

3rd October 2014

PLANNING COMMITTEE - 15TH OCTOBER 2014

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 15th October 2014 in the Council Chamber, Town Hall, Rugby.

Site Visit

A site visit will be held at the following time and location.

3.30pm The Old Livery, Glebe Farm Road, Draycote
4.15pm 26 Livingstone Avenue, Long Lawford

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 24th September 2014.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

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

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

4. Applications for Consideration.

5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.

6. Delegated Decisions – 5th September 2014 – 25th September 2014.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2014/15 – 7) are attached.

Membership of the Committee:-

Councillors Ms Robbins (Chairman), H Avis, Mrs Avis, Buckley, Butlin, G Francis, Gillias, Lewis, Pacey-Day, Sandison, Mrs Simpson-Vince and Helen Walton.

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

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

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

Planning Committee – 15th October 2014
Report of the Head of Planning and Culture
Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R14/1692	The Old Livery, Glebe Farm Road, Draycote Conversion of existing integral garage into bedroom including installation of two new windows and timber doors to remaining garage (part retrospective).	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R13/0128	Former Herbert Gray College, St Andrew's Church House & Marjorie Hume House, Little Church Street, Rugby, Warwickshire, CV21 3AW. Demolition of existing buildings; conversions & extensions to existing buildings; and new build, including 5-storey blocks; to form 73 extra care residential units (Class C2) with associated facilities, plus café, & highway, landscape & boundary works (St Andrews Church House already has extant consent for demolition).	7
3	R14/0570	Former Herbert Gray College, Little Church Street, Rugby, Warwickshire, CV21 3AW. Partial demolition, conversion & extensions to existing buildings, including 5-storey blocks, to form 73 extra care residential units (Class C2) with associated facilities.	48
4	R14/1352	26 Livingstone Avenue, Long Lawford Erection of a part two storey part single storey to the north facing elevation of the dwelling	57
5	R14/1232	Land South of Technology Drive, Rugby Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved.	64
6	R14/1659	11 Bell Lane, Monks Kirby, CV23 0QY Removal of condition 5 of R05/0777/14408/OP (Outline application for the conversion and extension of the existing stables to form a local needs dwelling) to allow occupation of the dwelling unrelated to the Bell Inn PH.	80

Reference number: R14/1692

Site address: The Old Livery, Glebe Farm Road, Draycote

Description: Conversion of existing integral garage into bedroom including installation of two new windows and timber doors to remaining garage (part retrospective)

Case Officer Name & Number: John Wilbraham – 01788 533549

Site Description

The site lies within the village of Draycote which is classified as an open countryside location. The dwelling forms part of a complex of converted barns located around an open courtyard. The road runs parallel to the western elevation of the site with a small grass verge acting as a buffer between them. A telephone box and telegraph pole are located on this verge.

Proposal Description

This application is seeking part retrospective permission for the retention of a window in the western elevation and the conversion of a garage bay to a bedroom on the eastern elevation facing into the courtyard, which involves the replacement of the garage door with a new window and infilling the remaining opening. Under the original conversion application permitted development rights were removed from the property and a condition was imposed that required the garages be retained for parking.

Relevant Planning History

Application Reference	Description	Decision
R89/1999/7384/P	Conversion of existing barns to provide 5 dwellings	Granted 17/6/1991

Technical Consultation Responses

WCC Ecology – We recommend that notes to highlight the protected status of bats and nesting birds are added to any permission granted (weekly list comments 22/9/14)

WCC Highways – no objection subject to an informative although does have some concerns about window opening onto highway land (26/9/14)

Third Party Responses

Cllr – no comments received

Parish – no comments received

Neighbours – one letter received commenting that; the internal works seemed acceptable but that the new window on the road elevation does not fit with the character of the building or streetscene (22/9/14)

Relevant Planning Policies and Guidance

Core Strategy

CS1 Development Strategy

CS16 Sustainable Design

Saved Local Plan Policies

E6 Biodiversity

T5 Parking Facilities

National Policy

National Planning Policy Framework (NPPF)

Guidance

Sustainable Design and Construction SPD

Assessment of Proposals

In the assessment of this application the determining factors are the impact of the proposed development on the qualities, character and amenity of the area, amenity of neighbouring properties, impact on protected species and impact on highway safety.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The Sustainable Design and Construction Supplementary Planning Document states that the type, proportion and materials of new windows and doors should be in keeping with those of the original dwelling. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design.

The original conversion of The Old Livery attempted to keep the outer elevations of the barn unaltered by locating windows and flue pipes in the roof slope. This helped to maintain the simple and traditional agricultural form of the buildings following their conversion. The insertion of a window in the elevation disrupts this character and has also introduced a style of window not in keeping with the rest of the building, as it is a 3 casement window and all the others are 2 casement windows. The window that has been inserted also differs from the others due to having a cill that projects out approximately 0.1m from the wall, which is a much larger projection than the other windows on the building. It is considered that the insertion of an opening in the elevation adversely affects the agricultural character of the building, the harm being further compounded by the style of window which has been used.

The replacement of the garage door with a window and infill work is considered acceptable in principle as it would not adversely affect the character of the barn, however the 3 casement window which has been used is at odds with the rest of the windows on the barn which are all 2 casement ones. By using a different style of window the conversion becomes more obvious and doesn't appear to have been part of the original conversion scheme. Therefore objection is raised to the type of window used which is out of keeping with the rest of the windows used throughout the barn, contrary to the guidance contained in the Design SPD.

Overall the proposals are considered unacceptable due to being at odds with the rest of the barn and in the case of the western elevation window, adversely affecting the traditional agricultural character of the building. The development is deemed to be contrary to Policy CS16, Sustainable Design and Construction Supplementary Planning Document and Paragraphs 56 and 57 of the NPPF.

Impact upon the amenity of neighbouring properties

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

Both aspects of the application are not considered to cause an issue in terms of loss of light or overbearing to neighbouring properties due to their nature. The partially complete conversion of the garage bay involves the replacement of the garage door with a window and rendered block work. The window serves a bedroom and looks out on to the courtyard facing the opposite neighbour Sunrise Cottage where there is a distance between them of approximately 23m. The window on the western elevation faces towards The Pennies with a separation distance of approximately 28m between them. In both instances the distances involved is considered to be great enough to not cause an issue with overlooking or loss of privacy having regard to Policy CS16.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Paragraph 118 of the NPPF requires local authorities to have regard to the conservation and preservation of protected species and their habitats.

The County Ecologist has raised no objections to the proposals and it is felt there would be no unacceptable impact caused to protected species having regard to Saved Policy E6.

Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. Paragraph 39 of the NPPF requires development proposals to have regard to the safety of all highway users.

The development proposes the conversion of one of the two garage bays into a bedroom, although this is already partially complete. A condition was attached to the original conversion permission which required the garages remain as parking spaces for motor vehicles. The garage bays have a depth of 3.4m and a width of 3.5m. Generally the dimensions of a car parking space should equate to a width of 2.4m and depth of 4.8m – although these dimensions do not factor in space to also open car doors. Given that the depth of the garage is approximately 1.4m shorter than the modern specifications it is accepted that both garages would be unfeasible for the storing of modern cars. The County Highways Officer has considered the proposal and has raised no objection to the conversion of the garage given the amount of available parking within the site. For this reason no objection is raised to the proposed conversion on parking or highway safety grounds.

Concern has been raised by County Highways in relation to the window on the western elevation opening over a highway verge and the hazard this could cause to pedestrians. The Highways Officer has accepted that due to the location of the verge it is unlikely to be used by pedestrians, however the verge is not controlled by the applicant's and could in the future be required as an access way for pedestrians. The County Highways Officer does state that on balance there is no objection to the window but that in the future they could require the removal of the outward opening window should it be deemed to have become a hazard. Based on the comments of Highways it is considered the proposals will on balance not cause such a significant harm to highway safety that it justifies a refusal of planning permission. The development is felt to be broadly in accordance with Saved Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF.

Recommendation:

Refuse the application

Report prepared by: JW 3/10/14

DRAFT DECISION

APPLICATION NUMBER

R14/1692

DATE VALID

22/08/2014

ADDRESS OF DEVELOPMENT

THE OLD LIVERY
GLEBE FARM ROAD
Draycote
RUGBY
CV23 9RB

APPLICANT/AGENT

Mr Bob Faxon
Schoonberg Walker & Associates
3 Sunnyside
The Green
Broadwell
Rugby
Warwickshire
CV23 8HD

On behalf of Mr Dennis Wright

APPLICATION DESCRIPTION

Conversion of existing integral garage into bedroom including installation of two new windows and timber doors to remaining garage (part retrospective)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

In the opinion of the Local Planning Authority the insertion of the window on the western elevation disrupts a simple and traditional elevation that represented the original agricultural nature of the building which has an adverse impact on the character of the building and the wider surroundings. The design and style of this window and the one inserted on the eastern elevation are out of keeping with the windows used throughout the rest of the barn which is considered to be detrimental to the building's character. The development is therefore considered to be contrary to Policy CS16, the Residential Design Guide - Appendix B of the Sustainable Design and Construction SPD and Paragraphs 55 and 56 of the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. Unfortunately in this instance an acceptable compromise could not be reached.

Reference number:

R13/0128

Site address:

FORMER HERBERT GRAY COLLEGE, ST ANDREWS CHURCH HOUSE & MARJORIE HUME HOUSE, LITTLE CHURCH STREET, RUGBY, WARWICKSHIRE, CV21 3AW.

Description :

Demolition of existing buildings; conversions & extensions to existing buildings; and new build, including 5-storey blocks; to form 73 extra care residential units (Class C2) with associated facilities, plus café, & highway, landscape & boundary works (St Andrews Church House already has extant consent for demolition).

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site lies within the heart of Rugby Town Centre and the designated Conservation Area. The existing site is split into three distinct areas, the former Herbert Gray College which contains a Grade II listed building, St Andrew's Church House/Hall, and Marjorie Hume House. To the north of Herbert Gray College is the Grade II* listed church of St Andrew's, whilst to the north of the Church Hall is a row of 3-storey properties fronting Church Street some of which are listed Grade II and others which are on the local list. However, immediately to the north of the Church Hall is a nightclub known as The Vault. To the west of Herbert Gray College is Little Church Street and the rear of many of the retail premises which front High Street. There is also an arcade of shops known as Churchside Shopping Arcade as well as several residential properties. To the south of Herbert Gray College is a small public car park and the Masonic Hall, which is also Grade II listed. To the south of Marjorie Hume House is the graveyard/public open space of St Andrew's Gardens. To the east of Marjorie Hume House and St Andrew's Church Hall is a property that has been converted into flats known as Church Mews with their associated garden areas. Neither Marjorie Hume House or St Andrew's Church Hall are listed buildings.

The older part of Herbert Gray College is two-storey with rooms within the roof space. A more modern 1950s/1960s link that ran parallel to Little Church Street was predominately flat roofed and two-storey and was demolished in March 2012. Marjorie Hume House is three-storey and St Andrew's Church Hall is two-storey but owing to its scale and mass is a similar height to Marjorie Hume House.

The areas immediately surrounding the buildings of St Andrew's Church Hall and Marjorie Hume House are mainly hardsurfaced with walling, fencing and railings along their boundaries. The grounds of Herbert Gray College are subject to a greater level of soft landscaping with mature protected trees throughout the site. These include beech, lime, chestnut, oak and sycamore. The pedestrianised route known as Church Walk runs along the southern edge of the site as well as between Herbert Gray College and St Andrew's Church Hall and Marjorie Hume House. Herbert Gray College is also enclosed by a series of walls and fencing surrounding the edge of the site.

Description of Proposals:

There are two applications relating to this site. One for planning permission, ref R13/0128, and another for listed building consent, ref R14/0570. This report relates to the main planning application for the demolition of existing buildings (namely St Andrews Church Hall), the conversions & extensions to existing buildings together with new build, including two 5-storey blocks, to form overall 73 extra care residential units (Class C2) with associated facilities, plus café, & highway, landscape & boundary works.

The former Herbert Gray College listed building will provide communal facilities for the extra care units along with two guest suites and a small café that is intended to be open to the public. St Andrew's Church Hall will be demolished and a group of 8 two-bed 2-storey extra care units rising to approximately 6.5 metres high will be provided forming a courtyard with Marjorie Hume House that will be converted to form three further 2-bed extra care units. To the south and south-west of the former Herbert Gray College around the periphery of the site will be two 5-storey blocks rising to approximately 14.3 metres high providing an additional 60 two-bed extra care units linked to each other and to the former Herbert Gray College. Overall the development will provide approximately 6700m² of floorspace, a reduction of around 1950m² compared to the approved extant scheme for offices and a hotel. The partial demolition of the former Herbert Gray College will be considered in more detail as part of the listed building application, R14/0570.

The main vehicular access will be provided off Little Church Street following alterations to the existing access, whilst pedestrian access will also be available from Church Walk. Marjorie Hume House and the courtyard of extra care units surrounding it will be accessed through the site. The scheme will also provide 33 off-street car parking spaces, including 5 disabled bays, and 10 cycle spaces. It is envisaged that the scheme would provide 8 full-time employees.

On the previous scheme in 2008 the Council adopted a screening opinion which considered that on the basis of the advice from English Heritage the proposed development did require an Environmental Impact Assessment (EIA) in accordance with the Town & Country Planning (Environment Impact Assessment)(England and Wales) Regulations, owing to the potential impact of the development on the historic environment of Rugby Town Centre. The Council have reached the same conclusion with this current proposal and the applicant's agent has provided an update to the Environmental Statement together with a non-technical summary. They have also submitted a Design & Access Statement (incorporating an air quality report and energy statement), Transport Statement, Ecological Appraisal, Arboricultural Assessment, a further Air Quality Assessment and Noise Impact Assessment.

Relevant Planning History:

There have been a series of extensions and alterations to Herbert Gray College over the years, particularly in the late 1950s, 1960s & 1970s. The most notable historic planning decision for Marjorie Hume House was in 1976 when it received planning permission for the conversion of the existing building to a residential hostel. However, the most significant planning history in recent years relates to the following:

Erection of 4 storey office buildings, including partial retail/cafe on ground floor and erection of new buildings, up to 4 storeys, and conversion of part of Herbert Gray College and Marjorie Hume House to form a 35 bedroom hotel with ancillary restaurant, conference and leisure facilities, with ancillary works including landscaping and highway works.

Approved 10/05/2011

Demolition of St Andrew's Church Hall and partial demolition of former Herbert Gray College, including boundary wall and Marjorie Hume House. Approved 11/03/2009

Partial demolition and various internal works of former Herbert Gray College to facilitate erection of 4 storey office buildings and up to 4 storeys for 35 bedroom hotel with ancillary works. Approved 11/03/2009

The 3 consents/permissions detailed above remain extant as various pre-commencement conditions were addressed and a material start was made on site. Therefore, the demolition of St Andrew's Church Hall is permitted and could take place without any further consent from the Local Planning Authority and the 4-storey hotel and office block development rising to approximately 14.5 and 13.5 metres high and equating to around 8650m² of floorspace could also be built without requiring any further formal permission from the Local Planning Authority.

Technical Consultees:

English Heritage	No objection, subject to conditions.
Severn Trent Water	No objection, subject to a condition and informative.
Environment Agency	No comments received to date.
Ramblers	No objection, provided footpaths kept open.
WCC Paths	No objection.
WCC Planning	Warwickshire County Council will not be seeking any s106 contributions.
WCC Housing	Concerns development aimed at self-funded market so doesn't provide opportunities for all people to access independent living in town centre. S106 obligations should be considered.
WCC Archaeology	Object, scheme not supported by an archaeological site evaluation which would enable a proper and detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened by the proposed development and possibly worthy of preservation in whole or in part or of being fully investigated and recorded. Without prejudice, if approved, recommend conditions.
WCC Highways	No objection, subject to conditions and informative.
WCC Ecology	Following the submission of a further bat survey, no objection, subject to conditions and informatives.
RBC Environmental Services	Following the receipt of additional information, no objection, subject to conditions.
RBC Work Services Unit	No comments received to date.
RBC Trees	No objection, subject to conditions & planning obligation via s106.
Warwickshire Police	No objection, subject to informatives.

Warwickshire Fire & Rescue No objection, subject to a condition.

National Amenity Societies No comments received to date.

Third Party Consultations:

Neighbours Object (152 – households) Insufficient access – no decent road and will bring chaos and town to a standstill;

Little Church St narrow – insufficient space for 2 vehicles to pass in certain parts – vehicles mount pavements;

Frequent traffic jams – especially when deliveries occur;

Traffic increased massively over last 5 years since original permission;

New development will materially impact on traffic on Little Church Street;

Hillmorton Road, Lawrence Sheriff Street & Barby Road will become impossible and seriously affect Rugby School;

Any traffic improvements likely to damage historic character;

Access problems for existing homes, garages, businesses, deliveries and parking problems for tiny car park next to The Merchants;

24/7 operation – large volumes of traffic from development;

Access will be needed for emergency vehicles and refuse – no reference to this, safety issues;

Lack of parking and parking concerns for Elsee Road – will be used as an overspill;

Traffic survey required;

Huge effect on nightlife;

The Vault nightclub may not be able to operate with 73 elderly residents living within 4 metres – it is the only nightclub for live bands;

Architects need to update information on Vault nightclub as now open up to 4 nights a week – they need to come down on a Saturday night and witness noise from crowds of 50 people;

Club DNA had to close when local area redeveloped due to noise complaints – exact same thing could

happen again affecting core of Rugby's alternative scene;

Also lost O'Hagans and Regent Club venues;

Construction and development of residential units would destroy the Vault establishment;

Use to live in Windsor Court with double-glazing and still needed ear plugs at night;

Do not knock down the Vault nightclub – brilliant venue and would destroy local man's business and dreams;

The Vault is primarily a rock music venue which is an invaluable place for like minded individuals to socialise. Raises profile of town where worldwide renown names have played such as Skid Row, Ugly Kid Joe, Drowning Pool etc – rare;

Constructing old people's home next door will make The Vault close down, live music is meant to be loud;

The Vault promotes creativity amongst young people and provides platforms for new bands and talent – a musical hub with an excellent service and safe environment;

The Vault is a thriving piece of entrepreneurship by club's owners – valuable landmark with genuine UK tourism for youth culture;

The Vault is a non-profit organisation with support of most authorities including the police and Rugby BID and has good record with underage drinking and drugs etc;

The Vault is a hive of community activity, attracts people into Rugby which if closed could have a negative fiscal impact on other local businesses and deprive future generations of rugbyans;

The Vault's staff contribute a lot to other local events and town's festivals, including charities;

Masonic Hall & The Merchants also host live music at times – probably also be affected;

Arnold House also hosts weddings that go on late into the night;

Will lose 150+ 18-30 year olds who are a family to the venue;

Younger generation need a reason to be positive;

The Vault brings money into Rugby rather than to Birmingham;

Younger generation needed in town to work and pay taxes rather than retirement homes for people to die in;

Need life and energy in town;

Rugby already lost too many places of entertainment, those that remain will be subject to noise enforcement orders;

Studio at 92 Lower Hillmorton Road now being forced out;

Will lose food and cultural festival events held in church yard;

Everyone will have to be in bed by 10pm to avoid disturbance – town centre not a good place to build house;

New residential properties should come with caveat about accepting night time activity and can only complain if it escalates;

Poorly planned development if windows of care home can't be opened;

Irresponsible and short-sighted to put care home next to established nightclub;

No need for more retirement homes and cafes;

Struggling to fill existing retirement homes – people should stay in own homes;

Town centre not the right place to look after our elders;

Building new living spaces won't regenerate failing town centre;

Rugby will be left only with William Webb Ellis;

As Rugby only 46 mins from Euston site should be used for development to encourage businesses to relocate to town – need to wait until London commuters settle in Rugby, better development will follow;

Closure of pedestrian rights of way - need to be protected to provide safe and convenient routes for local residents;

Concern that pedestrians will have to walk through a car park – may present problems to elderly residents and dog walkers;

5-storey building inappropriate, greedy and will dominate and overpower St Andrew's Church, pathway by Masonic Hall & Little Church St;

Distasteful, disrespectful, poor design & out of character development;

Will be wholesale destruction of urban conservation landscape;

Appearance of a multi-storey car park, utilitarian and unattractive;

Distort balance of town, detract from existing buildings in a Conservation Area;

Architects not taken account of late 18th, mid 19th and early 20th century buildings in town;

Intended materials will weather badly;

May be cost effective to build but unacceptable to Rugby's heritage;

Loss of Marjorie Hume House & St Andrew's Church House with original interior and community facility that has been around since Victorian times – important aesthetic and community component of town life;

St Andrews Church House demolition should be revoked;

Local church workers do not agree with loss of this community facility, a social asset – the need will grow as more houses are built on town;

Hotel use a far more valuable asset;

Start up businesses needed for site instead;

St Andrew's Church House is used for activities ranging from blood donating to martial arts to wedding receptions to rummage sales;

Community facilities need to be incorporated into new development;

Original application had a multi-use hall;

Central area of town will become a ghost town – just be left with poor Clocktowers stuck together with glue & hope, care homes, charity shops and supermarkets as retailers want out-of-town sites;

Shops lie empty near library – don't knock down any more old buildings;

Loss of listed buildings in Conservation Area – too many buildings are being lost, would be bureaucratic vandalism of the highest order;

Almshouses, Boughton House & Royal George Hotel all demolished replaced with eyesores;

Planners allowed devastating changes to Rugby's Victorian, Georgian & Art-Deco heritage, ravaging feel and structure of Rugby's charming form;

Existing buildings should be designed and adapted into scheme;

Character of Church Walk preserved at all cost – historic importance;

Extent, mass, density and scale will undermine beauty, peaceful and tranquil place with most mature trees not surviving;

Trees vital for local feel and landscape appeal of area;

Retention of trees is more critical owing to intended removal of beech tree on site;

Beautiful foxes living nearby could scare or harm them;

Existing living accommodation and garden will be drastically compromised, especially owing to angles between buildings;

Only nominal gap between new build and residential garden resulting in continuous overlooking due to height;

Garden will be thrown into shade all afternoon – units facing property need to be removed;

Overlooking from 4-storey development abutting Church Mews;

Other applications been refused with a greater overlooking distance;

Unnecessary town centre development – proliferation of new care homes in town;

People in charge don't care about local economy or local business;

Improve independent quarter;

Extra care residents unlikely to need regular access to shops, unlike residents of Trinity Court;

Should be redesigned in a T-shape to retain all trees;

Contrary to planning policies;

Revised plans do not overcome previous concerns; &

Wish for scale model to be provided and evening/weekend consultation event.

- Neighbours Support/Comment (8) Support project, I am not a NIMBY;
- Revive neglected site;
 - Rescue two attractive old buildings;
 - Create an open, attractive & hopefully communal area;
 - Save the Vault;
 - Development should include a building for community use – many such facilities closed so now dearth of community facilities to hire in town; &
 - Yellow bricks should be used rather than jarring red bricks, so in keeping with 19th century buildings of area.
- Rugby First Support/Comment Fully support application, but developer must be aware of existing
- retail & leisure businesses operating in town centre which have an element of noise and traffic activity, especially in evenings and at night;
 - Consideration of these businesses now will help prevent future problems being encountered; &
 - Development would greatly enhance neglected area of town and may provide additional footfall benefiting existing businesses.
- Hope 4 (Rugby) Ltd Support/Comment Support scheme as will help address very serious shortage of social housing in Rugby;
- Concern at loss of community facility in town centre, as St Andrew's Church House for last 3 years has been one of the venues for Winter Shelter; &
 - Development should incorporate reasonably sized community area within complex.
- St Andrew's Church Rev'd Nay Comment Whilst selling portion of site for development keen for some space and parking be reserved for benefit of Church and wider voluntary, charitable and local community.
- Churchside Arcade Limited Acknowledge they have a lively well-established restaurant (21

Comment

years) in their complex catering for large parties – never had any problems, but accept does result in taxis, minibuses and people outside smoking;

Sound proofing on proposed development should be of highest standard and a noise covenant imposed as aware it is possible;

In favour of area being developed and accept only scheme on the table; &

Acknowledge project of this size will have some impact on its neighbours but should be for over 50s and not just over 60s – would be better for retailers and vibrancy of town centre.

Rugby Green Party Object

Character and appearance of Conservation Area is protected by law;

Loss of 1930s St Andrews Church House with a 5-storey block of modernist cuboid design better suited for Costa Blanca;

New development would not be blocked by existing 3-storey commercial buildings as argued by applicants;

No social rented housing being provided to help those on waiting list;

Fine listed building of Herbert Gray College and those around it will be disfigured by huge extensions;

Council previously approved modernist hotel so planners will be pushed into accepting this scheme;

Bats roosting will not be protected and bat survey only half done;

St Andrews Church House should get Community Asset Status – this will freeze its demolition so other viable uses can be found;

Architectural vandalism – going to lose all historic areas bar School;

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan 2006 – Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
E17	Development Affecting Parks & Gardens & Other Elements of the Historic Landscape	Complies
T5	Parking Facilities	Complies

Rugby Borough Council Core Strategy 2011:

CS1	Development Strategy	Complies
CS6	Development in Rugby Town Centre	Complies
CS10	Developer Contributions	Complies
CS11	Transport & New Development	Complies
CS13	Local Services & Community Facilities	Complies
CS16	Sustainable Design	Complies
CS17	Reducing Carbon Emissions	Complies

National Guidance & Policies:

National Planning Policy Framework, 2012

National Planning Policy Guidance, 2014

PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide, March 2010

PPS10 Planning for Sustainable Waste Management, July 2005

Other:

Rugby Town Centre Conservation Area Appraisal, June 2010

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document (February 2012)

Assessment of Proposals:

Principle of Development:

Policy CS1 of the Core Strategy seeks to achieve development in the most sustainable locations with the town centre of Rugby being the most sustainable location with the Borough providing the best access to a range of services and facilities. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and one of the core principles is encouraging the effective use of land by reusing land that has been previously developed. The site is both in the town centre and on previously developed land so would accord with policy CS1.

Whilst policy CS7 makes no reference to the redevelopment of sites within the town centre for Class C2 uses (residential institutions/care), it is not considered that this type of use on a site formerly used for Class D1 (school/college) and subsequently the headquarters for Relate (marriage guidance) would specifically harm the retail function and character of the Primary Shopping Area nor impact on its vitality and viability. However, a small café will be provided in part of the former Herbert Gray College building for use by the residents and public although it is intended to take up less than 1% of the overall proposed floorspace.

The Council is aware that the retail units on Little Church Street, particularly in the Churchside Arcade, suffer as they are not part of the established primary shopping area thoroughfares, albeit incredibly close by them. As the provision of the café is part of a much bigger package for the redevelopment of a site in the town centre, it is considered that its inclusion in the scheme could help boost the vitality and viability of this part of Rugby and would be of a nature and scale that is commensurate with its location. Therefore, as the café would represent less than 1% of the overall proposed floorspace the development is not considered to undermine policy CS7.

Since the granting of planning permission for a hotel, leisure facilities, offices and retail/café unit for the site in 2011 the site has been marketed and remains so. However, no interest has been received for either the hotel or office elements but three parties submitted proposals to the marketing agents for assisted living / care home developments. The applicant's agent considers the market has changed significantly since planning permission was resolved to be granted in 2009 and the demand is now for Class C2 development. Despite the extant planning permission it is accepted that there is no real prospect of the site being used as a school/college and the site has been marketed for many years. It is also noted that St Andrew's Church Hall is sometimes used by the local community, however, owing to its town centre location it is not the only premises that provides facilities for local services and communities. Therefore, owing to the extant planning permission for its demolition, it is not considered that proposal could be refused on the grounds of policy CS13.

The Local Planning Authority has not received any other planning applications to redevelop the site since planning permission was granted for the hotel and office use until this current application for Class C2 use.

C2 Use/Extra Care Housing:

The Town & Country Planning (Use Classes) Order 1987 (as amended) states that a Class C2 use (Residential Institutions) defines care as being 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment.'

This meaning specifically states old age and the applicant has stated that they will be marketing the apartments to people over 65 years old but expect most of the owners to be over 75 although currently the average age of new owners is likely to be around 79 based on their other developments. The applicant is willing for a planning condition restricting the age of occupiers to be imposed if necessary. In addition, a service charge will be applicable to all units which will include 1.5 hours care package per week. Additional care services can be bought if necessary and the applicant would expect approximately half the residents to increase their care packages on average to 3.5 hours a week. Ultimately, the applicant's feel 97% of people will be able to remain in their own apartment and will not develop care needs that require them to move.

Restricting the minimum age to 65 years old, the provision of a minimum care package of 1.5 hours a week, the payment of a service charge and that the units would be leasehold, is clearly going to discourage those individuals who are not elderly and in need of care. In addition, the availability of 24 hour care and the employment of 14 members of staff (with up to 7 on-site at any one time) to cater for the care needs of the residents are further factors which weigh in favour of the applicant's interpretation that the proposed development is Class C2.

In previous appeal decisions, it would appear that the deciding factor for Inspectors with regard to whether the proposal constituted a Class C2 use related to the above points, particularly the element of the personal care package and the annual service charge for a leasehold unit.

Although the site is located within the Rugby Town Centre, which is the primary focus for new development, in order for the use to remain in Class C2 and provide a specific type of residential accommodation it is considered that in this instance reasonable to impose restrictions with a legal agreement as indicated above.

Need

The Coventry & Warwickshire Joint Strategic Housing Market Assessment (2013) (SHMA) states during 2001-2011 Rugby has seen the strongest rate of population growth in the Coventry & Warwickshire area, with Rugby having the second highest group of over 85 year olds in 2011. The SHMA indicates that between 2011 to 2031 Rugby will experience a particularly high increase in over 55s by 52% and in 85+ year olds by 123%.

A Review of Dementia Care for Older People in Warwickshire (2007) states that Warwickshire has fewer registered care home places for older people with dementia at 10.32 per 1000 population, than the England average 12.03. Warwickshire County Council Strategic Commissioning & Performance Section has previously stated that in 2009 the Government published a national strategy for housing an ageing society, 'Lifetime Homes, Lifetime Neighbourhoods'. The evidence provided showed a projected sharp increase in demand for housing with access to care and support services.

The 2013 SHMA indicates that between 2011-2031 it is envisaged that the number of individuals suffering from dementia in Rugby will increase by 93% whilst those with mobility problems will increase by 79%. It also states that there will be an increased demand for extra care housing, including ones for market sale.

Excluding the converted elements of the scheme, the proposed development will be purpose-built accommodation providing communal facilities for residents and will undoubtedly assist in meeting the availability of extra-care accommodation for the elderly in Rugby.

Warwickshire County Council's Housing Section are concerned that the development is aimed only at the self-funding market and does not offer Warwickshire County Council People Group customers the same opportunity to access independent living with care in Rugby town centre. Although this concern is noted, as detailed above there is significant growing demand for elderly accommodation, including market extra care units, and this factor carries substantial weight in the assessment of this application and it is not considered that such a concern warrants a reason to refuse the application.

Design & Appearance:

The NPPF states that good design is indivisible from good planning and should contribute positively to making places better for people. However, it also considers that decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative but also reinforce local distinctiveness. As the site lies within a Conservation Area and adjacent listed buildings, as well as the listed building of Herbert Gray College itself, special attention needs to be paid to ensuring development preserves or enhances the character and appearance of the Conservation Area as well as preserving the setting of the listed buildings affected.

Policy CS6 refers to proposals taking account of the Town Centre Action Plan Development Plan Document. This document does not exist, but the policy goes on to state that the redevelopment and refurbishment of existing natural and built environments will need to demonstrate high quality design that complements and enhances the existing environment and townscape in a manner which contributes to local distinctiveness and a sense of place. Policy CS16 also refers to all development demonstrating high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

A Design and Access Statement was submitted with the proposal, which demonstrates how the scheme has evolved in to its current intended format and the various alternatives considered for the site as a whole but also referring back to the approved scheme. Large imposing buildings already surround the site such as the Masonic Hall (c12.5 metres high), Marks & Spencer (c9.7 metres (rear), c13.9 metres (front)), Marjorie Hume House (c13 metres) and St Andrew's Church Hall (c11.2 metres, intended to be demolished). Along Little Church Street and the southern boundary with Church Walk the building will rise to approximately 14.3 metres which is commensurable to the approved scheme, but will still be incredibly prominent. However, the link between the two tall blocks will drop to approximately 6 metres high compared to 7.2 metres on the previously approved scheme near the junction of Church Walk and Little Church Street which will assist in part to break up its dominance along these pronounced elevations.

The significant reduction in height and bulk of the proposed development compared to the previous scheme around Marjorie Hume House and the eastern side of the former Herbert Gray College building is judged to be an improvement and will enable the design and form of the existing buildings on site to dominate retaining and respecting their historic setting and result in a less enclosed feel to the north/south section of Church Walk compared to the approved scheme.

The treatment of the facades of the buildings is key to the success of the development. A staggered floor plate with a strong horizontal influence broken up into smaller geometric sections of different materials, including timber cladding, zinc & copper panelling and glazing sections mixed with more traditional brickwork, brickwork cladding and render treatments. This will provide a powerful palette of external materials and colours that will create an interesting texture and tone across the entire development which is intended to provide an acceptable balance between the more traditional buildings on and surrounding the site. These finer details in relation to external facing materials will be secured via conditions.

The opening up of part of the centre of the site in to a semi-public area and enhancing the permeability of the surrounding thoroughfares is welcomed. The new blocks will form modern and striking landmark buildings with a strong visual presence and the general appearance of individual blocks subsequently interwoven around the existing buildings helps reduce the scale of the development whilst enabling the retention of some of the key mature trees. Overall the scheme is considered to respond positively to the site and its context and will add diversity and quality to the townscape of the town centre whilst providing an eye-catching piece of architecture lifting the visual appearance of this part of Rugby. The proposal is therefore considered to accord with policies CS6 & CS16 and the NPPF.

Conservation & Listed Buildings:

The previous application was accompanied by an Environmental Statement and a Non-Technical Summary which was updated as part of the current submission. The requirement for an Environmental Statement was primarily on the basis that the development was considered by English Heritage to have the potential to have an impact on the sensitive historic environment of Rugby Town Centre.

Herbert Gray College is a Grade II listed building that originated in the 18th century and is a former rectory. The building has been much altered and within the grounds a detached college block was added in the 1950/60s (now demolished) and a high percentage of the site is bordered by tall solid fencing which encloses the site and is a harsh boundary treatment. There have also been a number of unfortunate alterations and extensions to Marjorie Hume House and Herbert Gray College. The Herbert Gray building has not always been open to view due to the landscaping of the site and the modern building along the western elevation, now demolished. However, the site contains a number of important and attractive elements being a green space, containing a listed building and bordering important pedestrian links and an open space. The site also forms part of the setting of the Grade II* Listed St Andrew's Church.

The formal Victorian architecture of Marjorie Hume House responds to the terracing fronting onto Church Street and those individual units along Church Walk. The church provides a focal point viewed from a number of points and fronts onto Church Street whilst Little Church Street has a mixed character with a number of important buildings abutting the highway. However, the general character is one of development having rather turned its back on Little Church Street and Church Walk and thus fronting onto High Street and Church Street. As a result there are a number of uninspiring elevations, service yards, gap sites and a general lack of cohesion. The approach to the site from the east is more open.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm this harm should be weighed against the public benefits or the proposal securing its optimum use. Policy CS16 states that new development should seek to complement, enhance and utilise where possible the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings.

PPS5 the Historic Environment Practice Guide identifies a number of potential heritage benefits that could weigh in favour of a scheme, such as sustaining the significance of a heritage asset, reducing or removing risk to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

A positive redevelopment of the site is welcomed and could enhance the Conservation Area. Key elements of the character and appearance of the immediate area include the setting of St Andrew's Church, maintaining views of the tower, enhancing the street scene along Little Church Street, maintaining the landscaped character of the site and the opening up the footpaths with improved surface and boundary treatment. The Rugby Town Centre Conservation Area Appraisal dated June 2010 refers to the importance of the mature trees and open space within the grounds of the former Herbert Gray College site but also considers that an opportunity for enhancing the area would be to redevelop the site by removing the 1960s architecture and replacing them with a landmark structure that maximises key landscape features.

The retention of the older elements of Herbert Gray College and Marjorie Hume House is welcomed. The removal of the later additions and alterations that detract from these buildings is also supported, however, the loss of the Church Hall is regrettable and English Heritage previously considered that the hall does contribute positively to the character and appearance of the Conservation Area, but it was not worthy of listing.

Whilst it is understood that the Church Hall is in relatively poor state of structural repair, no specific structural report has been received. The building is architecturally distinctive within its own streetscape and whilst not of any significant architectural quality, an element of harm to the Conservation Area would occur through its loss. Previously, the Council's Conservation Consultant considered that the building did not respond to surrounding development and on balance its loss could be acceptable provided there are overall benefits from the redevelopment. Detailed plans have been included within the proposal outlining how the site would be redeveloped following the demolition of the Church Hall. It is considered that the overall socio-economic benefits provided by the redevelopment of this under used site as a whole and also securing an optimum viable use and the benefits it could bring to the Conservation Area in general terms, as outlined in more detail below, on balance justify the removal of St Andrew's Church Hall. Therefore the proposal would comply with policy CS16 and the NPPF as it is considered that the need for and benefits of the proposed development are overriding and detailed plans have been submitted for the development of the site.

The modern architectural language of the proposed new build is considered to be a welcome approach and could successfully integrate the remaining historic buildings on the site. This would necessitate alterations to the listed Herbert Gray College but the removal of the twentieth century additions is encouraged as they detract from the building and do not provide an example of the positive organic growth of a listed building. This current proposal also retains more of the nineteenth century part of the building as previously a section of first floor brick wall and tiled roof with a small dormer window on the western elevation was to be removed which at the time was regrettable so its retention is now welcomed. The majority of the former Herbert Gray College remains vacant and certain sections internally are beginning to deteriorate, such as the parquet flooring. Overall, the best way to securing the upkeep of historic buildings is to keep them in active use otherwise they will fall further into decay and the longevity of such historic assets will be jeopardised if a future use is not secured. Nevertheless, the proposal does retain the majority of the historic portion of the listed College and therefore the proposals are considered to accord with the conservation approach generally taken.

The impact of the development upon the listed and locally listed properties fronting Church Street to the north of the site, the listed Masonic Hall to the south and the rear of those along Little Church Street whose main elevations face High Street are not considered to be harmed and their character and appearance would be preserved. Overall it is considered that the redevelopment of the site opening up sections of it to create additional vistas and the removal of the harsh boundary treatments along Little Church Street and Church Walk would have a positive impact on the Conservation Area. Some of the views of the church tower would be restricted by the development, but others would be created, particularly from within parts of the site when it takes on a more semi-public form around the intended café area. The mass and bulk of this latest scheme is scaled down compared to the extant approved hotel and office scheme, particularly adjacent to Marjorie Hume House and the former Herbert Gray College thereby resulting in a greater respect for the former Herbert Gray College building and the setting of St Andrew's Church.

The relationship of the trees and the surrounding area, which contributes significantly to the character and appearance of the Conservation Area and the setting of the adjacent listed buildings, is outlined in more detail under the Landscaping & Trees heading below.

Whilst elements of the proposal may be judged to lead to less than substantial harm to the significance of the listed buildings on and adjacent to the site and the Conservation Area, on balance, their character, appearance and integrity is not considered to be adversely affected. Bringing back a vacant site in the heart of the town centre which contains notable buildings, including one that is listed, is of paramount importance and it would be in the public interest

to secure an optimum viable use for the site that safeguards their future preservation. These points in particular should be given significant weight in the assessment of the proposals.

Therefore, the proposal would comply with the policies of the Development Plan and the NPPF.

Archaeology:

In connection with the previous 2008 application, an archaeological desk based assessment was submitted, however, WCC Archaeology did not consider that the archaeological implications of the development could be adequately assessed on this basis and hence raised concerns. In December 2008 a geophysical survey was done on the Herbert Gray College part of the site. This identified a formal garden layout of probably 19th Century but has not clearly defined any earlier archaeological features. The report stated that a high resistance area identified may be building rubble, but could only be tested by intrusive investigation. The magnetic survey undertaken proved relatively uninformative partly due to the presence of existing buildings.

On the basis of the above findings an archaeological geophysical survey was conducted around Marjorie Hume House which identified possible structural remains as well as other archaeological features. However, it stated much of the potential archaeology on site may have been obscured by services such as foul and surface water systems and therefore it was not possible to determine the layout of any surviving structural remains from the geophysics.

Based on this additional information, WCC Archaeology previously felt and continue to state that an archaeological evaluation should be undertaken before a decision is made owing to the potential for archaeological features of regional and national importance to be present otherwise the development is likely to have a significant negative impact upon any archaeological deposits present.

The NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest an appropriate desk based assessment should be done and where necessary a field evaluation. As before, the applicants have been reluctant to provide a full scheme of investigation across the entire site including trial trenching at the pre-determinative stage, because of the work involved. However, they are happy for such works to be a condition of any permission.

Whilst WCC Archaeology would prefer the trial trenching work to be done prior to the determination of the application, it is considered as before, that the applicants are prepared to safeguard archaeological deposits of importance and are willingly for extra conditions to be imposed to ensure that full investigation and recording of such archaeological remains is carried out. If it subsequently transpired that proposed foundations conflict with archaeology that had to remain in situ then the construction methods could be altered. For instance, foundations could be cantilevered or designed to span the deposits accordingly. Therefore, it has been demonstrated previously that archaeological deposits can be safeguarded, subject to the imposition of conditions.

Following further discussions with WCC Archaeology and without prejudice to them they consider if the Council was minded to grant permission for the scheme they would wish to see the imposition of two conditions relating to a programme of archaeological work, including building recording, and details of all ground works so foundation design could be adapted depending on the archaeological remains found.

Bearing in mind the previously extant planning permission, on balance, it is considered that any conflict between the archaeological heritage asset and the development could be minimised by conditions to result in any harm being less than substantial and acceptable when weighed against other matters within this report including securing the site's optimum viable use.

Landscaping & Trees:

The former Herbert Gray College part of the site is dominated by mature trees that form an important part in defining the character and appearance of the site as well as the Conservation Area. The significant mature tree canopy stretches from the adjacent St Andrew's Gardens in to the site providing a green oasis in the heart of Rugby Town Centre. This landscaping together with the associated open space acts as a key role in the setting of the surrounding listed buildings and particularly the Grade II* listed church of St Andrew's.

Previously in 2008 a tree survey, landscape strategy, context and visual assessment were provided to support the application. The preparation of a tree protection plan and associated method statement for demolition has subsequently been approved as part of the consideration of the pre-commencement conditions attached to the earlier planning permission. An updated tree survey acknowledges that a number of accepted principles in terms of tree retention and removal were established as part of the previous application. As the site lies within the Conservation Area then all the trees are protected. However, the most significant trees are also subject to a Tree Preservation Order.

As detailed above, the existing site is enclosed by a variety of walls, fences and railings. Whilst the existing trees are clearly visible from a variety of vantage points throughout the town, views actually into the site are limited. The proposed development would partly open up areas around the site and provide views into the site from the north-west, south and east and enable pedestrians to move further into the grounds, particularly around the former Herbert Gray College building. These changes would be a significant improvement for users of Little Church Street and Church Walk and are welcomed. The development would wrap around the edges of the Herbert Gray College site retaining a central courtyard that would be dominated by the remaining mature beech tree.

Concerns have been raised at the loss of mature protected trees on the site by virtue of the proposed development. In assessing the trees on site a grading is given to the trees which represent their importance. Category A trees are the most significant and are considered to be of high quality and make a substantial contribution to amenity. Category B trees are of moderate quality and value and make a significant contribution to amenity. Category C trees are generally considered to be of low quality and value, whilst Category U trees generally reflect those which should be considered for removal based on sound arboricultural management.

The site contains 3 category A trees, 15 category B trees, 13 category C trees and 4 category U trees. A total of 16 individual trees and 3 specific small groups of trees will be lost as part of the development. Notwithstanding the conclusions of the arboricultural report, this will comprise of 4 Category B trees, 11 category C trees (including 3 small groups of trees, namely holly, yew, Lawson cypress & silver birch) and 4 category U trees. Ten of these trees are subject to a Tree Preservation Order, so 10 protected trees are scheduled for removal, whilst 10 protected trees will remain plus three other significant trees, two within the highway and one in the grounds of Marjorie Hume House.

Unfortunately, since the approval of the previous planning permission one of the magnificent beech trees (T9) within the centre of the site has recently split down the main stem and is now considered by the arboriculturalist to be dangerous and has been downgraded from a category A tree to a category U tree. A separate application to fell this protected tree and

replant a replacement has been assessed and approved by the Council's Arboricultural Officer in February 2014.

The loss of any trees is regrettable, particularly those which are considered to make a significant contribution to the local environment and visible from a high number of public vantage points within an urban area. Nevertheless, the partial opening up of the site into a semi-public area around the proposed café and to the north-east of the former Herbert Gray College building will enhance the existing thoroughfares around the site and enable those trees identified as category A specimens to command a greater presence and be enjoyed by those individuals using the site. The majority of the site is currently vacant and redeveloping it will certainly enhance this part of Little Church Street and make it more vibrant. This and other issues identified in this report, such as the active use of the listed building, has to be balanced against the loss of the trees.

As detailed above planning permission for the hotel and offices is extant and the footprint of the proposed new build elements of the care home virtually mirror that of the approved scheme, particularly within the former Herbert Gray College part of the site. However, a category B lime tree which is subject to a tree preservation order was to be removed as part of the previous scheme will be retained as part of the current proposal and this is welcomed.

Any loss of trees and canopy cover should be mitigated for via a suitable re-planting scheme to make a valuable contribution to the local amenity. As with the previous scheme and owing to the limited options within the site for additional planting, the Council would be seeking an off-site financial contribution towards replacement landscaping. The previous application adopted the Helliwell System, which has been approved by the Tree Council, to assist in ascertaining a monetary figure to inform a suitable tree planting mitigation scheme in the light of trees that would be lost. The Council's Tree Officer has confirmed that in the event of permission being granted a financial contribution should be sought and this should be based on the previous calculations indexed linked as per the original Section 106 legal agreement to reflect today's costings thereby ensuring that a re-planting scheme could be implemented in a suitable location in proximity to the site as well as the imposition of a series of conditions and informatives.

The applicants propose to submit a detailed landscape design that will complement and integrate with the existing mature landscaping around the site and utilise high quality hard landscaping treatments of appropriate character for their location. This can be conditioned accordingly.

When assessing the scheme in its entirety it is considered that on balance the proposal would satisfy saved policies GP2 & E17 and the NPPF.

Amenity:

The site lies within a mix of uses including retail, commercial, religious and residential in a town centre location. Individuals working and living in such areas are exposed to greater levels of noise and disturbance owing to the general and hustle and bustle attributed to activities within a town centre during both the day and night. Owing to the juxtaposition of retail and commercial properties to residential units within town centres compromises in amenity are often expected. However, in certain instances groups of residential units can possess a high level of privacy and security owing to their close relation with surrounding buildings and trees, particularly in urban locations.

To the east of the site is a property which has been converted in to 6 units known as Church Mews, whilst to the north of St Andrew's Church Hall beyond the entrance to the nightclub is a building which has been converted into flats known as Church Walk Apartments. These apartments are within a three-storey building with the majority of the windows on the western

elevation overlooking the church. However, there are also openings on the southern elevation, in particular a large window and balcony, which faces St Andrew's Church Hall. Church Mews is also a three-storey building with the windows of the development primarily facing a northerly direction towards the rear of the units at the back of Church Street and southerly across their own private amenity space and St Andrew's Gardens beyond. There is a small second floor window in the western gable end, but it is understood that this may be a secondary window to a habitable room whose main window is in the southern elevation.

St Andrew's Church Hall is located approximately 5.5 metres off the boundary with Church Mews and about 18 metres from the side gable of the Church Walk Apartments. The Church Hall rises to approximately 8 metres to the eaves and 11 metres to the ridge. There are large first floor windows which look across to the Church Walk Apartments. The previous hotel block adjacent to the western boundary of the Church Mews Apartments was intended to rise to approximately 13 metres above ground level and be located approximately 2 to 7 metres off the boundary with Church Mews and extend by approximately 36 metres along the boundary with Church Mews. In contrast the 2-storey extra care units now proposed adjacent to the Church Mews boundary will only rise to 6.5 metres and be sited between 3 to 7.4 metres off the boundary.

The scale and massing of these proposed two-storey units is significantly less than the previously granted hotel and office development. However, owing to the Church Hall's existing presence and the relationship with Church Mews and the Church Walk Apartments, the impact of the scale and bulk of the proposed development would not be at such a level that would adversely affect the amenity currently enjoyed by these adjacent properties to warrant a reason for refusal.

In addition the only first floor windows on the eastern elevation of the 2-storey units looking towards Church Mews are bathrooms. The ground floor windows will just look onto the existing fence which is intended to be replaced with a wall approximately 1.8 metres in height. The first floor glazing on the northern elevations of the 2-storey units will serve habitable rooms but based on the existing windows on the northern elevation of St Andrew's Church Hall and the distance to the Church Walk apartments of around 17 metres across a semi-public area. These relationships are deemed acceptable and would not adversely affect the residential amenity of those occupants.

A planning application has recently been submitted at the rear of Church Mews to the immediate east of this extra care home proposal, ref R14/1530. This is for a 3 and 4 storey block of sheltered accommodation for the elderly rising to 13 metres in height. The western elevation of the proposed block at the rear of Church Mews will only have bathroom windows within it and based on there only being 2-storey units adjacent to the Church Mews development site it is not considered that the current proposal at the former Herbert Gray College, Marjorie Hume House & St Andrew's Church Hall site would jeopardise any potential future development on that site. Nevertheless, the scheme at Church Mews is understood to have a various outstanding issues.

The rear elevations of the properties on Elsee Road and side elevation of 2 Church Walk will lie approximately 50 metres away partially across the Masonic Lodge car park and the Church Walk footpaths and in the case of some of the Elsee Road properties, across the public gardens of St Andrew's to the south-east of the development. These distances which in some cases are across semi-public areas mean that, on balance, the amenity of the existing properties would not be adversely affected by the proposal to such an extent to warrant a reason for refusal. Various other residential units, such as flats above shops, lie along Little Church Street and Church Street as well as those that form part of the Windsor Court development. The relationship between the proposed development and these units is not considered to adversely affect their amenity over and above the existing situation.

Overall the proposal is considered to accord with policy CS16 and the NPPF.

Noise:

Concerns have been raised at the impact existing neighbouring uses may have on the end users of the extra care home, particularly from the nearby nightclub, restaurants and the Church. The site is in Rugby Town Centre and residents of the extra care home, as with other town centre residents, will be exposed to a certain level of background noise during both the day and night. It should be noted that the proposal does not involve the demolition of the Vault nightclub.

A noise impact assessment was prepared and has highlighted a risk that noise from amplified music and patrons at the nightclub could cause disturbance to the occupiers of the proposed new dwellings. Noise from patrons arriving and leaving and from the use of an external smoking area were considered significant. In order to address potential conflict between occupants of the extra care home and users of existing nearby premises a variety of mitigation measures are proposed. These include the following:

- i) provision of a 3m high brick wall which will act as an acoustic barrier to the south of the nightclub;
- ii) non-openable windows and french doors with acoustic glazing and specific ventilation systems facing the Vault;
- iii) no ventilation air will be drawn into the building via the facades facing the Vault; &
- iv) reconfiguration of internal room layouts next to the Vault.

National Planning Practice Guidance states that whilst noise can over-ride other planning concerns it should not be considered in isolation from other economic, social and environmental dimensions of the proposed development. However, the Council's Environmental Services Section are now satisfied with the findings of the report and having regard to the club's premises licence consider proposed mitigation measures are acceptable, subject to conditions, especially relating to specific glazing requirements on a room by room basis.

A query has been raised in relation to noise nuisance from church bells. Environmental Services have advised that the Common Law position is that the making of unreasonable noise is actionable as a nuisance and action could potentially be taken under the Environmental Protection Act, 1990. This is unlikely to occur unless the bells are rung incessantly or at unreasonable times. The Tower Captain of St Andrews Church has confirmed that the bells are generally rung on Sunday mornings and evenings, for practice on Monday evenings and for special occasions such as weddings, special services and events (eg Olympic flame or particular visitors) which probably amount to 2 a month. They are only rung after 9pm at Christmas and New Year's Eve. Environmental Services consider this acceptable.

Overall the proposal development is considered to comply with policy CS16 and the NPPF.

Highways & Footpaths:

Several third parties have raised concerns relating to highway matters, including parking. The site lies within a High Access Zone as identified in Appendix 2 of the Planning Obligations Supplementary Planning Document, March 2012 and based on the Council's maximum parking standards for a Class C2 development with 2-bed units potentially with 2 occupants 19 car parking spaces should be provided for the entire site as proposed. A total of 33 spaces are shown on the submitted plan, however, the Transport Assessment considers that the development of the site with Class C2 extra care units rather than for a

Class C2 nursing and rest home means that the proposed scheme caters for more active elderly persons who potentially could still be driving.

The provision of the additional spaces in an area of the Town Centre where parking is at a premium would assist in reducing pressure for on-street parking from users of the development, particularly in other nearby residential areas. Whilst the additional spaces could result in additional traffic using Little Church Street, the Highway Authority considers that the majority of the car parking spaces will be used by visitors and staff therefore, the trip numbers to and from the site will be generally low. In addition, they have commented that the potential traffic generation of the site would be substantially lower than the previously consented mixed use scheme.

Although the Transport Assessment states only a relatively low number of staff will be present on site at any one time, a Travel Plan Statement has been received which outlines how measures to encourage people to use public transport, walk or cycle as alternatives to the car will be promoted and how it will be implemented, managed, monitored and reviewed. Whilst the Highway Authority have not specifically insisted on such a Plan, owing to the site's town centre location its production is judged to be beneficial to support sustainable transport modes.

The Highway Authority do accept that there may be times when adhoc and inconsiderate parking takes place along Little Church Street, however, they believe this isn't unique to the area and happens in many other locations and while can cause an issue, it is only for a limited time. Overall they raise no objection to the development, subject to a condition requiring bollards to be installed on Church Walk.

Owing to the level of parking now being provided on site, the Highway Authority no longer requires a financial contribution towards the Car Park Management System for Rugby Town Centre as with the previous scheme.

WCC Paths have stated that there are no public rights of way crossing or abutting the application site currently recorded on the Definitive Map. Whilst WCC has received Definitive Map Modification Order applications to record certain paths nearby as public footpaths these have yet to be formally assessed. However, they are aware that these 'claimed' routes are used by the public and as the developer's intention is to retain them WCC Paths and The Ramblers raise no objection to the development.

Therefore the proposal is not considered to conflict with policy CS11 or saved policy T5.

Energy Conservation & Sustainability:

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The Sustainable Design & Construction Supplementary Planning Document, 2012 (SDC SPD) states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.

Policy CS16 states that sustainable drainage systems (SUDs) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDs are also referred to in saved policy GP2. The application form and Design & Access Statement states that surface water will be dealt with by a sustainable drainage system that will limit post development surface run off to pre development rates as a minimum.

This policy also states that all new residential development should meet the water conservation standards in Level 4 of the Code for Sustainable Homes. However, it goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development. Details of a

water efficiency calculator have been submitted for proposed internal water consumption and this demonstrates that the scheme could potentially achieve Code Level 3 to 4.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 10 dwellings or 1000m² or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This policy also goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development. Details of energy efficiency measures have been submitted which in addition to fabric insulation and low carbon technologies would also incorporate Air Source Heat Pumps in order to achieve the desired savings.

Ultimately both these matters will be finalised via condition to ensure the policy requirements are met as demonstrated in the energy statement report, however, should it be demonstrated at a later date that various elements cannot be provided owing to viability this could be addressed as part of the submitted details associated with those conditions.

Ecology:

The submitted Ecological Appraisal states the only evidence of protected species recorded was bats, however, planting within the site should seek to provide additional habitats for urban and suburban wildlife, including the provision of bat and bird boxes with hibernation and maternity designs to increase roosting opportunities for bats.

Warwickshire County Council Ecology Unit note that their records identify bats foraging close to the site and the updated Environmental Statement makes reference to the existence of mature trees and semi improved grassland within the site which provides potential habitats for birds, bats and other protected species.

As the former Herbert Gray College building has been identified as having the potential to support bats, a further pre-determinative bat survey was conducted. This identified a bat roost of pipistrelles in the former Herbert Gray College building and a maternity roost of Whiskered/Brandt's bats in the retained beech tree to the south of the College building. It is understood that only 3 maternity Whiskered/Brandt's bat roosts are known in Warwickshire so it is critical that the roost is protected from disturbance. Ideally, WCC Ecology would prefer the footprint of the building along the southern edge of the site to be reduced in size in order to retain some of the existing trees surrounding the maternity bat roost. However, the applicant has previously indicated their unwillingness to revise the main footprint of the scheme and WCC Ecology acknowledge the existence of an extant proposal for the site which would result in the loss of some of the mature trees along the southern boundary of the site as with the current proposal. On this basis, they are content for conditions and informatives to be imposed on any permission that specifically relate to bat mitigation measures, lighting and a combined ecological & landscape scheme.

Potential habitats for reptiles has been identified at the site, however, WCC Ecology feel that owing to the isolated and urban nature of the site they do not pose a statutory constraint. Nevertheless, they would also wish to see extra conditions and informatives imposed in relation to reptiles and birds. Although concerns have been raised by third parties in relation to the impact on wildlife and their habitats, it is considered that appropriate mitigation measures can be put in place to limit the impact on any protected species.

Overall subject to the mitigation measures detailed above, the proposal would comply with saved policy E6 and the NPPF.

Air Quality & Contamination/Remediation:

An air quality assessment has been submitted with the proposed scheme. This concludes that the impact of the development in terms of air quality on nearby sensitive receptors is predicted to be negligible and on the basis of the air quality modelling undertaken the application site is considered appropriate for its proposed use as an extra care residential home and no additional mitigation is required. This assessment also considers that the scale and nature of the construction phase activities associated with the proposed development would be medium low risk with respect to risk of dust effects on human and ecological receptors and that with appropriate mitigation in place the residual significance of any effects arising from construction related dust emissions is likely to be negligible. Environmental Services have confirmed that they generally support the findings of the report and raise no objection.

A Phase 1 contamination report was prepared as part of the discharge of the pre-commencement conditions in 2012. However, as the site will now introduce residential properties to the site in the form of extra care units, the contaminative state of the land needs further detailed assessment to make it suitable for the new end users. Therefore a Phase II contaminated land assessment with ground gas monitoring will be required and Environmental Services are content for this to be addressed by condition.

On this basis, it is considered that matters relating to air quality and ground contamination can be satisfactorily addressed and therefore complies with the NPPF.

Drainage & Flood Risk:

Details of hydrology, hydrogeology and drainage matters were included in the submitted documentation for the previous application and considered acceptable. The current scheme will also deliver a Sustainable Urban Drainage compliant surface water disposal system and Severn Trent Water have raised no objection, subject to conditions in relation to both surface water and foul drainage. Therefore, the proposals are considered to accord with policy CS16 and the NPPF.

Other Matters:

PPS10 has not been superseded by the NPPF and advises that new development should be supported by site waste management plans. Whilst they do not require the formal approval of the Local Planning Authority they are encouraged to identify the volume and type of material to be demolished and/or excavated with opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed. In the Design & Access Statement the agent has made reference to Construction Waste Management and that practical project management opportunities will be employed that will assist the process of site based waste management. Although no actual site waste management plan has been submitted with the application, the Site Waste Management Plans Regulations 2008 will require a construction project of this scale to have a site waste management plan in place prior to works commencing on site. It is understood that these plans may be monitored by the Environment Agency and/or the Borough Council.

In the previous application the Environmental Statement contained a socio-economic section, which focused on job prospects and improved commercial and leisure opportunities. This has been updated and this time places greater emphasis on population growth, particularly those over the age of 65 years as well as health and care statistics. This section also refers to the benefits of developing an unused site and how it would increase job opportunities, commercial activity and that there may also be a significant effect in terms of indirect employment and growth.

Conclusion:

The development will provide environmental benefits through the reuse of an empty listed building on site as well as the conversion of Marjorie Hume House together with the removal of more modern structures and additions that have a negative impact on those buildings and the Conservation Area. In addition, the development is on previously developed land in one of the most sustainable locations within Rugby Borough and will provide economic benefits in the term of jobs for the local economy and related services, particularly during the construction process. It is the aforementioned factors that weigh significantly in the scheme's favour despite certain aspects being judged to have less than substantial harm to the significance of the listed building and Conservation Area, whilst other elements will have a positive impact on the setting of the Conservation Area and listed building of the former Herbert Gray College building when assessed against the extant planning permission for the hotel and offices.

The loss of mature trees and St Andrew's Church House is regrettable but on balance will help facilitate the development of this key town centre location together with formation of a semi-public area within the site and added interest to the thoroughfares around the site providing views of both modern landmark buildings and surrounding listed buildings. The striking new architecture will sit amongst its conservation setting and historic landscape whilst adding to the diversity and quality of the town centre.

A legal agreement incorporating an off-site financial contribution for landscaping as well as an occupancy restriction in relation to age and care packages will further ensure the acceptability of the scheme.

Recommendation:

The Head of Planning & Culture be given delegated powers to approve the application, subject to conditions and informatives, following the completion of a legal agreement to include an off-site financial contribution towards landscaping, occupancy restriction in relation to age and care packages.

DRAFT DECISION

APPLICATION NUMBER

R13/0128

DATE VALID

11/06/2014

ADDRESS OF DEVELOPMENT

FORMER HERBERT GRAY COLLEGE,
ST ANDREWS CHURCH HOUSE &
MARJORIE HUME HOUSE
LITTLE CHURCH STREET
RUGBY
CV21 3AW

APPLICANT/AGENT

Chris Rogers
Rickett Associates
Wood Farm
Everdon
Northamptonshire
NN11 3BH
On behalf of Jeremy Heath, Herby Holdings

APPLICATION DESCRIPTION

Demolition of existing buildings; conversions & extensions to existing buildings; and new build, including 5-storey blocks; to form 73 extra care residential units (Class C2) with associated facilities, plus café, & highway, landscape & boundary works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Subject to conditions 3, 4 & 5 below the development and associated works shall be carried out in accordance with the plans and documents detailed below:

AUD 2548 PA 1000 Rev C received by the Local Planning Authority on 22nd August 2014;

AUD 2548 PA 010 Rev H;

AUD 2548 PA 020 Rev C;

AUD 2548 PA 030 Rev D;

AUD 2548 PA 040 Rev D;

AUD 2548 PA 050 Rev D;

AUD 2548 PA 060 Rev D;

AUD 2548 PA 302 Rev B;

AUD 2548 PA 900 Rev B;

AUD 2548 PA 901 Rev B; &

AUD 2548 PA 902 Rev C;

all of the above received by the Local Planning Authority on 14th August 2014;

AUD 2548 PA 600 received by the Local Planning Authority on 29th July 2014;

AUD 2548 PA 001 received by the Local Planning Authority on 11th June 2014;

AUD 2548 PA 800 Rev B received by the Local Planning Authority on 27th March 2014;

AUD 2548 PA 402 Rev A;

AUD 2548 PA 700 Rev A; &

AUD 2548 PA 904 Rev A;

all of the above received by the Local Planning Authority on 17th March 2014; and

Air Quality Assessment by Aecom Environment dated 07/07/2014 received by the Local Planning Authority on 9th July 2014;

Noise Impact Assessment by 24 Acoustics ref R4927-1 Rev 2 dated 13th August 2014 received by the Local Planning Authority on 14th August 2014;

Ecological Appraisal Rev B by FPCR dated 09/09/2014 received by the Local Planning Authority on 22nd September 2014;

Arboricultural Impact Assessment by Wharton Arboriculture Limited ref 120814 0033 AIA V2 007 dated August 2014 received by the Local Planning Authority on 14th August 2014 together with a copy of an email sent by Peter Wharton to the applicant, Jeremy Heath, on 18th September 2014 [22:34] received by the Local Planning Authority on 19th September 2014;

Environmental Statement Update Report & Associated Non Technical Summary Report both by Parkwood Consultancy Services dated May 2014 received by the Local Planning Authority on 6th May 2014 in conjunction with the Environmental Statement by Faber Maunsell/Aecom dated August 2008 originally received by the Local Planning Authority on 14th August 2008.

Transport Statement Rev 2 dated 11/03/2014 ref 60315705 by Aecom Limited received by the Local Planning Authority on 17th March 2014 together with a letter from Alex Keene of Aecom Limited dated 27th March 2014 to the Local Planning Authority received on 27th March 2014 by the Local Planning Authority.

The Oak Retirement report dated 1st February 2014 received by the Local Planning Authority on 17th March 2014 and the letter from Oak Retirement to the Local Planning Authority dated 25th June 2014 received by the Local Planning Authority on 1st July 2014 re extra care facilities.

Any other subsequent amended plan or document shall be agreed in writing with the Local Planning Authority.

REASON:

To ensure the details of the development are acceptable to the Local Planning Authority for the avoidance of doubt.

CONDITION 3:

Notwithstanding any indication given on the approved drawings as part of the application, full particulars including details of the colour, finish and texture of the materials to be used on all external surfaces of the proposed buildings, extensions and links, together with samples of:

- a) glazing of walls and any roofs (including obscuration levels);
- b) timber, concrete, brick, stone, cladding and metal work associated with the walls, windows, doors, roofs, roof terracing, external fins, columns and exposed floors and ceilings; and
- c) balustrades and rain water goods;

shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. These details shall then be implemented in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance.

CONDITION 4:

Notwithstanding any of the details submitted as part of the application, details of any ducts, flues or vents to be installed on the external elevations of the buildings, including roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. These shall then be installed in accordance with the approved details.

REASON:

To ensure a satisfactory appearance.

CONDITION 5:

Notwithstanding any of the details submitted as part of the application, full details of the treatment of all site boundaries (including those along Church Walk and between the former Herbert Gray College and St Andrews Church), shall be submitted to and approved in writing by the Local Planning Authority prior to their installation/erection. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first brought into use.

REASON:

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

CONDITION 6:

Notwithstanding any of the details submitted as part of the application and before development commences, unless otherwise agreed in writing with the Local Planning Authority, a comprehensive scheme detailing both hard and soft landscaping for the entire site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density (including those relating to any green roofs), finished levels, all external structures such as furniture, bollards and surface treatments (including those for vehicle and pedestrian access and circulation areas), together with an implementation programme. The landscaping shall then be carried out in accordance with the approved details and implementation programme.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 7:

No works or development, including ground clearance, shall take place until a final arboricultural method statement/tree protection plan (Section 5.5 & 6.1BS5837:2012 - Trees in relation design demolition and construction: recommendations) for the protection of the retained trees has been submitted to and agreed in writing with the Local Planning Authority. This scheme shall include details of the following:

- A) Tree protection barriers and temporary ground protection;
- B) A schedule of tree works for all the retained trees, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. The positions of all trees to be removed shall be indicated on this plan;
- C) Timings, specifications and locations of proposed root pruning;

- D) Installation of new 'no-dig' hard surfacing in root protection areas e.g. new access/parking areas in the site - materials, design constraints and implications for levels;
- E) Construction access, construction process and site storage;
- F) Specialist foundations - installation techniques and effect on finished levels and overall height;
- G) Proposed positioning of underground service runs and proposed excavation techniques;
- H) Preparatory works for new landscaping; &
- I) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

REASON:

In the interests of visual amenity and to safeguard the health of the protected trees.

CONDITION 8:

In conjunction with Condition 6 above, no works or development shall take place until a specification of all proposed tree planting has been submitted to and approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed timing 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 that tree, or any tree 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 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:

In the interests of visual amenity and to safeguard the health of the protected trees.

CONDITION 9:

In conjunction with Conditions 6 & 8 above, no works or development shall commence on site, including site clearance, until a combined ecological and landscaping scheme with timeframe for implementation has been submitted to and agreed in writing by the Local Planning Authority (with advice from Warwickshire County Council Ecological Services). The scheme must include all aspects of landscaping planting proposed and the agreed scheme shall be fully implemented before/during the development of the site as deemed appropriate by the Local Planning Authority.

REASON:

In the interests of visual amenity and provide biodiversity enhancements to the site and surrounding area.

CONDITION 10:

The development hereby permitted shall not commence, including site clearance, until a Bat Mitigation Strategy for the whole site (to include timing of works, replacement roost details, monitoring, and method statements for the removal of all on-site buildings and trees) has

been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be based on those provided in the FPCR Ecological Appraisal for Herbert Gray College, Little Church Street, Rugby dated September 2014 received by the Local Planning Authority on 22nd September 2014 and Warwickshire County Council's Ecological Services consultation letter dated 1st October 2014. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 11:

No internal or external lighting, including roadway and pathway lighting, shall be installed or erected until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. External lighting details shall include the type, design, location, fixtures, fittings and columns, together with their associated angle, fall, spread and intensity. Internal lighting details shall provide details of spread, intensity and glare that falls outside of the internal areas (ie through glazing) together with any mitigation measures to prevent the glare from internal lighting externally. The strategy shall take full account of recent guidance on bats and lighting and on reducing obtrusive lighting on-site. No existing on-site bat roosts or newly created bat roosts or boxes shall be directly illuminated. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON:

To prevent unnecessary light pollution, in the interests of the amenities of the area and prevent potential harm to protected species and their habitats.

CONDITION 12:

Before development commences, full details and specifications of the bollarded pedestrian area, including bollards and surface treatments, in the area hatched cyan/light blue on approved plan ref AUD 2548 PA 010 Rev H received by the Local Planning Authority on the 14th August 2014 shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be implemented in full in accordance with the approved details prior to the first occupation of the development.

REASON:

In the interests of highway safety.

CONDITION 13:

In accordance with the hard landscaping details approved as part of Condition 6 above, the car parking, vehicular and pedestrian access points and circulation areas shall be laid out in accordance with the approved details prior to the first occupation of the development.

REASON:

In the interests of highway and pedestrian safety.

CONDITION 14:

The accommodation for car parking, shown on the approved plan AUD 2548 PA 010 Rev H received by the Local Planning Authority on 14th August 2014 shall be provided before the first occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons living in, working in or calling at the premises and

shall not be used for any other purpose, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

CONDITION 15:

Prior to the first occupation of the development hereby approved, details including appearance and location of secure and covered cycle storage facilities for both staff and visitors shall be submitted to and approved in writing with the Local Planning Authority and in accordance with the Council's adopted cycle parking standards. The cycle provision shall be implemented in accordance with the approved details and made permanently available for use prior to the first occupation of the development.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 16:

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

REASON:

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

CONDITION 17:

The development hereby permitted shall not be commenced 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 development shall not then be first occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION 18:

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

(a) An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local

Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

© The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REASON:

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

CONDITION 19:

Prior to the commencement of any works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- a) The control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during demolition and construction phases;
- b) The control of dust including arrangements to monitor dust emissions from the development site during demolition and construction phases;
- c) Measures to reduce mud deposition offsite from vehicles leaving the site; &
- d) If piling is planned to be undertaken as part of the construction process then an appropriate vibration assessment will need to be undertaken based on the most up to date British Standards and form part of the Construction Method Statement.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 20:

No development shall commence unless and until a fully intrusive and destructive inspection Asbestos Survey of buildings/structures to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 21:

Prior to the installation of any fume extraction system associated with any commercial kitchen, including the restaurant and café, full and precise details of a suitable fume extract system, including external treatments, shall be submitted to and approved in writing by the Local Planning Authority. The system shall be designed to operate in full accordance with the approved details before the development, hereby approved, is first brought into use and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 22:

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

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 23:

Prior to the development first being brought into use, the refuse storage and collection arrangements, including the provision for the recycling of waste, together with surface and boundary treatments to the bin storage and collection areas shall be submitted to and approved in writing by the Local Planning Authority. The bin storage and collection areas shall be installed and made available for use prior to the building first being brought into use. The facilities shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure satisfactory bin storage and collection facilities are provided, together with the opportunity for recycling waste, and to safeguard the health of the adjacent protected trees.

CONDITION 24:

In conjunction with Condition 19 above, the mitigation measures as detailed in the Air Quality Assessment prepared by Aecom Environment dated 7th July 2014 and received by the Local Planning Authority on 9th July 2014 shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 25:

Before development commences full details of the acoustic measures to be installed on site and within the buildings, including the boundary wall to the immediate south of the Vault nightclub and glazing, window and door specifications, in conjunction with the recommendations and conclusions of the Noise Impact Assessment ref R4927-1 Rev 2 dated 13th August 2014 by 24 Acoustics received by the Local Planning Authority on 14th August 2014 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall then be implemented in full and remain in perpetuity prior to the development first being brought into use unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 26:

No external construction or demolition works shall take place on site other than between the hours of 07:30 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 27:

In addition to and notwithstanding the Faber Maunsell Archaeological Desk-Based Assessment dated May 2008 received by the Local Planning Authority on 14th August 2008, Northamptonshire Archaeological Geophysical Survey Report 09/04 dated January 2009 received by the Local Planning Authority on 13th January 2009, and the Stratascan

Geophysical Survey Report J2571 dated February 2009 received by the Local Planning Authority on 25th February 2009, no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant/developer and approved in writing by the Local Planning Authority. The development thereafter shall only be carried out in accordance with the approved programme of archaeological works.

REASON:

To ensure the recording of any archaeological deposits disturbed by the development.

CONDITION 28:

Notwithstanding plans ref: 8011/1000 Rev 01, 8011/1001 Rev 01 & 8011/1003 Rev 01 received by the Local Planning Authority on 13th February 2012; Plan ref: 8011/1002 Rev 01 received by the Local Planning Authority on 15th February 2012; 8011/3000 Rev 02 received by the Local Planning Authority on 27th February 2012; and the addendum to written scheme of investigation (watching brief of geotechnical or exploratory pits) by Archaeology (Projects) Warwickshire March 2012 received by the Local Planning Authority on 9th March 2012; and the Archaeological Evaluation Written Scheme of Investigation by Archaeology Warwickshire received by the Local Planning Authority on 6th March 2012; all submitted in relation to the previous application R08/1466/MEIA, no new development or ground works associated with the new structures/buildings/extensions hereby permitted under application R13/0128, shall commence until detailed plans and sections showing the foundation design and maximum extent of all ground disturbance associated with the proposed development shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out in accordance with the approved details.

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION 29:

In conjunction with the Energy Statement by Enplanner ref 1109 as part of the submitted Design & Access Statement received by the Local Planning Authority on 17th March 2014, the development shall not be first occupied unless and until details of the equipment and technology to be incorporated in to the buildings to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION 30:

In conjunction with the BreGlobal water efficiency calculation report submitted as part of the Design & Access Statement received by the Local Planning Authority on 17th March 2014, prior to the first occupation of the development, full details of water efficiency measures to be incorporated into the design of that building to meet the standards below in accordance with Policy CS16 of the Rugby Borough Council Core Strategy 2011 shall be submitted to and

approved in writing by the Local Planning Authority. These approved measures shall then be incorporated in to the design of each building prior to their first occupation and then retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to BREEAM very good standard.

REASON:

In order to ensure water efficiency is achieved through sustainable design and construction.

CONDITION 31:

No development shall commence unless and until full details of finished floor levels of all new buildings and ground levels of all associated parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out otherwise in accordance with the approved details.

REASON:

To ensure the proper development of the site and in the interests of the amenities of the locality.

STATEMENT OF POSITIVE ENGAGEMENT:

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

ENVIRONMENTAL STATEMENT:

The information contained within the Environmental Statement submitted under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as part of this planning application has been taken into account in the assessment, consideration and determination of the application by the Local Planning Authority.

INFORMATIVE 1:

This application is subject to a Section 106 legal agreement.

INFORMATIVE 2:

This permission relates to the Listed Building Application R14/0570 and shall be read in conjunction with that application.

INFORMATIVE 3:

Separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

INFORMATIVE 4:

All waste drains serving the restaurant/café kitchens attached to the development should be provided with grease traps and detritus traps prior to discharge to the sewer. The applicant/developer should contact the Council's Works Services Unit to discuss a suitable scheme (01788 533321). In addition, prior to opening, the food business operator should register their business with the Council's Public Health and Licencing Team to comply with relevant food safety legislation. Registration forms can be downloaded directly from the Council's website at:

http://www.rugby.gov.uk/site/scripts/download_info.php?fileID=2446

or via contacting the team directly on (01788) 533882.

INFORMATIVE 5:

The applicant/developer is advised not to obstruct and inhibit the passage of pedestrians along Church Walk and adjacent footpaths so these existing routes can be walked throughout and after the construction of the development.

INFORMATIVE 6:

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development and can be contacted on 0116 234 3834.

INFORMATIVE 7:

The applicant/developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works within the limits of the public highway. Applicants/developers should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should NOT be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE 8:

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting 10 days or less, 10 days notice will be required. For works lasting longer than 10 days, 3 months notice will be required.

INFORMATIVE 9:

Notwithstanding details submitted as part of Condition 19 above, the applicant/developer is advised that pursuant to Section 149 & 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 10:

The applicant/developer is advised that development works should:

a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds;

b) Not to commence until a qualified ecologist has been appointed by the applicant/developer to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist; &

c) Notwithstanding the preparation and findings of the Bat Mitigation Strategy in Condition 10 above, if any mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

INFORMATIVE 11:

The applicant is advised that a protected species licence from Natural England is required to undertake the works to Building B1, former Herbert Gray College building, and any works or disturbance to the bat roost in Tree T3 as per the FPCR 'Herbert Gray College, Little Church Street, Rugby Ecological Appraisal dated September 2014. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Species Licensing Service on 0845 601 4523.

INFORMATIVE 12:

Care should be taken when clearing the ground prior to development and storing materials on site. If any evidence of specially protected species such as adder, grass snake, slow worm or common lizard are found, work should stop while WCC Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part 1) of the Wildlife and Countryside act 1981, makes it is an offence to intentionally or recklessly kill or injure any of the species listed above.

INFORMATIVE 13:

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

INFORMATIVE 14:

The applicant/developer's attention is drawn to the comments of Warwickshire Police as outlined below:

- i) Given the open nature of the site surveillance is vital and would advise that the lighting scheme is appropriate and CCTV be strategically positioned;
- ii) Controlled access required to residential accommodation, including buggy store, refuse stores;
- iii) All ground floor glazing and vulnerable windows meet PAS 24:2012 and have laminate safety glazing (6.8 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A;
- iv) All external doors meet PAS 24:2012 all glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.8mm. In the future some of the residents might have issues lifting the handles on this type of system. Product development has now moved forward substantially and doors are available with the following options:
 - Doors operating on a single locking point negating the need for both upwards and downwards operation of a handle by the occupier;
 - Doors operating with electromechanical locking systems, operated by either a key, an electronic fob or even by fingerprint, utilising a biometric system; &
- v) Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013.

INFORMATIVE 15:

The applicant/developer is advised that in relation to Condition 19 and dust management, it is the expectation of the Council's Environmental Services Section that the Construction Management Plan will include the erection of hoarding boards around the site boundaries.

INFORMATIVE 16:

The applicant/developer is advised that in relation to Condition 20 the value and usefulness of the asbestos survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used by the surveyor. Information on the location of all asbestos containing materials (ACMs), as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on the survey scope will reduce the extent to which ACMs are located and identified, incur delays and consequently make managing asbestos more complex, expensive and potentially less effective.

It should be noted that demolition contractors are required to inspect a site. Where the presence of asbestos is suspected then the Health and Safety Executive (HSE) and Environment Agency has to be notified and special waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a designated waste management site licensed to take asbestos. A consignment note for the national inspectorate is required for each load and a paper trail of waste movements documented.

Under the Control of Asbestos Regulations 2012 unlicensed asbestos removal must only be carried out by properly trained companies that have the right equipment. Company employees must be trained to work safely with asbestos materials. The Health and Safety Executive (HSE) website; hse.gov.uk/asbestos has a wealth of information on asbestos. If you use the following link this will take you to a list of all Asbestos Licence Holders which includes the type of licence the licensed company hold. Database:

<http://webcommunities.hse.gov.uk/connect.ti/asbestos.licensing/view?objectId=7076>

Refurbishment / demolition survey are required where the premises, or part of it, need upgrading, refurbishment or demolition. The Survey does not need a record of the ACM condition. Normally, a surveyor is needed for Refurbishment / demolition Surveys.

A Refurbishment / demolition Survey aims to ensure that:

- Nobody will be harmed by work on ACM in the premises or equipment;
- Such work will be done by the right contractor in the right way.

The Survey must locate and identify all ACM before any structural work begins at a stated location or on stated equipment at the premises. It involves destructive inspection. The area surveyed must be vacated and certified 'fit for reoccupation' after the survey.

The report should state where the surveyor or sampler did not survey or sample. You should presume that areas that the surveyor has not accessed do contain asbestos.

The HSE are the enforcing authority where demolition or construction is carried out.

Useful contact telephone numbers are:

Environment Agency 01926 889474

Health and Safety Executive (HSE) 0121 607 6200

Warwickshire County Council

Waste Management 01926 412593

INFORMATIVE 17:

The applicant/developer is advised that in relation to Condition 11 the lighting shall demonstrate that such lighting conforms to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light' in order to protect residential amenity and minimise the likelihood of light nuisance complaints.

INFORMATIVE 18:

The applicant/developer is advised that in relation to Condition 21 any flue outlets should terminate no less than one metre above the apex to the main roof of the premises. Further guidance should be sort when designing a suitable system from the Department for Environment, Food & Rural Affairs document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' which can be downloaded freely at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf

The applicant/developer is advised that any additional breaches other than those depicted on the approved plans, including extractions ducts, vents and flues may require separate planning permission and/or listed building consent from the Local Planning Authority.

INFORMATIVE 19:

The applicant/developer is advised to give due regard to the advice contained in BS5228:2008 'Noise and vibration control on construction and open sites'.

This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

- a) Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;
- b) Eradicate offensive behaviour and language from construction sites; &
- c) Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN

Tel: (0800) 783 1423

www.considerateconstructors.co.uk

INFORMATIVE 20:

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

The Council is committed to compliance with the Regulators' Code. If you have any concerns about the action being taken, are considering an appeal, or need advice on regulatory issues please visit :-

http://www.rugby.gov.uk/info/200013/business_support_and_advice/1784/the_regulators_code

INFORMATIVE 21:

The applicant/developer's attention is drawn to the Site Waste Management Plans Regulations 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

Reference number:

R14/0570

Site address:

FORMER HERBERT GRAY COLLEGE, LITTLE CHURCH STREET, RUGBY, WARWICKSHIRE, CV21 3AW.

Description :

Partial demolition, conversion & extensions to existing buildings, including 5-storey blocks, to form 73 extra care residential units (Class C2) with associated facilities.

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site lies within the heart of Rugby Town Centre and the designated Conservation Area. The existing site is split into three distinct areas, the former Herbert Gray College, St Andrew's Church House/Hall, and Marjorie Hume House. To the north of Herbert Gray College is the Grade II* listed church of St Andrew's, whilst to the north of the Church Hall is a row of 3-storey properties fronting Church Street some of which are listed Grade II and others which are on the local list. To the west of Herbert Gray College is Little Church Street and the rear of many of the retail premises which front High Street. To the south of Herbert Gray College is a small public car park and the Masonic Hall, which is also Grade II listed. To the east of Herbert Gray College is Marjorie Hume House and St Andrew's Church Hall and neither are listed buildings.

Herbert Gray College is Grade II listed and originated as a rectory for the Church with the earliest parts of the present building dating from the 18th Century when the earlier parsonage was replaced. The earlier red brick element of the property faces the Church with substantial additions of pale yellow and brown bricks to the eastern, western and southern elevations constructed in the 19th Century. Modern mid to late 20th Century single storey and 2 storey additions have been built primarily on the southern and western elevations of the building. The earlier red brick part of the building contains a second floor within the attic space and is served by a series of dormer windows in the roof.

The older part of Herbert Gray College is two-storey with rooms within the roof space. A more modern 1950s/1960s link that ran parallel to Little Church Street was predominately flat roofed and two-storey and was demolished in March 2012. Marjorie Hume House is three-storey and St Andrew's Church Hall is two-storey but owing to its scale and mass is a similar height to Marjorie Hume House.

The grounds of Herbert Gray College contain a high level of soft landscaping with mature protected trees throughout the site. These include beech, lime, chestnut, oak and sycamore. The pedestrianised route known as Church Walk runs along the southern edge of the site as well as between Herbert Gray College and St Andrew's Church Hall and Marjorie Hume House. Herbert Gray College is also enclosed by a series of walls and fencing surrounding the edge of the site.

Description of Proposals:

There are two applications relating to this site. One for planning permission, ref R13/0128, and another for listed building consent, ref R14/0570. This report relates to the listed

building consent for the partial demolition, conversion & extensions to the former Herbert Gray College, including internal works, to facilitate the provision of 73 extra care residential units (Class C2) with associated facilities & works, including boundary walls & railings. The former Herbert Gray College building will provide communal facilities for the extra care units along with two guest suites and a small café that is intended to be open to the public.

A detailed description of the site and proposal is outlined within the planning report R13/0128 and this report should be read in conjunction with that report. The listed building application assesses the demolition and internal works to the former Herbert Gray College building in more detail as well as the additions to it.

On the western elevation of the former Herbert Gray College building a single storey flat roof addition approximately 3 metres high will be formed to link the intended five-storey block that will run parallel to Little Church Street. There will be a gap of approximately 7 metres between the western elevation of the former Herbert Gray College building and that block. On the eastern elevation the existing 1950s/1960s extension will be demolished and a new addition will be formed comprising of single and two storey flat roof extensions rising to between 5.2 to 7.2 metres in height. This compares to the existing 2-storey 1950s/1960s extension which is c9.7 metres high.

A Design & Access Statement accompanied the application together with an updated Environmental Statement. This latter document refers back to the Environmental Statement that accompanied the previous planning application on the site for a hotel and office development. This document incorporated a Cultural & Built Heritage Baseline Report together with an assessment of the intended works to the listed building of Herbert Gray College and large parts of it are still relevant to this current submission.

Relevant Planning History:

There have been a series of extensions and alterations to Herbert Gray College over the years, particularly in the late 1950s, 1960s & 1970s. The most notable planning decision for Marjorie Hume House was in 1976 when it received planning permission for the conversion of the existing building to a residential hostel. However, the most significant planning history in recent years relates to the following:

Erection of 4 storey office buildings, including partial retail/cafe on ground floor and erection of new buildings, up to 4 storeys, and conversion of part of Herbert Gray College and Marjorie Hume House to form a 35 bedroom hotel with ancillary restaurant, conference and leisure facilities, with ancillary works including landscaping and highway works.
Approved 10/05/2011

Demolition of St Andrew's Church Hall and partial demolition of former Herbert Gray College, including boundary wall and Marjorie Hume House. Approved 11/03/2009

Partial demolition and various internal works of former Herbert Gray College to facilitate erection of 4 storey office buildings and up to 4 Storeys for 35 bedroom hotel with ancillary works. Approved 11/03/2009

The 3 consents/permissions detailed above remain extant as various pre-commencement conditions were addressed and a material start was made on site. Therefore, the internal alterations and additions to Herbert Gray College to facilitate the hotel and office block development could take place without requiring any further formal permission from the Local Planning Authority.

Technical Consultees:

The technical consultation responses that are relevant to this listed building application are detailed in the planning application report ref R13/0128. Those comments which are most relevant are those from English Heritage, WCC Archaeology, WCC Ecology and RBC Environmental Services.

No response has been received from any of the National Amenity Societies in relation to the listed building works.

Third Party Consultations:

Numerous third party comments have been received which refer to both the planning and listed building applications. To avoid duplication of these comments they are all contained within the planning application report ref R13/0128.

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan 2006 – Saved Policies:

E6	Biodiversity	Complies
E17	Development Affecting Parks & Gardens & Other Elements of the Historic Landscape	Complies

Rugby Borough Council Core Strategy 2011:

CS6	Development in Rugby Town Centre	Complies
CS16	Sustainable Design	Complies

National Guidance & Policies:

National Planning Policy Framework, 2012

National Planning Policy Guidance, 2014

PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide, March 2010

Other:

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Rugby Town Centre Conservation Area Appraisal, June 2010

Assessment of Proposals:

Design & Appearance:

The planning application report R13/0128 refers to good design being indivisible from good planning and that development should contribute positively to making places better for people. However, the National Planning Policy Framework (NPPF) considers that decisions

should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative but also reinforce local distinctiveness.

Policy CS6 refers to proposals taking account of the Town Centre Action Plan Development Plan Document. This document does not exist, but the policy goes on to state that the redevelopment and refurbishment of existing natural and built environments need to demonstrate high quality design that complements and enhances the existing environment and townscape in a manner which contributes to local distinctiveness and a sense of place. Policy CS16 also refers to all development demonstrating high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

Accompanying the previous application in 2008 were detailed cross-sectional plans illustrating how the juncture of the modern and old would work. At the time this detail was crucial in understanding the relationship between the structures and achieving a balance between the special interest of the listed building and the alterations and additions proposed. As well as the planning permission the listed building consent relating to the previous applications remain extant and the extent of the physical attachment to the former Herbert Gray College building under the current proposal is lesser than that previously approved, particularly to the western elevation. Owing to these two factors it is felt that the finer details could now be satisfactorily addressed by condition.

A detailed assessment of the design and appearance of the proposed works is outlined in the aforementioned planning application report and it is considered that the modern design and treatments will provide a distinct relationship between the historic elements of the scheme and the new build. The extensions and alterations will be interwoven around and through the former Herbert Gray College building and will both respect and enhance this core feature of the site. The significant reduction in height and bulk of the proposed development around Marjorie Hume House and the eastern side of the former Herbert Gray College building is judged to be an improvement and will enable the design and form of the existing buildings on site, particularly the Grade II listed former Herbert Gray College, to retain an element of dominance in relation to its new additions and respect their historical setting. Overall the proposed development is considered to respond positively to the site and its context whilst providing an eye-catching piece of architecture benefitting the visual appearance of the former Herbert Gray College.

The proposal is therefore considered to accord with policies CS6 & CS16 and the NPPF.

Listed Buildings – Former Herbert Gray College:

As part of the previous planning and listed building applications to redevelop the site in 2008 a Built Heritage Baseline Report, that formed part of the Environmental Statement, accompanied the submissions. This provided a detailed historical appraisal of the listed former Herbert Gray College building as well as an assessment of the building's external and internal features.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (ie a listed building), great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm this harm should be weighed against the public benefits or the proposal securing its optimum use. PPS5 the Historic Environment Practice Guide identifies a number of potential heritage benefits that could weigh in favour of a scheme, such as sustaining the significance of a

heritage asset, reducing or removing risk to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

Policy CS16 states that new development should seek to complement, enhance and utilise where possible the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. The Rugby Town Centre Conservation Area Appraisal dated June 2010 refers to the importance of the former Herbert Gray College site but also considers that an opportunity for enhancing the area would be to redevelop the site by removing the 1960s architecture and replacing them with a landmark structure that maximises key landscape features.

The positive redevelopment of the site is welcomed and would bring a vacant key heritage asset in the town centre back into use. Furthermore, the retention of the older elements of Herbert Gray College is welcomed, whilst the removal of the later additions and alterations that detract from these buildings is also supported. Under the previous applications for the hotel and office use, some of the 18th and 19th century walls of the former Herbert Gray College building were intended to be removed together with the main cantilever staircase. The loss of these features is regrettable but when assessed holistically with the entire redevelopment of the site was deemed to be acceptable and now remain extant

The latest proposal will retain more of the nineteenth century part of the building as previously a section of first floor brick wall and tiled roof with a small dormer window on the western elevation was to be removed which at the time was regrettable so its retention is now welcomed. In addition, two chimney stacks that were scheduled to be removed are now also to remain and the older staircase into the attic space that is thought to be pre-18th Century will be retained as with the previous development. However, a section of the basement barrel top ceiling is intended to be removed under the current proposal to facilitate access into the reception area. Significant internal alterations have occurred within the building in the past with large sections of wall being removed or punched through. As outlined in this report, the Local Planning Authority would wish to see a scheme that safeguards the future of the listed building rather than to see it fall into disrepair in such a key part of the town centre. It is a balancing exercise and whilst an element of harm will occur to the listed building, as a portion of historical fabric would be lost, this harm is considered to be less than substantial as it is judged that the character, appearance and integrity of the building would not be adversely affected, subject to a comprehensive range of conditions. Bringing back a vacant site in the heart of the town centre which contains notable buildings, including one that is listed, is of paramount importance and it would be in the public interest to secure an optimum viable use for the site that safeguards its future preservation. These points in particular should be given significant weight in the assessment of the proposals.

The modern architectural language of the proposed new build is considered to be a welcome approach and could successfully integrate the remaining historic buildings on the site. The former Herbert Gray College remains vacant and certain sections internally are beginning to deteriorate. Overall, the best way to securing the upkeep of historic buildings is to keep them in active use otherwise they will fall further into decay and the longevity of such historic assets will be jeopardised if a future use is not secured. Nevertheless, the proposal does retain the majority of the historic portion of the listed College and the proposals are considered to accord with the conservation approach generally taken.

The mass and bulk of this latest development is scaled down compared to the extant approved hotel and office scheme, particularly adjacent to the former Herbert Gray College. The redevelopment of the site by opening up sections of it to create additional vistas and the removal of harsh boundary treatments along Little Church Street and Church Walk would have a positive impact on the setting of the listed former Herbert Gray College building.

Therefore, the proposal would comply with the policies of the Development Plan and the NPPF.

Matters relating to archaeology, highways, landscaping, trees, amenity, ecology, noise, contamination and drainage are covered within the main planning application report, R13/0128.

Recommendation:

Subject to the referral of the application to the National Planning Casework Unit, as the development results in the removal of principal internal elements of the listed building, such as a staircase and load-bearing walls, the Head of Planning & Culture be granted delegated powers to grant listed building consent subject to conditions & informatives.

DRAFT DECISION

APPLICATION NUMBER

R14/0570

DATE VALID

11/06/2014

ADDRESS OF DEVELOPMENT

FORMER HERBERT GRAY COLLEGE
LITTLE CHURCH STREET
RUGBY
CV21 3AW

APPLICANT/AGENT

Mr Chris Rogers
Rickett Associates
Wood Farm
Everdon
Northamptonshire
NN11 3BH
On behalf of Mr Jeremy Heath, Herby Holdings

APPLICATION DESCRIPTION

Listed building application for the partial demolition, conversion & extensions to the former Herbert Gray College, including internal works, to facilitate the provision of 73 extra care residential units (Class C2) with associated facilities & works, including boundary walls & railings.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

To comply with Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

CONDITION 2:

Subject to conditions 3, 4 & 5 below the development and associated works shall be carried out in accordance with the plans and documents detailed below:

AUD 2548 PA 1000 Rev C received by the Local Planning Authority on 22nd August 2014; and

AUD 2548 PA 010 Rev H;
AUD 2548 PA 020 Rev C;
AUD 2548 PA 030 Rev D;
AUD 2548 PA 040 Rev D;
AUD 2548 PA 050 Rev D;
AUD 2548 PA 060 Rev D;
AUD 2548 PA 302 Rev B;
AUD 2548 PA 900 Rev B;
AUD 2548 PA 901 Rev B; &
AUD 2548 PA 902 Rev C;

all of the above received by the Local Planning Authority on 14th August 2014;

AUD 2548 PA 001 received by the Local Planning Authority on 11th June 2014;

AUD 2548 PA 904 Rev A received by the Local Planning Authority on 17th March 2014; and

Environmental Statement Update Report & Associated Non Technical Summary Report both by Parkwood Consultancy Services dated May 2014 received by the Local Planning Authority on 6th May 2014 in conjunction with the Built Heritage Baseline Report by Scott Wilson dated July 2008 contained in the Environmental Statement by Faber Maunsell/Aecom dated August 2008 originally received by the Local Planning Authority on 14th August 2008.

Any other subsequent amended plan or document shall be agreed in writing with the Local Planning Authority.

REASON:

To ensure the details of the development are acceptable to the Local Planning Authority for the avoidance of doubt.

CONDITION 3:

Notwithstanding any of the details submitted as part of the application, full details of the treatment and finish to be given to existing internal and external walls, ceilings, floors, windows and doors of the listed Herbert Gray College building, including alterations to the basement ceiling, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The works shall then be carried out in accordance with the approved details.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 4:

Notwithstanding any of the details submitted as part of the application and with regard to the listed Herbert Gray College building, details of the following shall be submitted to and

approved in writing by the Local Planning Authority, together with a detailed timeframe for implementation and completion of the works, before development commences:

- a) New roof timbers, floor/ceiling timbers including construction design;
- b) New floors, ceilings and internal and external wall construction including finishes;
- c) New rain water goods;
- d) New staircases, including balustrades, handrails and flights;
- e) New joinery details for all windows, doors, shutters, skirting, cornices, architraves, panelling and any other exposed timber joinery;
- f) Reveal depths, header and cill details to all new windows and doors;
- g) New door and window ironmongery;
- h) New roof slates/tiles including size and type;
- i) Mortar/plaster mixes for pointing and stucco work;
- j) New plasterwork, including any friezes, cornices & mouldings;
- k) Any ducts, flues or vents (both internal & external details);
- l) Any new heating and radiator details;
- m) New brick/stonework including finish, texture and colour;
- n) Internal and external lighting; &
- o) New conduit and service routes.

These shall then be implemented in accordance with the approved details.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 5:

In addition to Condition 4 above, details of the design, construction and finished treatment of all new windows and doors and associated repair work in the form of scaled drawings (scale not less than 1:10), including cross-sectional scaled drawings including headers, cills, glazing bars and transoms, and their relationship to their reveals in relation to the listed Herbert Gray College building shall be submitted to and approved in writing by the Local Planning Authority before works commence. All such works shall be carried out in strict accordance with the approved details.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 6:

Before any work is undertaken in pursuance of this consent to demolish any part of the building, the applicant should take such steps and carry out such works as shall during the progress of the works permitted in this consent, secure the safety and stability of that part of the building which is to be retained in accordance with the approved plans Condition 2

above. Such steps and works shall where necessary include in relation to any part of the building to be retained, measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface and to provide protection for the building against the weather during the progress of the works.

A description of the steps and works to be taken and carried out under this consent shall be submitted to and approved in writing by the Local Planning Authority before any work of demolition is begun and shall then be carried out in accordance with those approved details.

REASON:

To ensure that the Listed building is properly protected during the period of the new works.

CONDITION 7:

No additional breaches other than those depicted on the approved plans and approved as part of Condition 4 above to the internal and external fabric of the listed Herbert Gray College building, including extraction ducts, vents and flues, shall be implemented without the prior written consent of the Local Planning Authority.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 8:

Notwithstanding the approved plans details of any works to existing boundary walls, fences, railings and gates within the curtilage of the site, including demolition, alteration, addition and/or repair shall be submitted to and approved in writing by the Local Planning Authority before any works commence to such structures. The works shall then be carried out in accordance with the approved details prior to the first occupation of the buildings.

REASON:

To protect the character, appearance and integrity of the listed structures.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This consent relates to the Planning Application R13/0128 and shall be read in conjunction with this application.

INFORMATIVE 2:

Bats are known to be present in the buildings, particularly the roof spaces. Bats and their roost sites are protected under the 1981 Wildlife & Countryside Act, the Countryside & Rights of Way Act 2000 and the Conservation of Habitats & Species Regulations 2010, and are also deemed a European Protected Species. Conditions relating to bats are imposed on planning permission R13/0128 and the applicant/developer should become familiar with their requirements. Further advice in relation to bats can be obtained from Warwickshire County Council Ecology Unit on 01926 418060.

Reference number: R14/1352

Site address: 26 Livingstone Avenue, Long Lawford

Description: Erection of a part two storey part single storey to the north facing elevation of the dwelling.

Case Officer Name & Number: Owain Williams – 01788 533789

This planning application has been brought forward to committee at the request of Cllr Bragg and is the subject of a site visit to be made by the members of the planning committee.

Site Description

The site lies in an established residential area within the settlement boundary of Long Lawford as defined Rugby Borough Core Strategy 2011. The property together with two adjacent properties has no specific road frontage as these three properties are abutted to the north by two properties fronting Livingstone Avenue and to the south by five bungalows fronting South View Road.

Many of the original properties along Livingstone Avenue were characterised by small dwellings with high gabled-pitched roofs in large plots. Over time a significant number of properties within this area have been substantially extended or replaced with larger dwellings.

The site subject of this application is accessed by a track along the eastern boundary of the adjacent property (Stanley Villa). The land to the east of this site is a grassed amenity area with a central brook and is designated as protected open space in Rugby Borough Local Plan 2006.

The site is clearly visible with open views across the grassed amenity area from both Green Close and the A428 Coventry Road. The garden area of the property lies to the immediate south of the dwelling house and abuts the small garden area of No. 31 South View Road.

To the north is a dormer bungalow, known as Stanley Villa, which is separated from the application site by a narrow footpath. A timber panel fence, approximately 1.8 metres in height runs along the southern boundary of this property. This house has a first floor side-facing window on the southern gable, which serves a large landing area that is used as a study, whilst on the ground floor there is an elongated conservatory providing access to the kitchen. The area between this conservatory and the boundary fence is predominately laid to concrete and provides access to a flat-roof pre-fabricated out-building, which lies adjacent the southern boundary of this property.

Nos. 29 & 31 South View Road have garden depths of approximately 7.5 – 8 metres. Boundary fencing approximately 1.8 metres in height runs along their rear boundaries abutting the site. Ground floor habitable room windows are located on the northern elevations facing the application site.

No 24 Livingstone Avenue lies to the immediate west of the site. It has extended to the front, rear and side. On the side (eastern) elevation of this property facing the application site there are two ground floor secondary windows, which serve the new lounge. There is also a roof light serving a first floor bedroom and a side window to the porch.

Proposal Description

The proposal is for the erection of a part two storey part single storey extension to the north facing elevation of the dwelling.

The extension will project out approximately 4.7 metres from the north facing elevation at a width of 6 metres. The extension will infill an area between the existing dwelling and garage which will connect the once detached garage to the main dwelling. The rest of the two storey extension will project above half of the garage which will leave the sloping roof of the garage projecting towards and connecting to the extension. The proposed two storey extension will stand approximately 4.3 metres to the eaves and 6.8 metres to the ridge approximately 0.7 metres lower than that of the existing roof. The hipped roof will slope away from the neighbouring boundaries and will have two dormer style windows facing both east and west.

The other part of the extension sees a single storey extension/covered way projecting out from the garage to the east by approximately 5 metres which will cover the front entrance way and stop level with the main two storey element of the dwelling. The extension will have a false pitched roof with the flat roofed section.

Relevant Planning History

Erection of Dwelling Refused 01/08/01

Erection of two-storey side and single storey front extensions Refused 08/10/03

Erection of extensions to dwelling and alterations to roof Approved 18/02/04

Erection of two-storey front extension and single storey side extension
Erection of single storey, two storey and first floor extensions, and an attached garage
Refused 10/04/06

Erection of single storey, two storey and first floor extensions and detached garage
[Resubmission] Refused and dismissed on Appeal

Erection of single storey extensions and external alterations Withdrawn

Proposed single storey extension, porch and detached garage and retention of 3no windows to first floor level on the south elevation, 2 no windows to first floor on west elevation and 2no velux tunnel lights replacing roof lights on north elevation and raising of roof height
Approved 02/01/08

Alterations to Increase the height of the side extension roof Refused 06/10/10

Technical Consultation Responses

Environmental Services – No objection

WCC Ecology – No objection subject to notes

Third Party Responses

Neighbours (3) Objection (before the amended plans)

- The dwelling has already been extended and this new extension will take it to an unacceptable level and impact on our bungalow.
- The large extension over the garage will totally over crowd our bungalow and reduce the winter sun and light further.
- The window facing the brook will consequently overlook our conservatory and bungalow losing all privacy.
- The large flat roof could potentially become a balcony in the future.
- The extension will make it far too large for site and will be three times the size of the original house.

- The incongruous appearance of the building is preposterous and has a claustrophobic and detrimental impact on all our lives and privacy.
- Will be clearly visible across the park strip from both Green Close and the Coventry Road.

Neighbours (3) Objection (after the amended plans)

- Stating once again the building will be detrimental to the surrounding area.
- Comments remain unchanged and it will once again have a claustrophobic impact on the privacy of many home owners.
- Original objections still stand and would like to point out that the reduction in the two storey extension is minimal and will still be intrusive and overbearing.
- Loss of winter sun and light will still be of a high concern to my bungalow.
- The amended planning application will now overlook out bungalow and conservatory which will take away our privacy tremendously.

Relevant Planning Policies and Guidance

Core Strategy

CS16 – Sustainable Design

Saved Local Plan Policies

E6 – Biodiversity

T5 – Parking

Sustainable Design and Construction SPD

Planning Obligations SPD

Assessment of Proposals

The determining issues to take into account in this case would be the impact upon the character and appearance of the dwelling and surrounding area, the impact upon the neighbouring amenities and the impact upon biodiversity.

Character and Appearance

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

As pointed out within the site description there are houses of varying sizes and designs in the area which give a varied appearance to the street scene, therefore this extension to the dwelling would result in the dwelling being labelled as out of character with area to which it is located.

The proposed extension is utilising the positioning of the existing garage to bring the detached garage into the development. As this is the case the footprint of the dwelling would not significantly be increased to warrant a concern of overdevelopment of the plot. The infill extension and first floor element above the garage would provide more continuity to the development rather than appearing to be an adhoc addition such as those previously applied for by the applicant which had varying roof pitches and were of a size in terms of height that competed with the existing dwelling.

The design and appearance of the extension results in it appearing as a subservient addition to that of the main dwelling, as it will be lower in height than the existing roof line and the eaves of the extension with dormer style windows allowing for headroom in the roof space, which would adhere to the design guidelines for extensions within the sustainable design and construction SPD. The roof of the extension whilst hipped, sloping away from neighbouring boundaries to take into consideration the amenities of the neighbours, will have a similar pitch to that of the existing so would not appear at odds with that of the existing dwelling and the dormer windows within the roof pick up on the gable ended design.

The proposed single storey extension which sits in front of the garage and acts as a car port and also a covered way over the main entrance to the dwelling would complete the development by infilling the area and projecting level with the main bulk of the dwelling. Whilst the design of the roof is slightly contrived with this false pitched roof, the pitch of the roof would be similar to that of the existing roof and is the preferred option as it would avoid the appearance of a large flat roof within this area.

Taking the above into account it is considered that the proposed extensions to the dwelling would have minimal impact upon the character and appearance of the area and has been positioned and designed in a way to not appear detrimental to the dwelling itself complying with policy CS16 of the Core Strategy 2011.

Neighbouring Amenities

Policy CS16 continues to state that development ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The proposed extension will project out from the north facing elevation towards the neighbouring property Stanley Villa so there obviously be an impact of some sorts however it is whether or not the impact would be significantly adverse to the amenities that the neighbours enjoy that needs to be considered.

The proposed extension is situated away from the neighbouring boundary by approximately 5 metres with the existing slope of the garage sloping down towards the boundary with the neighbour, so the main bulk of the proposed extension is not directly upon the boundary. When viewed from the neighbouring garden the proposed extension would be viewed in context with the main bulk of the dwelling sat behind it. The lower eaves and ridge height of the extension with its hipped design would reduce the overbearing impact to a level which would not significantly impact upon the neighbouring amenities.

The design of the extension with its hipped roof would slope away from both neighbouring boundaries to which the extension is close to therefore reducing to an extent the overbearing impact. The extension benefits from the fact that it is positioned behind the main bulk of the property and is lower in height when taking into consideration the orientation in terms of sunlight. As the extension is subservient to that of the main dwelling and has a hipped roof the light lost to the neighbours would be mainly as a result of the existing dwelling house and not the proposed extension.

The neighbour at Stanley Villa has stated that the amount of winter sun to which they currently enjoy would be lost because of the extension. To an extent the neighbour is correct that the extension may to an extent affect this light however it is considered that the impact would not be significant to warrant refusal. The winter sun gained to both conservatories of the neighbouring property would be through the gap between no. 26 Livingstone Avenue and 24 Livingstone Avenue. Ultimately this gap is being retained as so therefore not affecting the light to the rear garden or rear conservatory, however it would be towards the late afternoon which the extension may intersect the sunlight which reaches the side conservatory of the neighbour. The extension however has been set in a metre from edge of

the dwelling and as already stated has a hipped roof so would minimise the disruption to the amount of sunlight that passes through the gap between the houses to the side conservatory therefore not having a significant adverse impact.

The proposed extension introduces two dormer windows, one which faces out to the east towards the brook and the other to the west which faces out across the front of number 24 Livingstone Avenue. The windows will serve a habitable room and would be at a level which would gain views above the fence line and outbuildings that lie between.

The views from the window facing west would look across the frontage of the neighbouring properties number 24 and 22 Livingstone Avenue so would not invade the privacy of their rear gardens. There are already side facing windows in the side of the property number 26 Livingstone Avenue facing in this direction so the new window would not introduce any view point that does not currently exist.

The other first floor window of the extension will face east towards the brook and open space. The neighbour at Stanley Villa has stated that this window would result in loss of privacy upon their side conservatory and bungalow however it is considered that the window would have minimal impact upon the privacy of the neighbouring property due to the acute angle of vision that would be obtained towards the side conservatory from the window.

Taking into account the above it is considered that the proposed extension would not result in a significant adverse impact upon the neighbouring amenities to warrant refusal and would therefore comply with policy CS16 of the Core Strategy 2011.

Parking

A dwelling of this size (4 bedrooms or more) would require the applicant to provide the minimum of 3 of road parking spaces to comply with the parking standards within the Planning Obligations SPD. The property has a garage and also a driveway which could accommodate a further 2 cars therefore has adequate space to meet the standards.

Biodiversity

Saved Policy E6 of the Local Plan 2006 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. The policy continues to state that developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protect and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. The Warwickshire County Council Ecology department have assessed the proposals and after initial concerns that there may be entrance points for bats and therefore the need for a further survey details, photographs have been supplied by the agent of the application to the ecologists and they are now satisfied it is unlikely that bats would be within the roof space of either the garage and dwelling therefore have only requested that notes highlighting the protected status of bats be attached to an approval. The proposals will therefore comply with policy E6 of the Local Plan 2006.

Recommendation

Grant Permission Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R14/1352

DATE VALID

30/06/2014

ADDRESS OF DEVELOPMENT

26 LIVINGSTONE AVENUE
LONG LAWFORD
RUGBY
CV23 9BU

APPLICANT/AGENT

Roger Goddard
18 Collingwood Ave
Bilton
Rugby
Warwickshire
CV22 7EX
On behalf of Mr K Egan

APPLICATION DESCRIPTION

Erection of a part two storey part single storey to the north facing elevation of the dwelling.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 2

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

Drawing No. K.E 14/850 A received by the Local Planning Authority on the 3rd August 2014

REASON:

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

CONDITION: 3

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 30th June 2014

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

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

INFORMATIVE: 2

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

Reference number: R14/1232

Site address: Land South of Technology Drive, Rugby

Description: Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved.

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee due to its status as a major application

Site Description

The site of this proposal is located south of Technology Drive and lies within the Leicester Road Opportunity Area commonly known as the 'Leicester Road site'.

The site itself is a broadly 'L-shaped' site of 4.9 hectares. The site is bounded to the north by the existing employment development (beyond Technology Drive) known as GE Power Conversion and the recently consented retail development; to the west by the recently consented residential development for Taylor Wimpey; to the east by Warwickshire College; and to the south by the embankment to the railway line. The Black Path which is a strategic footpath and cycle linkage between the Town Centre and Brownsover to the north, runs through the application site.

Proposal Description

The proposal is for outline approval for up to 175 dwellings along with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary enabling works.

The only matter that is not reserved and needs to be assessed as part of this application along with the principle of the development is that of access.

Access will be taken from the existing bellmouth along Technology Drive and will also connect in to Hunters Lane when is opened for use.

The development is based on the Application Master Plan and an illustrative site layout has been submitted purely for illustrative purposes and does not form part of the planning application for determination.

Relevant Planning History

R06/0064/MAJP - Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works – Approved 17/09/07

R07/2055/MRES - "Submission of reserved matters (layout, scale, appearance and landscaping) Pursuant to the outline planning permission ref: no. R06/0064/MAJP dated 17th September 2007 for the erection of a college of further education (Use Class D1) for Warwickshire College with ancillary library (Use Class D1), restaurants (Use Class A3), shop and salons (Use Class A1), multi-purpose hall (Use Class D1/D2), nursery (Use Class D1), workshops and offices (use class B1), sports hall (Use Class D2) and conference suite (Use Class D1) with associated open space (incorporating all weather sports pitch), wind turbine, car parking, landscaping and ancillary works." Approved – 06/05/08

R07/1918/MAJP - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works – Approved 08/02/12

R12/1610 - Erection of 87 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works - submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 30/01/13

R12/1884 - Erection of 101 dwellings (Class C3), garages and associated works including internal access roads, emergency access, car parking, earthworks, landscaping and drainage - submission of reserved matters comprising appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 24/07/13

R13/1597 - Outline planning application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no.dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store (5156sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975sq.m) and garden centre products (1245sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works: - variation of condition nos. 6, 10, 13, 33 and 34, and waiver of condition 12 attached to outline planning permission ref. R06/0064/MAJP dated 17/09/2007 to defer the implementation of highway, pedestrian and cycleway improvement works and to cover noise assessment in respect of the spine road. Approved 25/07/14

R13/1600 - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works - waiver of condition nos. 6, 8 and 9 attached to outline planning permission ref. R07/1918/MAJP, dated 08/02/2012, covering highway works and off-site junction improvements. – Approved 25/07/14

Technical Consultation Responses

Environmental Services – No objection subject to conditions

Parks and Gardens – No objections

WCC Highways – No objection subject to conditions

WCC Ecology – No objection subject to conditions

WCC Rights of Way – No objection

WCC Archaeology – No objection

Severn Trent – No objection subject to condition

Stagecoach – No objections

Third Party Responses

Neighbour – Objection

- Concerns regarding the increase in vehicle movements and in particular pedestrian and cycle movements around the entrance point to our factory site opposite.
- Feel strongly that the existing pedestrian crossing is poorly located and currently encourages this increased passage across the frontage of our site entrance.

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy

CS10 – Developer Contributions

CS11 – Transport and New Development

CS13 – Local Services and Community Facilities

CS14 – Enhancing the Strategy Green Infrastructure Network

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

CS19 – Affordable Housing

Rugby Borough Local Plan 2006 – Saved policies

GP2 Complies Landscaping

E6 Complies Biodiversity

T5 Complies Parking facilities

H3 Complies Housing proposals in the Rugby Urban Area

H11 Complies Open space provision in residential developments in the urban area

LR1 Complies Open Space Standards

LR3 Complies Quality and accessibility of open space

Housing Needs Supplementary Planning Document, 2012

Planning Obligations Supplementary Planning Document, 2012

Sustainable Design and Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012 (NPPF)

National Guidance

National Planning Policy Framework (NPPF) 2012

Assessment of Proposals

The determining issues to take into account in this case would be the whether the principle of the development upon this site is acceptable and whether the access would be suitable.

Principle of Development

The Local Development Framework Core Strategy forms the basis of the Council's plan led approach to the delivery of residential and other development in the Borough over the period 2006 – 2026. The development strategy contained in policy CS1 sets out a settlement hierarchy comprising a sequential approach to sustainable site selection. The site is situated within the Rugby urban area which is highlighted as the primary focus for new residential and employment development so this proposal for residential development would comply with policy CS1.

There is currently a shortfall in housing land supply within Rugby with the Council failing to demonstrate a 5 year housing land supply. The contribution of these 175 dwellings would contribute to the housing supply which would be of a benefit.

Furthermore this site is allocated in saved policy H3 of the Local Plan 2006 for housing with approximately 540 dwellings highlighted for development. This site has already been approved in the past for residential development as part of the original master plan application R06/0064/MAJP. This part of the Leicester Road development site is the last to be developed and this application is simply a fresh planning application to renew the previous approval obtained for residential use to enable the owners of the land more time to market the site further. The reason it is being renewed is the fact that the timeframe to submit reserved matters for the site expired in September 2014.

Taking the above into account it is considered that the proposed residential development in principle would be acceptable complying with policy CS1 of the Core Strategy 2011 and saved policy H3 of the Local Plan 2006.

Visual amenity and design

The application site is currently vacant; with remediation works of the site currently still being undertaken. The black path that dissects the site is still in use which links to another footpath which runs around the outside of the site close to the railway and connects with Hunters Lane.

The majority of dwellings proposed on the site will up to two storeys high and with a 3 storey apartment block strategically located upon the Technology Drive frontage.

The plan submitted as part of the application is an indicative layout with only the access points and black path the agreed detail. The indicative layout is by no means a layout that would be acceptable from a planning perspective however it reasonably shows that up to 175 dwellings can be located within the site allowing for open space, a drainage attenuation feature and also taking into consideration the constraints posed by the black path and Hunters Lane link.

Taking into account the surrounding built form and the approved neighbouring residential scheme currently being developed at present the scheme could be designed so that it would be in keeping with the character of the surrounding area and would not have a detrimental impact on visual amenity.

The relevant part of policy CS16 is therefore complied with.

Impact on amenity

As this is an outline application it is not known exactly where the dwellings will be located on the site or how they will be designed. However, it is considered a scheme could be designed to ensure that neighbouring properties are not adversely impacted in terms of loss of light or privacy.

Environmental Health commented on the application and raised no objection subject to conditions. These would require a noise assessment, including any mitigation for construction noise, air quality assessment, dust control and mitigation report and site investigation report to be submitted and agreed by the Council.

Subject to these conditions it is considered that there will not be an adverse impact on the amenity of nearby residents, in accordance with the relevant part of policy CS16.

Biodiversity

Saved Local Plan policy E6 seeks to safeguard biodiversity interests including protected species and supporting habitat such as ponds, hedgerows and trees. The NPPF similarly seeks to minimise impacts on biodiversity (para.109) and puts a responsibility on local planning authorities to conserve and enhance biodiversity and to encourage biodiversity in and around developments.

There are no significant existing landscape features of any note within this site with only a narrow band of trees located to the south of the site which adjoin the railway land, so therefore there is little or no habitats for wildlife in the surroundings area. However as part of the scheme a badger survey was undertaken due to known activity in the area and due to the works already carried out within the Leicester Road development site in the form of artificial setts to compensate for main sett and outliers which were to be closed. The ecologists at the Country Council have stated that as badgers are a mobile species and the works to close the setts may not happen for some time, and following the recommendation with the report submitted, the site will need to be resurveyed for badgers prior to any works commencing and prior to closure of the sett under licence. The ecologists have gone further to explain that badger social groups are complex and it is possible that the clan may expand and potentially split into two groups and that if the updated surveys find that this has happened it may be necessary to include an additional artificial sett in the mitigation proposals.

The comments received from the ecology department indicate that given this development proposes a large housing scheme of modern, well-sealed houses and a small area of amenity space they consider that the proposed works will provide very limited natural opportunities for wildlife. They have therefore recommended that at least 10 bird boxes or bricks are included within the new buildings.

Taking the above into account it is considered that the proposed works subject to the recommended conditions would comply with saved policy E6 of the Local Plan 2006.

Sustainable design and construction

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions and these requirements are also contained within the Sustainable Design and Construction SPD.

CS16 states that sustainable drainage systems (SUDS) should be used where practical and that developments should meet specified water conservation levels, this policy states that the viability of a development and site characteristics should be taken into account when assessing these requirements.

A Flood Risk Assessment (FRA) was submitted as part of the application which has been assessed by the Environment Agency to which they have no objections subject to conditions. As part of the FRA it is proposed that within the development a drainage attenuation feature will need to be designed into the site. This has been shown on the indicative layout so shows that the space required can be incorporated into the site.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that, as minimum, developments of 10 or more dwellings shall include equipment to reduce carbon dioxide emissions by at least 10%.

As the application is in outline form only details of the design and construction of the dwellings is not known at this stage, an assessment cannot therefore be made as to what types of technology and equipment would be most appropriate in order to achieve the required reduction in carbon emissions. This can be controlled by condition to allow this to be assessed in relation to the Reserved Matters submissions.

Taking into account the above it is considered that the development would comply with policy CS16 and CS17 of the Core Strategy 2011.

Open space provision

The indicative plan shows approximately 1.03 hectares of open space provided within the site (which includes the attenuation feature). The open space is to include a LEAP which will adhere to the approved framework plans of the original approvals which showed a LEAP to be provided on the site, along with another LEAP on the Leicester Road West site and a NEAP on the land to the North of Technology Drive adjacent to the GE Power Conversion site.

As there is sufficient open space being provided and also a LEAP to be included within the site, in line with the master plan, the open space provision is deemed acceptable which would also provide the opportunity for the developer to design the layout around these areas to create an attractive development.

Access, highways and parking provision

The Highway Authority, Warwickshire County Council, commented on the proposals and advised they have no objection subject to the conditions and obligations within the s106 of the previous approval R06/0064/MAJP being imposed on this application. There has recently been two applications approved (R13/1597 and R13/1600) upon the overall Leicester Road development site and the Leicester Road West site for the variation of conditions and a deed of variation to the original section 106 agreements which related to offsite highway works and their timings. If this application is approved the conditions attached to the decision notice have taken into account the latest alterations and the obligations within the S106 will follow suit to ensure that the offsite works and contributions signed up to previously are followed through.

As this is an outline application details of the proposed parking provision is not yet known. However, the applicant has advised that it is intended to provide parking in accordance with the Council's standards. Cycle parking could, dependant on the design, be accommodated within garages or rear gardens. It is therefore considered that the Council's parking standards can be met, in accordance with saved policy T5.

Planning Obligations

Core Strategy policy CS10 and the Council's Planning Obligations SPD state that contributions and other measures may be sought to mitigate the impact of development on infrastructure and services. In order for obligations to be taken into account they are required to meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

The applicants are proposing that this development follow the same as that previously approved for Leicester Road West and to cross reference it's Section 106 Agreement with the S106 Agreement for the original application. As there is no net increase in development from that previously approved and there has been no request from technical consultees for further contributions that what has already been accounted for through the original section 106 this is considered the most appropriate and logical approach.

It will therefore be contributions such as education costs and off site highway improvements that would still be gained from the scheme.

Affordable Housing

The applicant has submitted a viability appraisal to demonstrate that the site is incapable of meeting the affordable housing requirement contained within the Section 106 for the overall Master Plan Area (outline planning permission reference R06/0064/MAJP).

Both national and local planning policy state that when S106 requirements, such as affordable housing or infrastructure requirements are threatening the financial viability of a proposed development, planning authorities should negotiate these requirements. Policy CS19 of the Core Strategy refers specifically to the renegotiation of affordable housing requirements.

Previous planning applications for residential developments (R12/1884 and R13/0530) within the Master Plan Area determined by the authority confirmed, through the submission of a viability appraisal assessed by the Valuation Office Agency (VOA), which these phases were not capable of meeting the affordable housing requirements prescribed within their relevant Section 106. The VOA report dated 27th June 2013 also confirmed that even the applicants' offer of providing 5% affordable housing would result in the development being unviable.

The viability appraisal submitted for this application has not been assessed by the VOA on this occasion as it considered that the market has not altered significantly which would result in the site becoming viable. It should be noted that the applicants' baseline gross developable area benchmark land value, for which the viability is tested against, is the same value agreed with by the VOA in June 2013. However, this baseline benchmark land value was increased within the VOA appraised viability appraisal to take account of the landowner retaining the responsibility for any Section 106 and site abnormal costs. For simplicity purposes this increase has not been included within this viability appraisal as the final dwelling number for this phase of the development will be determined once a reserved matters application has been submitted.

The applicants' viability assessment contains assumptions which were agreed with by the VOA within its previous report in June 2013 and it also provides up to date build cost figures and market value comparable data in accordance with the Borough Council's Affordable Housing Viability Assessment (2009). The appraisal demonstrates that the site is unviable at 25% affordable housing. Even at 5% affordable housing and the removal of the sustainability measures the viability of the site is compromised. It should be noted that the sites' viability would further decrease if the Section 106 and site abnormal costs were added to the benchmark land value as they were in VOA appraised viability appraisals.

It is therefore considered that the application be recommended for approval with the affordable housing offer proposed being compliant with Policy CS19 of the Core Strategy because it has been demonstrated to the satisfaction of RBC that this is the maximum level of provision this phase can achieve.

Recommendation

The Head of Planning and Culture be given delegated powers to approve the application, subject to conditions, following the completion of S106 legal agreement.

DRAFT DECISION

APPLICATION NUMBER

R14/1232

DATE VALID

02/07/2014

ADDRESS OF DEVELOPMENT

LAND SOUTH OF TECHNOLOGY DRIVE
TECHNOLOGY DRIVE
RUGBY

APPLICANT/AGENT

Mrs Kathryn Ventham
Barton Willmore
Regent House
4 Homer Road
Solihull
B91 3QQ
On behalf of Mr Peter Rudd, Key Property
Investments (No 2) Ltd

APPLICATION DESCRIPTION

Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004

CONDITION: 2

The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a) The layout of the development on the site.
- b) The scale of the development to include the height, width and length of each building proposed in relation to its surroundings
- c) The appearance of the development including the external built form, its architecture, materials, decoration, lighting, colour and texture.
- d) The formation of any means of access to and within the site.
- e) The hard and soft landscaping of the site including the design and treatment of all open spaces.

REASON:

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

CONDITION: 4

Details of the following additional matters shall, concurrently with the submission of reserved matters required by condition no 3.above, be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority.

- A) The layout and dimensions, levels and surfacing of all roads(including the"Goliath" route), pedestrian crossings, footways, cycleways, verges, parking areas, footpaths, private drives and means of accessing individual plots, which shall not be designed other than in accordance with the principles and guidance as set out in "Transport and Roads for Developments: The Warwickshire Guide 2001", to include large scale plans and cross and longitudinal sections showing the layout, vertical alignment and surface water drainage details, including outfalls.
- B) The provision of means of drainage and sewage disposal.
- C) The extent of accomodation for car and cycle parking which shall be in accordance with the Council's standards.
- D) The siting, height and design of all fences and walls on the site, including detailed treatment of the site boundaries.

E) The existing and proposed site levels and their relationships with adjoining land and buildings and the finished ground floor levels of all buildings

F) The provision of refuse storage facilities.

REASON:

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

CONDITION: 5

A phasing plan for the development shall be submitted to and approved by the Local Planning Authority before work commences on the site concurrently with the phasing plan required by condition 3 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 and that attached to this permission. Any subsequent revisions proposed to the approved phasing plan during the course of the development of the site shall be agreed in writing with the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in view of the nature of the development proposed

CONDITION: 6

No more than a total of 550 houses comprised in the development on the site the subject of this permission, the remainder of the Leicester Road site approved under outline planning permission ref. R06/0064/MAJP dated 17.09.2007 and the neighbouring Boughton Road site approved under outline planning permission ref. R06/0054/MAJP dated 03.09.2007, and the Warwickshire College, shall be occupied prior to the completion of the off-site highway improvements specified in condition 11 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007.

REASON:

In the interests of public and highway safety

CONDITION: 7

Unless otherwise agreed in writing by the Local Planning Authority, no individual dwelling shall be occupied until the proposed estate roads, including footways, cycleways and individual means of access serving them have been constructed to the satisfaction of the Local Planning Authority.

REASON:

In the interests of public and highway safety.

CONDITION: 8

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

REASON:

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

CONDITION: 9

Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- * The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- * The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- * Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

CONDITION: 10

Upon the detailed design phase being completed and prior to any building work commencing, full and precise details of the windows and ventilation systems to be incorporated into the facade design, that meet conditioned minimum noise values should be submitted to the Local Planning Authority for prior approval

REASON:

To safeguard the occupiers amenities

CONDITION: 11

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) entitled "Technical Memorandum" Leicester Road, Rugby Drainage Strategy and Flood Risk Assessment , Zones E and F1 dated 18 March 2014 undertaken by CH2MHILL and the following mitigation measures detailed within the FRA:

- A) Limiting the surface water run-off generated by the 100 year plus 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- B) Finished floor levels are set no lower than 85.37 m above Ordnance Datum (AOD).

REASONS:

- A) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- B) To reduce the risk of flooding to the proposed development and future occupants

CONDITION: 12

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

A) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

B) There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASONS:

A) To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

B) To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

CONDITION: 13

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy (report ref. R/13041.002, prepared by Hydrock Ltd, dated February 2014) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON:

To ensure that the remedial strategy has appropriately mitigated the risks posed by the contaminated soils and groundwater on the site to 'Controlled Waters' receptors

CONDITION: 14

No part of the development hereby permitted shall be commenced until an updated badger survey has been carried out by a suitably qualified badger consultant and a report including timetabled mitigation measures (to include details of artificial sett creation if needed) has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

REASON:

To ensure appropriate measures are taken in relation to protected species.

CONDITION: 15

The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning appropriate working practices and safeguards for wildlife including nesting birds and reptiles 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: 16

Before the first occupation of the development hereby permitted, a minimum of ten nest boxes/bricks suitable for house sparrow, starling and/or swift shall be provided and thereafter maintained in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.

REASON:

To maintain and enhance the nature conservation value of the site.

CONDITION: 17

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out for each agreed phase of development in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report..

REASON:

To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

CONDITION: 18

The development hereby permitted shall not be commenced 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 by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety..

CONDITION: 19

The accommodation for car parking and cycle parking required by condition 4c) shall be provided before the development to which it relates is occupied and shall be retained permanently for the accommodation of vehicles and cycles of persons residing in the residential properties and shall not be used for any other purpose..

REASON:

In the interests of highway and public safety.

CONDITION: 20

The landscaping and open space details required by condition no. 3e) shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, finished levels, means of enclosure, paving and footpaths, structures such as play equipment together with an implementation programme. The scheme shall include in particular proposals for the frontage to the River Avon and the A426 Leicester road and the play areas shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, finished levels, means of enclosure, paving and footpaths, structures such as play equipment together with an implementation programme. The scheme shall include in particular proposals for the frontage to the River Avon and the A426 Leicester Road and the play areas (NEAPS & LEAPS).

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 21

The implementation of the landscaping and open space proposals approved in compliance with conditions 3e) and 18 shall be in accordance with a phased programme to be agreed with the Local Planning Authority prior to the commencement of development and the landscaping of each phase shall be properly maintained for five years following implementation and any failures being replaced during the following planting season.

REASON:

In the interests of the visual amenities of the locality

CONDITION: 22

All of the screen walls and fences approved in accordance with condition 4d) shall be constructed concurrently with the remainder of the development .

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 23

This permission shall relate only to the application site edged red on drawing no. 040 Rev A and does not authorise the layout of development shown on drawing 43 Rev B submitted in support of the application for illustrative purposes only.

REASON:

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

CONDITION: 24

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local

Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 25

As agreed in the email received on the 3rd October 2014 the public open space to be provided on site will include the provision of a Locally Equipped Area of Play (LEAP).

REASON:

To ensure satisfactory provision of open space.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The developer should have regard to the guiding principles for the detailed development of the site as set out in the Rugby Station Area Development Framework Document March 2005 and in the Design and Access Statement August 2007 accompanying the application when working up detailed reserved matters submissions. Careful consideration will need to be given to the relationship between the proposed residential development and the Black Path which dissects the site.

INFORMATIVE: 2

In order to reduce the impact of this development upon the wider environment and the knock-on effect that this will have upon the environment, the development should utilise the best available technology to carry out the construction works which minimises the impact upon the environment. The detailed development of the site should have full regard to the need for energy efficient building design, layout and construction and incorporate renewable energy systems. In particular the houses should be built in a manner which provide optimal energy efficiency, using best available insulation, positioning of buildings to capture the heat from the sun, integration of solar heating into the construction and integration of water saving measures, reducing the demand upon water resources

INFORMATIVE: 3

Warwickshire Police advise that the detailed proposals should incorporate Secure by Design principles.

INFORMATIVE: 4

During the demolition and construction phases it will be necessary to apply a package of mitigation measures to minimise dust emissions. Full details of such measures should be submitted to and agreed with the Council's Environmental Services Dept before any development commences. Best practice is contained in BRE publication Controlling Particles, Vapour, and Noise pollution From Construction Sites 2003. It is further recommended that developers should monitor dust levels at sensitive receptors during

demolition and construction to confirm assessment and to manage dust if problems occur (contact the Council's Pollution Control Team tel. 01788 533856)

INFORMATIVE: 5

The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. The construction of the estate roads serving the development including footways, cycleways, verges and footpaths should not be other than in accordance with the standard specification of the Highway Authority.

INFORMATIVE: 6

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE: 7

Due to the nature of the shallow soils on site, the design of the pond should take every care to prevent water interacting with the Made Ground and shallow soils on site, which could have the adverse affect of flushing contaminants remaining in the soils to groundwater and onto other 'Controlled Waters' receptors.

INFORMATIVE: 8

The applicant / developer should refer to the Environment Agency's 'Groundwater Protection: Policy and Practice' (GP3) document, available from their website at www.gov.uk/environment-agency. This sets out our position on a wide range of activities and developments, including:

- * Storage of pollutants and hazardous substances
- * Solid waste management
- * Management of groundwater resources
- * Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance 'PPG1 - General guide to the prevention of pollution', available from their website.

Reference number: R14/1659

Site address: 11 Bell Lane, Monks Kirby, CV23 0QY

Description: Removal of condition 5 of R05/0777/14408/OP (Outline application for the conversion and extension of the existing stables to form a local needs dwelling) to allow occupation of the dwelling unrelated to the Bell Inn PH.

Case Officer Name & Number: Karen McCulloch, 01788 533623

This application is being reported to Planning Committee as Councillor Mrs Garcia is an applicant.

Description of site

This application relates to a detached dwelling located within the Green Belt outside the Monks Kirby village boundary. The applicants advise the property was completed and occupied in 2009.

The house is a two storey five bedroom property set at 90 degrees to the road. There is a detached garage building sited between the house and the road. There is a stream running to the rear of the house which forms the village boundary. The site is located within the flood plain.

Opposite the entrance to the house is the Bell Inn, this is a public house and restaurant that is owned and operated by the applicants, this includes an existing four bedroom flat at first floor. The Bell Inn is located within the village boundary.

Description of proposals

This application relates to planning permission which was granted in 2005. This granted outline consent for the conversion and extension of the stables to form a local needs dwelling. This approval was subject to condition 5 which states:

The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the operation of the Bell Inn PH, Bell Lane, Monks Kirby including any dependant of such persons residing with him or her.

The reason for this condition was specified as:

Any other form of residential use would not be in accordance with the Local Plan.

This application is for the removal of this condition to allow the occupation of the house by people who are not involved in the operation of the Bell Inn. The applicants advise that they wish to reduce their involvement in the business and eventually retire but as they have lived in Monks Kirby for 28 years they wish to remain at their current property and the condition attached to the permission would prevent this.

Relevant planning history

R05/0777/14408/OP Outline application for the conversion and extension of the existing stables to form a local needs dwelling, Approved 07/09/2005

R06/0362/14408/DET Approval of Reserved Matters relating to R05/0777, Approved 20/04/2006

R10/1971 Retrospective application for single storey rear extension, Approved, 24/11/2010

R12/0920 Erection of detached single storey garage, Approved 26/09/2012

R14/0692 Removal of condition 5 of R05/0777, Withdrawn 01/05/2014

R14/1284 Retention of alterations to approved garage, Approved 13/08/2014

Third party comments

Monks Kirby Parish Council Objection

- Situation has not changed since planning permission was granted for the house;
- Property was allowed as a need for additional accommodation for the business at the Bell Inn was demonstrated, this has not changed so there is no reason to remove the condition;
- Would set a precedent for other properties in the village, this would be inappropriate to the villages designation and current negotiations for affordable housing;

Technical consultation responses

No technical consultations required

Relevant planning policies and guidance

Rugby Borough Core Strategy, 2011

CS1 Complies Development Strategy

CS2 Complies Parish Plans

CS20 Complies Local Needs Housing

Monks Kirby Parish Plan, March 2006

A Detailed Investigation into the Housing Needs of Monks Kirby, June 2013

National Planning Policy Framework, 2012 (NPPF)

Assessment of proposals

The issue to assess in relation to this application is whether the removal of condition 5 of R05/0777/14408/OP is acceptable. Other matters such as the impact of the proposals on visual amenity, ecology, flooding, highway safety etc. were considered as part of the outline application and subsequent reserved matters approval.

The site is located within the Green Belt where policy CS1 states development will not be permitted, unless allowed by the NPPF.

The NPPF states that within the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 goes on to state that the construction of new buildings should be regarded as inappropriate development unless they are for a specified range of uses, these do not include the erection of dwellings.

These policies are similar to those that were contained within PPG2: Green Belts in 2005 when the outline application was determined. In the consideration of the original application it was considered that, whilst the erection of a new dwelling in the Green Belt constituted inappropriate development, the personal circumstances of the applicants and the business

needs of the Bell Inn constituted very special circumstances to outweigh the harm to the Green Belt.

The information accompanying the outline application explained that the applicants had lived in the village for 21 years, the four bedroom flat over the Bell Inn did not provide suitable accommodation for a family of 7, including 5 children, that the children's sleep and homework was being disturbed by noise from the bar, that accommodation was required for other staff, that planning permission at the Bell Inn had been granted for 10 bedrooms and that the flat would also accommodate staff associated with these bedrooms.

The principle of the erection of the dwelling was established by the previous permission. The current application does not propose a new building within the Green Belt and is not considered to constitute inappropriate development in itself. However, consideration should be given to whether circumstances have changed since the original approval in order for the waiver of the occupancy condition to be considered acceptable.

Information submitted with the application explains that the applicants have been running the Bell Inn for 26 years and this has contributed to the local economy, including through job creation. Whilst the applicants are currently involved in the business they wish to reduce their involvement in with a view to retiring in the future. When permission was originally granted for the dwelling planning permission was also in place for a 10 bedroom addition to the business and it was expected that staff involved with this would reside at the flat. However, this permission has not been implemented, has lapsed and the applicants have advised they do not have any plans to progress with this expansion of the business.

The four bedroom flat above the pub remains and is currently occupied by members of staff. If the ownership or management of the pub changes in the future this flat would be available occupation by the new operators if required. It is therefore considered that the removal of the condition would not harm the on-going viability of the business.

It is therefore considered, on balance, that the changing intentions for the business and the contribution of the applicants over a sustained period to the management of a local community facility and job provision are sufficient to waive the condition requiring the occupiers of the dwellings to be involved in the operation of the Bell Inn.

However, consideration must also be given to the location of the dwelling immediately adjacent to the village boundary of Monks Kirby, which is defined by policy CS1 as a local needs settlement and the original description of development referring to the formation of a local needs dwelling.

Policy CS1 states within local needs settlements small scale housing will be permitted (within village boundaries) to meet local needs. Policy CS20 expands on this and states consideration will be given to the needs of the proposed residents, a suitability of other accommodation and whether the need could be met from existing housing stock. People requiring local needs dwellings must meet local connection criteria, such as having residence in the parish for over 5 years.

The applicants comply with the local needs criteria and, if their current dwelling were not available to them, it is reasonable that they would seek a local needs dwelling within the area. The Monks Kirby Housing Needs Assessment also sets out the general requirements for housing in the village and identifies the need for 4 affordable homes and 3 open market homes for local people (1 x 2-bed house, 1 x 2-bed bungalow and 1 x 3-bed house.)

As detailed above the original application was for a local needs dwelling and the applicants meet the specified local connection criteria. However, the existing five bedroom dwelling does not specifically meet the identified need within the Housing Needs Assessment. A new condition is therefore proposed requiring the dwelling to be marketed to local people in the

first instance if it is sold in the future, this will allow the market to be tested to see if it would be required to meet a local need. This is considered acceptable in relation to policy CS20.

Policy CS2 states consideration must be given to Parish level documents. The Parish Plan refers to the need for housing for local people and the need to protect the Green Belt. As detailed above, subject to a local needs marketing condition, the proposal is considered acceptable in relation to these factors.

Government guidance regarding applications to develop land without compliance with conditions previously attached (known as Section 73 applications) advises that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions, should be issued.

As the dwelling has been erected and conditions applied with it is considered that some conditions attached to the previous outline permission are not required in this case, these are: 2&3 – reserved matters, 6 – implementation of landscaping, 7 – materials, 8 – levels, 11 – flood exit route, 12 – lighting, 15 – site investigation, 16 – vehicles during construction, 17 – parking details and 19 – curtilage details, some alterations of wording are also required to other conditions to reflect the current situation.

Recommendation

The removal of Condition 5 of application R05/0777/14408/OP is not considered to conflict with the Development Plan and therefore its deletion is judged to be acceptable in this instance, subject to its replacement with a new condition relating to marketing to local people in the first instance.

DRAFT DECISION

APPLICATION NUMBER

R14/1659

DATE VALID

01/09/2014

ADDRESS OF DEVELOPMENT

THE STABLES
11 BELL LANE
MONKS KIRBY
CV23 0QY

APPLICANT/AGENT

Mrs Sally Stroman
Wilbraham Associates Ltd
18a Regent Place
Rugby
Warwickshire
CV21 2PN

On behalf of Mr & Mrs Garcia

APPLICATION DESCRIPTION

Removal of condition 5 of R05/0777/14408/OP (Outline application for the conversion and extension of the existing stables to form a local needs dwelling) to allow occupation of the dwelling unrelated to the Bell Inn PH.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 15th October 2014.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 2

This condition is no longer applicable as it has been addressed by previously approved submission R06/0362/14408/DET.

CONDITION: 3

This condition is no longer applicable as it has been addressed by previously approved submission R06/0362/14408/DET.

CONDITION: 4

This permission shall relate only to the original application site plan edged red No. R35.05.01 received by the Local Planning Authority on 19th July 2005 and to the amended drawing No. R35.05.02A received by the Local Planning Authority on 25th August 2005.

REASON:

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

CONDITION: 5

The dwelling shall not be occupied other than by an "approved person" unless and until the property has been marketed for a period of 3 months, no approved person has expressed an interest and details of the marketing process have been submitted to and approved in writing by the Local Planning Authority.

In this condition, an approved person shall be deemed to a person who immediately prior to such occupation:

- Has resided within the Parish or an adjoining Parish for five years or more within the last 20 years;
- Is required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care or due to age, ill health and /or infirmity;
- Has an essential functional need to live close to his or her work in the Parish or an adjoining Parish.

REASON:

To ensure that local housing needs are met

CONDITION: 6

This condition is no longer applicable as it has been addressed by previously approved submission R06/0362/14408/DET.

CONDITION: 7

This condition has been addressed by the approval of conditions submission under ref R05/0777/14408/D.

CONDITION: 8

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

CONDITION: 9

There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of any bank of watercourses, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

CONDITION: 10

There shall be no storage of any materials including soil or raising of ground levels within the site as a result of this development.

REASON:

To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

CONDITION: 11

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

CONDITION: 12

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

CONDITION: 13

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order no development shall be carried out which comes within Classes (A) (B) (C) (D) (E) (F) (G) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION: 14

No walls, gates, fences or other means of enclosure shall be erected or areas of hard standing formed within the site without the prior written consent of the Local Planning Authority.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 15

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

CONDITION: 16

This condition is no longer applicable as it has been addressed by previously approved submission R06/0362/14408/DET.

CONDITION: 17

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

CONDITION: 18

The accommodation for car parking approved in relation to condition 17 under R07/0162/14408/DET shall be retained permanently for the accommodation of vehicles belonging to the occupiers of the dwelling and shall not be used for any other purpose.

REASON:

In the interests of public and highway safety.

CONDITION: 19

This condition has been addressed by the approval of conditions submission under ref R07/0162/14408/DET.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	15.10.2014
Report Title	Delegated Decisions –05.09.2014 to 25.09.2014
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

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

Rugby Borough Council

Planning Committee – 15th October 2014

Delegated Decisions – From 05.09.2014 To 25.09.2014

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1. BACKGROUND

Decisions taken by the Head of Planning and Culture in exercise of powers delegated to her during the above period are set out in the Appendix attached.

Name of Meeting: Planning Committee
Date Of Meeting: 15.10.2014
Subject Matter: Delegated Decisions – 05.09.2014 to 25.09.2014
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

Document No.	Date	Description of Document	Officer's Reference	File Reference
1.				

* 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:

Document No.	Relevant Paragraph of Schedule 12A
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* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 05.09.2014 TO 25.09.2014

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R14/1123 Refused 16.09.2014</i>	Wolvey Fields Farm Coalpit Lane Wolvey	Siting of mobile home for agricultural worker.
<i>R14/1452 Refused 22.09.2014</i>	Hill Farm Rugby Road Princethorpe	Retention of mobile home as living accommodation by a family member.
<i>R14/1311 Refused 22.09.2014</i>	Land Adjacent to 21 Church Street Clifton Upon Dunsmore	Removal of Second World War air raid shelter and erection of a new dwelling together with vehicular access
<i>R14/0138 Refused 24.09.2014</i>	Roman View Green Lane Wibtoft	Loft conversion with insertion of dormer window to rear, single storey front and rear extensions and installation of first floor side facing window in southwest elevation
<i>R14/1642 Refused 24.09.2014</i>	Hill Farm Rugby Road Rugby	Conversion of workshop and offices into a dwelling house including the provision of a pitched roof.
Applications Approved		
<i>R14/1442 Approved 28.08.2014</i>	2 Foxwood Drive Binley Woods	Conversion of the existing attached garage to ancillary living accommodation
<i>R14/1471 Approved 05.09.2014</i>	35 Millfields Avenue Rugby	Erection of a rear extension and installation of a side dormer window and roof lights.
<i>R14/1421 Approved 05.09.2014</i>	22 Glebe Crescent New Bilton	Erection of single and two storey extension to rear.
<i>R14/1087 Approved</i>	1 Hargrave Close Grandborough	Erection of two-storey extension including formation of annex.

05.09.2014		
R14/1111 Approved 08.09.2014	Land off Church Road Church Road Church Lawford	Erection of an agricultural barn to replace existing buildings
R14/1521 Approved 08.09.2014	25 Balcombe Road Hillmorton	Erection of single storey rear extension
R14/1519 Approved 08.09.2014	23 Balcombe Road Hillmorton	Erection of single storey rear extension
R14/1235 Approved 09.09.2014	2 Waring Way Dunchurch	Erection of a single storey rear conservatory
R14/1443 Approved 09.09.2014	Sandpit Farm Shilton Lane Shilton	Use of land for the provision of 20 m by 60 m menage and associated works
R14/1391 Approved 09.09.2014	10 Hawthorne Close Wolston	Erection of single storey front extension
R14/1371 Approved 11.09.2014	4 The Row Ansty	Erection of two storey rear extensions and a single storey side extension.
R14/1279 Approved 11.09.2014	36 Main Street Newton	Erection of two storey side and single storey rear extension and single storey front extension
R14/1581 Approved 12.09.2014	Commercial Ventnor Farm Marina Calcutt Lane Rugby	Retrospective: Erection of a polytunnel over a dry dock
R14/1368 Approved 12.09.2014	24 Montague Road Bilton	Erection of a single storey rear extension.
R14/1239 Approved 12.09.2014	146 Dunchurch Road Rugby	Erection of a first floor side extension, and conversion of the existing garage to ancillary living accommodation.

<i>R14/1538 Approved 12.09.2014</i>	1 Southview Cottages Sawbridge Road Rugby	Single storey rear extension and dormer window to front elevation
<i>R14/1357 Approved 12.09.2014</i>	Rawburn Grounds Farm Sawbridge Road Grandborough	Erection of an agricultural worker's dwelling.
<i>R14/1414 Approved 15.09.2014</i>	2 The Linhay Home Farm Barns Main Street Stretton Under Fosse	Provision of new rooflight and relocation of existing rooflight.
<i>R14/0913 Approved 16.09.2014</i>	Rugby Model Engineering Rugby Model Engineering Society Onley Lane Rugby	Retention of 2 No steel containers for temporary storage and workshop purposes in connection with the model engineering society
<i>R14/0916 Approved 16.09.2014</i>	Rugby Model Engineering Rugby Model Engineering Society Onley Lane Rugby	Retention of hard surfaced area
<i>R14/1205 Approved 16.09.2014</i>	Fayreview Bungalow Brandon Lane Brandon	Provide new private access to the site, with new gates, hardstanding with turning circle, and dropped kerb
<i>R14/0305 Approved 16.09.2014</i>	Millbrooke Burnthurst Lane Princethorpe	Demolition of the existing rear conservatory, garden room and the detached garage and erection of a single storey side extension.
<i>R13/1494 Approved 17.09.2014</i>	The Evergreens Wood Lane Shilton	Siting of additional mobile home (in association with use of land as gypsy and traveller site).
<i>R14/1533 Approved 17.09.2014</i>	73 Moat Farm Drive Hillmorton	Single storey side extension with front canopy and new pitched roof above garage
<i>R14/1568 Approved 17.09.2014</i>	2B Orchard Close Wolvey	Single storey rear extension

<i>R14/1559 Approved 18.09.2014</i>	50 Park Road Rugby	Erection of single storey rear extension and detached garage
<i>R14/1612 Approved 19.09.2014</i>	26 Macbeth Close Bilton	Erection of single storey front/side and rear extensions (Amendment to an extant planning permission ref. no. R14/0684 for erection of single storey front/side and rear extensions granted 15th May 2014)
<i>R13/2009 Approved 19.09.2014</i>	42 Lyndhurst Road Rugby	Erection of a detached residential annex in the rear garden
<i>R14/1575 Approved 19.09.2014</i>	The Nook The Square Dunchurch	Variation of Condition 4 of planning permission R13/0159 to extend opening hours to Monday-Wednesday 08:00 to 22:00, Thursday to Saturday 08:00 to 23:00, Sundays and Bank Holidays 09:00 to 22:00 (previously approved opening hours Monday to Friday 08:00 to 18:00, Saturdays 08:00 to 17:30, Sundays and Bank Holidays 09:00 to 17:00).
<i>R14/1597 Approved 19.09.2014</i>	22 nd Rugby Scout Group Scout Hut The Kent Hillmorton	Variation of Condition 2 of planning permission reference R13/0978 (Erection of a replacement Scout Hut (resubmission of planning permission reference R12/0266, dated 15/06/12), dated 15/12/13) to allow internal layout alterations and the omission of rooflights.
<i>R14/1589 Approved 22.09.2014</i>	Elm Cottage Willow Lane Rugby	Erection of single-storey side extension, provision of pitched roof to rear, external alterations.
<i>R14/1159 Approved 23.09.2014</i>	Wood Farm Brewing Company Limited Brewery Wood Farm Coal Pit Lane Willey	Erection of 6no. Stables with 20 metre x 40 metre menage, retention of hardstanding to rear of brewery and the access over adjoining agricultural field to Green Lane.
<i>R14/1363 Approved 23.09.2014</i>	1 Longrood Road Bilton	Two storey side extension, single storey rear extension and detached garage to existing dwelling
<i>R14/1438 Approved 23.09.2014</i>	Marton Fields Farm High Street Marton	Demolition of low level wall and lean-to roof on garden building, infilling of apertures with glazing and oak boarding & addition of external flue

<i>R14/1647 Approved 24.09.2014</i>	7 Wood Lane Shilton	Erection of single storey rear extension
<i>R14/1339 Approved 24.09.2014</i>	6 Westgate Road Rugby	Erection of two storey side extension and single storey rear extension
Prior Approval Applications		
<i>R14/1555 Prior Approval 10.09.2014</i>	3 Shuttleworth Road Clifton Upon Dunsmore	Prior approval for the erection of a single storey rear extension 3.18 m projection from the original dwelling and 2.7 m to eaves and 3.4 m to highest point
<i>R14/1431 Prior Approval 17.09.2014</i>	30 Wordsworth Road Rugby	Application for a prior approval for a single storey rear extension projecting out 4.0 and 5.5 metres, 9.2 metres in width, 2.5 metres to the eaves and 3.8 metres to the ridge of the roof.
<i>R14/1613 Prior Approval 18.09.2014</i>	34 Handleys Close Ryton on Dunsmore	Prior Approval for the erection of a conservatory extension 3.5 m projection from the original dwelling and 2.1 m to eaves and 2.9 m to highest point [ridge]
<i>R14/1416 Prior Approval 18.09.2014</i>	23 Bilton Road Rugby	Application for a prior approval for a single storey rear extension projecting out 3.3 metres, 5.8 metres in width, 1.6 metres to the eaves and 2.3 metres to the ridge of the roof.
<i>R14/1614 Prior Approval 19.09.2014</i>	27B William Street Rugby	Prior approval application for the change of use from offices (use class B1a) to 1 residential dwelling (use class C3)
Listed Building Consents		
<i>R14/1563 Listed Building Consent 16.09.2014</i>	Little Orchard Main Street Willey	Replacement of First Floor Window
Approval of Details/ Materials		
<i>R12/0101 Approval of details 05.09.2014</i>	DIRFT II Zone 3 Expansion Site Daventry International	Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over

	Rail Freight Terminal Crick	the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).
<i>R13/1488 Approval of Details 10.09.2014</i>	Land at 125 Yates Avenue Newbold	Proposed change of use of land to create additional parking facilities on former railway embankment land (resubmission of application R12/2337)
<i>R13/0414 Approval of Details 12.09.2014</i>	Land rear of 306 to 312 Bilton Road Bilton	Erection of two detached dwellings with associated access and external works together with improved access and parking for numbers 306 to 312 Bilton Road
<i>R12/1559 Approval of Details 16.09.2014</i>	Hallmark Care Homes Anya Court 286-290 Dunchurch Road Rugby	Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.
<i>R11/1297 Approval of Details 16.09.2014</i>	Elliotts Field Retail Park Leicester Road Rugby	Redevelopment of Retail Park to include the demolition of existing units B1 to C2 and the erection of 12 new (class A1) retail units (with ancillary class A3); replacement structural frame to unit A2, the sub division of unit A2 and the installation of mezzanine floor space; external alterations to unit A1; erection of 2 new cafe (class A3) units; reconfiguration of the car park layout; alterations and improvements to the access including 2 no. new service and delivery access off Old Leicester Road; alterations and enhancements to landscaping and associated works.
<i>R11/2294 Approval of Details 16.09.2014</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station
<i>R14/0644 Approval of Details 16.09.2014</i>	Plots 2 & 3, Zone C Castle Mound Way Central Park Rugby	Erection of two industrial/warehouse buildings with ancillary offices and gatehouses and use for purposes within Class B2 (General Industrial) and Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with the construction of vehicular accesses, parking and servicing areas, earthworks, landscaping and drainage works

		<p>(submission of reserved matters pursuant to outline planning permission ref.no. R95/0151/21330/OP dated 17th March 2000)</p> <p>- substitution of drawings to include the provision of a mezzanine floor and additional overflow car parking in respect of the unit on plot 3 approved under approval of details ref.R07/1337/MAJP, dated 30 January 2008 as revised by minor material amendment ref.R12/2279 approved on 01 March 2013 and associated non-material amendments approved on 20 September 2013 (plot 2) and 19 March 2014 (plot 3) in compliance with condition 4 attached to outline planning permission ref.R95/0151/21330/OP dated 17th March 2000.</p>
<i>R11/2294 Approval of Details 16.09.2014</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station
<i>R11/2294 Approval of Details 17.09.2014</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station
<i>R13/0892 Approval of Details 24.09.2014</i>	Little Manor 15 Main Street Wolston	Erection of two-storey rear extension.
<i>R13/1611 Approval of Details 24.09.2014</i>	Little Manor 15 Main Street Wolston	Listed Building Consent application for removal of existing conservatory and erection of two-storey rear extension.
Approval of non-material changes		
<i>R12/0101 Approval of non-material changes 05.09.2014</i>	DIRFT II Zone 3 Expansion Site Daventry International Rail Freight Terminal Crick	Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).
<i>R10/0618 Approval of non-</i>	Rugby Model Engineering Society	Change of use of agricultural land to leisure and extension of miniature railway

<i>material changes</i> 19.09.2014	Onley Lane Rugby	
<i>R12/0101</i> <i>Approval of non-material changes</i> 22.09.2014	DIRFT II Zone 3 Expansion Site Daventry International Rail Freight Terminal Crick	Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).
<i>R12/1393</i> <i>Approval of non-material changes</i> 24.09.2014	Blacksmiths Arms 19 High Street Ryton on Dunsmore	Erection of 2 no. two storey dwellings and associated works to public house car park
<i>Approval of reserved matters</i>		
<i>R12/0417</i> <i>Approval of reserved matters</i> 16.09.2014	Land rear of 22 David Road Bilton	Outline application for the erection of a detached dormer bungalow.