additional

income stream for the school during the holiday periods through the commercial activities described within this report. The new building would also enable compliance with the statutory requirements of the National Minimum Standards for Boarding, to be met.

- 15.4 Secondly in terms of a social role, the scheme would provide a modern functional building for the boarding students and a social space to call home during term time.
- 15.5 Thirdly, from an environmental aspect, the proposal would not have an adverse impact on the Listed Building or Park and would provide a highly sustainable accommodation building for the students and staff.
- 15.6 The impact on the natural environment has been fully considered and mitigation agreed to ensure the proposals would achieve Biodiversity Net Gain and conserving the natural environment.
- 15.7 The Listed Buildings and the Heritage Setting has been fully considered and the proposals are acceptable and do not create harm.

16.0 Recommendation

- 16.1 Planning application R22/1144 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report; and
- 16.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R22/1144

DATE APPLICATION VALID:
23-Nov-2022

APPLICANT:

The Governors of Bilton Grange Preparatory School, BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

AGENT:

Mr Nick Hardy TSH Architects, Florence House Suite, Grove Street, Oxford, OX2 7JT

ADDRESS OF DEVELOPMENT:

BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

APPLICATION DESCRIPTION:

The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

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

CONDITION 2:

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

Application Form received on 25/10/2022

Drawing number BG00.A1 Bilton Grange Location Plan 1:1250 received on 23/11/2022

Drawing number 2021049-A-P-02-002-P1 Block Plan received on 23/11/2022

Drawing number 2021049-A-P-02-003-P1 Site Plan 1:500 received on 23/11/2022

Drawing number A-P-02-004 Rev P1 Refuse Arrangements received on 09/01/2023

Drawing number 0853.1.1 Bilton Grange Landscape Framework Plan received on 25/10/2022

New Building Plans:

Drawing number 2021049-B-03-010 Rev P1 Lower Ground Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-011 Rev P2 Upper Ground Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-012 Rev P1 First Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-013 Rev P2 Second Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-014 Rev P2 Roof Plan received on 23/11/2022

Drawing number 0857.1.2 Bilton Grange Landscape Roof Plan received on 25/10/2022

Drawing number P22925-M-04-001 Rev A Roof services layout with Solar array received on 25/10/2022

Drawing number 2021049-A-P-05-070-P2 North-West South-West Elevations received on 23/11/2022

Drawing number 2021049-A-P-05-071-P2 South-East North-East Elevations received on 23/11/2022

Drawing number 2021049-A-P-05-072-P2 North-West South-West Courtyard Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-073-P2 South-East North-East Courtyard Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-074-P2 North-West South-West Elevations with context received on 23/11/2022
Drawing number 2021049-A-P-05-075-P2 South-East North-East Elevations with context received on 23/11/2022

Approved Documents:

Design and Access Statement received on 23/11/2022
Flood Risk Assessment by Taylor Consulting Engineers received on 23/11/2022
Drainage Strategy by Taylor Consulting Engineers received on 23/01/2023
P22925-SP001-Rev B MEP Services Concept Design Report received on 25/10/2022
Energy Statement prepared by MEP Concepts P22925-RP002 Rev A received on 25/10/2022
Arboricultural Impact Assessment from Sylva Consultancy Ref 22075_AIA received on 25/10/2022
1006BNG Biodiversity Impact Assessment Report by DJOGS Ltd received on 23/11/2022
Preliminary Ecological Appraisal May 2022 received on 25/10/2022
Landscape & Visual Assessment by Adams Habermehl Ref 0857 December 2022 received on 03/01/2023
Heritage Impact Assessment by Worlledge Associates November 2022 received on 23/11/2022
Heritage Report by Worlledge Associates November 2022 received on 23/11/2022

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

CONDITION 3:

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

REASON: To ensure a satisfactory external appearance and In the interests of sustaining the heritage significance of a listed building and the visual amenities of the area in accordance with 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3 of the Rugby Local Plan

CONDITION 4:

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

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

CONDITION 5:

No works, demolition or development shall take place until a final arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in

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

REASON: To ensure all retained trees are successfully retained both during and post development.

CONDITION 6:

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

REASON: In the interests of biodiversity, visual amenity and positive landscape enhancement.

CONDITION 7:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In accordance with NPPF and to secure BNG.

CONDITION 8:

The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for breeding birds, amphibians and reptiles, badger, and bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

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

CONDITION 9:

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

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths
- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches.

REASON: In accordance with NPPF, ODPM Circular 2005/06

CONDITION 10:

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

REASON: In the interests of sustainability and water efficiency in accordance Policy SDC4 of the Rugby Local Plan.

CONDITION 11:

When carry out work as part of this development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

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

CONDITION 12:

In order to achieve air quality neutral standards, gas boilers used for space and / or water heating shall be ultra-low emission boilers (NO_x emissions <40mg/kWh).

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

CONDITION 13:

Prior to installation of any catering equipment a scheme of works shall be submitted to and approved in writing by the Local Planning Authority, assessing the need for odour and fume control equipment. Regard may be had to the EMAQ an updated guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' or similar documents on prevention of odour and fume nuisance from commercial kitchen exhaust systems. This shall detail the design of any necessary odour and fume control equipment serving the kitchen extraction system prior to installation or fitting and shall be implemented in full and thereafter be so retained.

REASON: To prevent the emission of fumes which would be detrimental to the amenity of the area and in the interests of the amenity of neighbouring properties in accordance with Policy SDC1 of the Rugby Local Plan.

CONDITION 14:

The construction of the new student boarders accommodation building shall not take place, until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme to be submitted shall:

- Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to 2l/s for the site in line with the approved surface water drainage strategy (ref: BIL-TCE-XX-XX-RP-C-0002, revision P03, dated 23 January 2023).
- No development shall take place until a condition survey of the private surface water sewer to point of outfall has been submitted to and approved by the Local Planning Authority.
- Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
- Provide detail drawings including cross sections, of proposed features such as infiltration structures and attenuation features. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

- Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

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

CONDITION 15:

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy (BIL-TCE-XX-XX-RP-C-0002) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

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

CONDITION 16:

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

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

The agreed site specific maintenance plan shall thereafter be implemented in full.

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

INFORMATIVE 1:

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

INFORMATIVE 2:

Public footpath R172 must remain open and available for public use at all times unless closed by legal order.

INFORMATIVE 3:

Any disturbance or alteration to the surface of public footpath R172 requires the prior authorisation of the Highway Authority, as does the installation of any new gate or other structure on the public footpath.

INFORMATIVE 4:

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

INFORMATIVE 5:

The grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated

INFORMATIVE 6:

The Gardens Trust advise considering commissioning a Conservation Management Plan to enable any future expansion to be included within the landscape at minimum harm to its setting and significance.

INFORMATIVE 7:

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

Reference: R22/1145

Site Address: BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

Description: The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional classrooms and educational facilities.

Recommendation

1. Planning application R22/1145 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

- 1.1 This application is being reported to Planning Committee for determination because the accompanying proposed development being determined under R22/1144 falls within the definition of major development.
- 1.2 This application is the Listed Building Consent for the Full planning application R22/1144

2.0 Description of site

- 2.1 The application site is located to the southwest of Rugby, within the Parish of Dunchurch and just outside the village boundary. Bilton Grange is a preparatory school and former country house located on a 90-acre site and currently provides education for 225 pupils including boarders and a further 127-day pupils in the Pre-Prep and Nest (pre reception year.) A nursery "Little Grange" is currently under construction and will open onsite extending the educational provision.
- 2.2 The principal building is Grade II* listed and the site includes three lodges, a gardener's cottage and walls and gate piers, which all have a Grade II listing designation. The whole of the site sits within 90 acres of Grade II listed Parkland.
- 2.3 The main school building is approached via The Drive which is accessed from the A426 opposite a T-junction with Northampton Lane. There is a central area where the main built form is located with smaller fringe developments dotted around the edges of the park.
- 2.4 The current boarding facilities are located on the top floors of the historic main building and the 'National Heritage List for England' provides a detailed listing description; the following extract describes the external building:

DUNCHURCH RUGBY ROAD SP47SE (East side) 2/30 Bilton Grange School and 02/08/84 attached chapel and terrace (Formerly listed as Bilton Grange School) - II* Country house, now a school. 1841-1846 by Augustus Welby Northmore Pugin for Captain J. Washington Hibbert,

incorporating a small, probably late C18 house. Considerable late C19 and C20 additions and alterations for the school. Flemish bond brick with limestone dressings and moulded string courses. Tile roofs, some with ridge cresting, have moulded stone coped gable parapets with finials; brick external, internal and ridge stacks with shaped and moulded shafts have limestone dressings. Complex courtyard plan. Tudor Gothic style. 2 storeys and attic. Entrance front is a 4-window range with wing of 1891 and chapel of 1889 at right angles on left and right respectively. 3-storey porte cochere tower has diagonal buttresses and alternating quoins. Wide moulded arches. Entrance has 5-light window with Tudor-arched double-leaf plank doors and carved spandrels. Chamfered and moulded mullioned windows, mainly with Tudor-arched lights, transoms and hood moulds, throughout. First floor has 2-light canted oriel with shield panel. Second floor has stone clock in square panel dated MDCCCXLVI, with frieze and cornice. Flanking small single lights. Pyramidal decorative slate roof has traceried open lantern with pyramid cap. Left range has ground floor 4-light window with large king mullion and lozenge stops. Single lights on right. Right range has external stack with shaft removed. One and 2-light windows. First floor throughout the Pugin building has the initials of Captain Hibbert and his wife and crosses in blue brick. 2-light roof dormer. Plain 3-storey tower set back on right has 3-light window to second floor. Late C20 parapet. Irregular one-window left wing of 1891. One storey, basement and attic. Buttresses. Altered basement openings. Cross windows. First floor has 4-light window. Irregular 3-window right return side has porch with part-glazed double-leaf doors. Right wing has gabled hall range in angle. 2 full-height 2-light windows have 2 transoms and continuous hood mould. Chapel beyond. Shaped tile roof. Nave, apsidal chancel, shallow transepts, and east turret. Gothic Revival style. 3-bay nave, 2-bay chancel. The ritual east end is actually north-east. Apse has 5 lancets with geometrical tracery. 2 bands of terracotta ornament. Moulded limestone sill course throughout. Ornamented stone cornice. Brick and terracotta parapet has blind tracery. Shallow south transept has small east lancet, and 3-light south window with plate tracery and hood mould. Ornamental stone coped gable. Square turret projects slightly. Plank door has double-chamfered straight-headed Tudor arch with sill course forming hood mould. Frieze of 4 traceried stone panels with carved shield reliefs of the Holy Spirit etc. Octagonal upper stage. Alternating long and short traceried straight-headed openings. Moulded stone cap and finial. Nave has gabled portal between 2 gabled buttresses. Heavily moulded stone segmental-pointed arch. Two 3-light windows have tracery and transom. North transept has 3 stepped lancets to east. High one-storey-and-attic, late C19 irregular range to right. Bay with 3-light Perpendicular window and moulded parapet. Cross window and 2 large polygonal bays with single light between. Roof dormer has 2-light mullioned window. South-east front has wing at right angles on right. Main range has four 2-storey 3-light canted bays with castellated parapets. Large gabled dormers have 2-light mullioned windows. Left return side of wing has, to left, a single light and 2-light mullioned window above, and to right a large 4-light window with king mullion and 3-light window above, the range stands on an attached L-plan terrace of diapered brick and stone. Elaborate balustrade with pierced inscription in Gothic script recording the date of building. Piers carved with heraldic shields. Steps on left. Right wing has low link to 1891 addition of canted bay with loggia below. 1891 range has 2 large canted bays of similar design to main front. First floor has Tudor arch sashes. Date in blue brick. Gables with internal stack between. South-west front has cross gable and canted bay on right. Large 6-light window with central plank door in moulded Tudor-arch. 3-light window above. Single lights to left. Large 3-storey late C19 canted bay on left has wood cross windows with stone lintels, 2-light windows above, and 3-light windows to second floor. Pyramidal roof. Two 2-light roof dormers. Lower late C18/early C19 range to left has later alterations. 3 storeys; 3 bays. Central

3-storey canted bay has wooden casements. Large windows in altered openings to left. 16-pane sashes to right. Second floor has four 12-pane sashes. Kitchen wing to north-west has massive external stack with 4 offsets. Outer courtyard has long, late C19 one-storey-and-attic range. Gabled roof. dormers have bargeboards. 2-light latticed windows. Good Pugin interiors. Entrance hall has carved arched fireplace with hood and gilded inscription. Heraldic encaustic tile floor. Long gallery, library and other rooms have panelled plaster ceilings with moulded wood ribs, linenfold panelling and Gothic wood doorcases and architraves. Gallery has gilt and decorated cornice. 2 fine carved and moulded Gothic fireplaces, one with large, plastered hood. Moulded stone Tudor-arched doorcases. Heraldic glass. Library has gilded and carved ceiling bosses. Elaborate carved fireplace with wood panelled upper part-has painted panels of St. Hubert and the Hibbert arms and painted panelled cove. Another room has similar fireplace with traceried instead of painted panels. Great Hall has Gothic arched brace roof. Gallery on carved octagonal shafts. Panelling. Inglenook has elaborate carved stone fireplace with half shafts and family crest. Encaustic tiles. Heraldic glass. Several fireplaces have original fire dogs and baskets with dogs holding scrolls. Open well staircase has linenfold panelled balustrade and brass rail, and newel posts with heraldic beasts holding scrolls. Gothic painted panelled ceiling with moulded ribs. Chapel has braced collar roof with arched braces marking chancel and sanctuary. Apse has inner lancets with black granite detached shafts. Radiating rafters. Brick segmental pointed arches to transepts. Chancel and sanctuary have mosaic floors. Fittings: late C19 carved pulpit and reading desk, stalls and pews. Early C20 Perpendicular style memorial panels lining walls. Stained glass: late C19. Captain Hibbert was Pugin's most difficult client. The C20 additions are not of special architectural interest. (Buildings of England: Warwickshire, pp.94-95; Phoebe Stanton: Pugin, p.176; Mark Girouard: The Victorian Country House, pp.175-176).

- 2.5 The heritage significance of Bilton Grange is recognised by the inclusion of the principal building (Grade II*), in 1984, three lodges, a gardener's cottage and walls, gate piers, in 2001 and the surrounding park and garden (Grade II), in 1997.
- 2.6 In 1711 the hall and manor were sold to the Boughton family who retained Bilton Grange until 1768. The existence or state of the manor or farmhouse at Bilton Grange before this period is unknown, although the treatment of the property in the 15th century – when the estate demised from Pipewell Abbey to Richard and William Boughton – could imply that a house existed at the site from this time or earlier. Over the next 100+ years following its sale in 1768, the estate had multiple owners and received numerous extensions.
- 2.7 John Lancaster (the owner of Naty glo coal mine and ironworks) is shown as occupying Bilton Grange at the time of the 1871 and 1881 census and later left the Bilton Grange estate to his two sons, John, and George. In 1887 John and George sold Bilton Grange to the Reverend Walter Earle, who was looking for a new premises for a prep school he had founded at Yarlet Hall in 1873. The school has remained open since the move to Bilton from Yarlet in the later 19th century.
- 2.8 The school opened a kindergarten for day boys and girls at Homefield school, which continued as a girls' school until 1992. From this date the two were amalgamated, and Bilton Grange became fully coeducational, with Homefield teaching pupils aged 4-8. The school continued to develop over the years adding the Ravenscroft Theatre in the 1960s, an indoor 25m swimming pool in the 1970s, a Sports Hall and Music School in the 1980s.

A Craft Design and Technology centre in the 1990s, a full-size hockey pitch in the walled garden in 2015 and in 2019 it opened the extension to the Music School.

- 2.9 The main built form of the site is located centrally within the site and comprises the main historic buildings and modern developments including the car parking and maintenance buildings. The Ravenscroft Theatre is located to the northeast of this central area, and the topography of the land to the north of this building, slopes down and away from the main historical school buildings in this part of the school site. It is proposed to locate the new building to the northeast of the modern built form of the Ravenscroft Theatre.

3.0 Description of proposals

- 3.1 The application seeks consent for the construction of a new purpose built co-educational junior boarding house for up to 80 pupils, with associated offices, kitchen, dining accommodation, common rooms, laundry and storage facilities. The development would also provide adult accommodation for supporting staff as follows:

- 2 x 4 bedroom houses with roof gardens
- 2 x 2 bedroom flats with balconies and flexible 3rd bedroom
- 1 x 3 bedroom residence with private terrace
- 1 x staff overnight bedsit

- 3.2 Also included for the new building is an onsite access road, a small car parking area and newly designed outside space for the boarders to include a sensory garden and amphitheatre landscaped area.

- 3.3 The new boarding house is also intended to be used in the holiday periods for commercial lettings as an extension of the existing activity at Rugby School. This will be discussed further under Section 7 of this report

- 3.4 The application includes information showing the internal alterations to the main Grade II* Listed Building to refurbish the existing borders accommodation into additional classrooms and educational facilities. This aspect of the works has been divided into zones with main works and then minor refurbishment works and are comprised of the following works: -

Zone 1 Ground Floor

Main works – existing classrooms, kitchen, lounge and offices to be converted into changing rooms with showers and toilets

Ground floor minor refurbishment works – School shop to become a medical facility. Dining room, lounge and breakfast areas to become Staff room, work room and kitchen changing area.

Zone 2 First Floor

Main works – existing bedrooms and ‘the Chalet’ to become changing rooms, showers and toilets

Zone 3 First Floor

Main works – existing dormitory and offices to be converted to classrooms and offices

Zone 4 First Floor

Main works – existing toilets and washroom to be converted into teaching kitchen classroom

First floor minor refurbishment works – Refurbishment of toilets; change dormitories to classrooms; change bedrooms to offices

Zone 5 Second Floor

Main works – existing dormitories and showers to be converted to gap year accommodation with ensuites.

Second floor minor refurbishment works – change dormitories to bedrooms; refurbish washrooms; change sitting room to kitchen

Planning History

R16/0360 – Demolition of the existing grounds man's hanger building and provision of staff and visitors car parking area including access, amenity lighting and landscaping. Approved 07/04/2016

R16/0361 – Outline Planning Permission for the replacement grounds man's hanger building with all matters reserved other than access and scale. Approved 11/04/2016

R16/0967 – Erection of a groundman's ganger (Reserved matters application for layout, appearance and landscaping following outline planning approval under R16/0361 granted 11th April 2016). Approved 02/08/2016

R22/0956 – Listed building consent for the rebuilding and repair to wall buttress. Approved 06/12/2022

R22/1144 – Full planning application for the erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Decision pending.

Relevant Planning Policies

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework, 2021 (NPPF)

Section 12: Achieving well-designed places

Policy 16. Conserving and enhancing the historic environment

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy SDC3: Protecting and enhancing the historic environment

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Technical consultation responses

WCC Ecology – no objection subject to informative

WCC Rights of Way – no objection; advisory notes recommended

WCC Archaeology – no comments received

Historic England – no objection

The Gardens Trust – no objection. Recommendation for a Conservation Management Plan to help with any future development at the school.

The Georgian Group – no comments received

The Victorian Society – no comments received

Council for British Archaeology – no comments received

The Society for the Protection of Ancient Buildings – no comments received

Historic Buildings and Places – no comments received

The 20th Century Society – no comments received

Third party comments

Ward councillors notified and no comments were received.

Dunchurch Parish Council – no objection; comments provided as follows:

- Concern over the length of time the application has taken following the consultation with Historic England
- Comments re the proposed commercial and holiday let functions during the school holidays
- Potential loss of the Ravenscroft Theatre.
- Design concerns in the context of the main listed building
- Potential of increased traffic at the site
- Impact upon trees
- Substantial harm to Bilton Grange
- Conflict with paragraph 208 of the National Planning Policy Framework

Close proximity neighbours were notified, and a site notice was displayed. An objection was received from one address, raising the following points:

- The development will harm the listed building and the character and setting of the registered gardens
- The design is unattractive and unsympathetic in appearance to the listed building
- The development conflicts with national and local planning policy
- The new building fails to recognise the heritage of the original building and will erode the value of the listed asset.

4.0 Assessment of proposals

The key issues for consideration in this application are: -

5. Principle of works

6. Impact upon the special architectural and historic significance of Bilton Grange School and the setting.

7. Other matters

5.0 Principle of works

5.1 Section 66(1) and Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires Local Planning Authorities (when

considering whether to grant planning permission for development which affects a listed building or its setting), to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which it possesses

- 5.2 Policy 16 of the National Planning Policy Framework requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.
- 5.3 This proposal is subject to an evaluation of the impact upon the significance of Bilton Grange and whether the works would serve to preserve or enhance the listed building and its setting.

6.0 Impact upon the special architectural and historic significance of Bilton Grange School and the setting

- 6.1 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Proposals should provide sufficient information and assessment of the impacts of the proposal on the significance of heritage assets and their settings. Development affecting the significance of a designated and non-designated heritage asset and its setting, will be expected to preserve or enhance its significance.
- 6.2 Policy 16 (paragraph 206) of the National Planning Policy Framework, requires local planning authorities to ensure that development within the setting of a heritage asset, enhances or better reveals the significance of that asset.
- 6.3 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.4 The proposed works are comprised of two elements. The first is the building of a new accommodation block and the second is the minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional classrooms and educational facilities.
- 6.5 The intelligent management of change is a key principle necessary to sustain the historic environment for present and future generations to enjoy. Paragraphs 4-10 of Historic England's Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications (for planning permission and listed building consent) have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the asset's fabric to which the significance relates and the level of importance of that significance.
- 6.6 The National Planning Policy Framework provides a very similar message in paragraphs 194 and 195. It has never been the intention of government to prevent change or freeze frame local communities, and current policy and good practice suggests that change, if managed intelligently would not be harmful.

6.7 Heritage significance is defined by the National Planning Policy Framework as:

‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.

6.8 Bilton Grange School is a Grade II* Listed Building, and the site also contains a number of other listed elements. The heritage significance of Bilton Grange includes the principal building, three lodges, a gardener’s cottage and walls, gate piers, and the surrounding park and garden. This application has been submitted with a full Heritage Report and Heritage Assessment prepared by Worledge Associates, and this summarises the broad range of heritage value and significance as follows:

- As a substantially intact example of a country house designed Augustus Welby Northcote Pugin (1812-52) one of the most significant and influential architects, designer, artist, and critic of the first half of the 19th century.
- As a substantially intact example of one of the few major country houses designed by Pugin. Commissioned in 1841 and designed in the Tudor Gothic Revival Style, the works were undertaken in two phases over the period 1841-48, with the first phase incorporating and extending an existing late 18th or early 19th century house.
- As a substantially intact example of the building work of the London based builder George Myers (1803-75) who undertook many of the major works designed by Pugin.
- For the surviving interiors designed by Pugin and undertaken by the nationally significant decorating family company Crace (1768- 1889) that worked closely with Pugin on many of his commissions.
- Architecturally significant as a substantial example of the Tudor Gothic Revival style, incorporating multiple design elements and details from this period or architecture.
- Significant as an example of several country houses commissioned from Pugin by leading Roman Catholic families in the second quarter of the 19th century following the Roman Catholic Relief Act 1829, which removed substantial restriction on Roman Catholics in the United Kingdom. It paralleled the growth in Roman Catholic Churches and Religious houses many designed by Pugin.
- For its historical associations with Abraham Hume (1769-1846) who inherited the estate from his father Alexander Hume (1726-94) who acquired it through marriage in 1768.
- For its historical association with Captain John Washington Hibbert (c1805-75) the son of Thomas Hibbert (1761-1807). From 1841 onwards he commissioned extensive works to establish a prestige country estate. These included additions to the existing house and works in the grounds, including the east lodge, a gas works, walled garden, and gardeners house c 1847, laundry, northern drive, c1846, formal and informal landscaping.
- For its association with John Lancaster (1817-84) a businessman, he purchased the estate c 1863 and acquired adjoining landed estates. He undertook additional works to the house and grounds including the north lodge and an inner lodge, both carrying his initials.
- Significant as an example of a small gentleman’s county house and estate expanded from 1841 to create a prestige country residence for entertaining and hunting.
- For its association with Bilton Grange School from 1887 onwards. It is significant as an early example of the repurposing of a redundant country house for educational purposes, with an early focus on spiritual well-being (chapel) and physical well-being, with provision

- of a hospital, cricket ground, tennis courts, outdoor swimming pool, and adapting buildings for practical craft.
- The subsequent development of the grounds by the school provides evidence of changes in educational philosophy with the establishment of a kindergarten in 1938, and of post WWII educational advancement through the provision of a series of stand-alone facilities for sport, theatre, and music.
 - While altered the grounds retain and provide evidence of the mid-19th century landscape design to serve the estate with a substantial walled garden; impress visitors with lodges, formal avenues, private terraces, walks and gardens to the south; and to provide sport with spinnies and coverts to encourage foxes for hunting.
 - Bilton Grange set in generous landscaped grounds, has strong social values not only to the current and former students of Bilton Grange School, but in the broader community which understands the history and connection of the house to the history of Bilton, Dunchurch and Rugby.
- 6.9 The Heritage Impact Assessment goes on to appraise the proposals for the new building and listed building alterations. This has been done within the context of the National Planning Policy Framework and incorporating several Historic England Good Practice Planning Guidelines and Advice Notes.
- 6.10 Historic England's approach to effective management of the historic environment is summarised in paragraph 86 of its 'Conservation Principles' (2008), which states:
- 'Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process'.
- 6.11 The assessment notes the falling topography of the site, enabling the new built form to be subordinate to the existing built form. The selected location would not be significant in the historic use of the site, either as a school or previous country house. The proposed new building would not have intervisibility with the existing historic building. There would instead be intervisibility with the 20th century theatre block although views out from within this are limited. Accordingly, the report concludes that the impact to these limited views is considered to be neutral.
- 6.12 Views from the currently unused northern drive would be unaffected. The new building would sit beyond existing modern service buildings, which are screened from view by tree belts. The setting of the listed Pugin gate piers would be unaffected by the proposed new building.
- 6.13 When approaching from the western drive, the new building would be visible in glimpsed views through tree belts when walking into the reception entrance which is located in the principal building. As such, it is not considered that views of the new contemporary building, would detract from the experience when arriving at Bilton Grange. The proposals would demonstrate the strong growth of the school and provide an opportunity to improve the setting of the 20th century additions.

- 6.14 There would be no direct connection of the accommodation block with the existing building, and so no disturbance of fabric, historic or modern, would be required. The continual evolution of the site reflecting changes in educational practices, demonstrated by additional ranges of buildings along with change of use within existing buildings. is an important aspect of the historic narrative of Bilton Grange.
- 6.15 The location forms part of what was a larger naturalistic parkland setting extending east of the house but is now in separate ownership. The setting of the school viewed from this direction forms an integral part of understanding of Bilton Grange as a country house formerly sited within a larger estate. The existing modern Ravenscroft theatre building projects forward of the tree belt at the top of the hill, with a new modern education block (circa 1970) extending north-eastwards from this. The proposed accommodation block would sit alongside this, adding a new contemporary aesthetic element to this group of buildings set within their broader landscape setting.
- 6.16 The more formal lawn areas to the north and west of the house are unaffected by the proposals, due to the screening of the building by existing and new tree belts. The proposed building would not be visible from the formal gardens to the southwest of the house. The remaining evidence of the mid-19th century landscape would be unaltered by the proposals.
- 6.17 The Heritage Impact Assessment includes an appraisal of the proposed works to the Grade II* Listed Building. It states that the majority of works within the historic building are to return previously divided historic spaces to their original size, enabled through moving dormitory spaces from the historic building to the proposed new building. This involves the removal of modern partition walls and WC facilities associated with the use of these rooms as dormitories.
- 6.18 These works will reverse the erosion of these room's historic spatial qualities and enhance the building's significance. The institutional use of these rooms has resulted in a loss of historic features, the dado rail and cornice being modern replacements. The adaptation of the dormitories to classroom spaces involves the insertion of purpose built 'teaching wall' cabinet spaces. These are entirely reversible and require no permanent intervention to the historic fabric within the Pugin ranges.
- 6.19 Some parts of the building subject to changes have already been altered to serve the needs of the school, and these further alterations reflect the changing pattern of educational use. Areas of the building that historically provided service spaces are plain and without decoration. Any harm is balanced by the enhancement delivered through the removal of modern partitions in other parts of the building.
- 6.20 Interrogation of the 1860 house plans show that the fabric being removed on the ground floor is not as originally built, instead relating to later alterations which reconfigured the range. Despite the reduced historic significance of this later fabric nibs will be retained to maintain evidence of the cellular spatial qualities of rooms within this range. On the first floor the openings are to be formed within modern partition walls. The removal of this later fabric has no impact on the heritage significance of the building and causes no harm.
- 6.21 Comments from the Principal Inspector of Historic Buildings and Area, at Historic England state "The internal proposals are unobjectionable. They include the removal of a block of

toilets, some new doorways and the removal of some partitions. As set out in the Heritage Impact Assessment these are mainly alterations to relatively recent insertions. Where cutting holes in early walls and some minor removal of early walls they only involve a very minor degree of change.”

6.22 In order to secure a satisfactory outcome for the works to the listed building a condition to provide a Schedule of Works for the changes to the listed building will be applied to any consent given. Said schedule will need to detail methodology for the removal and fitting of bathrooms and toilets; walls/sections of walls; fittings for kitchens and changing rooms; and for any restoration works. (Condition 3)

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

7.0 Other matters

7.1 A letter of objection has been received from one address raising the following concerns:

- The development will harm the listed building and the character and setting of the registered gardens
- The design is unattractive and unsympathetic in appearance to the listed building
- The development conflicts with national and local planning policy
- The new building fails to recognise the heritage of the original building and will erode the value of the listed asset.

7.2 The design, character and potential impacts of the proposed scheme upon the heritage assets has been discussed at length within Sections 6 and 7 of the application for full planning consent, R22/1144. This report has undertaken a more in depth examination of the potential impacts in relation to the significance of the listed building and its setting.

7.3 It has been concluded under R22/1144 that the proposed scheme is in accordance with development plan policies and that the design is acceptable. Consultation with Historic England and the response by Nicholas Molyneux, who is the Principal Inspector of Historic Buildings and Areas, has not raised any objections to the scheme. Design is a subjective process and in regard to Listed Buildings, can be more modern. The continual evolution of the site reflects changes in educational practices, demonstrated by additional ranges of buildings along with change of use within existing buildings. This is an important aspect of the historic narrative of Bilton Grange.

7.4 Dunchurch Parish Council Ward have not objected to the application but have queried a number of points. In relation to the listed building consent the following are pertinent and addressed:

7.5 Substantial harm to Bilton Grange: This has been discussed in Section 6 of this report

7.6 Comments re the proposed commercial and holiday let functions during the school holidays: The new boarding house is also intended to be used in the holiday periods for

commercial lettings as an extension of the existing activity at Rugby School. The lets will primarily be for groups of international children attending for English language courses, or for UK or international children attending for other residential holiday activity courses e.g. cricket or rugby camps, depending on the season. Residential A level revision courses will be offered in the Easter holidays. In addition, the new house may be hired for occasional conferences in the holiday time. The courses will be managed and run by Dusmond who run study summer programmes combining engaging English classes with fun activities. The company already provides courses at Rugby School and their website <https://dusemond.co.uk/>, offers further information.

8.0 Recommendation

Subject to relevant conditions the proposal is considered acceptable, and it is recommended that consent be granted.

DRAFT DECISION

REFERENCE NO:
R22/1145

DATE APPLICATION VALID:
23-Nov-2022

APPLICANT:

The Governors of Bilton Grange BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

AGENT:

Nick Hardy TSH Architects, Florence House Suite, Grove Street, Oxford, OX2 7JT

ADDRESS OF DEVELOPMENT:

BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

APPLICATION DESCRIPTION:

The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional classrooms and educational facilities.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

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

CONDITION 2:

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

Application Form received on 25/10/2022

Drawing number BG00.A1 Bilton Grange Location Plan 1:1250 received on 23/11/2022

Drawing number 2021049-A-P-02-002-P1 Block Plan received on 23/11/2022

Drawing number 2021049-A-P-02-003-P1 Site Plan 1:500 received on 23/11/2022

Drawing number A-P-02-004 Rev P1 Refuse Arrangements received on 09/01/2023

Drawing number 0853.1.1 Bilton Grange Landscape Framework Plan received on 25/10/2022

New Building Plans:

Drawing number 2021049-B-03-010 Rev P1 Lower Ground Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-011 Rev P2 Upper Ground Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-012 Rev P1 First Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-013 Rev P2 Second Floor Plan received on 23/11/2022

Drawing number 2021049-B-03-014 Rev P2 Roof Plan received on 23/11/2022

Drawing number 0857.1.2 Bilton Grange Landscape Roof Plan received on 25/10/2022

Drawing number P22925-M-04-001 Rev A Roof services layout with Solar array received on 25/10/2022

Drawing number 2021049-A-P-05-070-P2 North-West South-West Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-071-P2 South-East North-East Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-072-P2 North-West South-West Courtyard Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-073-P2 South-East North-East Courtyard Elevations received on 23/11/2022
Drawing number 2021049-A-P-05-074-P2 North-West South-West Elevations with context received on 23/11/2022
Drawing number 2021049-A-P-05-075-P2 South-East North-East Elevations with context received on 23/11/2022

Alterations to listed building plans:

Drawing number 2021049 A-E-03-001 Demolition Plan – Ground Floor received on 23/11/2022
Drawing number 2021049 A-E-03-002 Demolition Plan – First Floor received on 23/11/2022
Drawing number 2021049 A-E-03-003 Demolition Plan – Second Floor received on 23/11/2022
Drawing number 2021049_A-E-03-101 Demolition Plan Zone 1 (Existing GF) received on 23/11/2022
Drawing number 2021049_A-E-03-102 Demolition Plan Zone 2 (Existing FF) received on 23/11/2022
Drawing number 2021049_A-P-03-103 Demolition Plan Zone 3 (Existing FF) received on 23/11/2022
Drawing number 2021049_A-E-03-104 Demolition Plan Zone 4 (Existing FF) received on 23/11/2022
Drawing number 2021049_A-E-03-105 Demolition Plan Zone 5 (Existing SF) received on 23/11/2022
Drawing number 2021049_A-E-03-011 Proposed Ground Floor Plan received on 23/11/2022
Drawing number 2021049_A-E-03-012 Proposed First Floor Plan received on 23/11/2022
Drawing number 2021049_A-E-03-013 Proposed Second Floor Plan received on 23/11/2022
Drawing number 2021049_A-E-03-111 Prop GF Plan Zone 1 received on 23/11/2022
Drawing number 2021049_A-E-03-112 Prop FF Plan Zone 2 received on 23/11/2022
Drawing number 2021049_A-E-03-113 Prop FF Plan Zone 3 received on 23/11/2022
Drawing number 2021049_A-E-03-114 Prop FF Plan Zone 4 received on 23/11/2022
Drawing number 2021049_A-E-03-115 Prop FF Plan Zone 5 received on 23/11/2022

Approved Documents:

Design and Access Statement received on 23/11/2022
Flood Risk Assessment by Taylor Consulting Engineers received on 23/11/2022
Drainage Strategy by Taylor Consulting Engineers received on 23/01/2023
P22925-SP001-Rev B MEP Services Concept Design Report received on 25/10/2022
Energy Statement prepared by MEP Concepts P22925-RP002 Rev A received on 25/10/2022
Arboricultural Impact Assessment from Sylva Consultancy Ref 22075_AIA received on 25/10/2022
1006BNG Biodiversity Impact Assessment Report by DJOGS Ltd received on 23/11/2022
Preliminary Ecological Appraisal May 2022 received on 25/10/2022
Landscape & Visual Assessment by Adams Habermehl Ref 0857 December 2022 received on 03/01/2023
Heritage Impact Assessment by Worledge Associates November 2022 received on 23/11/2022
Heritage Report by Worledge Associates November 2022 received on 23/11/2022

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

CONDITION 3:

Prior to the commencement of any works on the Grade II* Listed Building 'Bilton Grange School and attached chapel and terrace', a Schedule of Works shall be submitted to and approved in writing by the Local Planning Authority detailing the methodology for the following:

- Details of the method of removal of any existing means of sub-division that affects the original historic fabric of the listed building, and any necessary restoration works.
- Details of the installation of any stud walls, including how the proposed stud walls shall be attached to the existing building (walls, floor and ceiling)
- Details of the method of removal of any existing bathroom and toilet fixtures and fittings and any necessary restoration works.
- Details of the method of the installation of any new bathrooms and toilets and how these shall be attached to the existing building (walls, floor and ceiling) including any required new plumbing interventions, along with any necessary restoration works.
- Details of the installation of the new kitchen teaching classroom, the equipment and any flues or equipment for the control of odours, that shall be attached to the existing building (walls, floor and ceiling) including new plumbing interventions, along with any restoration works

The above works shall be carried out in accordance with the approved details and shall thereafter be retained

REASON: To protect the architectural interest of the wall in accordance with 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 16 of the National Planning Policy Framework and Policy SDC3 of the Rugby Local Plan

Reference: R22/1348

Site Address: HOSPITAL OF ST CROSS, BARBY ROAD, RUGBY, CV22 5PX

Description: 2 Storey Endoscopy facility complete with new pedestrian crossing and hard landscaping on existing vacant land.

Recommendation

1. Planning application R22/1348 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development by virtue of the floor area created being over 1000 sqm.

2.0 Description of site

2.1 The application site is located within Rugby St. Cross Hospital which is accessed off Barby Road within the Rugby Urban Area. The hospital lies approximately 1 mile to the south east of the Rugby Town Centre and is adjacent to the Rugby School Conservation Area.

2.2 The site itself is located to the east of the wider hospital site and accessed from Barby Road via an existing private road from the northwest corner of the site. The site is currently vacant land but was previously occupied by a recreation hall which was demolished following a prior approval application in 2015.

2.3 The land slopes from north to south and from west to east, although the majority of the site is already level due to the previous building.

3.0 Description of proposals

3.1 The proposals consist of a two storey, flat roofed building to be used as a new endoscopy unit. The existing unit is located elsewhere within the hospital; that use would cease and this building would provide a specialist unit.

Planning History

R15/1243 – Prior Approval for demolition of 3 unoccupied buildings – required and approved 11/9/2015

Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019
Policy HS5: Traffic Generation and Air Quality
Policy SDC1: Sustainable Design
Policy HS1: Healthy, Safe and Inclusive Communities
Policy D1: Transport
Policy D2: Parking Facilities

National Planning Policy Framework, 2021 (NPPF)
Section 9: Promoting sustainable transport
Section 12: Achieving well-design places

Technical consultation responses

WCC Highways – No objection
WCC Ecology – No objection subject to conditions
RBC Environmental Services – No objection subject to conditions
WCC Fire and Rescue – No objections
West Midlands Police Service – No comments

Third party comments

No third-party comments received to date.

4.0 Assessment of proposals

4.1 The key issues to assess in the determination of this application are: the principle of development, character and design of the proposal, impact on residential amenity, impact on biodiversity, highway safety and parking facilities, and air quality.

5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area. HS1 supports proposals which deliver new and improved health services and facilities in sustainable locations.

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

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

5.4 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located within Rugby Town as defined by Policy GP2. As such there is a principle in favour of development, subject to other planning considerations. Greater weight can be attributed to the proposals as they seek to re-use the site of a previously demolished building and implement the provision of a modern, purpose-

built facility which is long overdue. This ultimately leads to a positive contribution for the population of the Rugby Borough in terms of public service. This application is therefore considered to be in accordance with Policy GP2 and Policy HS1 of the Local Plan.

Character and Design

5.5 Policy SDC1 of the Local Plan states that 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, whilst aiming to add to the overall quality of the areas in which they are situated. Section 12 of the NPPF is also relevant and set out the importance of good design in relation to new development.

5.6 The existing building stock is varied and there is a wide variety of finishes across on the site. Whilst not matching the surrounding buildings in materials and architectural style, the design and appearance of the proposed building will introduce a contemporary building to the area which will enhance the hospital's appearance.

5.7 Due to the simplistic design with limited vantage points of the structure from outside the hospital grounds, it would be viewed as a modern statement, enhancing the existing building stock and paving the way for similar works in the future. In this respect, it achieves a good level of design, proportionate and in keeping with the scale of surrounding buildings, which would have no impact upon the visual amenities of the Barby Road street scene or the character of the area. It therefore complies with policy SDC1 of the Local Plan.

Impact on Residential Amenity

5.8 In terms of residential amenity in relation to the planning application, policy SDC1 ensures that the living conditions of existing and future neighbouring occupiers are safeguarded. The development would be close to Thornfield Cottage. Although there is some separation distance from neighbouring properties not to cause any significant impact upon residential amenities by way of light, outlook or overbearing impact, there is the potential for noise disturbance from the operation of plant including Air Source Heat Pumps (ASHPs). Whilst the overall limits are likely to have been identified to minimise potential adverse impacts upon patients, no noise data has been provided nor noise limits proposed to ensure the plant is suitably attenuated.

5.9 RBC Environmental Health were consulted as part of the process and raise no objections, subject to a relevant noise and construction management plan condition. Such a condition will safeguard the installation of such plant and machinery.

5.10 RBC Environmental Health have also recommended a construction management condition is attached to any permissions granted. Notwithstanding, that they have already identified the necessary controls to prevent potential adverse impacts upon patients, the Council would need to be confident that these measures are implemented. In considering the above, and subject to conditions, there would be no undue impact up the amenities of the patients at Hospital of St Cross and those other individuals who may have interest within the vicinity. This therefore complies with Policy SDC1 of the Local Plan.

Impact upon Protected Species and Biodiversity

5.11 Policy NE1 looks at delivering a net gain in biodiversity. The majority of the proposed site appears to be the site of a previous building with areas of sparse of vegetation. A well-established mature tree and some introduced shrub hedging also appear within the red line boundary. WCC Ecology have no objections to the proposals as they are re-using the site of a recently demolished building, which has minimal biodiversity merit. However, to secure additional native species

planting, continued biodiversity provision plus species enhancements, WCC recommend an ecological and landscaping scheme to be agreed by condition. A hedge would be removed as part of the scheme however, a condition is also recommended to ensure a bat/bird-box scheme is implemented in the interest of the protection bats and nesting birds. As such, the proposals comply with policy NE1 of the Local Plan.

Impact on Highway Safety

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

5.13 The location of the new unit is set within the heart of the hospital site. The new building would result in the loss of 18 existing parking spaces which has the potential to cause parking issues within the site. A parking survey has been carried out by the applicants and upon review of this WCC Highways have subsequently raised no objections.

5.14 It is therefore considered that this proposal will not have an adverse impact on highway safety and complies with Policy D1 and Policy D2 of the Local Plan.

6.0 Planning Balance and Conclusion

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

6.2 The proposed endoscopy unit would provide a much-needed purpose-built health facility for Rugby and further afield, without causing harm to the street scene, character of the area, nearby residential amenity, biodiversity or highway safety and as such, complies with all relevant plan policies and the underpinning principles of the NPPF.

7.0 Recommendation

7.1 Planning application R22/1348 be approved subject to the conditions and informatives recommended.

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

AGENDA MANAGEMENT SHEET

Report Title:	Planning Appeals Update
Name of Committee:	Planning Committee
Date of Meeting:	8 February 2023
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	
Prior Consultation:	
Contact Officer:	Chief Officer - Growth and Investment
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): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 October 2022 to 31 December 2022.
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:	No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 8 February 2023

Planning Appeals Update

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

1. Introduction

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.

2. Appeals determined

During the last quarter from 1 October 2022 to 30 December 2022 a total of 2 planning appeal was determined, of which 0 was allowed, 2 were dismissed and 0 was withdrawn.

A total of 2 enforcement appeals was determined, of which 1 was quashed and 1 was dismissed. 1 application for an award of costs was allowed.

A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

3. Appeals outstanding/in progress

As at 31 December 2022 there were 12 planning appeals and 1 enforcement appeal still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 8 February 2023
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

Location	Full development description	Application number	Case officer	PINS reference	Decision date	Decision description	Appeal decision	Appeal decision date
Sunnycrest House, Rugby Road, Princethorpe, Rugby CV23 9PN	Erection of a 2-storey side extension to provide a pool building with two bedrooms above.	R21/1033	Sam Green	APP/E3715/D/22/3297289	31 January 2022	Refusal	Dismissed	14 November 2022
The White House, Grandborough Road, Woolscott, Grandborough, Rugby CV23 8DB	Proposed outbuilding with gym, sauna and large open room	R22/0124	Ruth James	APP/E3715/D/22/3300611	13 April 2022	Refusal	Dismissed	5 December 2022

APPENDIX A

Nature of problem	Location	Case officer	Case number	PINS reference	Appeal Hearing type ENF	Appeal decision date	Appeal decision ENF
Alleged rebuilding of stable	Barn Meadow Farm, Calcutt Lane, Stockton, Rugby CV23 8HY	Chris Davies	ENF/2020/0101	APP/E3715/C/21/3288208	Written Representations	19 December 2022	Enforcement notice is quashed.
Alleged evidence found to revoke Lawful Development Certificate granted R17/1699	Barn Meadow Farm, Calcutt Lane, Stockton, Rugby CV23 8HY	Hitesh Tosar	ENF/2020/0118	APP/E3715/C/21/3273997	Written Representations	19 December 2022	The appeal is dismissed, the enforcement notice is upheld and planning permission is refused. The application for an award of costs is allowed but only in part.

APPENDIX B

Location	Full development description	Application number	Case officer	PINS reference	Stage description	Appeal type	Decision date	Decision description	Decision level
Land rear of Cross In Hand Farm, Lutterworth Road, Monks Kirby	Redevelopment of the site to a HGV facility, including the demolition of agricultural outbuilding and formation of HGV parking spaces, fuel station, vehicle inspection station, vehicle maintenance unit, petrol filling station, electric charging points, convenience store, coffee shop, creche, overnight accommodation, ancillary car parking and associated works (Outline – Principle and Access Only)	R20/0259	Sam Green	APP/E3715/W/22/3306652	Appeal Lodged	Inquiry	9 March 2022	Refusal	Committee
Land at Fosse Corner (Junction of Millers Lane and Fosse Way), Monks Kirby	Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of 3 years.	R20/1062	Lucy Davison	APP/E3715/W/21/3278838	Appeal Lodged	Hearing	30 June 2021	Refusal	Committee
25 Barby Lane, Rugby CV22 5QJ	Outline planning application for erection of five detached dwellings with all matters reserved except for access which includes alterations to existing highway access.	R21/0713	Sam Green	APP/E3715/W/22/3304121	Appeal Lodged	Written Representations	9 March 2022	Refusal	Committee

APPENDIX B

57-59 Moat Farm Drive, Rugby CV21 4HQ	Prior approval for the erection of an agricultural machinery and wine processing store.	R22/0001	Sam Burbidge	APP/E3715/W/22/3305282	Appeal Lodged	Written Representations	18 February 2022	Required and Refused	Delegated
The Sarah Mansfield, Main Street, Willey, Rugby CV23 0SH	Use of first floor of public house as letting bedrooms and erection of two dwellings in rear car park.	R22/0012	Sam Green	APP/E3715/W/22/3307675	Appeal Lodged	Written Representations	18 August 2022	Refusal	Committee
Highwood Farm, Coventry Road, Brinklow, Rugby CV23 0NJ	Extensions and Alterations to Highwood Farm (revisions to approval R20/0142)	R22/0134	Lucy Davison	APP/E3715/D/22/3303264	Appeal Lodged	Householder Appeal Service	19 May 2022	Refusal	Delegated
Trickle Brook, Smeaton Lane, Coombe Fields, Rugby CV23 0PS	Erection of a single storey extension to create a bedroom, ensuite and store.	R22/0159	Chris Davies	APP/E3715/D/22/3303907	Appeal Lodged	Householder Appeal Service	3 May 2022	Refusal	Delegated
Caravan at Rose Field, Hinckley Road, Wolvey, Hinkley LE10 3HQ	Change of use of the land for the siting of one residential gypsy and traveller pitch.	R22/0226	Lucy Davison	APP/E3715/W/22/3309858	Appeal Lodged	Written Representations	23 June 2022	Refusal	Committee
Land adjacent to 84 Newbold Road, Rugby CV21 2NQ	Advertisement consent for upgrade of existing 48 sheet advert to support digital poster.	R22/0233	Michelle Hill	APP/E3715/Z/22/3303299	Appeal Lodged	Written Representations	25 May 2022	Refusal	Delegated
Westmorlands, Hinckley Road, Wolvey, Hinckley LE10 3HQ	Certificate of Lawfulness application for the erection of a building incidental to the enjoyment of the existing house through Schedule 2 Part 1 Class E of the General Permitted Development Order 2015 (as amended). This proposed out-building will comprise of a gym, home office and games/garden room.	R22/0505	Sam Burbidge	APP/E3715/X/22/3305073	Appeal Lodged	Written Representations	12 August 2022	Refusal	Delegated

APPENDIX B

The Old Village Hall, Pailton Road, Harborough Magna, Rugby CV23 0HQ	Rear dormer and new garden wall.	R22/0826	Carol Grant	APP/E3715/D/22/3312526	Appeal Lodged	Householder Appeal Service	13 October 2022	Refusal	Delegated
Hillside, Main Street, Frankton, Rugby CV23 9PB	Erection of double storey rear extension to existing dwelling house.	R22/0881	Sam Burbidge	APP/E3715/D/22/3310863	Appeal Lodged	Written Representations	18 October 2022	Refusal	Delegated

Nature of problem	Location	Case number	PINS reference	Appeal Hearing type ENF	Case officer
Unauthorised Gypsy and Traveller encampment site	Land adjacent to Millers Lane, Fosse Way, Monks Kirby	ENF/2020/0360	APP/E3715/C/21/3267184	Hearing	Chris Davies

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 15 December 2022 to 18 January 2023
Name of Committee:	Planning Committee
Date of Meeting:	8 February 2023
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chief Officer - Growth and Investment
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): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
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 - 8 February 2023

Delegated Decisions - 15 December 2022 to 18 January 2023

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 8 February 2023

Subject Matter: Delegated Decisions - 15 December 2022 to 18 January 2023

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 CHIEF OFFICER FOR GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 15/12/2022 To 18/01/2023

APPENDIX 1

Delegated

8 Weeks Advert

Applications Approved

R22/1098 8 Weeks Advert Approval 04/01/2023	PERCIVAL GUILDHOUSE SOCIAL CLUB, 9, ST MATTHEWS STREET, RUGBY, CV21 3BY	Erection of a noticeboard
R22/1163 8 Weeks Advert Approval 04/01/2023	10, CHURCH STREET, RUGBY, CV21 3PH	1 aluminium fascia sign and 1 aluminium projecting sign.
R22/1152 8 Weeks Advert Approval 09/01/2023	Entrance to Ansty Park, Central Boulevard, Coventry, CV7 9RD	One totem sign located at entrance to Ansty Park
R22/1244 8 Weeks Advert Approval 10/01/2023	Crown Hotel Public House, 25 Market Place, Rugby, CV21 3DU	New signage to replace the existing Item 1: Hanging sign Item 2: Fascia Item 3: Fascia Item 4: Amenity board
		2 x internally illuminated fascia sign and 1 x internally illuminated

Delegated

8 Weeks Advert Applications Approved

R22/1258
8 Weeks Advert
Approval
16/01/2023

CO-OP STORE, 36-38
OVERSLADE LANE, RUGBY,
CV22 6DY

totem sign (retrospective)

R22/1261
8 Weeks Advert
Approval
16/01/2023

15, CHURCH STREET, RUGBY,
CV21 3PN

Replacment of ATM and
associated signage
(Advertisement Consent)

8 Weeks PA Applications Applications Refused

R22/0440
8 Weeks PA
Refusal
16/12/2022

Land adjacent to 3, MAIN
STREET, STRETTON UNDER
FOSSE, RUGBY, CV23 0PF

Construction of a Residential
Dwelling

R22/0988
8 Weeks PA
Refusal
22/12/2022

NEW BARN STABLES,
BURNTHURST LANE,
PRINCETHORPE, RUGBY,
CV23 9QA

Conversion of existing stables to
a dwellinghouse

R22/1048
8 Weeks PA
Refusal

SPINNEY FARM, MAIN
STREET, WITHYBROOK,
COVENTRY, CV7 9LX

Delegated

8 Weeks PA Applications Applications Refused

09/01/2023

Conversion of existing stables building into holiday let unit for 6-8 persons; new mezzanine floor, new internal walls, changes to existing window openings and inserting new UPC-U windows and glazed screens with hard landscaping

R22/1115
8 Weeks PA
Refusal
09/01/2023

14, Cross Street, Rugby, CV21
3ND

Conversion of dwelling into 1no.
2bed flat and 1no. 1bed flat.

R22/0942
8 Weeks PA
Refusal
16/01/2023

5, NORTHCOTE ROAD,
RUGBY, CV21 2EJ

PROPOSED CONVERSION OF
EXISTING OUTBUILDING TO A
DWELLING

Applications Approved

R22/0013
8 Weeks PA
Approval
15/12/2022

LAND AT STANLEY VILLA,
LIVINGSTONE AVENUE, LONG
LAWFORD, RUGBY, CV23 9BU

Variation of Condition 2 of
approved application R20/0331
(Erection of one detached
dwelling and associated works) to
install an air source heat pump.

MEADOW VIEW, MAIN

Extension to dwelling house

Delegated

8 Weeks PA Applications Applications Approved

STREET, BROADWELL,
RUGBY, CV23 8HB

R22/0957
8 Weeks PA
Approval
15/12/2022

R22/1063
8 Weeks PA
Approval
15/12/2022

139, Lower Hillmorton Road,
Rugby, Warwickshire, CV21 3TR

Two storey side extension.

R22/1084
8 Weeks PA
Approval
15/12/2022

57, Fleet Crescent, Rugby,
Warwickshire, CV21 4BG

Single storey rear extension.

R22/1140
8 Weeks PA
Approval
15/12/2022

4, PUDDING BAG LANE,
THURLASTON, RUGBY, CV23
9JZ

Two storey rear extension to
dwelling.

R22/0587
8 Weeks PA
Approval
16/12/2022

AXE AND COMPASS,
LUTTERWORTH ROAD,
WOLVEY, HINCKLEY, LE10
3HG

Extension to and formalisation of
the existing overflow car park
adjacent to the Axe and
Compass.

Installation of floodlights on grass

Delegated

8 Weeks PA Applications Applications Approved

R22/0918 8 Weeks PA Approval 16/12/2022	Rugby Borough Football Club, Kilsby Lane, RUGBY, CV21 4PN	pitch SF3.
R22/1133 8 Weeks PA Approval 16/12/2022	1, THE DOVECOTE, SCHOOL LANE, WOLVEY, HINCKLEY, LE10 3LH	Single storey rear extension, the insertion of two roof lights to the rear roof slope and external alterations to dwelling
R22/1270 8 Weeks PA Approval 16/12/2022	18, ROTHLEY DRIVE, RUGBY, CV21 1TS	Retrospective application to convert the dwellings original garage into an additional living space.
R22/1053 8 Weeks PA Approval 19/12/2022	WISTERIA COTTAGE, 161, COVENTRY ROAD, DUNCHURCH, RUGBY, CV22 6RF	Remove existing lean to conservatory and replace with a new single storey rear extension.
R22/1196 8 Weeks PA Approval 19/12/2022	15 , Brooks Close, Willoughby, Warwickshire, CV23 8BY	Demolition of conservatory and part existing garage, extensions and internal alterations
R22/1216 8 Weeks PA	10, DEACON CLOSE, RUGBY, CV22 5AQ	

Delegated

8 Weeks PA Applications Applications Approved

Approval
19/12/2022

Erection of replacement single storey extension to rear of dwelling, two rear dormers and enlargement of the first-floor gable to dwelling frontage

R22/0286
8 Weeks PA
Approval
20/12/2022

Elliots Field Shopping Park,
LEICESTER ROAD, RUGBY

Erection of a drive-thru retail unit (flexible Class E(b) / Sui Generis Use) and associated alterations to the car park

R22/0808
8 Weeks PA
Approval
20/12/2022

CLIFTON CRUISERS, CLIFTON
WHARF, CLIFTON UPON
DUNSMORE, RUGBY, CV23
0EY

Retention of newly erected detached building and use for independent retail purposes.

R22/1150
8 Weeks PA
Approval
20/12/2022

220, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2BD

Retrospective application for the erection of a brick outbuilding in the rear garden

R22/1198
8 Weeks PA
Approval
20/12/2022

48, Southfield Road, Rugby,
Warwickshire, CV22 5NJ

Two storey rear extension

Delegated

8 Weeks PA Applications Applications Approved

MEADOW FARM, FOSSE WAY,
STRETTON-ON-DUNSMORE,
RUGBY, CV23 9NR

R22/0968
8 Weeks PA
Approval
21/12/2022

THE ALTERATION AND
EXTENSION TO EXISTING
BUILDING AND LEAN-TO TO A
DWELLING FOLLOWING ON
FROM APPROVED
APPLICATION R20/0712.

R22/1012
8 Weeks PA
Approval
21/12/2022

13, Kareen Grove, Binley Woods,
Coventry, CV3 2BN

Single storey front, single/ double
storey rear and double storey
side extensions.

R22/0260
8 Weeks PA
Approval
22/12/2022

MANOR FARM, HINCKLEY
ROAD, BURTON HASTINGS,
NUNEATON, CV11 6RG

Reserved matters pertaining to
outline planning permission
reference R21/1037 (Variation of
Condition 4 of planning
permission reference R17/2041
(Outline planning permission for
demolition of existing buildings
and erection of six dwellings, with
all matters reserved other than
access, dated 11 November
2019) to include reference to an
additional plan, dated 12
November 2021) with regard to
appearance, landscaping, layout
and scale.

Delegated

8 Weeks PA Applications Applications Approved

R22/1095 8 Weeks PA Approval 22/12/2022	AGRICULTURAL BUILDING NORTH WEST OF AUTUMN FARM, EASENHALL ROAD, HARBOROUGH MAGNA	erection of an agricultural storage building (retrospective)
R22/1075 8 Weeks PA Approval 23/12/2022	41, NORTH ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BN	Erection of 3 bay detached garage
R22/1155 8 Weeks PA Approval 23/12/2022	37, Juniper Way, Rugby, CV21 1UE	Convert one half of the double garage to a habitable room
R22/0528 8 Weeks PA Approval 30/12/2022	LAND NORTH OF 5 WEST STREET AND SOUTH OF 16 CHAPEL STREET, LONG LAWFORD, RUGBY, CV23 9BJ	ERECTION OF A DORMER BUNGALOW
R22/0453 8 Weeks PA Approval 03/01/2023	283, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BE	Dropped kerb (extension to dropped kerb outside 281 Rugby Road)

Grange Barn, Vicarage Lane,

Delegated

8 Weeks PA Applications Applications Approved

R22/1132 8 Weeks PA Approval 03/01/2023	Dunchurch, Rugby, CV22 6QR	This application proposes the conversion of a former barn building into a two-bedroom unit in the main dwelling. Works to the existing exterior, internal layout and renovations are proposed throughout.
R22/1184 8 Weeks PA Approval of Reserved Matters 03/01/2023	32, THE GREEN, LONG LAWFORD, RUGBY, CV23 9BL	Variation of condition application attached to previously approved R21/0888 (Permission for 3 No. Dwelling houses with all matters reserved with vehicular access) in order to vary the approved plans to include the addition of render to the façade and the installation of roof lights to plots 1-3.
R22/1226 8 Weeks PA Approval 03/01/2023	8, MOULTRIE ROAD, RUGBY, CV21 3BD	Single storey side/rear infill extension and blocking up of 2 no. first floor rear windows to dwellinghouse
R22/0878 8 Weeks PA Approval 04/01/2023	22, EASTLANDS PLACE, RUGBY, CV21 3RS	Erection of a single storey rear extension and two storey front extension.

Delegated

8 Weeks PA Applications Applications Approved

R22/1001 8 Weeks PA Approval 04/01/2023	COLEHURST COTTAGE, COLEHURST LANE, COOMBE FIELDS, RUGBY, CV23 0PT	Proposed single storey side addition and first floor side addition.
R22/1218 8 Weeks PA Approval 04/01/2023	125 LOWER STREET, HILLMORTON, RUGBY, CV21 4NT	Single storey rear and side extension
R22/0860 8 Weeks PA Approval 05/01/2023	12, MACBETH CLOSE, RUGBY, CV22 6LP	Rear single storey extension and demolition of existing garage and new garage
R22/1113 8 Weeks PA Approval 05/01/2023	92, Lower Hillmorton Road, Rugby, CV21 3TF	Temporary Site Fencing (part retrospective)
R22/1165 8 Weeks PA Approval 06/01/2023	HOLLY COTTAGE, MAIN STREET, BIRDINGBURY, RUGBY, CV23 8EL	Demolition of existing conservatory and erection of a single storey rear extension

Delegated

8 Weeks PA Applications Applications Approved

36, HAREBELL WAY, RUGBY,
CV23 0TT

R22/1222
8 Weeks PA
Approval
06/01/2023

PROPOSED CONVERSION OF
EXISTING GARAGE TO A
UTILITY, WC AND OFFICE.
300mm FRONT EXTENSION TO
INFILL ROOF OVERHANG.

R22/0876
8 Weeks PA
Approval
09/01/2023

54 BROCKHURST LANE, Monks
Kirby, RUGBY, CV23 0RA

Proposed front extension to
provide improved Utility Room.
Re-roofing of existing garage
along with construction of new
double garaging / workshop and
access stair to rooms over.
Extension of hardstanding for
drive and parking.

R22/0960
8 Weeks PA
Approval
09/01/2023

29, HEATH LANE, BRINKLOW,
RUGBY, CV23 0NR

Material amendment to planning
permission R20/0754 (Erection of
a rear extension, removal of
existing lean-to, altering existing
garage. New side entrance area,
dated 19 November 2020) to
slightly increase the height of the
previously approved flat roof.

R22/1235
8 Weeks PA
Approval
09/01/2023

34, WARREN ROAD, RUGBY,
CV22 5LQ

Construction of two-side & single-
storey rear extensions and
detached garden room
(Resubmission of R22/0121)

Delegated

8 Weeks PA Applications Applications Approved

9, Somers Road, New Bilton
Rugby CV22 7DB

R22/1143
8 Weeks PA
Approval
11/01/2023

Two storey front and rear extensions. Canopy to east end of front elevation. Removal of front boundary wall with planters and installation of metal rail fence and demountable bollards. Changes to car park to provide additional spaces.

R22/1245
8 Weeks PA
Approval of Reserved
Matters
11/01/2023

30, Alma Court, ALBERT
STREET, RUGBY, CV21 2RS

Outline Planning Permission for the erection of a four-storey building comprising of 8 no residential units (access, scale, appearance, layout to be considered) reference R19/0981. Approval of reserved matters (landscaping).

R22/1079
8 Weeks PA
Approval
12/01/2023

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

Install an additional covered seat stand for 50 seats with disability access.

R22/1081
8 Weeks PA
Approval
12/01/2023

46 , Grosvenor Road, Rugby,
Warwickshire, CV21 3LF

PROPOSED CHANGE OF USE OF A DWELLING TO A 7 ROOM HMO, INCLUDING A SINGLE STOREY REAR EXTENSION AND 2 NEW DORMER

Delegated

8 Weeks PA Applications Applications Approved

WINDOWS

R22/0987 8 Weeks PA Approval 13/01/2023	UNIT 3, THE WHARF INDUSTRIAL ESTATE, THE WHARF, STRETTON UNDER FOSSE, RUGBY, CV23 0PR	Retrospective application for the change of use to a dog exercise area along with the construction of hard standing area measuring 6m x 3m and the installation of vehicle barrier.
R22/1156 8 Weeks PA Approval 13/01/2023	34 , Willoughby Place, Rugby, Warwickshire, CV22 5JE	Single storey rear extension
R22/1239 8 Weeks PA Approval 13/01/2023	8, Birch Drive, Rugby, CV22 7TQ	Single storey side and rear extension
R22/1329 8 Weeks PA Approval 13/01/2023	5, ORCHARD CLOSE, WOLVEY, LE10 3LR	Single storey rear extension
R22/1111 8 Weeks PA Approval 16/01/2023	42, CRAVEN AVENUE, BINLEY WOODS, COVENTRY, CV3 2PY	Single storey rear and front extensions.

Delegated

8 Weeks PA Applications Applications Approved

R22/1187 8 Weeks PA Approval 16/01/2023	BRANDON LODGE, RUGBY ROAD, BRANDON, CV8 3HU	Loft conversion with 2 no velux to front and 3 pitched roof dormers to rear
R22/1260 8 Weeks PA Approval 16/01/2023	15, CHURCH STREET, RUGBY, CV21 3PN	Replacement of ATM
R22/1331 8 Weeks PA Approval 16/01/2023	34, NEWTON LANE, NEWTON, RUGBY, CV23 0DX	Variation of Condition 2 (R22/0458 Proposed single and two storey front extension and alterations to dwellinghouse) a roof window removed and a side window added
R22/1257 8 Weeks PA Approval 17/01/2023	THE BUNGALOW, WOLDS LANE, WOLVEY, HINCKLEY, LE10 3LL	Proposed single storey Rear & Side Kitchen Extension
R22/0025 8 Weeks PA Approval 18/01/2023	24, OVERSLADE MANOR DRIVE, RUGBY, CV22 6EB	Two storey side extension and part two storey part single storey rear extension to dwelling

Delegated

8 Weeks PA Applications Applications Approved

R22/1354
8 Weeks PA
Approval
18/01/2023

9, Dewar Grove, Rugby,
Warwickshire, CV21 4AT

Single storey rear extension and
alterations to dwellinghouse

Certificate of Lawfulness Applications Applications Approved

R22/1247
Certificate of
Lawfulness
Approval
13/01/2023

NEW INN HOUSE, 3, THE
LOCKS, RUGBY, CV21 4PP

Installation of solar panels

Conditions Applications Approved

R22/1211
Conditions
Approval
16/12/2022

PLOTS 6 AND 7, PROSPERO
ANSTY (FORMER ROLLS-
ROYCE SITE), ANSTY
AERODROME, COMBE FIELDS
ROAD, COOMBE FIELDS,
COVENTRY, CV7 9JR

Approval of details in relation to
condition 7 (Archaeological
Mitigation Strategy) attached to
R22/0491 - Erection of two
commercial units for flexible use
within Use Classes B2 (General
Industrial) and B8 (Storage and
Distribution) of the Town and
Country Planning (Use Classes)

Delegated

Conditions Applications Approved

Order 1987 (as amended) and associated development including drainage, earthworks, highways, car parking, HGV parking, service yard and landscaping

R22/0996
Conditions
Approval
20/12/2022

1, AVRO HOUSE, BATH
STREET, RUGBY, CV21 3JF

Approval of details for Condition 6 (Air Quality Mitigation) and Condition 7 (Land Contamination) of R22/0428 - Change of Use from Offices to 11 room HMO. Single-storey rear extension and first floor extensions to the south side, to include 4 no. roof lights. Insertion of ground floor windows to existing west elevation and enlargement of ground floor window to existing east elevation.

R22/0969
Conditions
Approval
23/12/2022

LAND NORTH OF ASHLAWN
ROAD, ASHLAWN ROAD,
RUGBY, CV22 5SL

Details for conditions 15: Fire Fighting and 16: Carbon Emissions Reduction of R13/2102 (Outline permission for Ashlawn Road development) in relation to part of site covered by application R20/0124 only.

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,

Delegated

Conditions Applications Approved

R22/0870 Conditions Approval 13/01/2023	LONG LAWFORD	Approval of details in relation to condition 17 attached to R17/1089 - water supply and fire hydrant provision
R22/1096 Conditions Approval 16/01/2023	PLOT 1B, PROSPERO ANSTY (FORMER ROLLS-ROYCE SITE), ANSTY AERODROME, COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR	Approval of details in relation to conditions 15 (M6 Junction 2 Mitigation Scheme) and 16 (Combe Fields Road New Access Road and Traffic Signal Junction) attached to R21/1165 - Erection of three commercial units for flexible use within Use Classes B2 & B8 use (with ancillary uses), and associated works, including supporting infrastructure, landscaping and re-profiling works for the remainder of Plot 1
R22/1264 Conditions Approval 18/01/2023	26, Flat 6, Gilshaw Lodge, Bilton Road, Rugby, Warwickshire, CV22 7AL	Repairs to existing sash windows and enlarging glazing rebates to accept double glazing units

Discharge of Conditions

Delegated

Discharge of Conditions

R23/0048	HOME FARM, MAIN STREET, BRANDON, COVENTRY, CV8 3HW	Approval of details related to: Condition 3 Written Scheme of Investigation, Condition 4 Materials, Condition 5 and 6 Landscaping and Condition 14 Water Calculation - R21/0794 (Appeal APP/E3715/W/22/3290513) - Proposed new dwelling and garage, detached garage, and formation of a new highway access
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R23/0048	HOME FARM, MAIN STREET, BRANDON, COVENTRY, CV8 3HW	Approval of details related to: Condition 3 Written Scheme of Investigation, Condition 4 Materials, Condition 5 and 6 Landscaping and Condition 14 Water Calculation - R21/0794 (Appeal APP/E3715/W/22/3290513) - Proposed new dwelling and garage, detached garage, and formation of a new highway access
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Applications Approved

Delegated

Discharge of Conditions Applications Approved

R20/0331 STANLEY VILLA, LIVINGSTONE
AVENUE, LONG LAWFORD,
RUGBY, CV23 9BU

15/12/2022

Erection of one detached
dwelling and associated works.

Listed Building Consent Applications Applications Approved

R22/1268 26, Flat 5, Gilshaw Lodge, Bilton
Listed Building Consent Road, Rugby, CV22 7AL

Approval
18/01/2023

Repairs to existing sash windows
and enlargement glazing rebates
to accept double glazed units

Committee

Non Material Amendment Applications Applications Approved

R21/0845 Land North Of, Airfield Drive,
Coombe Fields

Non-Material
Amendment agreed
04/01/2023

Temporary planning permission
for a period of three years, for
two Proof of Concept Research
Vehicle, comprising the erection
of a temporary structure and one
sample easel, together with
associated access infrastructure

Non Material Amendment Applications Applications Approved

and landscape improvements.

Delegated

Prior Approval Applications

Prior Approval Applications

R22/1323 GROVE FARM, WOLDS LANE,
Agriculture Prior WOLVEY, HINCKLEY, LE10 3LL
Approval
Not Required
06/01/2023

Prior Approval: Building for
agricultural/forestry use

R22/0496 Street Record, Sunbeam Close,
Telecoms Prior Rugby
Approval
Required and Approved
18/01/2023

Proposed Telecommunications
20 metre high monopole with
12no. antennas and 2no. 600mm
dishes with associated ancillary
works
