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# Appeal Decision

Inquiry commenced on 29 January 2013

Site visit made on 31 January 2013

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 March 2013**

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**Appeal Ref: APP/E3715/A/12/2186128**

**Land off School Street, Wolston CV8 3HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by J S Bloor (Northampton) Ltd against the decision of Rugby Borough Council.
  - The application Ref R12/1194, dated 22 June 2012, was refused by notice dated 17 October 2012.
  - The development proposed is the erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve.
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## Procedural Matters

1. The inquiry was held on 29, 30 and 31 January and 1 February 2013.
2. An application for costs was made by J S Bloor (Northampton) Ltd against Rugby Borough Council, which is the subject of a separate decision.

## Decision

3. The appeal is allowed and planning permission is granted for the erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve at land off School Street, Wolston CV8 3HG in accordance with the terms of the application, Ref R12/1194, dated 22 June 2012, subject to the conditions identified in Annex A.

## Main Issues

4. The main issues are:
  - The effect of the proposal on the setting of The Priory.
  - The design of the proposal, in particular the effect on character, appearance and amenity.

## Reasons

5. The development plan includes the Rugby Borough Council Core Strategy [CS]. CS Policy C16 relates to sustainable design, noting that all development will demonstrate high quality, inclusive and sustainable design and only be allowed where it would be of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the area in which it would be situated. 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. CS Policy CS17 relates to sustainable buildings.

6. The Regional Spatial Strategy for the West Midlands is also relevant (RSS). RSS Policy QE1 relates to conserving and enhancing the environment, noting that proposals should protect and, where possible, conserve existing environmental assets. RSS Policy QE3 requires creation of high quality environments and RSS Policy QE5 requires protection and enhancement of the historic environment. In my view, the aims of these policies generally accord with the aims of The Framework.
7. The Framework refers to the need for high quality design throughout including being one of the core principles, provision of a good standard of amenity for existing and future occupiers and this is linked with the need for provision of sustainable development. In the core principles reference is also made to conservation of heritage assets.

### **Background and Housing Policy**

8. The recently adopted Core Strategy Policy CS1 identifies Wolston as a main rural settlement where development within the village boundaries will be permitted. Text indicates that development is intended to principally support the local community and identified Local Housing Needs will be prioritised over market housing. Main rural settlements have no threshold on the size of sites that come forward. The appeal site has ensured this priority with the provision of a significant amount of affordable housing that would effectively meet most of the identified local need, it being common ground with the local planning authority that the housing mix would accord with the housing need identified.
9. It is clear from the indication that local housing need should be prioritised over market housing, that other market housing can also come forward within main rural settlements. I note that in 1997 the land was safeguarded for development to meet local needs, but around 2006 the local plan inspector indicated that it was appropriate for development, other than for local needs, to be provided in main rural settlements. The council identifies housing sites in the Strategic Housing Land Availability Assessment in 2009. Text in this indicates that the database includes information about the landscape character and any designated sites, and even taking this into consideration the appeal site was identified for many more units than now proposed. The November 2011 five year land supply statement also identified an expectation of more units than now proposed at the appeal site.
10. In terms of national policy, the government places considerable weight on the need to boost growth, and boosting housing supply is part of this strategy. The National Planning Policy Framework (The Framework) indicates that if there is no 5 year land supply the development plan will not be up to date. The Framework indicates that development proposals that accord with the development plan should be approved without delay and where the development plan is out of date granting permission unless there are adverse impacts that would significantly and demonstrably outweigh the benefits or specific policies in The Framework indicate otherwise.
11. In my view, the principle of development of the site with the number and mix of dwellings proposed is firmly established by the evolution of policies and expectations for the provision of housing in the borough. I acknowledge that

when considering the development plan proposals in the past, consideration would have been given to the proximity of the listed building. However, when considering applications that may affect a listed building or its setting, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This remains a duty for this application and the fact that there has been past consideration does not negate that duty, although clearly the past outcome is a material consideration.

### **Setting of The Priory**

12. There is no argument between the parties that the appeal site forms part of the setting of the listed building.
13. A priory was established near Wolston around the 13<sup>th</sup> century and it owned substantial lands. Following suppression, it went to Charterhouse in Coventry about 1390. In the early 1500s The Priory was leased to the Wigston family who purchase it about the mid 1500s. The appeal site, which has been consistently identified on many maps as The Green, was part of the land forming The Priory up until about 1948 when The Priory and much of the associated farmland were separated. Setting is not part of the assessment made when considering listing a building and has no impact on the grade of listing. The building was until January 2012 a grade II listed building, but following further investigation by English Heritage prompted by a report by Christine Hodgetts, it was upgraded to II\*.

### **Significance of the Listed Building**

14. Generally there is little material difference between the parties relating to the significance and special architectural and historic interest of The Priory or that it warrants its grade II\* status. There is a disagreement about the transition, if at all, from the alien priory to what is now The Priory. A detailed history of The Priory has recently been undertaken by Christine Hodgetts, which refers to many referenced sources. At about the end of the 1380s the priory buildings were dilapidated and these were likely to have consisted of a hall, stable, grange and barn, indicating that at the end the priory was a relatively small establishment in poor condition. At the start a large area of land was endowed to the mother house perhaps around 200 acres, although this was seen to diminish later to around 75 acres of arable and pasture land. The detailed history indicates that the normal response to an endowment such as this was for the mother house to send over a small number of monks to act as land agents and collect revenues.
15. While I acknowledge that the land of the priory is likely to have been spread over possibly a wide area, given the proximity of the appeal site to the priory and monument remains, I consider it is reasonably possible that the appeal land could have formed part of the priory lands. Even if the land was connected with the priory, clearly given the size of the priory there is nothing to suggest a direct physical relationship with all the land in terms of it being worked in direct association with the priory. The evidence does not indicate that it was not simply providing an income for the establishment by being rented to and worked by others.

16. The potential historic link with the priory is important, but that is tempered in that the practical physical working of the land may not have been directly linked with occupants of the priory. There is no clear evidence to link the limited remains of the ridge and furrow system directly with the priory or The Priory, or to reasonably demonstrate that there might have been a fish pond or fish ponds at the appeal site. In the late 1300s the priory went to the Carthusians of Coventry.
17. Until about 300 years ago there is little to show a continued link of The Priory with the appeal site, but again considering the proximity of The Priory to the appeal site, I consider that it is more likely than not that it would have been the case, probably since the original sale of the land. The field is likely to have formed part of the agricultural land associated with The Priory and continued in that association probably up until about 1948, when the land was sold. I consider that the likely agricultural use of the appeal site in association with The Priory for a considerable period is important to the listed building's historical significance and that in the past with the agricultural land around, The Priory would have been relatively isolated in a rural landscape. At the time of first listing The Priory would have been separate from the appeal site.
18. There is little evidence that there were intended to be vistas to and from The Priory across the appeal site. Trees are identified on historic maps along the northern edge of the appeal site that would have been likely to cut off views to and from The Priory in a similar way that those with the current curtilage do today. The old drive up to the building did not go directly from the front elevation towards the appeal site. It had a curved alignment going away from the Priory and towards the corner of Priory Road. In my view, there is little to indicate that the appeal site, apart from its associated agricultural use, would have had any formal relationship or designed vistas across it related to The Priory.
19. The list description also identifies a close association of the building with John Penry, who for a short time set up a printing press in the house and printed some of the 'Martin Marprelate' tracts, before the press was moved to Manchester. This adds greatly to the historical interest and significance of the building and I accept that the isolated position may have been part of the reason for using The Priory.
20. The Priory is a very aesthetically pleasing building, which results from the design, detailing, proportions, materials and historical development. This adds considerably to the significance, and the building is obviously appreciated by those using the building and by members of the public from outside The Priory's immediate curtilage. I attach considerable weight to this in terms of its significance and setting.
21. In the upgrading of the list classification from II to II\*, the council places weight on the more direct link being identified in recent research between the priory and The Priory. The suggestion has been made that medieval timbers from the priory were built around/incorporated into the now existing Priory structure, forming an internal wall. The appellant's evidence questions this, particularly as in the later part of the 1300s the evidence indicates that the priory had become seriously dilapidated. This is understandable as other evidence indicates that the priory was struggling financially for a very long time.

22. In my view, the evidence for integration or incorporation of part of the original priory buildings is not yet proved one way or the other. It seems possible to me that the striking timbers identified to me were constructed 'as new' after the Carthusians took over. However, whether or not that is the case, there is no argument that these very fine old timbers within the building are historically important in their own right, adding considerably to the building's significance. In my view, for the purpose of this decision, it is not necessary for me to prove one way or the other that there was a direct link between the priory and The Priory that now stands, but I will err on the side of caution and assume that there was some link.
23. While I have found that the isolated location was historically an important feature of the significance of the original priory and The Priory, and probably a reason why The Priory was used to print the 'Martin Marprelate' tracts, the situation has now substantially changed. The Priory is used as office accommodation accessible at all hours, includes large areas of parking and is not tranquil or isolated. At the time of my visit there were about 30 cars in the grounds around The Priory. The use has changed the nature of the setting in terms of isolation and tranquillity.
24. Over the years the land associated with The Priory has considerably reduced. The railway line, which is raised on an embankment, is relatively close to the rear of The Priory and has physically and visually cut it off from much of the land behind and trains, which are visible and audible, intrude when passing. Wolston village has expanded substantially, particularly in the latter part of the 20<sup>th</sup> century, so that the housing forming the village is now very close and a prominent feature in views to and from The Priory and visually integrated into its setting whether viewing to The Priory from Priory Road and the appeal site or viewing out from The Priory and its grounds.
25. So while I agree that historically the surrounding agricultural land and the sense of isolation were a very important aspect of the listed building's significance it is not now a feature of its setting and the agricultural use is now unrelated to the listed building. The fact that it was likely to have been related to it, and to the original priory, in the past, adds little to its value and significance in terms of the setting of the current building and appeal site. While the appeal land is open, it does not add to any sense of isolation because of the proximity of other introduced features; the past isolation has been lost. The significance of the medieval timbers within The Priory would not be affected by the proposed development of the appeal site whether linked to the old priory or not.
26. The appeal land now contributes little to the significance of the listed building. I accept that it does allow views to, and appreciation of, the building for people crossing the field along the footpath. Although these views are limited by the existing vegetation in the grounds of the listed building, that is even now in the winter months and after the thinning of vegetation that has been recently undertaken and therefore I place moderate weight upon them. There are only glimpse views of the front elevation through the vegetation, until very near the far end of the field when more of the main elevation is seen.
27. The field does provide a rural backdrop to the side of Priory Road, with the attractive natural hedge and openness. This is apparent when walking towards The Priory along Priory Road, when views of the front of the listed building are available from most of the length of the road, but with the views more open

closer to The Priory. However, these views are not 'country' or isolated views of The Priory; it clearly being seen in the context of the village housing to the side of Priory Road.

28. The proposed development has been carefully designed to provide space and vegetation at the top of the site next to The Priory, with lower dwellings next to that space. In my opinion, the views of the Priory itself when seen from Priory Road would be very little interrupted by the development. There would be dwellings on the right instead of the field, reinforcing the village context for the viewer and diminishing the rural aspect. However, the development would be in scale and proportionate with the adjacent village housing and continue the village theme. The development would cause some harm in terms of the change to rural character and appearance of the area generally, which in turn would impact on the setting of the listed building and on views from the footpath, but because of the existing housing and current semi-village context the harm would be limited. It also needs to be considered in the context that there is and has been for a considerable time an expectation of at least some development on the appeal site.
29. The historic nature of The Priory itself, its fabric, design, detailing and materials would not be affected by the proposal. The ability to appreciate and understand the historic associations with the Martin Marprelate tracts and (potential) historic association with the priory and ancient monument, and of the past connection with agricultural use would not be significantly affected by development on the appeal site. Overall, I consider that the change to the setting of the listed building would result in 'less than substantial' harm to the significance of the listed building and I will consider whether there are public benefits sufficient to outweigh that harm later.

### **Archaeology**

30. English Heritage note that due account has been taken of the known Iron Age and Roman deposits. They were surprised to find only passing reference to the earthwork features which are visible in the field, namely remnants of medieval ridge and furrow to the east side. The long straight north south furrows are also noted, which are presumed to be the result of 18<sup>th</sup>/19<sup>th</sup> C ploughing.
31. An archaeological survey of the site, including trial trenching, has been undertaken with a report by Nexus Heritage, which notes the Iron Age and mediaeval features surviving across the site. The survey has been assessed by the County Archaeologist, concluding that development would be acceptable, subject to a condition requiring a programme of archaeological work to be agreed to be undertaken prior to commencement. I accept that the medieval ridge and furrow system is a heritage asset, but the evidence does not demonstrate that this has any great significance or value. However, as it would be lost through the development there will be some harm to be considered and balanced against the public benefits of the proposal.
32. The appeal proposal is a considerable distance from the moated feature of the ancient monument, and the proposed houses would be reasonably screened in relation to it. I consider the proposal would have no effect on it.

### **Character and Appearance**

33. The case for the Parish Council is effectively that the scheme has been poorly designed in various ways and cumulatively results in a development of a poor

design standard, which under CS Policy CS16 and The Framework should be rejected. I will consider a number of the issues raised by the Parish Council.

#### *Affordable Housing*

34. The affordable housing is grouped together at the northern end of the appeal site, but it is not separated from the other development. Much of the affordable housing faces open market housing along the road and is clearly an integral part of the development. In addition, the affordable housing is, in my view, at a prime location within the appeal site, being near to the open space, play area and pond and not far from the nearby listed building.
35. In order to accommodate the need identified, the housing is generally smaller than the open market housing and in terraces, but this is necessary given the need being addressed. The proposed designs and materials would ensure that the affordable housing would be well integrated into the development. I acknowledge that the MADE panel would have preferred to see the affordable housing divided into smaller groups. However, there needs to be a balance between servicing and maintaining the accommodation and preferences in terms of layout. Given the relatively small number of affordable houses, I consider that there would be reasonable integration.
36. The main parking for the affordable housing is grouped behind them. While there is potential for security and behavioural issues, the parking area would be overlooked from the front/rear of many of the units and the entrance to the parking area has houses on either side. I consider that the group parking is well designed and in reasonable proximity to the affordable houses served.
37. Overall, I consider that the affordable housing has been located in a very attractive location on the site, would be well integrated with the development overall and would provide excellent provision for the identified need and does not represent poor design.

#### *Proximity of Bungalows to the Open Space*

38. The occupiers of the bungalows would not necessarily be elderly, there being no proposed restriction on occupation. Even if this were the case, I see no reason why elderly people would be more likely to be affected by the proposed open space and play area adjacent. There is some limited separation by the emergency access route and as noted above this end of the site would be seen as a prime location for a dwelling. Children playing and people wandering about would add vitality to surroundings and I do not accept that the location of bungalows here is an indication of poor design.

#### *House Types and Design*

39. The case was put that this is 'anywhere' architecture and this has effectively, in part, resulted from the use of standard house types. The appellant acknowledged that the starting point was use of Bloor house types, but that there was a free hand to make any changes to ensure the development was appropriate for the location. The design assessment of the character of the village clearly shows that the design and layout of the buildings has responded to its particular location. Houses in Priory Road have been generally designed to face the road and houses opposite to complete the street scene. In principle the materials chosen have responded to the local vernacular. While the Parish Council is concerned about some of the use of materials, in my view, those

chosen are appropriate and their use and arrangement is not indicative of poor design.

40. There are many terrace houses in the village, including some opposite the appeal site. In School Street opposite the site there are a mix of detached bungalows and houses. Detached houses are also near the site accessed further along Priory Road. The house types and arrangement are not inappropriate for this location within the village and there would be good integration into the surrounding built and historic environment.
41. I acknowledge that on some of the corner plots there would be side walls without windows, but these are mixed up in the development and taken as a whole would not be seen as poor design. The proposed overall layout, while responding to the existing roads to which it fronts, also responds to the edge of village location, with an informal, attractive layout of buildings. With this type of arrangement and size of housing it is likely that there would be some side blank elevations. The blank side elevations, while being visible when walking through the development, would be seen as part of the overall development and add to the variety of the elevations. I do not accept that these are indicative of poor design.
42. I acknowledge that some of the cul-de-sacs would have tight formations of housing, but again this is appropriate for a village context and would add compact spaces appropriate to a village. While the 'public' space for planting in some of the cul-de-sacs would be limited, it is nevertheless of a reasonable size and would allow for adequate softening of the streetscapes. These would be determined in accordance with landscaping details to be submitted in the future.
43. Plot 9 and to some extent plot 16 comes well forward of the adjacent house, but this is to reflect the form of the small central green area created. This green and the associated houses would be an attractive feature of the development. There would be some effect on daylight and sunlight reaching windows of plot 10. This is the front elevation and with the open aspect on the other side, I consider that light and sunlight levels at the front would remain acceptable.
44. I note that plot 4 does not have windows facing its rear garden. Clearly it would be a significant improvement for the occupiers of that development to provide these. However, this does not indicate the development overall would be unacceptable, and is a matter the developer could readily address.

#### *Access to the Site*

45. The public footpath across the site would need to be diverted through the new housing. However, the current general alignment diagonally through the existing field would essentially be followed after the development, taking a similar approximately diagonal route through the development and passing adjacent to the central 'green' area. The amenity provided by the current views and outlook to a rural field would be substantially altered to a village environment. This would inevitably cause harm to amenity of current users and I consider that below in relation to other benefits of the proposal.
46. The proposal is to retain the hedge to the road frontages in School Street and Priory Road, which would add to the softening of the landscape, although clearly with two storey houses close behind, the rural character would



inevitably change. The hedge would mean that there would be no access through it to the appeal site. However, I do not consider that is an issue as mostly there would be private houses beyond. In addition, a number of public access points would be provided. These would be through the proposed main entrance, at the corner of School Street and Priory Road, and at the corner of the site near to The Priory. This entrance would provide direct access to the open space and play area. In my view, there would be good connections for existing residents and future residents between the proposed development and the existing village.

47. While the hedgerows will front different curtilages, they would be managed under a management arrangement, with separation of the hedges from properties with additional boundary features. In my view, consistent maintenance of the hedges can be achieved, ensuring that these existing features around the site can be maintained.

#### *Parking and garages*

48. Concern has been raised over the size of the garages, and without them being taken into consideration for parking purposes, the parking provision would be inadequate. I note correspondence of the Rule 6 party with the county council and reference to garages of 3m x 6m, but that dimension was not given as a minimum, just an example. Further correspondence indicates that the county council does not have minimum sizes for garages. Its minimum car parking space size is 2.4 x 4.8m. It is noted that if there is a need for access by parking spaces bound on both sides by dwellings a 3m width would be looked for to allow passing for bins etc. There is nothing to suggest that the garages proposed would not be suitable for parking cars and I consider that with these there would be adequate parking on the appeal site and no excessive need to park cars on the access road.

#### *Bin storage*

49. A number of hardstandings have been located around the appeal site for bins. However, these are not bin storage areas and, given the distance from many of the dwellings, are unlikely to be used by the dwellings for regular bin storage. The purpose of the hardstandings is to provide a location for bins to be grouped together on bin collection day. This seems a very sensible approach to bin collection, avoiding bins being scattered around the site in front of each dwelling and in my opinion, this would not be a poor design feature.

#### *Localism*

50. The Parish Council refers to localism and the Framework promotes applicants working with the local community. In respect of this inquiry, local concerns are taken into consideration through the representations of Rugby Borough Council, the Parish Council and local people. In addition, the Parish Council was approached by the developer in relation to the proposed scheme, but it did not wish to enter into discussion with the developer about the proposal. I think that was a lost opportunity for locals to influence development at the appeal site, a point also referred to by MADE in its correspondence.
51. I note the points put by the MADE design panel and that, because of the late stage they were approached in the process, these points are restricted. I have considered above a number of the concerns raised. Others concerns would be covered by appropriate conditions, such as in relation to the landscape design

and details of the access through the hedgerow in Priory Road and School Street. The MADE panel also identified good points about the proposal.

52. The MADE panel provides advice and the fact that it consider some aspects of the design could in its view be improved does not mean that the proposal is not a high quality design. Design is subjective and there will always be more ways than one to arrange a proposal. Therefore, while the panel suggests some changes, that does not mean that what is proposed would be unacceptable. Overall, I consider that the design has thoroughly considered local architecture, local topography and other relevant factors, responding with an imaginative design solution, mitigating potential adverse impacts, such as to the listed building and ecology and is of high quality as required by CS Policy CS16 and RSS Policy and the Framework.

### **S106 Agreement**

53. A signed agreement has been submitted by the main parties. The agreement provides for open space provision on site, including an equipped play area, and for an off site contribution towards teenage play facilities. The open space includes arrangements to accommodate newts. There is also provision for maintenance. The proposal will provide a significant number of new dwellings, and it is therefore reasonable and necessary that appropriate open space and play equipment should be provided. Teenagers from the site are likely to use off-site provision, so contributions towards their improvement is reasonable. Given the findings of the ecological report and survey, provision for newts is also reasonable and necessary.
54. Council policies require the provision of affordable housing and the appellant has submitted reasoned justification for the level of provision proposed and I consider that the obligation to provide these houses is reasonable and necessary and in accordance with CS Policy CS10 and CS20.
55. The agreement also provides for contributions to educational facilities, enhancement and improvement of the public rights of way in the vicinity consequent upon the intended diversion and provision of transport packs for future occupiers. In my view, these relate to the development proposed and are reasonable and necessary.
56. I conclude that the requirements of the agreement accord with the Framework and Community Infrastructure Levy Regulations and is 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.

### **Conditions**

57. A list of conditions is attached at annexe 1, together with reasons for their imposition. Conditions are proposed that restrict permitted development rights of the dwellings. Circular 11/95 indicates that these should not be restricted except in exceptional circumstances. The development at the site is relatively closely spaced and its design, layout and boundary formation are important in relation to the way the development impacts on its surroundings, including the footpath and nearby listed building. I therefore consider that it is reasonable that permitted development should be restricted as proposed.

## **Conclusion**

58. I have concluded that there would be adverse impact from the proposal, including 'less than substantial' harm to the significance of the listed building because of the change to the appeal site and its rural character which is within The Priory's setting and loss of some limited view points; some harm because of the loss of the ridge and furrow system and harm through change to the rural character of the site to village character, including harm to the amenity of walkers using the footpath across the field. However, the public benefit in contributions towards the area's 5 year housing supply and provision of a significant number of affordable houses alone is very substantial and given the planning designation of the appeal site and past allocations, I consider the public benefit far outweighs all the harm identified. The proposal would be a high quality design and a sustainable development in accordance with the aims and objectives of local and national guidance.

*Graham Dudley*

**Inspector**

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr J Cahill QC	Of counsel, instructed by Pegasus Planning Group
He called	
Mr Bateman BA (Hons)	Pegasus Planning Group
TP, MRICS, MRTPI,	
MCMI, MIOd	
DR C Miele IHBC,	Montagu Evans
MRTPI, FRHS, FSA	
Mr R Woolston BA Arch,	Rg + p Ltd
Dip Arch, DipArchPrac,	
MRIBA,	

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mrs R Meager	Of counsel, instructed by Rugby Borough Council
She called	
Mr O Williams BA MA	Senior Planning Officer, Rugby Borough Council
Spatial Planning	
Mr N A D Molyneux BA	Team Leader and Inspector of Historic Buildings,
Hons FSA IHBC	English Heritage

### **FOR THE Parish Council:**

Mr J Smythe	Of Counsel, instructed by Mr N Pearce
He called	
Mr R Parker-Gulliford BA	Independent Conservation Planning Consultant
Hons, Dip urban design	
and conservation,	
MRTPI, IHBC	
Mr N Pearce BA Hons	APS – Avon Planning Services
Dip TP MRTPI	

### **INTERESTED PARTIES:**

Mr T Harvey-Smith	Wolston Parish Council
Mrs J Green	
Mr Grainger	

## **DOCUMENTS**

Document	1	Appellant's appearances
	2	Rebuttal evidence of Mr Woolston
	3	1-500 layout of previous scheme
	4	Plans showing the location of objectors
	5	Extract showing Section 31 written notice of decisions or determinations relating to planning applications
	6	Letter from appellant's solicitor of 16 November 2012
	7	Correspondence and photographs relating to arboriculturalist and tree removal at The Priory

- 8 English Heritage correspondence relating to 'fish ponds'
- 9 English Heritage Settings document definitions
- 10 Plan and correspondence relating to street lighting
- 11 Extract from 'Shottery' appeal decision APP/J3720/A/11/2163206
- 12 Bundle of English Heritage letters relating to Development Plan formulation
- 13 PPG 2 extracts – safeguarded land
- 14 Appellant's opening statement
- 15 Council's opening statement
- 16 MADE guidelines
- 17 Policies QE1, 3 and 5
- 18 Notification letter
- 19 Flood Risk Assessment
- 20 Garage drawings G01 and G02
- 21 Drawing 49 showing street elevations
- 22 Tree assessment by Lee Hall handed in by interested party
- 23 2 letters relating to the core strategy and adequacy of assessment of historic heritage
- 24 Extract from Mr Parker-Gulliford's proof as given to the appellant
- 25 Emails between Mr Pearce and Mr Neale relating to parking
- 26 Letters to local planning authority from APS relating to Core Strategy
- 27 Statement relating to Core Strategy process from the Parish Council
- 28 Email from APS to local planning authority with original heritage proof
- 29 Statement of Mr Tim Harvey-Smith
- 30 Statement of Mrs J Green
- 31 Drawing 049 revised street elevations
- 32 Drawing 014B
- 33 Plan associated with the Section 106 obligation
- 34 Email from the County Council relating to garage size
- 35 Draft list of conditions
- 36 Signed 106 obligation
- 37 Closing on behalf of the Parish Council
- 38 Closing on behalf of Rugby Borough Council
- 39 Closing on behalf of the appellant
- 40 Appellant's costs application
- 41 Council's costs response

## **ANNEXE 1**

### **CONDITION 1**

The development hereby permitted shall begin not later than three years from the date of this decision.

### **CONDITION 2**

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

Drawing Nos. 7705\_002, 7705003, 7705004A, 7705\_005, 7705\_006, 7705007, 7705008, 7705\_009, 7705\_010A, 7705\_011, 7705\_012A, 7705\_013, 7705014B, 7705\_015, 7705016A, 7705\_017, 7705\_018A, 7705019, 7705\_020, 7705\_021A, 7705\_022, 7705\_023, 7705\_024, 7705\_025, 7705\_026A, 7705\_027, 7705\_028, 7705\_029, 7705\_031, 7705\_032, 7705\_033, 7705\_034, 7705\_035, 7705\_036A, 77050\_37A, 7705\_038, 7705\_039, 7705\_040, 7705\_041, 7705\_042, 7705\_043, 7705\_044 (Drawing for plot 63), 7705\_045, 7705\_046, 7705\_047 7705\_048, 7705\_049C, 7705\_050

Drawing No. 7705\_030A received by the Local Planning Authority on the 6th September 2012.

Drawing No. JBA\_10-01-05 Rev C received by the Local Planning Authority on the 20<sup>th</sup> September 2012.

Drawing No. 7705\_001 F received by the Local Planning Authority on the 4<sup>th</sup> October 2012.

Drawings G01 and G02 received by the Local Planning Authority on the 29<sup>th</sup> January 2012.

### **REASON**

Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

### **CONDITION 3**

Development shall not commence until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials, roof tiles and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.

### **REASON**

In the interest of the amenity of the surrounding area.

### **CONDITION 4**

Development shall not commence until details of all proposed walls, fences, railings

and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any dwelling associated with the feature and with all completed prior to occupation of the last dwelling. These features shall be retained in perpetuity.

**REASON:**

In the interest of visual amenity.

**CONDITION 5**

Prior to development commencing and notwithstanding the landscaping details submitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the local planning authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

**REASON:**

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

**CONDITION 6**

Development shall not take place until further details related to the Environment Protection Plan for Construction referred to within the ecological appraisal received by the local planning authority on the 5<sup>th</sup> July 2012 have been submitted to and approved in writing by the local planning authority. The details shall include:

- a) An appropriate scale plan showing the Environment Protection Zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Timing of work;
- c) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- e) Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
  - vi) Provision of training and information about the importance of

Environment Protection Zones to all construction personnel on site.  
The works identified in the scheme shall be undertaken as approved.

### **REASON**

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended).

### **CONDITION 7**

Development shall not commence until a scheme showing further details of habitat creation/restoration based on the ecological appraisal received by the local planning authority on 5<sup>th</sup> July 2012 has been submitted to and approved in writing by the local planning authority. The works shall be carried out in complete accordance with the approved scheme. The details shall include:

- i) Purpose, aims and objectives for the scheme;
- ii) A review of the site's ecological potential and any constraints;
- iii) Description of target habitats and range of species appropriate to the site;
- iv) Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
- v) Selection of specific techniques and practices for establishing vegetation;
- vi) Sources of habitat materials (e.g. plant stock) or species individuals;
- vii) Method statement for site preparation and establishment of target features;
- viii) Extent and location of proposed works;
- ix) Aftercare and long term management;
- x) The personnel responsible for the work;
- xi) Timing of works;
- xii) Monitoring;
- xiii) Disposal of waste arising from the works.

The works identified in the scheme shall be undertaken as approved.

### **REASON**

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended).

### **CONDITION 8**

Occupation of any dwelling shall not occur until a habitat management plan covering all the areas identified in Condition 7 has been submitted to and approved in writing by the local planning authority.;

The plan shall include:

- i) Description and evaluation of the features to be managed;
- ii) Ecological trends and / or constraints on site that may influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;



- vi) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- vii) Personnel responsible for the implementation of the plan;
- viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The works identified in the management plan shall be undertaken as approved.

### **REASON**

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended).

### **CONDITION: 9**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, ref: 10031, prepared by Banners Gate, dated 9 June 2012 and the following mitigation measures detailed:

1. Limiting the rate of surface water run-off generated by the site to discharge at no more than 15 I/s as agreed by STW.
2. Provision of attenuation storage volume on the site, using SuDS as detailed in the FRA, to retain the 100-year (including a 30% allowance for climate change) event volume assuming the discharge rate given above as detailed.
3. Details of how the entire surface water scheme shall be maintained and managed after completion.
4. Detailed assessment, including full calculations, of the performance of the surface water system for the 30-year and 100-year 30% climate change cases. The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar. However, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year 30% (for climate change) event. If the system surcharges, additional space will be made for water. The location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties. Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries.
5. Further site porosity tests shall be undertaken and submitted to indicate the suitability of the ground for infiltration purposes as detailed in the FRA. Should soakaways prove unviable, the appropriate additional attenuation volume must be included, using SuDS, in the detailed drainage design.

### **REASON:**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **CONDITION 10**

If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing

with the local planning authority) shall be carried out, until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority for that strategy. The remediation strategy shall be implemented as approved prior to the occupation of any affected dwelling.

**REASON**

To ensure protection of controlled water receptors.

**CONDITION: 11**

No development shall take place until the applicant, or their agents or successors in title, has implemented a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved in writing by the local planning authority.

**REASON:**

In the interests of archaeology.

**CONDITION 12**

No development shall take place until a detailed specification of the pedestrian access points through the hedgerow on School Street and Priory Road has been submitted to and approved in writing by the local planning authority. The access points shall be constructed as approved prior to the occupation of any dwelling.

**REASON:**

To ensure the satisfactory appearance of the development.

**CONDITION 13**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A,B,C,D,E and G of Schedule 2 Part 1 of the Order.

**REASON:**

In the interest of residential amenity.

**CONDITION 14**

Other than as detailed on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of visual amenity.

### **CONDITION 15**

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plans, shall be provided before the occupation of any associated dwelling hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

#### **REASON:**

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

### **CONDITION 16**

Development shall not commence until a scheme for insulating the walls of habitable rooms of properties from road and traffic noise within plots which directly abut School Street has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the scheme shall be completed in accordance with the approved scheme before the relevant dwellings are first occupied.

#### **REASON:**

In the interests of preserving the amenities of future residents.

### **CONDITION 17**

Development shall not commence until a scheme for the protection of all retained trees on site (section 7, BS5837, the Tree Protection Plan) has been submitted to and approved in writing by the local planning authority. This plan shall include the details and positions of the Tree Protection Barriers (section 9.2 of BS5837) as per the root protection areas of all retained trees. Prior to development commencing the approved scheme of protection shall be implemented.

#### **REASON:**

To safeguard the existing trees.

### **CONDITION 18**

No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars.

#### **REASON**

To safeguard the existing trees and hedgerow.

### **CONDITION 19**

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing

by, the Local Planning Authority. The development shall not be occupied until the scheme has been implemented.

**REASON:**

In the interests of fire safety.

**CONDITION 20:**

The development hereby permitted shall not commence until drainage plans showing a scheme for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme before any dwelling is first occupied.

**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 21**

Prior to the commencement of the development, a full noise assessment and mitigation measures relating to any Piling Activities compliant with BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites shall be submitted to and approved in writing by the local planning authority. The onsite activities shall be carried out in accordance with the approved noise assessment and mitigation methods.

**REASON:**

In the interests of preserving the amenities of surrounding residents.

**CONDITION 22**

Development shall not commence until details of the emergency access bollards have been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the emergency access bollards shall be installed in accordance with the approved details. The bollards shall be retained and maintained in perpetuity. The access shall only be used in an emergency.

**REASON**

In the interests of highways safety and emergency access.

**CONDITION 23**

Development shall not commence until full details of any proposed external lighting (excluding highway authority lighting), including details of the type, design and location, have been submitted to and approved in writing by the local planning authority. Any lighting shall only be erected in accordance with

the approved details.

**REASON**

In the interests of the visual amenity of the area.

Richborough Estates