

Head of Democratic and Legal

Carol Bradford, LL B (Hons)

17th May 2010

PLANNING COMMITTEE - 26TH MAY 2010

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 26th May 2010 in the Council Chamber, Town Hall, Rugby.

Carol Bradford
Head of Democratic and Legal Services

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their personal interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial 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 personal 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 meetings held on 21st April and 20th May 2010.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) personal interests as defined by the Council's Code of Conduct for Councillors;
 - (b) prejudicial 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. Statistics of Planning Applications – May 2009 – April 2010.
7. Delegated Decisions – 10th April 2010 – 13th May 2010.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2010/11 – 2) are attached.

Tea will be served in the Members` Room at 5.00 pm.

Membership of the Committee:-

Councillors Butlin, Cranham, Day, Gillias, Lane, Lewis, Kirby, Mrs Parker, Ms Robbins, Roberts, Sandison and Whistance (subject to confirmation at Annual Council on 20th May 2010).

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic 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 Services Officer named above.

AGENDA ITEM 4

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE - 26TH MAY 2010
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (gold pages).

RECOMMENDATION

The applications be considered and determined.

PLANNING COMMITTEE – 26TH MAY 2010

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R10/0418	Brookside Cottage, Green Lane, Copston Magna. LE10 3HE Erection of a first floor and a two storey extension	3 - 7

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R10/0224	34 Cavendish Close, Cawston, Rugby, Warwickshire, CV22 7GB Conversion of existing integral garage to living space.	8 - 10
3	R/09/0972/ MAJP	Land East of Calvestone Road, Cawston, Rugby Outline application with all matters except access reserved for the development of up to 145 dwellings.	11 - 32
4	R09/0896/ PLN	Land adjacent to Vicarage Farm, Brandon Road, Church Lawford Construction of a ménage and erection of a single storey building for stabling and storage, the provision of parking facilities with associated vehicular access	33 - 39
5	744 / (R10/0353)	NPIA, Leamington Road, Ryton-on-Dunsmore Erection of new office and training building (Building A), new access and internal road, gatehouse, sub-station, covered parking structure, associated works, landscaping, lighting and temporary car parking.	40 - 55

6	R10/0276	NPIA, Leamington Road, Ryton-on-Dunsmore Erection of temporary two-storey building and ancillary works (temporary for a period of up to 5 years)	56 - 62
7	R10/0321	Caldecott Park, Lancaster Road, Rugby, CV21 2QN Installation of additional fencing and roof netting to enclose the multi-use games area and the installation of one 6 metre high flag pole within the park	63 - 66
8	475 (R10/0128)	Land off School Street, Long Lawford Erection of 99 dwellings, approval of reserved matters (layout, scale, appearance and landscaping) against outline permission R07/1454/MAJP	67 - 77
9	R10/0245	30 Butlers Leap, Rugby Change of use from Class B1(c) to Class A1 of the Town and Country (Use Classes)(Amendment) Order 2005 for a temporary period to 31 st December 2010 (retrospective)	78 - 81
10	R09/0652/ OPS	69a to 87 Hillmorton Road, Rugby Outline application for the erection of 5 detached dwellings including details of access and site layout	82 - 94

Reference number: R10/0418

Site address: Brookside Cottage, Green Lane, Copston Magna. LE10 3HE.

Description : Erection of a first floor and a two storey extension.

Relevant decisions

Use of buildings as dwelling
16.3.83 Approved

Construction of new access
20.8.91 PD

Use of buildings (Variation of condition No.3
of planning permission ref. R82/1591/12700/P
dated 16.3.83, to allow the dwelling to be occupied
by any person)
3.10.95 Approved

Technical Consultations

National Grid – Plant protection Dept - No comments to date – exp 18.5.10
WCC Ecology Dept - Object - Pre-determinative bat survey
required.

Third Party Consultations

Neighbours - No comments to date – exp 18.5.10
Cllr Adrian Warwick - This application is similar to one that
has just been approved, and I would like
to support this modest extension to a
large property.

At the time of drafting this report third party consultations have not expired and therefore any further comments received will be reported verbally at the meeting.

Other relevant information

This application has been brought before committee for a decision at the request of Cllr. Adrian Warwick.

The applicant seeks permission for first floor extension to the side and a two storey extension to the front of the property. The property is a detached two storey, former barn type building that was granted planning permission for use as a dwelling in 1983. The property benefits from a single storey side addition that has been modified with a small front extension and external alterations to provide a double garage. Additionally the property has had a single storey flat roofed front extension and a front conservatory.

The dwelling lies in an extensive plot with a long drive and a large pond to the south of the dwelling and most of the boundaries are screened with tall mature trees with 2.5 metre high dense hedging to the boundary adjacent to the boundary with Swallows Lodge. The site is located in the village of Copston Magna. In the local plan Copston Magna does not have a defined settlement boundary and is located within the West Midlands Green Belt.

The proposed extension consist of a first floor extension over the whole width of the existing single storey side element of the dwelling and a two storey extension that projects forward of the original front elevation of the main body of the dwelling by approximately 13 metres. The proposal is to provide a kitchen area to the ground floor in place of the existing double garages with two additional bedrooms above. In terms of the neighbouring properties, Magna House lies to the north of the site and Swallows Lodge to the north east of the site.

Planning Policy Guidance

GP1	Conflicts	Design & Appearance of Development
GP3	Conforms	Protection of Amenities
H8	Conflicts	Residential Extensions
E2	Conflicts	Development in the Green Belt

Planning Policy Guidance Note 2, "Green Belts".

Planning Policy Statement 9, "Biodiversity & Geological Conservation".

Determining Considerations

The main issues in considering the application are the impact of the extension on the amenities of the neighbouring residential properties; the scale and character of the extension and the impact of the extension on the Green Belt.

The other immediate property, known as Magna House lies to the rear elevation of the site and therefore there is no impact on the amenities of this property from the proposed extensions.

The site is located in the Village of Copston Magna, a settlement that does not have a defined boundary, and is in the Green Belt. Therefore the proposal needs to be assessed against Policy E2 of the Local Plan which relates to the Green Belts amongst other policies in the Local Plan as well as national guidance within PPG Note 2 on Green Belts.

Policy E2 is reflective of PPG2 provisions in that all development is considered inappropriate unless falling within certain appropriate instances such as where it relates to agriculture or limited extensions to existing dwellings or where very special circumstances exist.

The property has been previously extended by way of a single storey flat roofed front extension and a conservatory to the same elevation representing approximately a 25% volume increase from the original dwellinghouse as established in 1983. The proposed extensions consist of a first floor and a two storey extensions. The first floor extension is to an existing single storey side element and the two storey element is set in 3 metres from the boundary and projects out approximately 12.7 metres. The proposed extensions, together with the previous extensions would result in an increase in volume over the original dwelling by approximately 152%.

In the opinion of the case officer the cumulative volume increase represents a disproportionate amount of extensions in relation to the original property and not considered to be limited. Therefore the proposal is to be inappropriate development which harms the Green Belt. No very special circumstances have been put forward by the applicant, which justify the inappropriate development. The proposal therefore conflicts with the relevant development plan policies above which relate to development within the Green Belt, and residential extensions in the countryside and is not considered to be an acceptable form of development.

In terms of the design and appearance of the extensions it is considered to be unacceptable and not in keeping with the existing dwelling due to the scale, massing, form and orientation of the building and is considered to be disproportionate addition to the original dwelling and therefore conflicts with Policies GP1 and H8 of the Rugby Borough Local which seeks to ensure that all new development is sympathetic to its surroundings.

The first floor extension is proposed above the existing single storey part of the house and will remain around 2 metres from the boundary with Swallows Lodge. As the nearest elevation wall of this property is approximately 7 metres from the proposed first floor extension it is not considered that the first floor element will have a detrimental impact on the amount of light reaching this property. No overlooking windows are proposed. Similarly the two storey element that projects forward of the dwelling is set in approximately 3 metres from the boundary of Swallows Lodge and although there are side facing windows and a patio door, due to the existing boundary treatment consisting of 2.5 meter high dense hedging it is not considered that there will be any adverse impact on the amenity of the occupiers of this property in terms of loss of light or sense of enclosure or overlooking.

Given the existing boundary treatment and the relationship with the immediate neighbouring properties, it is considered that the impact of the proposed extensions on the occupants of these properties would be minimal and would not be considered to be overbearing or have any other adverse effect on the amenities of neighbouring residents. Consequently, the proposals are considered to comply with Policy GP3 of the Rugby Borough Local Plan 2006 which seeks to ensure that all new development does not adversely affect residential amenities.

Warwickshire County Council Field Services Ecology unit have commented by stating that a pre-determinative bat survey is required. Planning Policy Statement 9, "Biodiversity & Geological Conservation" deals with matters relating to bats and indicates that as bats are a protected species they are a material consideration in the determination of planning applications. It is considered inappropriate to impose a condition on any approval as the proposed works would involve alterations to the existing roof space and the dwelling is located within close proximity to a large pond within the garden area. If evidence of bats was found which could not be suitably mitigated, permission would have been given for something that could not be implemented. Therefore, in the absence of the bat survey the proposal conflicts with the provisions of PPS9.

Recommendation:

That the application be refused for the following reasons:

REFUSAL REASON 1:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in PPG2 "Green Belt" not to grant planning permission except in very special circumstances, for new buildings or changes to the use other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, and for the limited extension, alteration or replacement of existing dwellings.

REFUSAL REASON 2:

The proposed development by reason of its, scale, massing, form and orientation and design is considered to be an inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt as well as being out of scale and character with the existing dwelling on the site. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a proposed extensions in the face of a strong presumption against inappropriate development derived from the prevailing policies and it is considered that the development fails to preserve the openness and character of the Green Belt or respect the scale and character of the existing property. The proposed development is therefore contrary to Policies E2, GP1 and H8 of the Rugby Borough Local Plan 2006 which specifically seek to preserve the openness and character of the Green Belt and to ensure all new development is in scale and character with its immediate surroundings.

REFUSAL REASON 3:

Warwickshire County Council Field Services Ecology unit have commented by stating that a pre-determinative bat survey is required. Planning Policy Statement 9, "Biodiversity & Geological Conservation" deals with matters relating to bats and indicates that as bats are a protected species they are a material consideration in the determination of planning applications. Whilst a bat survey could be conditioned as

part of any approval, it is considered inappropriate in this instance given that the proposed extensions would involve alterations to the existing roof space and in view of the close proximity of the large pond in the garden if evidence of bats was found which could not be suitably mitigated, permission would have been given for something that could not be implemented. Therefore, in the absence of the bat survey the proposal conflicts with the provisions of PPS9.

Reference number: R10/0224

Site address: 34 Cavendish Close, Cawston

Description: Convert the existing integral garage into a living space.

Description of proposal

The current planning application seeks the conversion of an integrated garage to provide ancillary living accommodation. The proposed external alteration would include the removal of the existing garage door to the front elevation and the insertion of 1no. window that would be flush with the house.

The application is to be determined by members of the Planning Committee, as the applicant, Councillor Michael Stokes, is an Elected Member of the Borough Council.

Description of site

The application site is located within the Cawston Estate and is situated to the south-west of Cavendish Close. The property is accessed via an existing private drive off Cavendish Close, which serves no. 34, 36, 38, 44, 42 and 40. The property relates to a detached three-bedroom property with an integrated garage and a private drive for the accommodation of 1no. car space.

Third party comments

Neighbours	None received
Parish Council	No comments

Technical consultation responses

WCC Highways	no objection
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Relevant policies and guidance

GP1	complies	Design and Appearance
GP3	complies	Protection of Amenities
T5	complies	Parking Facilities

Assessment of proposal

The main issues of consideration in the determination of this application is the impact of the proposal upon the character of the existing dwelling house and locality, its impact upon the amenities of neighbouring residents and the impact of the loss of parking car spaces to serve the dwelling house.

Visual and Residential Amenities

Access to the property is via a private driveway with serves five additional properties. As such the development would not be visible from the street scene and will have no impact upon its character and appearance. Consideration is given to the impact of the development upon the amenities of neighbouring properties. It is considered that the amenities of nearby neighbouring dwellings would not be harmed by the development as the proposed window to be formed within the front elevation would not result in a loss of privacy to nearby neighbouring dwellings. As such the proposed development would comply with policies GP1 and GP3 as contained within the Rugby Borough Local Plan 2006.

Parking Facilities

The proposed development would result in the loss of 1 car spacing to serve the property, although it is proposed that one additional space will be retained to the front of the property. The applicant has stated that the garage has never been used for the accommodation of vehicles. As contained within appendix 3 of the Rugby Borough Local Plan 2006 the maximum number of car parking spaces to be provided for a dwelling house of this type is a maximum of 2 spaces. It is considered that the loss of one car-parking space would not conflict with policy T5 of the Local Plan. Comments received by Warwickshire County Council Highway Authority are that of no objection on the basis that it is unlikely that any parking displaced by the proposals will take place on the adjacent carriageway.

Recommendation

That planning permission is granted, subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R10/0224

DATE VALID

16/02/2010

ADDRESS OF DEVELOPMENT

34 CAVENDISH CLOSE
CAWSTON
RUGBY
CV22 7GB

APPLICANT/AGENT

Mr Michael Stokes
34 Cavendish Close
Cawston
Rugby
Warwickshire
CV22 7GB

APPLICATION DESCRIPTION

Convert the existing integral garage into a living space.

CONDITIONS & REASONS

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

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

REASON:

In the interest of visual amenity.

CONDITION: 3

The existing accommodation of car parking at the front of the property shall be retained permanently for the accommodation of vehicles belong to the occupiers of the dwelling and shall not be used for any other purpose.

REASON:

In the interest of public and highway safety.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan 2006, policies GP1, GP3 and T5

REASON FOR APPROVAL:

The scale and design of the proposal are in keeping with the existing dwelling and therefore comply with Policies GP1 and T5 of the Rugby Borough Local Plan 2006. The relationship of the proposal with adjacent properties is such that it will not adversely affect the amenities of neighbouring residents and therefore complies with Policy GP3 of the Rugby Borough Local Plan 2006.

Reference number: R09/0972/MAJP

Site address: Land East of Calvestone Road, Cawston, Rugby

Description : Outline application with all matters except access reserved for the development of up to 145 dwellings

Authorised Use

Agriculture

Relevant Decisions

Use of land for residential development, associated open space, school site, local centre, drainage works and highway works including connection to A4061 and temporary access to Lawford Lane (R/95/0313/21371/OP) Approved 17.11.98

Outline application for use of land for residential development, erection of a community hall with changing rooms for the adjacent sports field together with associated roads, footpath/cyclepaths and open spaces (R04/1326/21371/OP) Withdrawn 10.3.05

Technical Consultations

Warks CC – Highways	observations awaited	
Warks Museum	no objection	subject to archaeological condition
Warks CC – Education	no objection	subject to S106 requiring contribution
Warks CC – Libraries	no objection	subject to S106 requiring contribution
Warks Fire & Rescue	no objection	subject to condition covering water supplies and fire hydrants
Warks Police	no objection	detailed development should incorporate secure by design principles
Warks Ecology	no objection	subject to conditions in respect of Badger mitigation and ecological enhancement and management scheme
Natural England	no objection	subject to conditions in respect of badger mitigation and ecological enhancement and management scheme
Warks Wildlife Trust	no observations received	

Env Agency	no objection	subject to condition in respect of flood risk and drainage
STW	no objection	subject to condition covering foul and surface water drainage
Central Networks	no objection	advises has network in the site
Environmental Services	no objection	subject to conditions covering contaminated land assessment, dust suppression and hours of work restriction
Tree Officer	no objection	subject to conditions with regard to tree protection

Third Party Consultations

Cllr M.Stokes	comment	<p>requested that the application be called-in for consideration by the Committee on the following grounds:</p> <ul style="list-style-type: none"> - this is an additional major development to the already agreed outline plan in Cawston - Cawston currently struggles with a severe lack of local amenities which needs to be taken into account at Committee level before a decision is made - the last time this application was made, there was large scale public objection and the Consortium withdrew - Calvestone Road has recently suffered several serious accidents which this development will access on to.
Parish Council	comment	<p>consider that there should be some Community benefit and request the provision of land and a building to serve as a village hall as part of a S106 agreement, to be located either at the southern end of the Calvestone Road development or within the area designated for a local centre; pleased to see incorporation of traffic calming measures on Calvestone Road</p>

Neighbours (4 letters)	objection	no need to release greenfield site when brownfield land still available in Rugby; land still to be developed on Cawston Grange; existing access should be completed and adopted before further areas are developed; detrimental effect on natural features and wildlife; additional service infrastructure required; no allowance for parking; dwellings should be no more than two-storey; need for planting and generous gardens to protect privacy along the northern boundary/ properties on Devonshire Close must have privacy taken into account; should be no flats, Council houses or shared ownership; nursery and Cawston Grange Primary School over-subscribed; obstruction of roads and driveways by parents of Primary School/car park should be provided on local centre site
Bilton School	objection	concerns regarding the orientation and proximity of houses to boundary fence and pedestrian paths running length of western boundary

Other Relevant Information

The site and Surroundings

The site, amounting to some 4.9ha is located off the east side of Calvestone Road on the north-eastern edge of the earlier phases of the Cawston Grange housing development. It is bounded by the grounds of Bilton School to the east, residential development on Devonshire Close to the north, an area of open space to the south and Calvestone Road to the west.

The greenfield site is currently vacant and unused and comprises what remains of two larger fields of semi-improved grassland which were in agricultural use prior to the development of Cawston Grange. Levels across the site generally fall from 112 to 103 AOD west to east with a low point in the north-east corner in which a balancing pond serving existing development is located. A drainage ditch together with a 4 – 5m high hedgerow and occasional trees runs along the eastern boundary. A further hedgerow in which is located a solitary mature Oak tree runs east – west through the centre of the site.

The Application

The application for up to a maximum of 145 dwellings is in outline with all matters except access reserved for subsequent approval. Two primary points of vehicular access are proposed along Calvestone Road. In the north of the site access would be from the existing mini-roundabout at the junction of Calvestone Road and Whitefriars Drive. A further access comprising a simple priority junction is proposed to the south of the Whitefriars Drive junction. Traffic calming measures comprising road narrowings and uncontrolled crossing facilities at the bridleway crossing at the southern end of the site and at other points to the north and south of the mini-roundabout junction with Whitefriars Drive are proposed.

The application is accompanied by supporting documents comprising Planning and Design and Access Statements, transport, flood risk, noise and air quality assessments, an archaeological evaluation and arboricultural, ecological and badger reports.

Design and Access Statement

The Design and Access Statement sets out the design principles which will inform more detailed design considerations in reserved matters submissions. It evaluates the surrounding context and identifies the opportunities and constraints to development. The design principles have been incorporated in, and inform an indicative layout and parameters plans submitted with the application to demonstrate how the site could potentially be developed.

The indicative layout is based on a perimeter block structure with associated road hierarchy and parking areas with a view to creating a strong sense of place. An enhanced landscape/wildlife corridor incorporating surface water balancing ponds is proposed along the eastern boundary and a small area of play or open space is centred on the existing Oak tree which provides a focal point within the site. An average net density of 32 dwellings/ha is proposed evenly distributed across the site with two higher density areas in the south and north-east of the development where good pedestrian access is identified. It is intended, amongst other things, to incorporate a mix of dwelling types and tenures across the scheme, to make efficient use of the land with dwellings ranging between 2 and 3 storeys in height and to create a pedestrian friendly environment with key focal points, spaces and pedestrian and parking areas which are well overlooked. It is proposed that a variety of parking solutions will be incorporated to reduce the impact of cars on the streetscape.

In terms of scale, it is proposed that 2 1/2 to 3 storey dwellings will be incorporated along the western edge of the development to enhance enclosure to Calvestone Road. Dwellings along the northern part of the site would be restricted to 2 storeys in height to respect the relationship with existing dwellings on Devonshire Close. With regard to appearance, it is intended that a balance of variety and uniformity in design and materials treatment will be incorporated in any detailed scheme. In respect of access within the development, a network of vehicular, cycle and pedestrian movement is proposed based on a hierarchy of routes ranging from main residential streets to pedestrian dominated "community streets" and mews courtyards which relate to the design and layout of individual blocks and link to the surrounding area.

The Design and Access Statement also sets out landscape principles to enhance the development and to provide opportunity for habitat creation and biodiversity improvement. The energy efficiency of development is also considered which will be worked up further in detailed designs to be submitted as reserved matters.

Transport Assessment

The transport assessment considers the condition of the existing local highway network and the impact of the proposed development upon it, including the effect on key road junctions and the Rugby Western Relief Road, and an analysis of accident records. The assessment also considers the sustainability of the site in transport terms.

It concludes that the proposed points of access will provide good vehicular access to the site, that it is well served by pedestrian and cycle routes and that the existing public transport service is such that there is no requirement for further enhancement. The site is considered to be well located in relation to local amenities and facilities. It further concludes that the net increase in local traffic will be small and will not cause any capacity or safety problems on local roads and junctions. In order to enhance safety, however, traffic calming measures in the form of road narrowings and crossing facilities are advocated on Calvestone Road in the vicinity of the site.

Flood Risk and Drainage Strategy

The flood risk assessment has been prepared in accordance with guidance contained in PPS25:Development and Flood Risk, and in discussion with the Environment Agency. It confirms that the site falls in Flood Zone 1 and is in a preferable location when considered against the requirements of PPS25, concluding that the development of the site for residential purposes is acceptable in terms of flood risk and drainage. The assessment includes consideration of potential flood risk from the ordinary watercourse along the eastern boundary and concludes that this poses no material risk to the development. It further concludes that risk of any overland flow flooding from adjacent land is extremely low.

With regard to storm water drainage, it is intended that detailed proposals will include the implementation of a sustainable urban drainage system (SUDs) compliant with national and local policy. The assessment confirms that there are no public surface water sewers available nearby the site with available capacity to serve the development. It is intended that surface water drainage will be discharged to the ordinary watercourse along the eastern boundary of the site via a new balancing (detention) pond which will accommodate discharges from the southern part of the development and through the enlargement of the existing balancing pond at the northern end of the development engineered to include allowance for climate change. It is pointed out that the balancing ponds will not only serve to control storm water discharge and improve water quality but will also be designed to enhance biodiversity and the landscape character of the site.

It is proposed that foul drainage will connect to the existing adopted foul sewer network.

Noise

A noise assessment considers potential noise levels across the development site and the need for any mitigation. The dominant source of noise is road traffic. It concludes that most of the land in respect of outdoor living areas during the daytime falls within acceptable levels apart from a small strip to the west of the site immediately adjacent to Calvestone Road. In order to achieve satisfactory external daytime noise levels to garden areas it is recommended that as far as possible the proposed properties obstruct any direct line of sight with Calvestone Road. It also concludes that standard double glazing with acoustic ventilation will need to be installed in living rooms and bedrooms which are near to and have a direct line of sight of Calvestone Road.

Air Quality

The assessment considers the potential impact on air quality from the development, principally due to increased vehicular movements. The impact on air quality is concluded to be insignificant, being within acceptable standards and no mitigation is deemed necessary.

Ecology

The ecology assessment confirms that the site is not subject to any statutory or non-statutory designation. Habitat surveys were carried out to establish the presence of any protected species.

It is concluded that with appropriate mitigation and landscaping/planting compensation there will be no loss of available habitat. It is recommended that any mature trees be retained together with the ditch and hedgerow in a buffer zone of at least 10m along the eastern boundary which should be fenced prior to the commencement of development. A licence will be required from Natural England to close badger setts and to establish artificial replacements within the site.

Arboricultural Report

The arboricultural assessment considers the condition of existing trees in the application site together with their landscape value, and the mitigation of any impacts that may arise from the development of the site. It confirms that the trees along the eastern site boundary and the mature Oak located within the site make a significant contribution to the local environment and to the visual amenities of the immediate locality. All the trees are to be retained apart from two located along the eastern boundary which are proposed to be felled due to their poor condition.

Archaeological Evaluation

The application site was originally set aside from development within the larger Cawston Grange scheme due to perceived archaeological constraints – in particular, enclosure features visible as cropmarks on aerial photographs. Further detailed evaluation including geophysical survey and trial trenching has since been carried out

to establish the nature, extent and significance of any archaeological deposits. The evaluation concludes that in the event that the site is developed, the impact on archaeology can be suitably mitigated through a programme of archaeological excavation and recording.

Planning Obligations

The applicant's have confirmed their willingness to enter into a Section 106 Agreement to make relevant contributions in respect of highways, affordable housing, education, libraries and public open space.

In the case of affordable housing, the applicant's propose 27.8% provision which, on the basis of 145 dwellings would produce 40 affordable units with a tenure split of 75% social rented and 25% shared ownership (intermediate). In the event that no social housing grant is available, it is proposed that the tenures would be adjusted to a 50/50 split between rented housing and shared ownership. The affordable dwellings would be constructed and transferred on completion to a Registered Social Landlord.

Planning Policy Guidance

RSS	CF3	conforms	levels and distribution of housing development
RSS	CF5	conforms	delivering affordable housing and mixed communities
RSS	CF6	conforms	managing housing land provision
RSS Rev	CF3	conforms	level and distribution of new housing development
RSS Rev	CF7	conforms	delivering affordable housing
RSS Rev	CF8	conforms	delivering mixed communities
RSS Rev	CF10	conforms	managing housing land supply
LP	S1	conforms	urban development priorities
LP	S2	conforms	release of development land for housing
LP	H3	conforms	housing proposals in the Rugby urban area
LP	H4	conforms	reserve housing sites
LP	H6	conforms	affordable housing
LP	H11	conforms	open space provision in residential developments
LP	LR1	conforms	open space standards
LP	GP1	conforms	appearance and design of development
LP	GP2	conforms	landscaping
LP	GP3	conforms	protection of amenity
LP	GP4	conforms	energy conservation
LP	GP12	conforms	air quality management area
LP	GP15	conforms	planning obligations
LP	T1	conforms	integrated and sustainable transport
LP	T3	conforms	access and highway layout
LP	T4	conforms	cycle and pedestrian facilities
LP	T5	conforms	parking facilities
LP	E6	conforms	biodiversity

PPS1	Delivering Sustainable Development Planning and Climate Change (Supplement to PPS1)
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS17	Planning for Open Space, Sport and Recreation
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk
SPD	Planning Obligations, June 2007
SPD	Affordable Housing, June 2009
SPD	Sustainable Design and Construction, June 2009

Determining Considerations

The application falls to be considered against the policy framework set out in the development plan, guidance contained in relevant PPG/PPSs and any other material considerations. In particular, the key consideration is whether or not the outline proposals comply in principle with policies contained in the Regional Spatial Strategy 2008 (RSS) and the “saved” policies in the Warwickshire Structure Plan 1996 – 2011 and the Rugby Borough Local Plan 2006 controlling the release and development of land for housing. Regard should also be had to emerging policies contained in the Regional Spatial Strategy, Phase 2 Revision Preferred Option 2007, and the Council’s Local Development Framework Core Strategy.

Other considerations relate to general development policies in respect of technical, environmental and amenity issues having regard to the nature and scale of the development proposed and the relationship with existing development and the site’s surroundings.

Principle of Development – Strategy Policies and Housing Supply

The governments objectives of ensuring that the planning system delivers a flexible and responsive supply of housing land through the “plan, monitor, manage” approach is set out in PPS3. Having regard to the level of housing provision set out in the Regional Spatial Strategy and in the emerging Phase 2 Revision, there is a requirement that sites are identified and managed to ensure that a continuous rolling 5 year supply of deliverable sites is maintained. Such sites should be available, suitable and achievable. In circumstances where a 5 year supply cannot be demonstrated, it is advised in PPS3 that local planning authorities should consider favourably planning applications for housing.

Regional Policy

The Regional Spatial Strategy was originally adopted in June 2004 and policy CF3 set out the amount and distribution of housing in the region on a phased annual basis to be accommodated in development plans. This was reflected in policy H1 of the Rugby Borough Local Plan which set a maximum target of 3710 new dwellings to be

completed in the Borough in the period 2004 – 2016. Regional policy has changed since the Local Plan was adopted, however, with the Regional Spatial Strategy Phase 2 Revision Preferred Option, 2007 (policy CF3) proposing a significant increase in the scale of housing in the region to 2026 whilst Local Plan policy H1 has not been saved. The Panel Report into the Phase 2 Revision was published in 2009 and in relation to Rugby rounds up the 2006 – 2026 housing figure from 10,800 to 11,000. This step change level of additional housing development is being planned for in the Council's Local Development Framework Core Strategy which proposes extensions to the Rugby urban area in order to meet the new housing targets. Policy CF6 of the RSS and Policy CF10 of the RSS Phase 2 Revision set out the approach to the management of housing land provision to ensure a continuous supply.

It is advised in PPS3 that where the Regional Spatial Strategy is being revised the level of housing provision to be accommodated is that contained in the emerging Regional Spatial Strategy (i.e the Phase 2 Revision) as this is the most up to date and relevant guidance. In addition, the Department for Communities and Local Government has recently clarified the position confirming that the 5 year housing land supply should be demonstrated against the emerging Regional Spatial Strategy figures as opposed to the adopted figures.

Policy CF5 of the RSS and policies CF7 and CF8 of the RSS Phase 2 Revision encourage local planning authorities to keep the need for affordable housing under review based on housing needs assessments, to set out requirements and targets and, in accordance with PPS3, to plan for mixed and balanced communities through the provision of a range of house types and tenures within new housing development.
Local Plan

The sequential approach to the release of land strategy contained in Local Plan saved policies S1 and S2 sets out a hierarchy of land to be developed in order of priority. First priority is given to the development of previously developed land in the urban area and second priority to greenfield land within the urban area. The three remaining priorities identify locations where additional development may be located after the first and second priorities have been used. It is a requirement that all development opportunities are exhausted at each priority level before moving on to the next unless it is shown that sites in higher priority locations are undeliverable in the required timeframe and the need for further development is identified. It is clarified in policy S2 that it will not be considered that a need has been identified unless the required 5 year housing supply will not be achieved and the under-achievement is the equivalent of at least 50% of the annual completion rate (some 150 dwellings).

The housing allocations in the Local Plan cover the period to 2016 and the saved policies will eventually be replaced by those contained in the Local Development Framework. Policy H3 allocates land for residential development in the Rugby urban area. The application site is a greenfield site located in the urban area as defined in the Local Plan and as such is a second priority location. The site is allocated, however, as a reserve housing site under saved policy H4.1 to meet longer term needs should other first priority sites fail to provide the required housing within the plan period and, or a shortfall in the 5 year supply of housing has been identified. In the supporting text to policy H4.1 it is explained that it is considered that the site is suitable for housing and in a sustainable location.

Housing Land Availability

The Council's Strategic Housing Land Availability Assessment, April 2009, identifies the need for the application site to come forward to meet the continuous 5 year housing land supply based on the emerging Regional Spatial Strategy Phase 2 Revision figures. Though allocated and committed sites on first priority previously developed land in the urban area will continue to contribute to supply over the next 5 years, these are not sufficient to meet the additional supply required as a result of the increase in housing required by the emerging Phase 2 Revision.

A very recent appeal decision (April 2010) in respect of land at Coton Park East, a fifth priority location beyond but adjoining the urban edge of Rugby, is also relevant in the consideration of housing land availability. Based on emerging Phase 2 Revision figures, the Inspector accepted that there is not currently a 5 year supply of housing land. He also referred to doubts about the ability of some of the sites identified in the Council's Strategic Housing Land Availability Assessment to deliver the number of dwellings envisaged. He considered that in accordance with PPS3 there is a need to respond rapidly to any shortfall and therefore allowed the appeal.

There are no other allocated first priority sites to come forward. In the circumstances, the release of this greenfield site for development complies with the requirements of saved policy H4.1 and the proposal is therefore considered acceptable in principle.

Outline Proposals

Outline applications are required to provide a basic level of information in respect of layout, scale and appearance and as a minimum include information on use, the amount of development, indicative layout, scale parameters and indicative access points. This gives a clearer indication of the potential outcome of the proposed development and assists in demonstrating that the amount of development proposed can be satisfactorily accommodated on the site having regard to the nature and relationship with its surroundings. These aspects are largely covered by saved Local Plan general principles policies.

The indicative layout has been informed by urban design best practice guidance and takes account of secure by design principles with a view to improving on previous development and providing a sense of place and identity. The design is largely based on perimeter blocks and seeks to achieve greater enclosure to Calvestone Road and provide a strong edge to a landscaped wildlife corridor along the eastern side of the development whilst framing an area of open space to the south. The scheme will provide visual interest with a varied streetscape with spaces defined by buildings of appropriate height and relationship one to the other to provide character and enclosure. The design of the layout is also intended to give priority to pedestrians and cyclists. Such an approach will complement and assist in integrating and harmonising the proposals with existing development and is considered acceptable.

The amount of development proposed accords with the minimum density of 30 dwellings/ha advocated in PPS3 and in this respect is similar to the density achieved on the northern part of the larger Cawston Grange development. The framework of

public open space provision on Cawston Grange as a whole had regard to the potential development of this site for housing and is in excess of that required against the Council's standards as set out in saved policies H11 and LR1 such that there is no specific additional requirement in connection with this proposal. The scheme nonetheless incorporates amenity greenspace in the form of the wildlife corridor along the eastern boundary and a focal point of enclosed space within the site based around a mature Oak tree. Landscaping has been considered as an integral part of the proposals in accordance with saved policy GP2. The green corridor along the eastern boundary will retain and enhance the natural feature and biodiversity as well as provide a pedestrian link and landscaped setting for the development.

The indicative layout has also had regard to the relationship with neighbouring properties, particularly those residential properties directly adjoining the site on Devonshire Close to the north and Bilton School to the east in order to ensure that there will be no adverse impact on residential amenity of either the existing or the proposed development. Levels across the site will need to be taken fully into account and addressed in working up the detailed proposals for the development of the site.

With regard to scale, the proposals take account of the local context to ensure that a detailed scheme can be satisfactorily assimilated and integrated with its surroundings. The height of buildings varying between 2 and 3 storeys and their location proposed in the parameters plans contained in the Design and Access Statement respect the adjacent built form, has had regard to the topography of the site, the visual impact and enclosure in the street scene and the relationship with neighbouring development and it is considered would be acceptable in any detailed scheme. It is further envisaged that the detailed design and appearance of the proposed dwellings and the materials to be used in their construction will reflect the varied character of existing dwellings on the larger Cawston Grange development to ensure that the proposals are successfully integrated and harmonise with their surroundings.

In view of the above, it is considered that the illustrative layout and parameters plans together with the design principles contained in the Design and Access Statement demonstrate that the amount and scale of development proposed can potentially be accommodated on the site having regard to relevant criteria contained in saved Local Plan policies GP1 and GP3 covering design and appearance and the protection of amenity.

Technical Issues

No significant technical or environmental issues have been identified or raised by consultees which cannot be mitigated. Relevant information has been provided in respect of transport, flood risk and drainage strategy, noise and air quality.

At the time of writing, the observations of the Highway Authority are awaited and will be reported verbally at the meeting. The transport assessment, however, confirms that the development will have only a very small impact on the existing local highway network and that the site has good, sustainable transport accessibility in accordance with guidance contained in PPG13. Amongst other things, this seeks to integrate planning and transport in order to promote sustainable transport choice and reduce the need to travel, especially by car. The site is conveniently located in relation to the

no.4 showcase bus route which provides a frequent service into the town centre and is well served by a network of pedestrian and cycle routes. The development will therefore contribute to integrated and sustainable transport in accordance with saved policy T1 whilst the proposals demonstrate that satisfactory cycle and pedestrian facilities can be provided in accordance with policy T4.

Satisfactory access can be achieved from the existing residential estate road in accordance with policy T3. The access and highway layout shown on the indicative layout is designed to ensure the safety of all road users and will be carried through into any detailed scheme. The proposed traffic calming measures on Calvestone Road will further assist in providing a safe environment for road users, pedestrians and cyclists. Parking provision will be a detailed consideration though it has also been demonstrated that the proposals can comply with the Council's maximum standards in accordance with policy T5.

Flood risk and drainage strategy, including the use of sustainable urban drainage systems complies with guidance contained in PPS25 whilst there are no implications in respect of noise or air quality in accordance with guidance contained in PPS23 and PPG24. Any detailed scheme will need to have full regard to energy conservation in accordance with guidance contained in the supplement to PPS1 and also take account of secure by design principles. There are no overriding ecological constraints to the development of the site in accordance with saved policies E6 and PPS9 whilst biodiversity will be enhanced. The impact on existing trees and hedgerows has also been fully taken into account in accordance with guidance contained in PPS9.

With regard to archaeology, the site was omitted from development on the original master plan for Cawston Grange in view of the potential archaeological interest. The subsequent investigation and evaluation carried out has shown that the archaeology is not significant and is therefore not a constraint to the development of the site in accordance with guidance contained in PPS5.

Planning Obligations

The basis for securing planning obligations is set out in saved Local Plan policy GP15 together with the Council's related Planning Obligations SPD, June 2007, prepared in accordance with the advice and guidance contained in ODPM Circular 05/2005. These seek to ensure that the need for supporting services, infrastructure and facilities both on and off site generated by development are met.

With regard to affordable housing, saved Local Plan policy H6 sets a target affordable housing provision of 40% on sites such as this. The Council's Affordable Housing SPD, June 2009, requires that affordable housing be provided on the basis of 75% social rented and 25% shared ownership to meet the identified need. Both policy H6 and the SPD accept nonetheless that in exceptional circumstances the affordable housing target may be reduced where the developer, through the submission of a financial appraisal, is able to demonstrate that it is likely to threaten the financial viability of the scheme.

The applicant's submitted viability appraisals in support of their proposals to demonstrate the viability of development costs and the provision of affordable housing

with and without housing association grant funding. These have been assessed by the Council's adviser on land and property matters. He confirms that there are infrastructure and other S106 obligation costs included in the financial appraisals which also impact on viability and need to be taken into account when considering the application and concludes that the proposed 27.8% provision is reasonable. It is therefore considered that there are exceptional circumstances in this case which justify acceptance of the level of affordable housing proposed.

The request of the Parish Council for the provision of land for, and the construction of a village hall has been the subject of discussions with the applicants. This request has to be considered against saved Local Plan policy GP15 and the Council's Planning Obligations SPD which confirm the five tests which all must be met in seeking obligations. Planning obligations must be:

- i) relevant to planning
- ii) necessary to make the proposed development acceptable in planning terms
- iii) directly related to the proposed development
- iv) fairly and reasonably related in scale and kind to the proposed development; and
- v) reasonable in all other respects

It is not considered that the request satisfies all the relevant tests. The request is relevant to planning in as much that a village hall would be of benefit to the wider community but it is not necessary of itself to deliver sustainable development in connection with the development of land for 145 dwellings. There is no specific obligation under the terms of the legal agreement covering the larger Cawston Grange development to provide a village hall or other such facility though it should be noted that the primary school on the estate was designed with a view to dual use by the local community.

The development of 145 dwellings does not of itself generate a need for, or is contingent upon the provision of a village hall to make the proposal acceptable in planning terms. It is acknowledged that the Parish Council is essentially seeking such provision in the context of the larger Cawston Grange development, however, it is not considered that this can be justified off a relatively small development of 145 dwellings particularly where this itself generates a need for other essential infrastructure and service requirements. In the circumstances it is considered that the request is not directly, nor fairly and reasonably related in scale and kind to the proposed development or reasonable in all other respects.

Such a request cannot therefore be justified or insisted upon as a planning obligation through a Section 106 Agreement. Nonetheless, the applicants have indicated that they are prepared to give the Parish Council by means of a simple land transfer a 0.25 acre site within the local centre for a village hall following approval of this proposal though they are not prepared to fund its construction.

Conclusion

The proposal accords with strategic policies contained in the development plan and in Government guidance controlling the release of land for housing. There is a need to bring forward the site for development to meet the requirement to maintain a continuous and deliverable 5 year housing land supply. The outline proposals demonstrate that the amount of development proposed can potentially be accommodated on the site in a form which will result in an interesting, varied and high quality scheme and integrate and harmonise with its surroundings. There are no technical or other constraints to the development of the site whilst the provision of affordable housing will contribute to a key Council priority and assist in creating a mixed and balanced community.

Recommendation:

The Head of Planning and Culture be granted delegated powers to approve the application subject to:

1. no objections being raised to the proposal by the Highway Authority
2. the applicants entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing and contributions towards highway works, education, libraries and public open space maintenance, and,

subject to the following conditions and any other conditions as may be required to safeguard the interests of the Highways Authority.

DRAFT DECISION

APPLICATION NUMBER

R09/0972/MAJP

DATE VALID

26/11/2009

ADDRESS OF DEVELOPMENT

LAND EAST OF CALVESTONE ROAD
CALVESTONE ROAD
CAWSTON
RUGBY

APPLICANT/AGENT

Mrs Su Ross
G L Hearn Ltd
The Malt House
Sydney Buildings
Bath
BA2 6BZ
On behalf of Cawston Consortium, c/o G L Hearn
Ltd

APPLICATION DESCRIPTION

Outline application with all matters except access reserved for the development of up to 145 dwellings.

CONDITIONS, REASON FOR APPROVAL & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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: 2

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: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be carried out as approved.

- a) The layout of 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 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 the reserved matters required by condition 3 above, be submitted to and approved by the Local Planning Authority before any development is commenced and shall be implemented as approved:

- a) The layout and dimensions, levels and surfacing of all roads, pedestrian crossings, footpaths, cycleways, verges, parking areas, private drives and means of accessing individual plots, to include large scale plans and cross and longitudinal sections showing the layout, vertical alignment and surface water drainage details, including outfalls.
- b) Drainage plans for the disposal of surface water and foul sewage.
- c) The extent of accommodation for car parking, motor-cycle and cycle parking which shall be in accordance with the Council's standards unless otherwise

agreed in writing with the Local Planning Authority

- d) The siting, height and design of all fences and walls including the detailed treatment of the site boundaries.
- e) The existing and proposed site levels, including cross and longitudinal sections, and their relationship 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

No development shall be occupied until the proposed access(es), estate roads including footways, cycleways and individual means of access to buildings have been constructed unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of highway and public safety.

CONDITION: 6

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 occupied until the scheme has been fully implemented.

REASON:

In the interests of fire and public safety.

CONDITION: 7

The accommodation for car parking, motor-cycle and cycle parking required by condition 4 above 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 or calling at the properties and shall not be used for any other purpose.

REASON:

In the interests of public and highway safety and to ensure satisfactory parking is retained.

CONDITION: 8

The landscaping and open space details required by condition 3 above shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, means of enclosure, paving and other surface treatments, footpaths and street furniture.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in the interests of the visual amenities of the locality.

CONDITION: 9

Trees and shrubs approved in accordance with conditions 3 and 8 above shall be planted no later than the first planting season following completion of the development and the trees and shrubs so planted shall be properly maintained for five years following planting with any failures being replaced during the following planting season.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 10

Fences and walls approved in compliance with condition 4 above shall be constructed concurrently with the remainder of the development and the fences and walls shall thereafter be retained and shall not be replaced at any time other than with fences and walls of identical design, height, materials and finish.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 11

The dwellings shall achieve a minimum Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measures of sustainability for house design that amends or replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON:

In the interests of sustainable development.

CONDITION: 12

Tree protection shall be undertaken in accordance with the details and method statement contained in the Ian Stemp Landscape Associates Tree Report ref. IFS.08.761, Revised 19.02.2009 accompanying the application and all measures shall be implemented prior to the commencement of development. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots other than in accordance with the details and particulars contained in the report, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998 (Recommendations for Tree Work) and shall be carried out before the commencement of development.

REASON:

To maintain the amenity and landscape character which the current tree stock provides.

CONDITION: 13

Full particulars, including details of the colour finish and texture of the materials to be used on all external surfaces of the proposed buildings, together with samples of the facing bricks and roof tiles, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

REASON:

In order to ensure a satisfactory external appearance.

CONDITION: 14

Development shall not be commenced until details of the provision within the site for the parking of site operatives' vehicles, for the loading and unloading of materials and to prevent the deposit of deleterious materials on the public highway, 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.

REASON:

In the interests of public and highway safety.

CONDITION: 15

The detailed development of the site shall have full regard to the principles set out in the Design and Access Statement including the parameters plans.

REASON:

To ensure that the detailed development of the site is acceptable to the Local Planning Authority.

CONDITION: 16

Unless prior approval has been given in writing by the Local Planning Authority, no works shall be carried out on the site outside of the following hours:

0730 - 1730 Mondays to Fridays
0730 - 1200 Saturdays
and not at all on Sundays or Public Holidays.

REASON:

In the interests of the amenities of the locality..

CONDITION: 17

Development shall not be commenced until details of a scheme to control dust and noise generated on the site during construction has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION: 18

Before the development hereby permitted is commenced, a site survey including intrusive sampling and analysis shall be carried out to assess any contamination and a report of the findings including any necessary remediation works submitted to and approved by the Local Planning Authority.

REASON:

In the interests of public health and safety.

CONDITION: 19

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 and approved in writing by the Local Planning Authority.

REASON:

In the interests of safeguard the historic environment.

CONDITION: 20

The development hereby permitted shall not be carried out other than in accordance with the details contained in the Brookbanks Consulting Flood Risk Assessment, ref.1362/FRA/01, issue

date 29/04/09, submitted with the application and the following mitigation measures detailed within it:

- a) Limiting the rate of surface water run-off generated by the site to discharge at the greenfield rates as determined in the assessment
- b) Provision of attenuation storage volume on the total site to retain the 100-year 30% flow event volume assuming the discharge rate given above.
- c) Demonstration that the detailed surface water system proposed will also provide water quality improvements by implementing the Suds methods as outlined in the assessment
- d) Details of how the entire surface water scheme shall be maintained and managed after completion.

REASON

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

CONDITION: 21

No part of the development hereby permitted shall be commenced until a detailed badger mitigation and method statement has been submitted by a suitably qualified badger consultant to, and approved in writing by the Local 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: 22

No development shall commence until an ecological enhancement and management scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement shall thereafter be carried out in accordance with the approved details.

REASON:

To protect the ecological character of the area.

CONDITION: 23

This permission shall relate only to:

- i) Site Location Plan edged red, ref.no J003481 rev c received by the Local Planning Authority on 26 November 2009, and Proposed Layout of Access and Traffic Calming Calvestone Road South and Calvestone Road North drawings ref.nos 1362/SK/01 and 1362/SK/02 (Brookbanks Consulting) - received on 17 November 2009.
- ii) Design and Access Statement, November 2009 incorporating Parameters Plans (Paul Drew Design - received by the Local Planning Authority on 16 November 2009.
- iii) The following associated supporting technical documents:

- Ecological Report (Baker Shepherd Gillespie, November 2009, Final - received by the Local Planning Authority on 16 November 2009)
- Badger Report (Baker Shepherd Gillespie, May 2009, Final - received on 18 November 2009)
- Transport Assessment (Brookbanks Consulting, ref.no 1362/TA/01, issued on 09.11.09 - received on 17 November 2009)
- Noise Assessment (Wardell Armstrong, ref.no LE10475 Report no 002, June 2009 - received on 16 November 2009)
- Air Quality Assessment (Wardell Armstrong, ref.no LE10475 Report no 001 Rev A, February 2010 – received on 16 February 2010)
- Flood Risk Assessment (Brookbanks Consulting, ref.no 1362/FRA/01, issued on 29.04.09 - received on 16 November 2009)
- Archaeological Evaluation (Cotswold Archaeological Trust, October 2000, ref.no 001226 - received on 16 November 2009)
- Existing Tree Report (Ian Stemp Landscape Associates, Ref IFS.08.761, Revised 22.01.2010 – received on 25 January 2010) and associated drawings Existing Tree Survey & Root Protection Plan ref.nos 08.761.001 and 08.761.002 – (received on 16 November 2009).

REASON:

For purposes of clarity..

CONDITION: 24

The detailed development shall have full regard to and incorporate noise mitigation measures set out in the Noise Assessment (Wardell Armstrong, ref no LE10475, Report no.002, June 2009)

REASON:

In the interests of the amenities of the occupiers of the proposed development.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Regional Spatial Strategy, January 2008 policies CF3, CF5 and CF6.

Regional Spatial Strategy Phase 2 Revision Preferred Option 2007 policies CF3, CF7, CF8 and CF10 Rugby Borough Local Plan, July 2006, saved policies S1, S2, H3, H4, H6, H11, LR1, GP1, GP2, GP3, GP4, GP12, GP15, T1, T3, T4, T5 and E6

Planning Obligations SPD, June 2007

Affordable Housing SPD, June 2009

Sustainable Design and Construction SPD, June 2009

PPS1 Delivering Sustainable Development (and Climate Change Supplement)

PPS3 Housing

PPS5 Planning for the Historic Environment

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPS17 Planning for Open Space, Sport and Recreation

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

REASON FOR APPROVAL:

The proposal accords with strategic policies contained in the Regional Spatial Strategy, January 2008, the Regional Spatial Strategy Phase 2 Revision Preferred Option 2007 and the saved policies in the Rugby Borough Local plan , July 2006, controlling the release and development of land for housing. The principle of development of the site for residential purposes was established through its allocation as a reserve housing site in policy H4 of the Local Lan.

The outline proposals demonstrate that the amount and scale of development proposed can be accommodated on the site in compliance with saved Local Plan general principles policies GP1, GP3, GP12, T1, T3, T4 and T5 and government guidance in respect of design, appearance and the protection of amenity, minimum density requirements and technical considerations in respect of transport, access, parking, flood risk and drainage, noise and air quality.

There are no ecological or archaeological constraints to the development of the site whilst consideration has been given to appropriate landscaping, energy conservation and secure by design principles in accordance with saved Local Plan policies GP2, GP4 and E6.

An appropriate level of affordable housing will be provided and essential supporting infrastructure, secured through planning obligations in a Section 106 Agreement in accordance with saved Local Plan policies H6 and GP15.

INFORMATIVES

INFORMATIVE:1

Central Networks has Network within the site. The applicant/developer should contact Aim Bureau Services at Toll End Road, TiptonDY4 0HH to obtain copies of mains records for which there may be a charge. For new developments, diversions and ground works you can contact the Cablesafe Team on 0800 150 927. For further information contact Central Networks, Pegasus Business Park, Castle Donnington, Derbyshire, DE74 2TU or email centralsupportteamINF@central-networks.co.uk.

INFORMATIVE:2

Warwickshire Police advise that the detailed development should incorporate Secured By Design Principles (SBD).Further information on the secured by design initiative may be found at www.securedbydesign.com

INFORMATIVE:3

The closure of existing badger setts and installation of artificial setts will require a licence from Natural England.

INFORMATIVE:4

The Environment Agency advises that it endorses the efficient use of water, especially in new developments. The Agency's Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Widespread use of these and other technologies that ensure efficient uuse of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Further advice can be obtained from the agency's website at www.environment-agency.gov.uk/savewater

INFORMATIVE:5

Natural England advise that a buffer zone of at least 10m should be put in place to protect the wet ditch along the eastern boundary of the site.

INFORMATIVE:6

This permission does not authorise the Sketch Masterplan submitted with the application which is for illustrative purposes only.

Report R09/0896/PLN

Site address: Land adjacent to Vicarage Farm, Brandon Road, Church Lawford

Description: The construction of a ménage and erection of a single storey building for stabling and storage, the provision of parking facilities with associated vehicular access

Authorised Use

Agricultural field laid to pasture

Relevant decisions

R08/0610/PLN	Creation of menage, erection of mixed use building for stabling and storage provision of parking facilities with associated vehicular access and landscaping	Refused 06/10/2009
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Technical Consultations

Warwickshire Wildlife Trust	No Objection	Request that a suitable condition is attached to ensure that a 8-10 metre buffer zone is provided along the River Avon
WCC Field Museum	No Objection	Request suitable conditions as the development lies within an area of significant archaeological importance
Highway Authority	No Objection	Requests suitable conditions and informative
Environment Agency	No Objection	Following the initial objection the applicant has submitted a revised design. As the ménage would be created at the existing ground level and the stables have been designed to flood the EA have no objection to the granting of planning permission.

Third Party Consultations

Brandon & Bretford Parish Council	Object	On the grounds of it being in the flood plain; the field known to flood up to the entrance point; size of the building; size of manege; and the amount of concrete and resultant flood displacement.
Wolston Parish Council.	Object	On the grounds they can't agree with the statement that the building is in-keeping with others in the close vicinity; proposal not sympathetic with its surroundings; ruin views across towards the River Avon; in a vulnerable position where traffic can be heavy; and proximity to an awkward junction.

Other relevant information

The site, located outside of any identified settlement boundary, is situated in the Green Belt and countryside as well as within the flood plain of the River Avon.. Access into the site is via an existing dropped kerb, over a section of grassed highway land and footpath and through a gated field access point. Ground levels fall from the road into the site by between approximately 0.5m and 1.5m as well as fall towards the river albeit at a lesser amount. Although there is a high level of established mature screening along the western site boundary, the remainder of the site is open and very visible from the surrounding area.

The application has been brought to committee for determination by the Planning Committee at the request of Councillor Heather Timms.

Planning Policy Guidance

RBLP	Policy GP1	Complies	Design & Appearance
RBLP	Policy GP3	Complies	Protection Of Amenities
RBLP	Policy E2	Complies	Green Belt
RBLP	Policy T3	Complies	Access & Highway Layout
RBLP	Policy T5	Complies	Parking Facilities.

PPG2	Green Belt
PPS7	Development in Rural Communities
PPS9	Biodiversity and Geological Conservation
PPS25	Development and flood risk

Determining Considerations

The application seeks a resubmission of previously refused planning permission R09/0610/PLN. The reasons for refusal were as follows:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in PPG2 "Green Belt" not to grant planning permission except in very special circumstances, for new buildings or changes to the use other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, and for the limited extension, alteration or replacement of existing dwellings.

Although the proposal is considered to be an acceptable form of development within the Green Belt the Local Planning Authority considers that the height, scale, massing, size and proportions of the stable element of the proposal, when viewed in both directions along the A428 would represent inappropriate development that would be very prominent in and detrimental to the character, appearance and open nature of the area as well as out of keeping in the locality. It would therefore fail to protect or preserve the open nature of the Green Belt. The proposed development is therefore contrary to Policy E2 of the Rugby Borough Local Plan 2006 as well as Planning Policy Guidance Note 2, Green Belts.

Description of proposal

The current application seeks planning permission i for the construction of a ménage and erection of a single storey building for stabling and storage, the provision of

parking facilities with associated vehicular access. The submitted drawings indicate a timber 'u' shaped building, measuring 17.3m wide x 7.3m deep x 2.1m to eaves (3m to ridge height), which will be made up of 4 stables, a tack room/feed store, hay store with an area of hardstanding to the front of the doors measuring 10m wide x 6m in length. It is also indicated that the building will be constructed from wood with a natural grey profile fibre cement (roof). The development also comprises of an all weather ménage measuring 40m x 20m with a post and rail fencing around the perimeter.

The design of the proposed development differs from the previously refused application as it is now in the form of a 'u' shape, timber building as opposed to the single steel building with a height of 5.3m to the ridge as previously proposed.

Assessment of proposal

Principle of the Development – E2 and PPS7

Guidance contained within PPG2 on Green Belts and PPS7 on Development In Rural Areas details that all development the green belt is considered inappropriate unless for such uses as for agriculture, forestry and essential outdoor recreation. Planning Policy Statement 7 states that equestrian activities are popular forms of recreation that is associated with the countryside and as such it is considered a suitable use for the countryside location and an appropriate form of development within the green belt subject to compliance with other policies within the Local Plan.

Visual Amenity – GP1

The previous application conflicted with GP1 on the basis that design and appearance of the building was quite modern and more akin to agricultural activities and as such would form a prominent feature within the landscape and out of keeping with the locality. It is considered that the size of the building that forms the basis of this application would be commensurate with the intended use, the design and appearance of the building constructed from timber is considered appropriate for a building of this type located within the countryside. From a visual amenity aspect the application is considered more acceptable than the previously refused application on both the design principle and its prominence within the Green Belt. The location of the development whilst within a prominent location has been chosen, as it is on an area at higher level and as such less likely to flood. It is recommended that a planning condition be imposed to ensure that an appropriate landscaping scheme is submitted and agreed by the council.

Access and Highway Layout T3 and T5

The Highway Authority has no objections to the proposal as they are satisfied that the existing access arrangements for the site are acceptable subject to prohibiting the use for commercial purposes and other appropriate conditions.

Biological Diversity – PPS9

The application site consists of grassland which is deemed to have suboptimal diversity. It is not considered that the development would impact significantly upon the biodiversity of the site. Although the Warwickshire Wildlife Trust has requested a buffer zone to be created, this would involve the erection of a fence which may obstruct flood water and as such is not considered necessary in attach such a condition of this reason.

Flood Risk – PPS25

The application site lies within Flood Zone 3b defined by PPS25 as having a high probability of flooding. The applicant has undertaken measures within the design of the development to ensure that the development is acceptable to the Environment Agency. These include creating a ménage at the existing ground level and also designing the stable doors to allow the lower section to open in the event of a flood warning. This will ensure that the stables would not interfere with ability of the flood plain to store water. It is therefore considered that the development is acceptable in terms of PPS25.

Recommendations

That planning permission be approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R09/0896/PLN

DATE VALID

21/10/2009

ADDRESS OF DEVELOPMENT

LAND ADJACENT TO VICARAGE
FARM
BRANDON ROAD

WOLSTON

APPLICANT/AGENT

Mrs Julie Strong
Rose Cottage
Hinckley Road
Wolvey
Nr Hinckley
Leicestershire
LE10 3HQ

APPLICATION DESCRIPTION

Creation of menage, erection of mixed use building for stabling and storage provision of parking facilities and associated vehicular acces resubmission of previously refused planning application R09/0610/PLN)

CONDITIONS, REASON FOR APPROVAL & 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

The development shall not be carried out other than in accordance with the amended plans received by the Council on 22nd March 2010 and the amended Design and Access Statement and Flood Risk Assessment received by the council on the 22nd March 2010.

REASON:

For the avoidance of doubt.

CONDITION: 3

Unless otherwise agreed in writing by the Council the proposed stable shall only be used for the stabling of animals for private purposes and shall not be used for the holding of competitions, exhibitions, hiring of horses or other business activities.

REASON:

In the interest of the amenities of the locality.

CONDITION: 4

Unless otherwise agreed in writing by the Council no fencing shall be erected around the menage.

REASON:

To ensure that floodwater is not obstructed.

CONDITION: 5

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

REASON:

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

CONDITION: 6

No development shall take place until the applicant, or their agent 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 in writing and approved by the Local Planning Authority

REASON:

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

CONDITION: 7

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments The Warwickshire Guide 2001 (published by Warwickshire County Council).

- a) A minimum width of 3.5 metres and hard surfaced in a bound material for a distance of 12.0 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 12.0 metres from the near edge of the highway carriageway.

REASON:

In the interest of highway safety.

CONDITION: 8

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following completion 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 LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

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

CONDITION: 9

The development shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the highway in a forward gear.

REASON:

In the interests of public and highway safety.

CONDITION: 10

The development hereby permitted shall not be occupied before the [highway/verge] crossing has been laid out and constructed to the satisfaction of the Local Planning Authority in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1, GP3, E2, T3, T5

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The scale, design of the proposal is in keeping with the surrounding area therefore complies with Policy GP1 of the Rugby Borough Local Plan. The development has been designed in a manner that would not interfere with the ability of the flood plain to store water and therefore complies with Planning Policy Statement 25: Development and Flood Risk. The relationship of the proposal with adjacent properties is such that it will not adversely affect the amenities of neighbours thereby complying with policy GP3 of the Rugby Borough Local Plan. The development will

not harm the openness or character of the countryside or Green Belt and complies with policies E1 and E2 of the Rugby Borough Local Plan.

INFORMATIVE:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to Warwickshire County Council's Rugby Area Team – Tel 01926 412515, Fax: 01788 533644 before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

Reference number: 744 / (R10/0353)

Site address: NPIA, Leamington Road, Ryton-on-Dunsmore

Description: Erection of new office and training building (Building A), new access and internal road, gatehouse, sub-station, covered parking structure, associated works, landscaping, lighting and temporary car parking.

Description of proposals

This application is for the erection of a training and office building at the National Policing Improvement Agency (NPIA) site at Leamington Road, Ryton-on-Dunsmore.

This is part of the overall redevelopment of the site, a hybrid application for the phased redevelopment was approved earlier this year.

The proposed building will have two storeys above ground level, however two floors of training accommodation are proposed in the basement of the building.

An underground link will be provided between the proposed building and the adjacent Matlock Building.

Due to time scales for the proposed development and to uncertainties regarding funding it is proposed to construct the building in two phases. The first phase will provide the basement training levels below ground and the rear part of the building. When this phase is completed the basement roof (which will be at ground level) will be used as a car parking area with 112 spaces. At a later date the remainder of the two above ground storeys would be constructed.

A temporary office building is proposed in the interim period and this is the subject of a separate planning application (R10/0276.)

The proposed building will have a flat roof and will be constructed of a range of materials including terracotta blocks, glazing, slate and cladding panels.

The application also includes the provision of a new access from Leamington Road, internal road, a gatehouse, sub-station, generator, oil storage tank, covered parking structure, landscaping, lighting and other small scale works. The application also includes the provision of a temporary car parking area adjacent to Oxford Road, accessed from within the site.

Description of site

The NPIA site is located within the Green Belt outside of Ryton-on-Dunsmore. The site is currently accessed from Leamington Road towards the northern end of the site with a temporary construction access from Oxford Road to the north east.

The majority of the buildings are located within the northern part of the site with a parade ground and low level buildings located in the southern part of the site. Recently temporary buildings have been located in this southern area.

Ryton Wood, a Site of Special Scientific Interest is located on the sites south-eastern boundary and the site slopes up from the road towards this boundary.

Outside of the site, to the south west is a playing field that is within the ownership of the NPIA.

The proposed building is to be erected in the southern corner of the site in an area that includes the parade ground and adjacent grassed area.

Technical consultation responses

Severn Trent Water	No objection	Subject to condition
Warwickshire Police	No objection	
WCC Ecology	No objection	Subject to condition
Environment Agency	No objection	Subject to condition
Environmental Health	No objection	Subject to conditions
WCC Highways	No objection	Subject to conditions
WCC Archaeology	No objection	Subject to condition
Warwickshire Wildlife Trust about acid grassland	Comments	Suggest conditions, concern
Fire Service	No objection	Subject to condition

To additional phasing information

WCC Highways	No further comments	
Environment Agency	No objection	Subject to conditions
Environmental Health	No objection	Subject to conditions

Third party comments

No comments received.

Relevant planning history

There have been a range of applications relating to the NPIA site over the years. There have recently been a range of applications for works, both temporary and permanent, to improve the facilities on site. Those most relevant to the current application are detailed below:

Application 220 Hybrid application for the overall redevelopment of the site including new buildings, a new access and other works. Approved 9/3/2010

R10/0276 Erection of temporary two-storey building and ancillary works (temporary for a period of up to 5 years.) Currently under consideration

Relevant policies and guidance

E2	Complies	Green Belt
E5	Complies	Landscape & settlement character
E6	Complies	Biodiversity
GP1	Complies	Appearance and design of development
GP2	Complies	Landscaping
GP3	Complies	Protection of amenity
GP4	Complies	Energy conservation
T1	Complies	Integrated and sustainable transport
T2	Complies	Travel plans
T3	Complies	Access and highway layout
T5	Complies	Parking facilities
TCR3	Complies	Town Centre Uses

Sustainable Design and Construction SPD

PPS1	Creating Sustainable Communities
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment

PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

Assessment of proposals

The key issues to assess with this application relate to whether the principle of the proposed development is acceptable in this location and whether the form of development proposed is acceptable in terms of visual amenity, highway safety, ecological issues etc.

The site is located within the Green Belt where there is a presumption against inappropriate development. PPG2 – Green Belts and policy E2 of the Rugby Borough Local Plan state that the erection of new buildings within the Green Belt is considered inappropriate unless they are for agriculture or forestry, outdoor sport and recreation, limited extension or replacement of dwellings, limited infill in existing villages or redevelopment of major sites identified within the Local Plan. As the proposals do not fall within these categories they constitute inappropriate development that will not be considered acceptable, unless there are very special circumstances. PPG2 states that very special circumstances will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations.

The applicants have submitted information that explains the changing operations of the NPIA. There is an increasing emphasis on specialised training and conferencing for senior members of the police force and security services and the existing facilities are not of a suitable standard for this. There are also a range of national programmes of work and specialist operational support that are based at the site. It is intended to provide specialist operational support training to a level that will not be found elsewhere within the country. In addition it is considered necessary for the facilities on the site to be flexible to allow their use to be adapted if any specific need arises, including in emergency situations.

The proposed building will allow specialist, secure, purpose built training facilities to be provided and, when the second phase is implemented, will provide accommodation for specialist operational support.

It is considered that this requirement for secure training and support facilities and the security implications of this can be viewed as very special circumstances to outweigh the presumption against inappropriate development within the Green Belt.

The principle of erecting a building in the proposed location was agreed, in outline form, by the approval of the hybrid application earlier this year. This building was to form phase B of the overall redevelopment.

As the development is only considered acceptable due to the specific needs of the applicant it is considered reasonable to add a condition that the buildings can only be used by the NPIA.

Notwithstanding the demonstration of very special circumstances PPG2 states that the visual amenities of the Green Belt should not be injured by proposed development.

The proposed building, and associated works, will be located in the southern part of the site which has historically not included large scale built development. The

proposed building will be set back within the site and this reduces the impact on visual amenity. The proposed basement area reduces the height and footprint of the building whilst still meeting operational requirements. The proposed building will not project above the existing woodland to the rear of the site.

The proposed new access involves the development of part of the playing field and this area did not previously include built development. However, the access cannot be relocated within the boundary of the existing site as the existing buildings in this area are used by roosting bats and must therefore be retained.

Although the proposed development will result in additional built development this has been sited and designed to minimise the impact on the character of the Green Belt and in terms of visual amenity. It is, therefore, considered that the proposals are in accordance with policy E2 of the Local Plan and guidance contained within PPG2 – Green Belts.

The Town and Country Planning (Consultation) (England) Direction 2009 requires some applications for development in the Green Belt to be referred to the Government Office if a Council is minded to grant planning permission. As the proposed development constitutes inappropriate development and the floor space is over 1000 sq. m. it would be necessary for the application to be referred to the Government Office if the Council are minded to approve the application.

The proposed building will include uses within classes B1(a) – Offices, C2 – Residential Institutions and D1 – Non-residential Institutions. Policy TCR3 refers to uses such as these and states that these will be permitted within the town centre. This policy goes on to state that these uses will only be permitted outside of the town centre subject to complying with a range of criteria. As the proposed development is needed to serve an established facility it is considered that the proposals are acceptable in the out of town, rural location and that the application complies with policy TCR3.

PPS4: Planning for Sustainable Economic Growth also refers to the assessment of planning applications for main town centre uses outside of town centres. It is considered that the proposed development will not have an adverse impact on existing town centres, will achieve a high quality design, provide a more energy efficient building and is likely to lead to employment within the area. It is therefore considered that this guidance is complied with.

Although it is not considered that the proposed development would adversely impact on the openness of the Green Belt the design of the proposals must also be assessed in relation to visual amenity.

The proposed building will be around 8.5m in height, similar to other existing buildings within the site. Although the building is large the front elevation will have a stepped appearance and a central courtyard area and this will reduce the bulk of the building.

The proposed materials are considered acceptable and will reflect the types of materials used on other buildings within the NPIA site.

The proposals include the erection of a gatehouse. This will be around 3m with a flat roof and will be finished with glazing and terracotta panels. The proposed substation will be around 2.7m high with a flat roof and will be finished with brick to match neighbouring buildings. It is considered that the proposed design of these buildings is acceptable and is keeping with other buildings on the site.

A covered parking area is proposed at the rear of the site facing the rear boundary. This will be a monopitched canopy with a metal roof and timber side and rear elevations. A hedge will be planted to the rear of this building. This is a low level building and the design is considered acceptable.

Lighting is also proposed, the perimeter path will be lit by low level bollard style lights around 1m high, the site entrance, internal access roads and car park areas will have lamp posts 4.7m high. It is considered that this proposed lighting will not be prominent from outside the site and is acceptable in relation to visual amenity. The precise positions of proposed lights has not been specified and this can be controlled by a condition.

Lights are also proposed to the temporary car park adjacent to Oxford Road. These will be 10m high and will be located close to Home Farm bed and breakfast. It is considered that these lights could have an adverse impact on the visual amenity of the area and Green Belt and on the adjacent property. This has been discussed with the applicants and, notwithstanding the details on the submitted plans, it is proposed to add a condition requiring details of all lighting to be agreed with the Council prior to erection to ensure it is acceptable.

Subject to conditions it is considered that the design and appearance of the built development proposed is acceptable in relation to visual amenity and the development complies with policy GP1.

The impact of the proposals on the amenity of adjacent properties must also be assessed. The proposed building will be set within the site away from adjacent properties. However, the temporary car park would be located close to these properties and it is not considered that this would have an adverse impact on amenity. As detailed above it is considered that the lighting proposed close to residential properties can be controlled by condition. It is therefore considered that the proposals would not adversely impact on the amenity of neighbouring properties in accordance with policy GP3.

Policy GP4 relates to energy conservation and states that non-residential developments over 1000 square metres will be expected to incorporate renewable energy equipment to meet 10% of predicted energy requirements. The application is accompanied by a Sustainability Statement which includes the West Midlands Sustainability Checklist. This states that the development is aiming to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) "Excellent" rating and that the buildings will be designed in order to reduce the energy requirements. In addition solar water equipment and heat pumps are to be used for heating and cooling. These measures should meet the requirements of policy GP4.

Policy GP2 refers to landscaping and E5 relates to landscape and settlement character. The proposals involve the removal of trees within the site, and some trees on the frontage need to be removed in order to provide the access and visibility splays. The trees to be removed were considered by the hybrid application and an illustrative landscaping plan has been submitted. This is considered acceptable subject to a condition regarding a detailed landscaping scheme.

The NPIA site is located close to Ryton Wood, an ancient woodland that is designated as a Site of Special Scientific Interest. The impact of the proposals on any protected species, and the woodland, must be assessed. Great Crested Newts

have been found within the site and the proposals include the relocation of these newts to a newly formed pond and habitat adjacent to the woodland close to the southern boundary of the playing field. Bat roosts were also found in the 3 existing houses to the west of the site. The application was accompanied by habitat surveys, a bat survey, great crested newt survey and a Nature Conservation Management Plan.

Comments have been received from the Warwickshire Wildlife Trust and the Warwickshire Ecology Unit who do not object to the application, subject to the addition of a condition to ensure that the development is carried out in accordance with the Nature Conservation Management Plan and an additional condition relating to acid grassland. Subject to conditions it is considered that the proposals comply with policy E6 that relates to biodiversity.

The proposals include the construction of new access to the site from Leamington Road, towards the south of the site, this was approved by the hybrid application. The new access will allow new internal access roads to be provided and the gatehouse to be set back within the site, this will prevent problems of vehicles queuing on the highway waiting to enter the site. The application has also been accompanied by a Transport Assessment.

The Highway Authority have advised that they have no objections subject to a range of conditions. These include a requirement that the existing access to Leamington Road should be gated and used only for emergencies and that the temporary car park must only be accessed through the site, rather than from the construction access from Oxford Road. There is also a requirement for the footpath to be extended from the Oxford Road roundabout to the new site to allow access for pedestrians. Subject to these conditions it is considered that the proposed access is acceptable in accordance with policies T1 and T3.

Policy T2 requires a travel plan to be submitted with the application including details of travel surveys, measures to shift travel patterns away from the private car and measures to assess whether this is achieved. A travel plan was submitted by the applicants and subject to a condition to ensure this is adhered to it is considered that policy T2 is complied with.

In relation to car parking there are currently 519 car parking spaces provided on the site. The applicants carried out a parking survey, on a day when a conference for 250 people was being held, and found the maximum number of vehicles on site on that day was 434. It is proposed that the overall redevelopment of the site will result in around 700 car parking spaces being provided on site. This proposal will provide 133 spaces in the temporary car park, 13 spaces in the covered parking area and 112 spaces in the interim phase. Given the range of uses proposed on the site, and the interrelationships between these uses it is not considered reasonable to apply the Council's parking standards based on floorspace. Guidance within PPG13 – Transport advises that Councils should not require developers to provide more spaces than they reasonable require. It is therefore considered that the proposed level of car parking is acceptable. Cycle parking facilities are provided on site and it is considered the proposals comply with policy T5.

Environmental Health commented on the proposals and advised that they have no objection subject to a range of conditions including a requirement for contaminated land and air quality surveys to be submitted and details of dust mitigation and any air handling equipment to be agreed by the Council. Subject to conditions it is

considered that the guidance in PPS23 – Planning and Pollution Control is complied with.

The application was accompanied by a Flood Risk Assessment. The Environment Agency have advised that, subject to a condition ensuring this plan is implemented, they have no objection to the application. The proposals therefore comply with guidance in PPS25 – Planning and Pollution Control.

The County Archaeologist has no objections to the proposals, subject to a condition, and guidance within PPS5 – Planning for the Historic Environment is complied with.

Given the phased approach to the development it is considered necessary to add a condition detailing the time limit for development to commence on the second phase of the development. This has been discussed with the agents and time limits of 3 years to commence Phase 1 and 5 years to commence Phase 2 are considered reasonable.

RECOMMENDATION

Refer to the Government Office for the West Midlands, as the proposals constitute inappropriate development in the Green Belt of over 1000sq. m, with a recommendation for approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

744 / (R10/0353)

DATE VALID

02/12/2009

ADDRESS OF DEVELOPMENT

POLICE TRAINING CENTRE
LEAMINGTON ROAD
COVENTRY
CV8 3EN

APPLICANT/AGENT

Mr. R. Brown
Drivers Jonas Llp
Cornwall Court
19 Cornwall Street
Birmingham
B3 2DY

On behalf of Mr. S Dawson-Derry, NPIA

CONDITIONS & REASONS:

CONDITION: 1

The first phase of 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

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

REASON:

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

CONDITION: 3

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:

<u>Plan/Document</u>	<u>Reference</u>	<u>Date received</u>
Site location plan	2009_00283.000 – PL-01	2 nd December 2009
Site layout plan	2009_00283.000 – PL-02	2 nd December 2009
Elevations as proposed	2009.0028 – PL-09/A	18 th December 2009
Ground floor plan	2009.0028 – PL-05	2 nd December 2009
First floor plan proposed	2009.0028 – PL-06	2 nd December 2009
Roof plan proposed	2009.300.8 – PL-07	2 nd December 2009
Basement Plan 1	2009.0028 – PL-04/A	10 th December 2009
Basement Plan 2	2009.0028 – PL-03	2 nd December 2009
Gatehouse plans & elevations	2009.00283.000 – PL-13	2 nd December 2009
Sun-station details	2009.00283.000 – PL-15	2 nd December 2009
Covered car parking	2009.00283.000 – PL-18	2 nd December 2009
Matlock Access tunnel & stairs	2009.0028 – PL-20	2 nd December 2009
Elevation detailed bay	2009.0028 – PL-12	2 nd December 2009
Site cross sections	2009_00283. PL-11	2 nd December 2009
Sections & Courtyard elevations	2009.0028 – PL-10/A	10 th December 2009
Tree Protection & removal	2009_00283.001 – PL-17A	2 nd December 2009
Highway entrance & internal road details	2009_00283.000 – PL-14	2 nd December 2009
Temporary car park	2009_00283.000 – PL-19	2 nd December 2009
Interim phase elevations	2009_00283.013 – PL(013)-406	6 th April 2010
Interim phase ground floor	2009_00283.013 – PL(013)-410	6 th April 2010
Interim phase first floor	2009_00283.013 – PL(013)-411	6 th April 2010
Interim phase roof plan	2009_00283.013 – PL(013)-412	6 th April 2010
Interim phase basement 1 plan	2009_00283.013 – PL(013)-409	6 th April 2010
Interim phase basement 2 plan	2009_00283.013 – PL(013)-408	6 th April 2010
Interim phase sections	2009_00283.013 – PL(013)-407	6 th April 2010
Bulk fuel tank detail	E2008-0842-004	6 th April 2010
Generator plans	MSK5441-0.1	6 th April 2010

REASON:

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

CONDITION: 4

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall only be occupied and used for purposes linked to the operational use of the National Policing Improvement Agency and for no other purpose.

REASON:

As the development within the Green Belt is only acceptable due to the applicants' circumstances.

CONDITION: 5

No development shall commence unless and until full details, including samples, of materials to be used on the external surfaces of all buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION: 6

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

REASON:

To ensure the proper development of the site.

CONDITION: 7

Notwithstanding the details shown on the submitted plans no external lighting shall be erected unless and until full details, including height, type and location of the proposed lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 8

Unless otherwise agreed in writing, within 5 years of the date of this decision the temporary car park shall be removed and the land reinstated to its former agricultural use.

REASON:

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

CONDITION: 9

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

REASON:

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

CONDITION: 10

The development shall be carried out to wholly accord with the detailed Nature Conservation Management Plan completed by Betts Ecology in September 2009, received by the Local Planning Authority on 2nd December 2009. Any alteration to this plan should be discussed and approved in writing by the Local Planning Authority prior to commencement of the alteration.

REASON:

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

CONDITION: 11

No development shall commence unless and until details of mitigation to compensate for the loss and / or damage to the acid grassland habitat within the site has been submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details and any alteration to the submitted details should be discussed and approved in writing by the Council prior to the commencement of the alteration.

REASON:

In the interest of ecology.

CONDITION: 12

No development shall commence unless and until a final detailed Arboricultural method statement, including a tree protection plan (see section 7 of BS5837:2005) highlighting all trees for retention and how they will be adequately protected during development, plus how construction will proceed without impacting adversely on the retained trees has been submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 13

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

REASON:

To ensure the proper development of the site.

CONDITION: 14

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Drivers Jonas LLP, dated September 2009, and the FRA Addendum, Document A, dated November 2009 and the following mitigation measures detailed within the FRA:

1. *Limiting the rate of surface water run-off generated by the site so that it will not exceed the run-off from the original site and not increase the risk of flooding off-site.*
2. *Provision of attenuation storage volume on the total site to retain the 100-year 20% flow event volume.*
3. *Demonstration that the detailed surface water system proposed will also provide water quality improvements by implementing Suds methods as outlined in the FRA.*
4. *Details of how the entire surface water scheme shall be maintained and managed after completion.*
5. *Detailed assessment of the performance of the surface water system for the 30-year and 100-year 20% flow cases. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result. 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.*

REASON:

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

CONDITION: 15

No development shall commence unless and 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. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure 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: 16

No development shall commence unless and until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk (to the site users, buildings and environment) when the site is developed.

Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 17

No development shall commence unless and until an air quality assessment 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: 18

No development shall commence unless and until details of Dust Mitigation Measures have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 19

No air handling plant, flues or equipment shall be sited externally on any building unless and until full details of the equipment, including acoustic treatment, have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 20

Prior to the commencement of development details of how the fuel storage tank will be bunded or double skinned shall be submitted to and approved by the Council. This tank shall not be provided other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 21

Prior to the commencement of development details of mechanical ventilation provision to the vehicle accessible training areas shall be submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 22

Prior to the use of the new access details of gating arrangements to the existing site access to the A445 Leamington Road shall be submitted and approved in writing by the Council. Within 1 month of the new access being completed and available for use in accordance with the approved plans, the existing site access to the A445 Leamington Road shall be gated and only used by vehicular traffic in times of emergency in accordance with the approved details.

REASON:

In the interest of highway safety.

CONDITION: 23

Access for vehicles/pedestrians to the site from the public highway A445 Leamington Rd shall not be made other than at the position identified on the approved plan.

REASON:

In the interest of highway safety.

CONDITION: 24

The approved vehicular access shall not be used unless and until highway improvements, i.e. right turn lane and deceleration lane, have been carried out in accordance the approved plans.

REASON:

In the interest of highway safety.

CONDITION: 25

The development shall not be occupied until visibility splays have been provided to the vehicle/car access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 215 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION: 26

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

REASON:

In the interest of highway safety.

CONDITION: 27

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

REASON:

In the interest of highway safety.

CONDITION: 28

Prior to the occupation of the development full details of works to extend the public footpath from Ryton Connections to the entrance to the site, including details of timescales for the completion of the proposed works shall be submitted to the Local Planning Authority for approval. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of sustainability.

CONDITION: 29

Access to the temporary car park shall not be provided from Oxford Road.

REASON:

In the interest of highway safety.

CONDITION: 30

Prior to the commencement of development the applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Council in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- (iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON:

In the interest of sustainability.

CONDITION: 31

No development shall commence until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON:

To allow the assessment and mitigation of the archaeological impacts of the development.

CONDITION: 32

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 then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan 2006, policies E2, E5, E6, GP1, GP2, GP3, GP4, T1, T2, T3, T5 & TCR3

Sustainable Design and Construction SPD

PPS1	Creating Sustainable Communities
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

REASON FOR APPROVAL:

The development represents a departure from the Development Plan owing to its location within the Green Belt outside any defined settlement boundary. The development represents inappropriate development, which by its very nature is harmful to the Green Belt. However, the applicant has demonstrated very special circumstances exist relating to the operations of the site. Therefore, the submitted information does justify the grant of planning permission that would be sufficient to overcome the harm caused by inappropriateness or other harm to the Green Belt and thereby complies with Policy E2 of the Rugby Borough Local Plan 2006.

Subject to carrying out the works in accordance with the submitted Nature Conservation Management Plan the development will not have an adverse impact on protected species or the adjacent Site of Special Scientific Interest and policy E6 is complied with.

The applicant has demonstrated that the proposals will not have adverse impact in relation to the viability of town centre, visual or residential amenity and that a suitable access and parking areas will be provided. The proposals therefore comply with policies E5, GP1, GP2, GP3, T1, T2, T3, T5 & TCR3 of the Rugby Borough Local Plan 2006.

INFORMATIVES:

INFORMATIVE: 1

The landscaping plans required by condition 9 shall be in accordance with the details shown on the Landscape Strategy Plan, reference 2009.00283.001/PL-016/C received by the Council on 2nd December 2009.

INFORMATIVE: 2

Contractors should be made aware of the ecological importance of the adjacent Ryton Woods Site of Special Scientific Interest.

INFORMATIVE: 3

The applicant is advised that they should take reasonable steps to ensure no protected species are endangered during the development, including the demolition of buildings or the removal of trees.

INFORMATIVE: 4

Conditions above require works to be carried out within the limits of the public highway. The applicant/developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. Applicant/Developer 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: 5

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

INFORMATIVE: 6

The applicant/developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs etc., whenever applicable in respect of any applications to enter into a Highway Works Agreement, or for the issue of a licence or similar action.

INFORMATIVE: 7

The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's/developer's failure to make an application for such an [agreement/ licence] sufficiently in advance of the works requiring to be executed or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

INFORMATIVE: 8

The temporary access / car park located off Oxford Rd A423 shall be regulated as detailed in application R07/2198/MAJP. In arranging this, it is recommended that the applicant liaise with the Rugby Area Team (01926 412515) and the Council's Traffic Manager (Mr Keith Davenport) on 01926 410410 to confirm that such proposals would be satisfactory and any restrictions upon working hours which would be necessary.

INFORMATIVE: 9

The proposal falls within the Coal Authorities Consultation Zone and therefore the applicant should ensure that the historical legacy of Coal mining is adequately considered before the development commences to prevent coal mining subsidence damage or hazards.

For further information please refer to the attached Standing Advice.

INFORMATIVE: 10

The application includes an 18000L above ground bulk fuel storage tank. This will have to comply with the requirements of the Control of Pollution (Oil Storage) (England) Regulations 2001. For further details on these regulatory requirements the applicant should refer to the Environment Agency's Pollution Prevention Guidance Note 2: Above Ground Oil Storage Tanks. Both the developer and the site operators will need to ensure that these regulations are complied with.

Reference number: R10/0276

Site address: NPIA, Leamington Road, Ryton-on-Dunsmore

Description : Erection of temporary two-storey building and ancillary works (temporary for a period of up to 5 years.)

Description of proposals

This application is for the erection of a temporary building at the National Policing Improvement Agency (NPIA.)

This building will provide office accommodation and meeting rooms and is required for a temporary period as permanent office accommodation will be provided in Building A which is to be constructed in phases due to funding requirements.

The proposed building will have a flat roof and will be around 7.4m high. It will measure around 49m by 19m. The building will be constructed of grey cladding and will be a similar appearance to the adjacent temporary building (Enderby 1.)

The proposals also include a car park with 48 spaces and changes to the internal access roads to allow access to the proposed building and car park.

Description of site

The NPIA site is located within the Green Belt outside of Ryton-on-Dunsmore. The site is currently accessed from Leamington Road towards the northern end of the site with a temporary construction access from Oxford Road to the north east.

The majority of the buildings are located within the northern part of the site with a parade ground and low level buildings located in the southern part of the site. Recently temporary buildings have been located in this southern area.

The proposed building will be located in an area that currently houses single storey brick and metal buildings and temporary classrooms, these will be removed. A single storey building will remain between the application site and the Leamington Road boundary. There is an existing grey clad two-storey temporary building to the rear of the application site and this is a similar design to the proposed building. This is adjacent to a taller grey clad temporary building with a pitched roof.

Ryton Wood, a Site of Special Scientific Interest is located on the sites south-eastern boundary and the site slopes up from the road towards this boundary.

Outside of the site, to the south west is a playing field that is within the ownership of the NPIA.

Technical consultation responses

Natural England	No comment	
WCC Ecology	No objection	Subject to condition
WCC Archaeology	No comment	
WCC Highways	No objection	

Third party comments

No comments received.

Relevant planning history

There have been a range of applications relating to the NPIA site over the years. There have recently been a range of applications for works, both temporary and permanent, to improve the facilities on site. Those most relevant to the current application are detailed below:

R08/1640/MDPT Erection of temporary buildings & associated works
Approved 11/12/2008

Application 220 Hybrid application for the overall redevelopment of the site including new buildings, a new access and other works. Approved 9/3/2010

Application 744 Erection of new office and training building (Building A), new access and internal road, gatehouse, sub-station, covered parking structure, associated works, landscaping, lighting and temporary car parking Currently under consideration.

Relevant policies and guidance

E2	Complies	Green Belt
E5	Complies	Landscape & settlement character
E6	Complies	Biodiversity
GP1	Complies	Appearance and design of development
GP2	Complies	Landscaping
GP3	Complies	Protection of amenity
GP4	Complies	Energy conservation
T3	Complies	Access and highway layout
T5	Complies	Parking facilities
TCR3	Complies	Town Centre Uses

Sustainable Design and Construction SPD

PPS1	Creating Sustainable Communities
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity & Geological Conservation
PPG13	Transport

Assessment of proposals

The key issues to assess with this application relate to whether the principle of the proposed development is acceptable in this location and whether the form of development proposed is acceptable in terms of visual amenity, highway safety, ecological issues etc.

The site is located within the Green Belt where there is a presumption against inappropriate development. PPG2 – Green Belts and policy E2 of the Rugby Borough Local Plan state that the erection of new buildings within the Green Belt is considered inappropriate unless they are for agriculture or forestry, outdoor sport and recreation, limited extension or replacement of dwellings, limited infill in existing villages or redevelopment of major sites identified within the Local Plan. As the proposals do not fall within these categories they constitute inappropriate development that will not be considered acceptable, unless there are very special circumstances. PPG2 states that very special circumstances will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations.

The applicants have submitted information that explains the changing operations of the NPIA. There is an increasing emphasis on specialised training and conferencing for senior members of the police force and security services and the existing facilities are not of a suitable standard for this. There are also a range of national programmes of work and specialist operational support that are based at the site. It is intended to provide specialist operational support training to a level that will not be found elsewhere within the country. In addition it is considered necessary for the facilities on the site to be flexible to allow their use to be adapted if any specific need arises, including in emergency situations.

The proposed building will provide accommodation for specialist operational support.

It is considered that this requirement facilities and the security implications of this can be viewed as very special circumstances to outweigh the presumption against inappropriate development within the Green Belt.

As the development is only considered acceptable due to the specific needs of the applicant it is considered reasonable to add a condition that the buildings can only be used by the NPIA.

Notwithstanding the demonstration of very special circumstances PPG2 states that the visual amenities of the Green Belt should not be injured by proposed development.

The proposed building will be around 50m from the site boundary and will be visible from Leamington Road over the single storey brick buildings. The building is a similar appearance to the temporary buildings beyond and as it is seen in the context of existing buildings the impact on visual amenity is considered acceptable.

When the overall redevelopment of the site has been completed the temporary buildings will be removed and permanent development will be further from the road, and screened by landscaping. This will reduce the impact on the visual amenity of the Green Belt and the area in the long term.

The proposed building is of a utilitarian appearance with little architectural interest. However as the building is temporary it is considered that this design is acceptable. As it would not be acceptable for the building to remain in the long term a condition requiring its removal is suggested.

It is therefore considered that the proposed building is acceptable in relation to the impact on the visual amenity of the Green Belt and wider area and polices E2 and GP1 of the Local Plan and guidance contained within PPG2 – Green Belts are complied with.

The Town and Country Planning (Consultation) (England) Direction 2009 requires some applications for development in the Green Belt to be referred to the Government Office if a Council is minded to grant planning permission. As the proposed development constitutes inappropriate development and the floor space is over 1000 sq. m. it would be necessary for the application to be referred to the Government Office if the Council are minded to approve the application.

The proposed building will include use class B1(a) – Offices. Policy TCR3 refers to office uses and states that these will be permitted within the town centre. This policy goes on to state that these uses will only be permitted outside of the town centre subject to complying with a range of criteria. As the proposed development will form

part of an established facility it is considered that the proposals are acceptable in the out of town, rural location and that the application complies with policy TCR3.

PPS4: Planning for Sustainable Economic Growth also refers to the assessment of planning applications for main town centre uses outside of town centres. It is considered that the redevelopment of the site will not have an adverse impact on existing town centres and is likely to lead to employment within the area. It is therefore considered that this guidance is complied with.

The impact of the proposals on the amenity of adjacent properties must also be assessed. The proposed building will be set within the site away from adjacent properties. It is therefore considered that the proposals would not adversely impact on the amenity of neighbouring properties in accordance with policy GP3.

Policy GP4 relates to energy conservation and states that non-residential developments over 1000 square metres will be expected to incorporate renewable energy equipment to meet 10% of predicted energy requirements. As this is a temporary building it is not proposed to include specific sustainability measures. However, this building is required to allow the redevelopment of the site and the eventual construction of Building A. The applicants are aiming for Building A to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) "Excellent" rating and include solar water equipment and heat pumps. As the temporary building will allow these longer term benefits to be delivered it is considered that policy GP4 is complied with.

Policy GP2 refers to landscaping and E5 relates to landscape and settlement character. As the building is to be located in an already developed area of the site it is not considered that there would be a significant impact on landscaping and these policies are complied with. As the development is temporary it is not considered reasonable to require a detailed landscaping scheme to be implemented in relation to this building.

The NPIA site is located close to Ryton Wood, an ancient woodland that is designated as a Site of Special Scientific Interest. The impact of the proposals on any protected species, and the woodland, must be assessed. Great Crested Newts have been found within the overall site and the redevelopment will include the relocation of these newts to a newly formed pond and habitat. Bat roosts were also found in the 3 existing houses to the west of the site. Bat surveys submitted in relation to other applications did not find evidence of bats in the buildings to be removed. Natural England and Warwickshire Wildlife Trust have no objection to the application and it is considered the impact on protected species is acceptable and policy E6 is complied with.

This application does not include any alterations to the site access and the Highway Authority have no objection to the proposals. Policy T3 is therefore complied with.

The proposals include the provision of 48 car parking spaces, including 1 disabled space, to serve the temporary building. The Council's parking standards would require a maximum of 54 spaces for an office building in the low access area and the level of provision is considered acceptable. There is additional accommodation for disabled parking and cycle parking within the site and it is considered that policy T5 is complied with.

The County Archaeologist has no objection to this application and guidance within PPS5 – Planning for the Historic Environment is complied with.

As this is a temporary building, required until the second phase of Building A is constructed, a condition is required requiring the removal the building within 5 years of the decision, or when the second phase of Building A is occupied, whichever is the sooner.

RECOMMENDATION

Refer to the Government Office for the West Midlands, as the proposals constitute inappropriate development in the Green Belt of over 1000sq. m, with a recommendation for approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R10/0276

DATE VALID

06/04/2010

ADDRESS OF DEVELOPMENT

POLICE TRAINING CENTRE
LEAMINGTON ROAD
RYTON-ON-DUNSMORE
COVENTRY
CV8 3EN

APPLICANT/AGENT

Mr. R. Brown
Drivers Jonas Deloitte
Cornwall Court
19 Cornwall Street
Birmingham
B3 2DY
On behalf of Mr. S. Dawson-Derry, National
Policing Improvement Agency

APPLICATION DESCRIPTION

Erection of temporary two-storey building and ancillary works (temporary for a period of up to 5 years.)

CONDITIONS, REASON FOR APPROVAL & 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:

Plan	Reference	Date received
Site location plan	2009_00283.014 - PL(014)-505/A	13th April 2010
Proposed site plan	2009_00283.014 - PL(014)-507/A	13th April 2010
Proposed sections	2009_00283.014 - PL(014)-510	6th April 2010
Proposed floor plans	2009.00283.000 - PL(014)-509/B	6th April 2010
Proposed elevations	2009_00283.014 - PL(014)-508	6th April 2010

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 building and associated works hereby approved shall be removed from the site within 5 years of the date of this decision, or on the occupation of the second phase of Building A (approved by planning permission reference 744), which ever is sooner.

REASON:

To ensure the proper development of the site.

CONDITION: 4

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall only be occupied and used for purposes linked to the operational use of the National Policing Improvement Agency and for no other purpose.

REASON:

As the development within the Green Belt is only acceptable due to the applicants' circumstances.

CONDITION: 5

The development hereby approved, including any site clearance, shall be carried out in accordance with the Nature Conservation Management Plan which was submitted and approved in relation to planning permission reference 220.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan 2006, policies E2, E5, E6, GP1, GP2, GP3, GP4, T3, T5 & TCR3

Sustainable Design and Construction SPD

PPS1 - Creating Sustainable Communities

PPG2 - Green Belts

PPS4 - Planning for Sustainable Economic Growth

PPS5 - Planning for the Historic Environment

PPS9 - Biodiversity & Geological Conservation

PPG13 - Transport

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The development represents a departure from the Development Plan owing to its location within the Green Belt outside any defined settlement boundary. The development represents inappropriate development, which by its very nature is harmful to the Green Belt. However, the applicant has demonstrated very special circumstances exist relating to the operations of the site. Therefore, the submitted information does justify the grant of planning permission that would be sufficient to overcome the harm caused by inappropriateness or other harm to the Green Belt and thereby complies with Policy E2 of the Rugby Borough Local Plan 2006.

The development will not have an adverse impact on protected species or the adjacent Site of Special Scientific Interest and policy E6 is complied with.

The proposals will not have adverse impact in relation to the viability of town centre, visual, residential amenity or highway safety and suitable parking areas will be provided. The proposals therefore comply with policies E5, GP1, GP2, GP3, T3, T5 & TCR3 of the Rugby Borough Local Plan 2006.

Reference number: R10/0321

Site address: Caldecott Park, Lancaster Road, Rugby, CV21 2QN

Description: Installation of additional fencing and roof netting to enclose the multi-use games area and the installation of one 6 metre high flag pole within the park

Site Description

Caldecott Park is located within the centre of Rugby and covers an area of land stretching from Lancaster Road to the North to Everux Way to the South.

The Multi Use Games area (MUGA) is located to the north end of the park situated close to the entrance from Lancaster Road. The MUGA consists at present of a small astro turf pitch surrounded by small railing fences to the side and taller railing fences to the two ends. The taller railings form two goals and have basketball hoops positioned above each goal. The end which sits adjacent to Lancaster Road has further fencing in the form of wire mesh fencing standing approximately 5 metres high.

A tennis court, small playground and café sit in close proximity to the MUGA.

Lancaster Road runs the full width of the park to the north. The road which accommodates on street parking is characterised by semi detached and detached houses which face towards the park located opposite and on street parking is also a common feature of the street. There is extensive vegetation situated along the boundary of the park along Lancaster Road which provides some screening of the MUGA and Tennis courts from view of the houses.

The flag pole is to be positioned towards the Southern end of the park and situated in close proximity to the large play ground area and toilets. The proposed flag pole would replace the existing flag pole.

Proposal Description

The proposed fencing to the MUGA is 5 metres in height and will enclose the whole of the MUGA including the existing fencing. The new perimeter fencing will consist of a powder coated twin wire weld mesh on a metal frame which will have a netted roof stopping any ball from escaping the confines of the MUGA. The new fencing will be set away from the existing MUGA allowing access around the outside of the MUGA within the confines of the new enclosure.

The fencing will have four gates, one main gate positioned to the side and three escape gates located to the other three sides of the structure.

The flag pole which is to replace the existing 4 metre high pole will be at a height of 6 metres.

This application has been brought to Committee for determination as the land is owned by the Council

Relevant Planning History

The existing MUGA and nearby Café were all undertaken as part of the Master plan for improvements and enhancement of Caldecott Park

Technical Consultation Responses

None

Third Party Consultations

Neighbours (54) Support application as it will ensure the safety of the children using the MUGA as well as passers by and local residents.

Relevant Local Plan Policies and Guidelines

GP1 – Appearance and Design of Development – Complies

GP3 – Protection of Amenity – Complies

PPS1 – Delivering Sustainable Development

Assessment of Proposals

The determining issues to take into account in this case are the impact on the character and appearance of the park and surrounding area and also the impact on the neighbouring amenities.

The main purpose of the new fencing around the MUGA is to contain the activities within the area to prevent them from venturing out of its confines into Lancaster Road and the neighbouring front gardens.

Policy GP1 states that permission will only be granted for development, which safeguards or creates an attractive interesting and, where appropriate a varied and diverse environment. The MUGA at present when viewed from Lancaster Road is seen through existing landscaping and also an existing wire mesh fence which stands approximately 5 metres high. The proposed new fencing will replace the existing wire mesh and will completely enclose the MUGA. The fencing would be powder coated a dark green colour. Whilst the new fencing would appear more visually intrusive than the existing fencing it is not considered that it would have a significant impact on the appearance of the area due to the fact that the wire weld fence is of an open appearance allowing views through, will be of a sympathetic colour and due to the existing landscaping surrounding the edges of the park softening the views of the MUGA. The net on top of the MUGA would again be transparent so therefore not significantly impacting on the visual appearance. Taking into account the above it is considered that the proposed fencing would have minimal impact on the character and appearance of the area complying with Policy GP1 of the Local Plan.

The proposed flag pole will be replacing an existing flag pole but increasing its height by 2 metres. As the pole is replacing an existing pole it would have minimal impact on the appearance of the area complying with policy GP1 of the Local Plan.

Policy GP3 states that planning permission will not be granted for development if there would be an unacceptable adverse impact on amenity in an area, including the amenities of persons occupying other premises or the development itself. The proposed fencing and netting would enclose the MUGA preventing any balls due to miss hit shots or passes from escaping out on to the road, neighbouring gardens or other public areas within the park. This structure would alleviate the problems and issues to which have up to now been troubling the local residents by ensuring the activities do not spill out of the confines of the MUGA. The surrounding fencing is to be set back away from the small railings of the MUGA so the fencing will not be used as walls to the existing play area but simply a means of containment. As the fence is set back away from the edges of the existing court the amount of noise generated by the ball hitting the new fence would be minimal. Taking into account the above it is considered the proposed fencing would have minimal impact on the neighbouring amenities and therefore comply with policy GP3 of the Local Plan.

To conclude, the proposed new fencing around the MUGA would due its type, design and colour combined with the screening provided by the existing landscaping would have minimal impact on the character and appearance of the area. The fencing will fulfil its purpose by containing the activities on the MUGA to its confines without affecting the neighbouring amenities and improving highway safety and the existing circumstances.

Recommendation

Approval subject to conditions

CONDITIONS, REASON FOR APPROVAL & 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

The materials to be used on the fencing and net roof shall as specified on the application form, received by the Council on 6th April 2010, on plan ref LB-03-10 received by the Council on 6th April 2010 and as shown on in the form of the sample received 21st April 2010

REASON:

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

CONDITION: 3

The development shall not be carried out other than in accordance with the amended plans received by the Council on 19/04/10.

REASON:

For the avoidance of doubt.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3 and PPS1

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The proposed new fencing around the MUGA would due its type, design and colour combined with the screening provided by the existing landscaping have minimal impact on the character and appearance of the area complying with policy GP1 of Rugby Borough Local Plan 2006. The fencing will fulfil its purpose by containing the activities on the MUGA to its confines without affecting the neighbouring amenities and improving highway safety improving the existing circumstances complying with policy GP3 of Rugby Borough Local Plan 2006

Reference number: 475 (R10/0128)

Site address: Land off School Street, Long Lawford

Description : Erection of 99 dwellings, approval of reserved matters (layout, scale, appearance and landscaping) against outline permission R07/1454/MAJP.

Planning history

R07/1454/MAJP – Erection of up to 99 dwellings with associated access (outline application).

This application was refused by the Council but planning permission was granted at appeal in June 2008.

This decision approved the principle of erecting up to 99 dwellings on the site and approved the position of the access, however all other details were reserved to be considered as an Approval of Reserved Matters submission.

This outline approval was subject to a s106 agreement that referred to 40% of units being provided as affordable housing. The applicant now proposes 37 units (37.4%) and the s106 agreement would need to be varied. This application is to be determined by the Committee due to the requirement to vary the existing s106 agreement.

Description of site

This application relates to land in Long Lawford that is currently in agricultural use, the site is mostly grassed although there are mature trees and hedgerows on the site.

The site is relatively flat and the railway forms the southern boundary of the site. There are residential properties on School Street and Townsend Lane to the north and west. The properties on School Street, adjacent to the proposed entrance are bungalows. There are a range of house types, styles and sizes in the area although the majority of dwellings adjacent to the site are semi-detached with hipped roofs. There are also a variety of boundary treatments on the boundaries of the site.

Description of proposals

This is an Approval of Reserved Matters submission for the development of the site with 99 residential dwellings. This follows the grant of Outline Planning Permission at appeal in 2008.

The site will be accessed from School Street, as approved at the Outline stage, and will include an area of open space with an equipped play area in the centre of the site.

The proposals include a mix of detached, semi-detached and terraced houses with 1 flat being provided above garages. All the dwellings will be two storey.

A total of 177 car parking spaces are proposed, 1.78 per dwelling, these will be accommodated in a mix of garages, driveways and parking areas.

The proposals include 37 units of affordable housing and these are to include 30 rented units and 7 shared ownership units.

The application also includes information to clear conditions attached to the outline consent such as boundary treatments, landscaping, levels and drainage details.

Third party comments:

Neighbours (9) Objection

- Development would lead to an unacceptable level of traffic on the road into the village.
- Site access is inadequate.
- A road should be provided from Back Lane, across the site and railway linking to Townsend Lane, this would reduce traffic on the narrow bridge and give direct access to facilities.
- Consider 99 dwellings are proposed to ensure only 1 access is required, concern that more than 99 families will occupy the site so may need additional accesses.
- Loss of privacy in homes and gardens.
- Loss of outlook.
- Homes on School Street have small gardens, outline plans showed landscaping behind these properties, houses are now proposed in this area.
- Properties on School Street have living areas at the rear increasing the impact of the proposals.
- Impact on rural character of area, losing large areas of green space.
- Not in keeping with character of village.
- Rear access paths will cause security risk and loss of privacy.
- Layout is poorly considered and disregards quality of life.
- Noise and disturbance from development.
- Impact on wildlife including birds, hedgehogs, mice and deer.
- Bats will also be affected and a survey has not been submitted.
- No need for additional housing.
- Concern regarding location of affordable housing.
- Future residents will be affected by railway, nearby houses were sold on Sundays when there are less trains, residents then want to sell but cannot.
- Local facilities cannot cope with more residents.
- Will lead to pollution.
- Increased risk of flooding to surrounding area and roads due to loss of surface water drainage.
- Site is swampy in wet weather and does not seem to be good building land, neighbouring gardens flood in wet weather.
- Error in 'site frontage' photograph in Design and Access Statement.
- Some work has commenced on site and there have been problems of mud on the road.
- Local people objected to development but Council's decision was overturned by Inspector.
- Council will disregard local people's views to meet targets for housing.

Long Lawford Parish Council Comments

Given the width of the proposed road consider on street parking should be prevented as this would lead to congestion, safety concern regarding balancing areas next to the play area, safety fencing should be used.

Amended plans

Neighbours (1) Objection

- Development will be detrimental to the village, there have already been a lot of new houses which urbanise and change the character of the village.
- Building on green spaces is wrong, Councils are spending more on open spaces due to benefits to people and wildlife.
- Houses will be built too close to the railway.

Technical consultation responses

Warwickshire Police Comments Alleyways should be gated, lights should be installed on play area.

Environmental Health No comment

Environment Agency No objection Subject to condition

Network Rail No objection

Wildlife Trust Comment Native species should be used

WCC Ecology No objection Subject to informatives

WCC Archaeology No comment

WCC Highways No objection Subject to conditions

Severn Trent No comments received

Tree & Landscape Officers – commented on landscaping scheme, discussions are on-going

Relevant policies and guidance

GP1 Complies Appearance and design of development

GP2 Complies Landscaping

GP3 Complies Protection of amenity

E5 Complies Landscape and settlement character

E6 Complies Biodiversity

T3 Complies Access and highway layout

T5 Complies Parking facilities

H6 Complies Affordable housing

PPS1 Creating sustainable communities

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG24 Planning and Noise

PPS25 Development and Flood Risk

Assessment of proposals

As outline planning permission was previously granted for this development the principle of residential development on this site has already been established. This consent also established that the position of the proposed access and 99 dwellings are acceptable.

The issues to be assessed in relation to this submission are whether the design, layout and landscaping of the development and scale and appearance of the proposed buildings are acceptable.

Key issues to assess therefore include the impact on visual amenity and the character of the area, the impact on neighbouring properties, highway safety and car parking, protected species and archaeology.

The proposed development includes a mix of house types with 2, 3 or 4 bedrooms. A 2 bedroom flat is also proposed over garages. All of the proposed dwellings will be two storey buildings with pitched roofs. Where properties are located in prominent locations features such as gable features, bay windows, chimneys and changes in materials are proposed to add interest. Where properties are located on corner plots windows and bay features are included on the side elevations to prevent blank side walls facing the street. It is considered that the design of the proposed properties and the proposed layout are acceptable in relation to visual amenity and the character of the area.

A range of bricks and roof tiles will be used within the development and some properties will be rendered in order to form key focal points. It is considered that the submitted samples will be acceptable and in keeping with the area. The proposed materials will be used to form small groupings of properties constructed of the same materials and it is considered that this will result in individual cohesive groupings across the site. It is considered that these will form distinct areas and will be acceptable in terms of visual amenity.

Due to the proposed layout there are areas where the side garden boundaries are located adjacent to the footpath, in these areas a brick wall with inset fence panels is to be used to add interest to the street scene and to relate to the adjacent houses, this is considered acceptable in relation to visual amenity.

When the application was initially received there was concern regarding large areas of car parking and the visual impact of these. Amended plans have been received which redesign these areas and introduce areas of landscaping. These are now considered acceptable.

It is therefore considered that the proposals are acceptable in relation to visual amenity and the character of the area and comply with policies GP1 and E5.

There are mature trees located close to the proposed site entrance, in the centre of the site and on the northern boundary and the Council's Tree Officer initially commented that high quality trees should be retained. However, the engineering works required in order to provide a suitable access into the site and to provide underground drainage works result in it not being possible to retain all of the existing trees. It is therefore considered necessary for a high quality landscaping scheme, including replacement trees, to be provided to mitigate for the trees that are being removed. The proposed landscaping scheme has been discussed in detail by the applicants and the Council's Tree and Landscape Officers. These discussions are ongoing but it is considered that a suitable landscaping scheme will be achieved that is in accordance with policies GP2 and E5. Delegated powers are therefore requested to approve a landscaping scheme once an acceptable scheme has been provided.

The impact of the proposals on the amenity of existing and future occupiers must be assessed.

There are properties located on School Street to the west of the site and objections have been received on the grounds of loss of privacy and outlook and on the basis

that the indicative plan submitted with the outline application showed an area of open space and landscaping to the rear of these properties.

These properties are chalet bungalows with rooms in the roof space which have small rear gardens of around 8m – 11m. Two storey houses are proposed to the rear of these properties with rear gardens of around 10.5m. This will result in the proposed properties being around 20m from the rear of the existing dwellings and around 10.5m from the rear gardens of the existing properties. Whilst it is accepted that the proposed development will have an impact on these properties it is considered that the level of separation is sufficient that residential amenity will not be affected to such an extent to warrant a recommendation of refusal.

Concerns were also raised that the original plans showed rear access ways adjacent to the rear gardens of properties on School Street and that the existing properties only have low boundary fences and that this could lead to security issues. Amended plans have now been received and only 1 rear access path is proposed in this area and this is gated, 1.8m fences are also proposed on the rear boundaries.

There are a range of properties on Townsend Lane and these have long gardens ranging between 25m – 50m. It is considered that the proposed properties will be a sufficient distance from these dwellings for there to be no adverse impact in terms of enclosure or loss of light. The properties proposed adjacent to the northern boundary have the side elevations facing towards the properties on Townsend Lane. These have no side facing windows or have windows serving bathrooms and en-suites. The proposed flat will only have rooflights on the rear elevation facing towards Townsend Lane. Conditions can be added to ensure the windows are obscure glazed and that no other windows are added in the future. Subject to this condition it is considered that the impact in terms of overlooking or loss of privacy is acceptable.

The impact on the amenity of neighbouring residents is therefore considered acceptable in accordance with policy GP3.

Residents have also raised concern regarding the amenity of future occupiers, particularly in relation to the possible impact from the railway. This issue was considered as part of the outline application where a Noise Impact Assessment was submitted and Environmental Health raised no objections, subject to conditions. A condition was added to the outline consent that the mitigation measures in this Assessment should be implemented and technical details of the proposed noise bund have been submitted. Environmental Health have no objection to these details and it is considered that, subject to mitigation measures, the impact of the railway is acceptable in accordance with policy GP3 and PPS24.

The position of the access into the site from School Street was agreed as part of the outline application, subject to complying with conditions. The Highway Authority, Warwickshire County Council have commented on the proposed layout and have advised that they have no objection to the proposals. It is therefore considered that the development complies with policy T3.

The proposals include the provision of 177 car parking spaces, 1.78 per dwelling. This is more than the Council's maximum standard of 1.5 spaces per dwelling. However, concerns have been raised by the Parish Council that on street parking would lead to problems of congestion. In addition the applicants have provided information that the proposed level of car parking is in part due to garages being set back to reduce the impact on visual amenity. In addition they are aware that lack of parking is a problem in the general area and that this has been highlighted as a

concern by residents. It is therefore considered that the proposed level of car parking is acceptable in this case. Cycle parking facilities could be accommodated within garages and rear gardens and the proposals therefore comply with policy T5.

When outline consent was granted this was subject to a s106 agreement relating to contributions towards education and off-site open space and the on-site provision of an equipped play area and affordable housing.

This s106 requires 40% of dwellings to be provided as affordable housing with 75% of these rented and 25% shared ownership. The applicants now propose to provide 37 units of affordable housing, 37.4%, with 30 units of rented (81%) and 7 shared ownership (19%) properties. This change will require the s106 to be varied. The proposed change to the level of affordable housing provision is due to the changing economic climate and the numbers and types of dwellings to be provided have been discussed in detail between the applicants, the Registered Social Landlord and the Council's Housing Section. It is considered that the proposed level of affordable housing is acceptable in this case. The affordable housing is distributed throughout the site and it is considered that the proposed locations are acceptable. Therefore the proposals comply with policy H6.

Issues related to protected species were considered at the outline stage and conditions were attached to the outline consent requiring a further bat survey to be carried out prior to development and for a mitigation strategy for smooth newts to be agreed. Subject to informatives relating to protected species it is considered the proposals are acceptable in accordance with policy E6 and PPS9.

Discharge of conditions

Information submitted with the Reserved Matters submission will also allow a range of conditions attached to the outline consent to be cleared.

Condition 4 required details of proposed boundary treatments to be provided. Plans have been provided which show 1.8m fences to rear garden boundaries and 1.8m close boarded fences to public areas with 1.8m walls with fence insets in prominent locations. It is considered that these proposed boundary treatments are acceptable.

Condition 5 relates to landscaping and requires hard and soft landscaping details to be submitted along with a survey of existing trees on the site. A tree survey has been provided. As detailed above a suitable landscaping scheme is being discussed with the applicants and delegated powers are requested in relation to this condition.

Condition 7 requires details of floor levels of buildings and levels of parking areas to be agreed. Details of levels have been submitted and these are considered acceptable.

Condition 8 refers to the vehicular access to the site. Warwickshire County Council Highways have confirmed that they do not object to the proposed access and that the details are acceptable in relation to this condition.

Conditions 15 – 19 relate to drainage and floodplain compensation and were added to the appeal decision following comments from the Environment Agency. These refer to levels, distances from watercourses and drainage details. The Environment Agency have commented on these conditions and have advised suitable information has been submitted.

Recommendation

Subject to the variation of the s106 legal agreement attached to planning permission R07/1454/MAJP (approved by appeal reference APP/E3715/A/07/2060256/NWF) the Head of Planning & Culture be given delegated powers to approve the following reserved matters:

3a) layout of the development,
3b) scale and appearance of buildings including facing materials,
and the details submitted in relation to planning conditions 4, 7, 8, 15, 16, 17, 18 & 19.

Subject to the variation of the s106 legal agreement attached to planning permission R07/1454/MAJP (approved by appeal reference APP/E3715/A/07/2060256/NWF) and the submission of an acceptable landscaping scheme the Head of Planning & Culture be given delegated powers to approve reserved matter 3c) landscaping and condition 5

Draft decision

Town and Country Planning Act 1990 (As amended). **Approval of reserved matters & Approval of details in relation to conditions.**

Notice is hereby given that the Borough Council in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made there under approves the details below in accordance with the planning permission and conditions referred to in the schedule.

SCHEDULE

<u>Planning Permission Reference</u>	<u>Date of</u>
<u>Permission</u> R07/1454/MAJP & APP/E3715/A/07/2060256/NWF	2 nd June 2008

Development

Erection of 99 dwellings, approval of reserved matters (layout, scale, appearance and landscaping) against outline permission R07/1454/MAJP.

Address of Development

Land Off School Street, School Street, Long Lawford,

Condition Number & Details

3a	Layout
3b	Scale & Appearance
4	Site boundaries
7	Floor & ground levels
8a,b&c	Vehicular access
15	Floodplain compensation
16	Access road levels
17	Distance from watercourses
18	Floor levels
19	Drainage details

Plans & Details Approved

<u>Plan/Document</u>	<u>Reference</u>	<u>Date received</u>
Overall planning layout	A365/018/P	12 th May 2010
Planning layout 1 of 3	A365/019/P	12 th May 2010
Planning layout 2 of 3	A365/020/P	12 th May 2010
Planning layout 3 of 3	A365/021/P	12 th May 2010
Materials & surfacing plan	A365/052/D	12 th May 2010
External works plan 1 of 3	A365/049/D	12 th May 2010
External works plan 2 of 3	A365/050/D	12 th May 2010
External works plan 3 of 3	A365/051/D	12 th May 2010
Screen wall & fence detail	A365/053/A	5 th March 2010
Privacy panel	A365/064	29 th March 2010
Noise bund elevation	A365/065	29 th March 2010
Noise bund section & details	0925-01	3 rd February 2010
Access plan	F07034/02/A	3 rd February 2010
Drainage & external works 1 of 4	8152/104	19 th January 2010
Drainage & external works 2 of 4	8152/105/A	19 th January 2010
Drainage & external works 3 of 4	8152/106/A	19 th January 2010
Drainage & external works 4 of 4	8152/107	19 th January 2010
Flood Risk Assessment 2009	8152	18 th December
Flooding Statement 2009	8152	18 th December
House type L2 2009	A365/025	18 th December
House type L3 2009	A365/026	18 th December
Anvil 2009	A365/13/B	18 th December
Blacksmith 2009	A365/04/B	18 th December
Bridle 2009	A365/03/A	18 th December
Bridle plot 42	A365/58	5 th March 2010
Consiborough 2009	A365/002	18 th December
Consiborough plots 59, 60, 65, 66 2009	A365/37	18 th December
Eastnor	A365/10/A	5 th March 2010
Eastnor gable frontage	A365/17/A	5 th March 2010
Eastnor plot 20	A365/56	5 th March 2010
Kenilworth 2009	A365/14/A	18 th December
Newark	A365/09/B	5 th March 2010
Richmond	A365/63	5 th March 2010
Shire 2009	A365/11/A	18 th December
Shire with gable bay window	A365/57	5 th March 2010
Garage drawing 1	A365/059	5 th March 2010
Garage drawing 2	A365/060	5 th March 2010
Garage drawing 3	A365/061	5 th March 2010
Garage drawing 4	A365/062	5 th March 2010

This decision is subject to the following additional conditions:

CONDITION: 20

Other than those shown on the approved plans no new windows shall be formed in the side elevations of plots 1, 6, 9, 13, 14, 18, 21, 23, 26, 28, 30, 31, 37, 38, 49, 57, 68, 90 and no new rooflights shall be formed in the rear roofslope of plot 29, unless otherwise agreed in writing by the Council.

REASON:

In the interest of residential amenity.

CONDITION: 21

The windows to be formed in the side elevation of plots 6, 9, 13, 18, 21, 23, 26, 49, 57, 68 & 90 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 22

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: 23

Prior to the commencement of development a Tree Protection Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity.

CONDITION: 24

No development shall commence unless and until details of the landscaping to the Acoustic bund have been submitted to and approved in writing by the Council.

The approved 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 plant is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Council seriously damaged or defective), another plant of the same species and size originally planted shall be planted at the same place, unless the Council gives its written consent to any variations.

REASON:

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

CONDITION: 25

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by TBA, Job 8152, dated 7 November 2009, and the following mitigation measures detailed within the FRA:

1. Limiting the rate of surface water run-off generated by the site to discharge at a

rate of not more than the existing Greenfield run-off rate as determined in the FRA paragraph 3.2.12.

2. Provision of attenuation storage volume on the total site to retain the 100-year + 30% flow event volume assuming the discharge rate given above as detailed in the FRA.

3. Demonstration that the detailed surface water system proposed will also provide water quality improvements by implementing the Suds methods as detailed in the FRA.

4. Finished floor levels should be set at a minimum of 86.43m aod as determined in the FRA.

5. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of the banks of the watercourse, or within the floodplain of the watercourse crossing this site.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1, GP2, GP3, E5, E6, T3, T5 & H6

PPS1 Creating sustainable communities

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG24 Planning and Noise

PPS25 Development and Flood Risk

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The principle of residential development on this site was established by the outline planning permission.

The proposed will not have an adverse impact on the character of the area, residential amenity or protected species in accordance with policies GP1, GP3 & E6 of the Rugby Borough Local Plan 2006.

It is considered that a suitable means of access and parking facilities can be provided on site and that the proposals comply with policies T3 & T5 of the Rugby Borough Local Plan 2006.

Suitable levels of affordable housing are proposed in accordance with policy H6 of the Rugby Borough Local Plan 2006.

INFORMATIVE: 1

As recognised in the FRA, the erection of flow control structures or any culverting/realignment of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991.

INFORMATIVE: 2

The Wildlife and Countryside Act 1981 (as amended) states that it is an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

INFORMATIVE: 3

Badgers and their setts (communal place of rest) are protected under the 1992 Badgers Act, making it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while Warwickshire Museum Ecology Unit or Natural England are contacted.

INFORMATIVE: 4

In view of the pond nearby, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately and while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act , the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. Where newts are present a license might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

INFORMATIVE: 5

Please see the attached letter from Warwickshire County Council detailing guidance notes related to works in the highway.

Reference number: R10/0245

Site address: 30 Butlers Leap, Rugby

Description: Change of use from class B1[c] to class A1 of the Town and Country Planning [Use Classes] [Amendment] Order 2005 for a temporary period to 31st December 2010 [Retrospective]

Authorised Use

Class B1[c] of the Town and Country Planning [Use Classes] Order 2005

Relevant decisions

Erection of twin factory unit	Approved 3rd August 1971
Erection of extension	Approved 3 rd December 1975

Technical Consultations

British Waterways No objection.

Highways No objection

Third Party Consultation

Neighbours No objections received

Site description and the surroundings

The existing building is part of a twin span gable fronted single storey industrial unit situated within Butlers Leap Industrial Estate. Parking for vehicles and deliveries is formed at the front of the site with an existing vehicular access off the highway.

A canal is situated to the rear of the application site.

The application

The applicant seeks retrospective permission for a temporary change of use from class B1[c] to class A1 of the Town and Country Planning [Use Classes] [Amendment] Order 2005. This is for a period expiring on 31st December 2010 whilst fire damage to the applicants' existing premises in Cambridge Street is carried out.

Planning policy guidance

RBLP Policy ED5	Conflicts	Retention of existing strategically significant employment sites
RBLP Policy TCR 2	Conflicts	Town centre shopping area uses
RBLP Policy T 5	Complies	Parking facilities
RBLP Policy GP3	Complies	Protection of amenities

PPS 1 Delivering Sustainable Development
PPS 4 Planning for Sustainable Economic Growth
PPG 13 Transport

RBLP Car Parking Standards

Determining Considerations

Policy ED 5 Butlers Leap Industrial Estate is an existing employment site that is strategically important to the Borough and has a mix of uses mainly B1 [business] B2 [general industry] and B8 [storage and distribution] therefore development for other purposes will not normally be permitted.

The applicant seeks permission for a temporary period until 31st December 2010 while his existing premises at Cambridge Street is being restored after extensive fire damage that occurred earlier in the year. Thornton's cycles are an established company within Rugby area.

Having tried to find suitable vacant alternative retail premises the applicant moved into the vacant premises at Butlers Leap soon after the fire in order to continue trading in the retail sale, repair and maintenance of cycles and accessories.

Although Policy ED 5 of the saved Local Plan prevents the retail occupation of the existing industrial premises on Butlers Leap however it is considered that in this case there are very special circumstances that would allow a departure from the development plan. This is subject to occupation for retail purposes being of a temporary basis only to allow the business to continue to operate while repairs to the main premises are completed, which can be covered by a condition.

Policy TCR2 of the Rugby Borough Local Plan 2006 generally reflects national planning guidance in PPS 4 [Planning for Sustainable Growth] and mentions that retail developments should be located within or on the fringe of the town centre shopping area. This sets out a series of criteria which must be met by proposals outside of Town Centre shopping area to ensure the retail strategy of the plan is not undermined. Normally retail development within Butlers Leap Industrial Estate would not be acceptable but in this case the applicant has very special circumstances that would allow a departure from the development plan policy to allow the applicant to continue trading in the Rugby area and occupy the premises on a temporary basis.

Policy T 5 of the Local Plan concerns parking facilities. The industrial unit was built in 1971 with the accommodation for 6 car parking spaces on the forecourt of the building. The Rugby Borough Councils adopted car parking standards will require a maximum of up to 23 spaces for general retail use. In this case the provision of 6 car parking spaces is considered to be acceptable by virtue of being below the maximum threshold. Furthermore this retail function operates with peaks and troughs with a steady flow of customers during the hours of operation [Monday to Saturday 9.00am to 17.30pm and Bank Holidays 10.00 am-16.00pm] It is therefore considered that the car

parking will cater for customer and employees parking and deliveries and the Highway Authority do not object to the proposal on highway safety grounds and will accord with policy T 5 of the Rugby Borough Local Plan 2006 and national planning guidance in PPG 13 [Transport]

Policy GP 3 relating to the protection of amenity states that permission will not be granted for developments that amongst other factors, result in overlooking and loss of both privacy and light.

The industrial unit is located amongst other industrial buildings and adjacent to an estate road. The proposal stands away from other industrial units and will not adversely affect the amenities of the occupiers of these adjacent industrial units. Therefore the proposed development will comply with policy GP 3 of the Rugby Borough Local Plan 2006 and national planning guidance in PPS1 [Delivering Sustainable Development]

Recommendation

That retrospective temporary planning permission be granted for a period expiring on 31st December 2010 subject to conditions as follows.

CONDITIONS, REASON FOR APPROVAL & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 26th May 2010 and shall be for a period expiring on 31st December 2010 on or before which date the use hereby permitted shall be discontinued and all fixtures, fittings and equipment installed or used in connection therewith shall be removed and the building reinstated to enable its former B 1[c] use to be resumed.

REASON

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004. The proposal is contrary to development plan policy and is only acceptable due to very special circumstances

CONDITION 2:

This permission shall be personal to Mr D Thornton and shall not enure for the benefit of the land

REASON:

The proposal is only acceptable because of the special circumstances of the applicant

CONDITION 3:

The retail use permitted by this permission shall be restricted to the internal part of the building only and there shall be no storage display of cycles or other consumer retail products outside of the building

REASON:

In the interests of the visual amenities of the locality
To retain existing car parking

CONDITION 4 :

Unless otherwise agreed in writing the premises shall not be opened for business other than between the hours of [9.00am -17.30pm] Monday to Saturday and [10.00 am- 16.00pm] on bank holidays

REASON:

The proposal is a departure from the development plan and the hours of operation reflect the nature of the temporary occupation of the premises.

REASON FOR APPROVAL

The existing industrial premises should be retained for employment uses only within class B1,B2 or B8 of the Town and Country Planning [Uses Classes] [Amendment] Order 2005 in accordance with policy ED 5 of the Rugby Borough Local Plan 2006. In this case there are very special reasons for the use of the property for retail [A1] purposes for a temporary period. Retail developments outside of the town centre shopping area will not be permitted unless certain criteria are satisfied as specified in policy TCR 2 of the Rugby Borough Local Plan 2006. The applicant cannot meet all of these requirements but in this case there are very special circumstances to allow the occupation of the premises for retail purposes for a temporary period. The proposal will comply with car parking standards and will comply with policy T5 of the Rugby Borough Local Plan 2006 and national planning guidance in PPG 13. The proposal will not harm the amenities of the occupants of adjacent premises and therefore will comply with policy GP 3 of the Rugby Borough Local Plan 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

ED 5 ,TCR 2, T5 , GP3 , PPS 1 PPS 4 , PPG 13

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

INFORMATIVE 1 :

This permission relates to the following plan received by the Council on 12th February 2010

Plan 1 with site outlined in red at scale of 1:1250

Reference number R09/0652/OPS:

Site address: 69a to 87 Hillmorton Road, Rugby.

Outline application for the erection of 5 detached dwellings including details of access and site layout.

Authorised Use

Residential/Car Park.

Relevant decisions

Outline application for 11 dwellings (including site access and layout) - Withdrawn
11th May 2009
(R09/0652/OPS)

Technical Consultations

Environmental Services - Require noise survey due to location adjacent to petrol station and full land contamination survey

WCC (Highways) - No objection subject to conditions

WCC (Ecology) - No objection but recommend conditions to ensure that existing trees and potential habitats are protected.

WCC (Fire & Rescue) - No objection – request condition that adequate water supplies and fire hydrants are provided.

Third Party Consultations

Original Proposals – 10 dwellings

Neighbours (21) Objections

- impact on privacy of adjoining properties/gardens
- very small gardens/will be mainly in shade - will result in pressure to remove trees
- insufficient car parking spaces for existing and proposed properties
- car parking spaces too small for modern vehicles
- loss of trees
- will not meet DDA requirements (no separate pavement)
- inadequate refuse collection provision
- local drains are inadequate to cope with new development – Hillmorton Rd floods on a number of times each year due to surface run-off – site is at higher level than surrounds
- inappropriate size and scale of development – will not fit into area of varied Victorian style architecture
- Ground pollution – site was used in past as coking yard for railway station
- Increased noise and pollution – odours from communal refuse bins
- Proposed boundary wall at entrance would block my right of way to The Old Stables
- Access points to my right of way and new access onto Caldecott Street too close together – highway safety danger
- Sight line at entrance to sight on Caldecott Street will be blocked by parked cars

- Communal refuse bins located next to my property – already have problems with large refuse containers serving flats at 69a to 87 Hillmorton Rd regularly overflow
- S bend on access road into the site will be dangerous – short visibility distances/no separate pedestrian path – vehicles could also collide with corner of my property
- Noise of passing vehicles to Old Stables and patio/windows at rear of property
- Reduction in number of parking spaces available for existing flats at 69a to 87 Hillmorton Rd – works to properly surface this parking area has never been carried out
- Due to no right turn restrictions on Hillmorton Rd most traffic will travel to the site via Lower Hillmorton Rd causing further congestion and danger

Amended Scheme – 5 dwellings

Neighbours (3) Objections

- Access points to my right of way and new access onto Caldecott Street too close together – highway safety danger
- Sight line at entrance to sight on Caldecott Street will be blocked by parked cars
- Communal refuse bins located next to my property – already have problems with large refuse containers serving flats at 69a to 87 Hillmorton Rd regularly overflow
- S bend on access road into the site will be dangerous – short visibility distances/no separate pedestrian path – vehicles could also collide with corner of my property
- Noise of passing vehicles to Old Stables and patio/windows at rear of property
- Reduction in number of parking spaces available for existing flats at 69a to 87 Hillmorton Rd – works to properly surface this parking area has never been carried out
- Due to no right turn restrictions on Hillmorton Rd most traffic will travel to the site via Lower Hillmorton Rd causing further congestion and danger
- Already lack of parking in Caldecott St
- Poor visibility at junction – similar design to one at Caldecott Place where there has been a recent accident
- Bungalows would be more appropriate

Other Relevant Information.

The application site comprises the former car park to a motor vehicle repair garage, which was located on Hillmorton Rd adjacent to the bridge over the Great Central Way. The motor vehicle repair garage has been re-developed and a petrol station with ancillary car wash has been built in its place. The car parking area to the rear has now been separated off from the garage, by a chain link fence, and this land has remained vacant for a number of years.

The site is rectangular, although wider at the eastern end, and is mainly hard surfaced in tarmac with parking bays marked out on it. Along the northern and southern boundaries, there are existing trees (mainly silver birch) which provide screening to the rear gardens that run up to both boundaries. The western part of the site incorporates part of an existing informal car park, at the rear of Nos. 69a to 77 Hillmorton Rd.

The site is surrounded by the rear gardens of properties to the north and south. The Great Central Way runs along the eastern boundary and contains a large number of mature trees. There is a two-storey building located to the north of the parking area at the rear of 69a to 77 Hillmorton Rd, which has recently been converted to 2 self-contained flats.

The informal parking area at the rear of 69a to 77 Hillmorton Rd plus the properties to the south lie within the Whitehall, Clifton and Hillmorton Rd Conservation Area.

The majority of the larger trees within the site are covered by a tree preservation order.

The application is being reported to the Planning Committee due to the number of objections that have been received regarding the proposal.

Planning Policy Guidance

S1	complies	Urban development priorities
S4	complies	Windfall developments
GP1	complies	Appearance and design of development
GP2	complies	Landscaping
GP3	complies	Protection of amenity
T3	complies	Access and highway layout
T5	complies	Parking facilities
PPS1	complies	Delivering Sustainable Development
PPS3	complies	Housing
PPS5	complies	Planning for the Historic Environment

Determining Considerations

Outline planning permission is sought for the construction of 5 detached dwellings on the part of the site occupied by the former parking area of the motor vehicle repair garage. Approval is being sought at this stage for access, layout and scale. Matters relating to appearance and landscaping is reserved at this stage for later approval.

Originally, planning permission was sought for 10 semi-detached and detached houses, but this has now been amended due to problems in achieving a satisfactory design and layout due to the site constraints.

The current planning application is accompanied by the following information:

- Site Location Plan
- Site Layout Plan showing the location of the access drive and positions of the houses
- Tree Survey.

The proposed layout comprises a 5m wide access drive which runs off Caldecott Street into the site in an easterly direction. The existing informal parking area at the rear of 69a to 77 Hillmorton Rd is proposed be re-designed so that a more formal parking layout is created served off the new access road, with garden areas being reinstated at the backs of these properties separated by brick walls.

The private drive then runs via a small chicane between the existing two-storey converted building and the frontage of Plot 1, which faces onto the drive. A further 4 detached houses are then sited along this driveway – two facing northwards and two facing westwards.

The majority of trees on the site are proposed to be retained within the rear gardens or alongside the new driveway, although some will be lost where the new access road runs around the two-storey converted building and Plot 1 will be located. Replacement tree planting is proposed alongside the new access road.

The main issues relating to this application relate to the principle of residential development on this land, the affect on the character and appearance of the conservation area, design and layout, tree and landscape impact, the affect on nearby residential amenities and highways.

Principle of Development.

The application site lies within the urban area of Rugby as identified in the Adopted Rugby Local Plan (2006). The site is also considered to be 'previously developed' land. Annex B of PPS3 (Housing) defines 'previously developed land' as that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The extent of the car park serving the former motor vehicle repair garage and the existing car parking area at the rear of 69a to 77 Hillmorton Road can clearly be seen on the ground.

Policy S1 in the saved Rugby Borough Local Plan (2006) identifies 'previously developed' land as the first priority for further development including housing in the Borough. The proposal therefore complies with this policy.

Affect on the Character and Appearance of the Conservation Area

The western portion of the site adjacent to Caldecott Street, lies within the Whitehall, Clifton and Hillmorton Rd Conservation Area, whilst the area containing the proposed new dwellings lies outside of the conservation area boundary.

Currently the informal parking area at the rear of 69a to 77 Hillmorton Road is fairly random in layout and has been expanded over the years resulting in many individual rear boundary walls being removed and a large open area being created. This has contributed towards a relative diminution of the character of this part of the conservation area.

The current proposal will result in new brick boundary walls being provided around the entrance to the site and along a new rear boundary that will re-create and delineate separate garden areas to the rear of each of properties at 69a to 87 Hillmorton Rd, albeit smaller than the original gardens. An appropriate size for these walls would be in the range 1.2 to 1.6m in height and they should be designed in a traditional style to match other walls in the vicinity – red bricks with blue coping cappings and pier features at intervals to create panels. Similarly designed walls will also be provided to give a more appropriate and better defined site entrance that reflects the character of the area.

The submission of detailed designs for the boundary walls will be the subject of a separate condition.

The housing development itself is located outside of the boundary of the conservation area and will have limited impact on the character of the conservation

area. The positioning of Plot 1 will provide a visual stop and thus enclose and contain views from Caldecott Street within the proposed parking area.

The overall affect of the proposal is considered to provide an improvement over and above the existing situation and thus enhance the character and appearance of this part of the conservation area. The proposal is therefore considered to comply with Policy GP1 and national policy guidance set out in PPS5 'Planning for the Historic Environment'.

Access & Highways.

The proposal involves the creation of a new access drive directly off Caldecott Street. Suitable corner radii are provided at the site entrance and the iron fence alongside the side boundary at 69a Hillmorton Rd (facing onto Caldecott Street) will be slightly re-aligned to provide satisfactory vehicle sight lines in a southerly direction. In both directions sight lines of 2.4m x 43m are provided, which is considered to be acceptable.

The access road is 5m wide narrowing down to 4m wide further into the development, with a suitable turning area for refuse/delivery vehicles. Each new house in the development will have at least 2 parking spaces, which complies with the Council's maximum parking standards, and will be conditioned.

15 car parking spaces are also proposed to serve the existing properties at 69a to 87 Hillmorton Rd.

The existing right of access to the converted building will also be retained and properly defined in the proposed layout.

Warwickshire CC (Highways) has raised no objections to the proposal, subject to suitable conditions.

The proposal is therefore considered to comply with Policies T3 & T5 in the Rugby Borough Local Plan (2006).

Design & Layout / Protection of Amenity.

As described above the proposed layout comprises an access drive which runs into the site off Caldecott Street.

The existing informal parking area at the rear of 69a to 77 Hillmorton Rd is proposed to be re-designed so that a more formal parking layout is created served off the new access road, with garden areas being re-instated at the backs of these properties separated by brick walls. The private drive then runs via a small chicane between the existing two-storey converted building and the frontage of Plot 1, which faces onto the drive. A further 4 detached houses are then sited along this driveway – two facing northwards and two facing westwards.

The consideration of the design of the part of the development within the conservation area has already been considered in the above section.

The proposed housing layout itself comprises a fairly traditional housing layout comprising detached houses with reasonable sized gardens, grouped around a private drive. It will not be viewed from any public areas (apart from the front elevation of Plot 1) and it reflects the character of many backland developments found in the urban area.

In terms of protection of amenity of adjoining properties, the site is fairly long and narrow which has posed problems in achieving a satisfactory layout in relationship to its surroundings and also to ensure satisfactory levels of protection to retained trees is achieved. Officers therefore requested that the numbers of houses be significantly reduced, so that narrower depth and wider frontage detached houses be used in the scheme. This means that larger and wider gardens are provided which makes the retention of trees easier – a relatively smaller portion of each garden would be covered by tree canopies and be shaded – and better separation distances between existing and proposed houses achieved.

Whilst the new access road running past the converted building will result in increased vehicle movements, this is not considered to be significant given that general vehicle movements and parking already exists close to this building. In addition the south part of this building contains circulation space (lobby, stairwell, store) and a kitchen at first floor level, and therefore the impact on main habitable rooms in this property is not considered to be significantly affected by the development.

Appearance has been reserved so the internal house layouts and consequently the final window positions in each house are yet to be agreed, although the siting of each dwelling is to be considered for approval at this stage.

Plot 1 faces westwards towards Caldecott Street. The former works, which have now been converted into two self contained flats, contain lounge windows facing east towards the site and will be around 13.5m from the front elevation of Plot 1. Providing that no habitable rooms windows are positioned in the northern half of the front elevation of Plot 1 (closest to this building), then direct overlooking will be avoided.

The rear garden depth of Plot 1 measures 10m. This depth is also achieved on Plots 2 and 3. All three properties back onto to Nos. 79a to 87 and will be at least of 25m from the rear elevations of the houses at these properties at the closest point, although this is significantly more in places.

The nearest elevation of Plot 1 is proposed to be located 9m from the northern site boundary, which comprises the rear gardens of properties in Caldecott Place which back onto the site. A condition can be applied to prevent any habitable room windows being inserted at first floor in this elevation to prevent any possible overlooking of the gardens to the north. The front elevations of Plots 2 and 3 are located at a distance of 10.5 m from the northern boundary, which is considered to be acceptable.

The siting of Plots 4 and 5 are considered to be acceptable, although a further condition will be needed to prevent any habitable room windows being inserted at first floor gable projection of Plot 5 to prevent any possible overlooking of the gardens to the west.

The proposal is therefore considered to comply with Policies GP1 & GP3 in the Rugby Borough Local Plan (2006) and national design guidance contained in PPS1 and PPS3.

Density/Affordable Housing.

The site area measures 0.3ha including the parking area at the rear of Nos. 69a to 77 Hillmorton Rd amended proposal. The actual development site, excluding the access and parking areas measures 0.2 ha. This would result in a density of 25

dwellings per hectare. Whilst below the normal minimum density target set out in PPS3, the particular site constraints means that a lower development density could be accepted in this instance.

The size of the development site does not fall within the thresholds for the provision of affordable housing set out in saved Policy H6 or the emerging LDF Core Strategy.

Environmental Protection.

A noise survey has been submitted due to the fact that the south-east part of the site adjoins a petrol station containing a car wash, which could lead to some noise and disturbance to the proposed houses.

The survey concludes that the measured level of noise from both car washes operating at the same time would be below the existing background noise level during the day but would be borderline for nighttime periods. It recommends that certain sound insulation measures are carried out in the design of the new dwellings including:

- All windows should have a minimum manufacturers rating of Rw 33 (including the frame and associated furniture)
- All habitable rooms to be provided with means of background ventilation in accordance with requirements set out in the Building Regulations
- The site boundary to the service station should be provided with earth mounding and barrier fencing to achieve an overall height of 3m.

The recommendations set out in the noise report are considered to be acceptable by the Head of Environmental Services to protect the amenities of the future residents of the houses on this development.

A land contamination survey was also requested by the Head of Environmental Services. Due to the fact that this land in its former use comprised a car parking area rather than actual location of the vehicle repair activity, this matter can be conditioned to be submitted with the remainder of the reserved matters.

Subject to the provision of suitable conditions as set out above, the proposal is considered to be acceptable in terms of environmental protection matters and complies with saved Policy GP3 in the Rugby Local Plan (2006).

Trees.

A Tree Preservation Order was placed on the application site (TPO no. 331), following initial developer interest in this site.

A Tree Survey has been prepared and submitted by the applicant. This demonstrated that most trees on the site are of a reasonable condition and the size of the root protection areas required around each tree. The proposal will involve the removal of three maple trees (T34-36) to allow the new access driveway and some small trees in the centre of the site (T27 and T28 and G23/G47). The majority of the trees will be retained along the northern, southern and eastern site boundaries within the proposed layout, which will also have the benefit by providing screening between the existing and proposed properties.

The driveway will run under the canopies and within the root protection areas of trees along the northern boundary. These can be protected using a 'no-dig' approach within the root protection areas and building the road on a three-dimensional cellular confinement system (to prevent compaction of tree roots).

The Council's Tree Officer is satisfied with the proposal, subject to suitable conditions to ensure the protection of trees during construction, including the submission of a tree protection plan and method statement.

Ecology.

Warwickshire CC Ecology Unit have indicated that the proposal is unlikely to adversely affect any protected wildlife or sites on this site or in the vicinity. They recommend that before any works to fell or lop trees on the site, a bat and breeding bird survey should be undertaken. Informatives regarding the potential for the discovery of reptiles on site and protection measures is also included.

Recommendations

APPROVE, subject to conditions

DRAFT DECISION.

CONDITION 1:

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 2:

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 3:

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

- a - Scale,
- b - Appearance,
- c - Landscaping

REASON:

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

CONDITION 4:

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:

<u>Plan No.</u> <u>Received.</u>	<u>Description</u>	<u>Date</u>	
07155.0004 2009	Site Location Plan (excluding indicative site layout)	15 th	July
07155.0006 Rev A 2010	Proposed Site Plan Option 3 (Amended)	11 th	Feb

REASON:

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

CONDITION 5:

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

REASON:

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

CONDITION 6:

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

REASON:

To ensure the proper development of the site.

CONDITION 7:

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

REASON:

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

CONDITION 8:

Prior to the commencement of development a Tree Protection Plan/Method Statement for all trees shown on the submitted plans for retention shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity.

CONDITION 9:

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION 10:

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

REASON:

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

CONDITION 11:

The development 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 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 12:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting that order, no development shall be carried out which comes within Classes [specify classes] of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 13:

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments – The Warwickshire Guide 2001 (published by Warwickshire County Council).

a) A width of 5.0 metres with a junction radii of 7.5metres and a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway carriageway.

b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway.

c) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 43 metres as measured from the centre of the access (and visibility splays for pedestrians have been provided with an 'x' distance of 2.0 metres and a 'y' distance of 2.0 metres as measured from the edges of the access). No structure, erection, trees or shrubs exceeding [specify] metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.

d) The access not reducing the effective capacity of any highway drain, and not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION 14:

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

REASON:

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

CONDITION 15:

No development shall commence unless and until a contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk (to the site users, buildings and environment) when the site is developed.

Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 16:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and

obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON:

To ensure the protection of controlled waters.

CONDITION 17:

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, archeological 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.

(c) 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 (referred to in PPS23 as a validation 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 (c).

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 18:

The site shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the site in a forward gear.

REASON:

In the interests of highway safety.

CONDITION 19:

The development hereby permitted shall not be occupied before the highway (footway) crossing has been laid out and constructed to the satisfaction of the Local Planning Authority in accordance with the standard specification of the Highway Authority.

REASON:

In the interests of highway safety.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	26 th May 2010
Report Title	Statistics for Planning Applications – May 2009 – April 2010
Ward Relevance	All
Prior Consultation	N/A
Contact Officer	Ross Middleton
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 provides statistics for decisions on planning applications in relation to BVP1 log
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Options N/A

Recommendation The Report be noted

***Reasons for
Recommendation***

Rugby Borough Council

Planning Committee – 26th May 2010

**Statistics for Planning Applications –
May 2009 – April 2010**

Report of the Head of Planning and Culture

Recommendation

The report be noted

This report shows the planning statistics as they have always been reported at Appendix 1 with the exception of the percentage of the applications determined in 8 weeks being removed and also the new format in line with the government's current development control targets for determining planning applications as specified in the best value performance indicator BVP1 157a, 157b and 157c.

See Appendices 2, 3 and 4

Name of Meeting: Planning Committee

Date Of Meeting: 26th May 2010

Subject Matter: Stats. for Planning Applications –
May 2009 – April 2010

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)

RUGBY BOROUGH COUNCIL
Planning Committee – 26th May 2010
Report of the Head of Planning and Culture
Statistics for Planning Applications May 2009 – April 2010

Statistics for planning applications for the period May 2009 – April 2010

	B/F	Received	Determined	Outstanding
May 2009	321	76	64	333
June 2009	333	72	80	325
July 2009	325	71	73	323
August 2009	323	49	45	327
September 2009	327	64	79	312
October 2009	312	48	60	300
November 2009	300	58	72	286
December 2009	286	50	45	291
January 2010	291	34	62	263
February 2010	263	43	58	248
March 2010	248	48	58	238
April	238	70	45	263
Monthly Average	297	57	62	292

1.1 RECOMMENDATION

The report be noted.

RUGBY BOROUGH COUNCIL

Planning Committee – 21st April 2010

Report of The Head of Planning and Culture

Statistics for Major Planning Applications (Major) – BVP1 157a

The Government's development control targets for Major applications is 60% in thirteen weeks.

Statistics for planning applications for the period April 2009 – March 2010

Month	Applications Determined	Major Applications Determined Within 13 Weeks	% Of Major Applications Determined Within 13 Weeks
May 2009	3	0	0.0%
June 2009	4	2	50.0%
July 2009	3	1	33.3%
August 2009	0	0	N/A
September 2009	1	0	0.0%
October 2009	0	0	N/A
November 2009	3	1	33.3%
December 2009	0	0	N/A
January 2010	3	0	N/A
February 2010	0	0	N/A
March 2010	1	0	N/A
April 2010	4	4	100%
Monthly Average	1.8	0.6	33.3%

1.1 RECOMMENDATION

The report be noted

RUGBY BOROUGH COUNCIL

Planning Committee – 21st April 2010

Report of The Head of Planning and Culture

Statistics for Minor Planning Applications (Minor) BVP1 157b

The Government's development control targets for Minor applications is 65% in eight weeks.

Statistics for planning applications for the period April 2009 – March 2010

Month	Applications Determined	Minor Applications Determined Within 8 Weeks	% Of Minor Applications Determined Within 8 Weeks
May 2009	29	15	51.7%
June 2009	31	19	61.3%
July 2009	28	16	57.1%
August 2009	13	5	38.5%
September 2009	31	18	58.1%
October 2009	18	9	50.0%
November 2009	17	8	47.1%
December 2009	13	9	69.2%
January 2010	22	4	18.2%
February 2010	14	7	50.0%
March 2010	18	7	38.9%
April 2010	18	6	33.3%
Monthly Average	21	10	47.6%

1.1 RECOMMENDATION

The report be noted.

RUGBY BOROUGH COUNCIL

Planning Committee – 21 April 2010

Report of The Head of Planning and Culture

Statistics for Other Planning Applications (Other) BVP1 157c

The Government's development control targets for Other applications is 80% in eight weeks.

Statistics for planning applications for the period April 2009 – March 2010

Month	Applications Determined	Other Applications Determined Within 8 Weeks	% of Other Applications Determined Within 8 Weeks
May 2009	29	18	62.1%
June 2009	45	32	71.1%
July 2009	40	35	87.5%
August 2009	29	23	79.3%
September 2009	42	28	66.6%
October 2009	38	26	68.4%
November 2009	49	32	74.6%
December 2009	25	19	76.0%
January 2010	36	28	77.8%
February 2010	41	20	48.8%
March 2010	39	18	46.2%
April 2010	21	7	33.3%
Monthly Average	36	24	38.8%

1.1 RECOMMENDATION

The report be noted.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	26 th May 2010
Report Title	Delegated Decisions – 10 th April 2010 to 13 th May 2010
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Maureen Buckland x 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Deputy Chief Executive 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 – 26th May 2010

Delegated Decisions – 10th April 2010 to 13th May 2010

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: 26th May 2010

Subject Matter: Delegated Decisions 10th April 2010
13th May 2010

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 DIRECTOR OF TECHNICAL SERVICES UNDER
DELEGATED POWERS FROM 10TH APRIL 2010 TO 13TH APRIL 2010

A. APPLICATIONS – DELEGATED

***Applications
Refused***

There are no Refused applications for this period

***Applications
Approved***

<i>R10/0032/MAJP Approved 12.04.2010</i>	18-28 Blackwood Avenue Bilton Rugby	Conversion of the existing ground floor retail units to create 10 no. flats including erection of a single storey rear extension and provision of associated parking facilities and landscaping
<i>R09/0625/PACA Approved 13.04.2010</i>	Village Hall Church Hill Stretton on Dunsmore Rugby	Demolition of existing village hall and erection of a replacement
<i>R10.0080 Approved 14.04.2010</i>	19 Oliver Street Rugby	Erection of a single storey side extension and a new boundary wall
<i>R10/0033/PLN Approved 14.04.2010</i>	25 Brookside Stretton on Dunsmore Rugby	Erection of a detached dwelling
<i>Service Review Team No. 1042 Approved 15.04.2010</i>	Land to the rear of 4a and 6 Kinglsey Avenue Hillmorton Rugby	Erection of 2 no. semi-detached dwellings with attached single garages and 1 no. detached single garage to serve no. 6 Kingsley Avenue
<i>Service Review Team No. 979 Approved 16.04.2010</i>	Badgers Barn Church Road Church Lawford Rugby	Provision of an external fire escape staircase to serve loft room over the existing detached garage
<i>R10/0139 Approved 16.04.2010</i>	45-46 Church Street (First Floor) Rugby	Variation of Condition 2 of planning approval ref. 712 to allow the drop in centre to operate between the hours of 9.00 and 19.30
<i>R10/0181 Approved 16.04.2010</i>	3 Church Hill Close Hinckley LE10 3HH	Retention of a conservatory
<i>R10/0182 Approved 16.04.2010</i>	18a Hunters Lane Rugby	Erection of a single storey side extension and use as a store

<i>R10/0142 Approved 19.04.2010</i>	31 Dalkeith Avenue Bilton Rugby	Single storey extension to rear of dwelling to form new utility room, shower room and shed / storage area
<i>R10/0159 Approved 20.04.2010</i>	Brindley Cottage 66 Main Street Newbold Rugby	Conversion of existing garage to living accommodation, including conversion of part of the dwelling to a granny annex, erection of a porch, a balcony and a detached garage
<i>R10/0101 Approved 20.04.2010</i>	MTE Marton Unit F Old Station Yard Oxford Road Marton CV23 9RU	Erection of two buildings for Class B2 (General Industry) Use
<i>R10/0216 Approved 21.04.2010</i>	17 Hill Top Park Princethorpe Rugby	Erection of a porch
<i>R10/0187 Approved 21.04.2010</i>	M6 Motorway Maintenance Depot Main Road Ansty	Erection of an open sided canopy to wash down area
<i>R10/0090 (1001) Approved 21.04.2010</i>	Unit 1 Junction One Retail Park Leicester Road Rugby	Installation of a mezzanine floor
<i>R10/0011/PLN Approved 22.04.2010</i>	1 Heather Road Binley Woods Coventry	Erection of a replacement detached dwelling house with integrated garage
<i>R10/0234 Approved 23.04.2010</i>	Elm Tree Cottage Green Lane Copston Magna Nr. Hinckley	Erection of a two storey side and rear extension and a single storey rear extension and provision of dormer windows
<i>R10/0170 Approved 26.04.2010</i>	Brinklow Boat Services Unit 4 The Wharf Rugby	Retention and continuation of use of two polytunnels for the maintenance and repair of canal boats
<i>R10/0233 Approved 26.04.2010</i>	The Old Vicarage London Road Ryton on Dunsmore Coventry	Elevational alterations, including new cladding to walls and roof, increase in roof heights and extension of roof area to increase covered areas to all three buildings
<i>R10/0250 Approved 28.04.2010</i>	2 Bush Hill Lane Flecknoe Rugby	Retention of single storey rear extension
<i>Service Review Team No. 772 Approved 29.04.2010</i>	Green Bank Caravan Site Oxford Road Ryton on Dunsmore Rugby	Continued use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary development

<i>Service Review Team No. 593 Approved 30.04.2010</i>	8 Brookfield Drive Wolvey Rugby	Erection of a two storey side extension, single storey front extension and garage conversion
<i>R10/0122 Approved 30.04.2010</i>	Land off Tee Tong Road Back Lane Long Lawford Rugby	Construction of 120 no. two and three storey affordable dwellings and associated site development works (amendment of planning approval ref. R00/471/08787/OP dated 26 th June 2003)
<i>R10/0240 Approved 04.05.2010</i>	Large Barn Montilo Lane Harborough Magna	Conversion and extension of existing barns to form residential dwelling with associated parking and provision of access road – Amendment to planning permission reference no. 26
<i>R10/0194 Approved 05.05.2010</i>	St. Peter's Church Main Street Grandborough Rugby	Resurfacing of existing hardstanding area
<i>R10/0057/PLN Approved 05.05.2010</i>	4 Murray Road, Rugby	Conversion of existing dwelling to create 4 no. studio apartments
<i>R10/0301 Approved 06.05.2010</i>	79 Shakespeare Gardens Overslade Rugby	Erection of a two storey rear extension
<i>R10/0323 Approved 06.05.2010</i>	14 Hawlands Brownsover Rugby	Erection of a first floor side extension
<i>R09/0801/PLN Approved 06.05.2010</i>	The Croft Back Lane Long Lawford Rugby	Demolition of an existing building and erection of a new dwelling (Resubmission of previously refused planning application R08/1856/PLN)
<i>R10/0221 Approved 07.05.2010</i>	1 Manor Cottages Bridingbury Road Leamington Hastings	Erection of first floor side extension and alterations to dwelling
<i>R10/0051/PACA Approved 07.05.2010</i>	7 Royal George Buildings Market Place Rugby	Provision for outdoor seating area for purposes ancillary to the existing café (Class A3 of the Town and Country Planning (Use Classes) Order 1987).
<i>Service Review Team No. 1141 Approved 07.05.2010</i>	89 Cymbeline Way Bilton Rugby	Erection of two-storey side extension and provision of front and rear dormer windows
<i>R09/1028/HOUS Approved 07.05.2010</i>	Pear Tree Cottage Straight Mile Rugby	Erection of a first floor rear extension

<i>R10/0318 Approved 07.05.2010</i>	71 High Street Ryton Coventry	Erection of single storey front, side and rear extensions
<i>R10/0152 Approved 10.05.2010</i>	42 High Street Hillmorton Rugby	Alterations to the existing dwelling to include the conversion of attached barn to residential use, demolition of breeze block stables, conversion of ancillary stables to granny annex, the erection of a garage block and formation of new access
<i>R10/0249 Approved 10.05.2010</i>	19 Church Road Ryton on Dunsmore Rugby	Erection of a two storey side extension
<i>R10/0180 Approved 11.05.2010</i>	Highgate House Coventry Road Dunchurch Rugby	Erection of replacement bungalow
<i>R10/0310 Approved 11.05.2010</i>	Village Hall Church Hill Flecknoe	Erection of an extension to the existing Village Hall to include disabled facilities (Renewal of planning permission ref. R07/0013/PLN granted 27 th February 2007)
<i>Service Review Team No. 959 Approved 13.05.2010</i>	337 Lower Hillmorton Road Rugby	Proposed single storey side extension to existing dwelling to provide a garage and garden store
<i>R10/0137 Approved 13.05.2010</i>	226 Alwyn Road Bilton Rugby	Erection of a single storey front extension
Listed Building Consents		
<i>Service Review Team No. 402 Approved 15.04.2010</i>	The Old Vicarage 95 Main Street Newbold Rugby	Listed Building Consent application for reconstruction of part of cellar wall
<i>R10/0168 Approved 10.05.2010</i>	42 High Street Hillmorton Rugby	Listed Building Consent for internal and external alterations to the dwelling to also include the conversion of the attached barn to residential use, demolition of breeze block stables and the conversion of ancillary stables to a granny annex
Agricultural Determinations		
<i>R10/0268 Prior Approval is NOT required 15.04.2010</i>	The Grange Coventry Road Church Lawford Rugby	Application for prior notification of agriculture or forestry development

<i>R10/0376</i> <i>Prior Approval is NOT</i> <i>required</i> <i>22.04.2010</i>	Hall Farm, Little Lawford Lane Rugby	Application for prior notification of agriculture or forestry development
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**Approval of Details/
Materials**

<i>R10/0035/LBCA</i> <i>Approval of details</i> <i>23.04.2010</i>	Lessingham House Birdingbury Road Leamington Hastings Rugby	Discharge of condition 2 (removal of soil pipe) of pp R10/0035/LBCA 'Listed Building Consent for removal of an external drainage pipe, installation of a subterranean drainage pipe and internal alterations, approved 01.03.2010
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<i>R09/0212/PLN</i> <i>Approval of details</i> <i>05.05.2010</i>	Magpie Lodge Farm, Lilbourne Road Clifton upon Dunsmore Rugby	Discharge of Condition No. 2 - Materials
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**Withdrawn/
De-registered**

<i>R10/0341</i> <i>Withdrawn</i> <i>30.04.2010</i>	3 Redhill Road Long Lawford Rugby	Conversion of existing garage to living accommodation.
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<i>R10/0358</i> <i>Withdrawn</i> <i>11.05.2010</i>	Grange Farm Brandon Lane Coventry	Prior approval for the erection of an agricultural building for storage of hay and stables for horses.
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