

1st May 2014

PLANNING COMMITTEE - 14TH MAY 2014

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 14th May 2014 in the Council Chamber, Town Hall, Rugby.

Site visit

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

4.00pm 31 The Crescent, Brinklow.

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 23rd April 2014.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Planning Appeals Update.
7. Delegated Decisions – 4th April 2014 – 24th April 2014.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2013/14 – 19) are attached.

Membership of the Committee:-

Councillors Ms Robbins (Chairman), Mrs Avis, Butlin, Cranham, G Francis, M Francis, Mrs New, Pacey-Day, Sandison, Srivastava, Helen Walton and M Walton.

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

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

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

Planning Committee – 14th May 2014
Report of the Head of Planning and Culture
Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R13/2281	31 The Crescent, Brinklow New dwelling in rear garden, alteration to site access and replacement of vehicular access gates.	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R14/0638	31 The Crescent, Brinklow Listed building consent for the replacement of vehicular access gates.	12
3	R14/0546	The Paddocks, Smeaton Lane, Stretton-under-Fosse Change of use of land to private gypsy caravan site including the erection of a day room (variation of conditions 2 and 3 of planning permission R12/1735 dated 12 June 2013 to allow a permanent permission).	16

Reference number: R13/2281

Site address: 31 The Crescent, Brinklow

Description: New dwelling in rear garden, alteration to site access and replacement of vehicular access gates

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been brought before the Planning Committee at the request Councillor Graham Francis

Site Description

No.31 The Crescent is a Grade II listed dwelling which is sited within the Brinklow Conservation Area and Village Boundary. Historically no.31, 33 and 35 all formed one house but having been split in the past it now consists of 3 individual dwellings. The application site has a vehicular access which lines its side boundary leading to a large garden area to the rear. Due to the siting of an existing prefabricated garage within the rear garden, a gravelled driveway runs adjacent to the side elevation of the dwelling and through the centre of the curtilage. Planning permission has recently been granted for the erection of a replacement detached garage (application reference R13/2281). A patio sitting out area is adjacently sited to the rear elevation of the dwelling.

Proposal Description

Planning permission is sought for the erection of a detached dwelling sited in the rear garden of no.31 The Crescent. Due to the shape of the garden, the dwelling will actually be sited behind no.33 and no.35 The Crescent, with its front elevation facing in a westerly direction. The dwelling is one and a half storey, having the first floor accommodation (two bedrooms) in the roof space and measuring 4m to its eaves and 6.7m to its ridge. Single storey projections will extend off the front, side and rear elevations resulting in the ground floor accommodation being larger than that provided at first floor level. In all, the dwelling will accommodate a study, snug, kitchen, living room, cloakroom and utility at ground floor whilst at first floor the dwelling will feature two ensuite bedrooms.

In terms of material finishes, the walls of the dwelling are proposed to be constructed in a mix of red brick, blue brick detailing and timber lap boarding whilst the main roof will be finished in brown plain clay tiles and the roof of the single storey projections will be finished in slate.

Access to the site is proposed via the existing vehicular entrance drive to the property which lines the west elevation of the Grade II listed building.

Planning permission is also sought for alterations to the site access across the village green which runs the length of The Crescent. Specifically permission is sought to widen the existing extent of tarmac hard surfacing and lay down granite sett rumble strips at the road abutment. Permission is also sought for the replacement of the existing vehicular access gates with ones of wrought iron construction.

Relevant Planning History

R13/2281	Proposed replacement of existing pre-fabricated garages with oak framed outbuilding and erection of garden wall and post and wire fencing	Approved 26.2.2014
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Technical Consultation Responses

RBC Environmental Health – no objection subject to informative

Severn Trent Water – no objection subject to informative

WCC Ecology – no objection subject to bat and nesting bird informatives

WCC Highways – no objection subject to conditions and informatives

Third Party Responses

Councillor Graham Francis – Called application into Planning Committee as a precedent has already been established at an adjacent property

Brinklow Parish Council – Object for the following reasons:

- Adverse impact of the destruction of The Crescent green which provides an effective buffer for residents to the near constant traffic
- The Crescent is an area of peace and quiet at the heart of Brinklow
- The Crescent is a Conservation Area not only because of the fine buildings but also because of the overwhelming impression of space and tranquillity brought about as cars are unable to park on the drives for any period
- Concerned that cars will park on the widened access meaning that the village's beloved green space would be transformed into a parking space
- Understood that under the listing of no.31 The Crescent the entry describes the adjacent 'Coaching Gate' – the existing gate is totally in-keeping with the building and adjacent dwellings, as can be evidenced by the view over from the road
- The replacement gates are totally out of character for such a period building as no.31 The Crescent and would only serve to blight the run of buildings on The Crescent
- Difficult to convey the depth of feeling running against the scheme in Brinklow – villagers are very concerned over the erosion of a village amenity and have been vociferous in voicing their opposition to it

Neighbours – 9 letters received from 9 households raising objection for the following reasons:

- Site access should not be widened as it will destroy more of the village green
- Village green is an important part of the landscape and heritage of the village – it has been protected and preserved by the local residents and Parish Council
- Village Design Statement states that green verges should be kept where possible
- Proposal will erode the character and appearance of the Conservation Area and will detract from the village green by adding hard lines to the grassed area, urbanising its appearance
- Approving alterations to the site access will set a precedent for other similar changes to access driveways across the green causing further erosion of it
- Width of proposed access is excessive
- The wider drive will encourage parking on it and will become a 'drop off' bay – particularly when considering parking pressures caused by local residents, the nearby church and infant school
- If the 'drive over' kerbs are approved, they should be used on other vehicular accesses along The Crescent
- Do not agree that widened access will prevent waiting on the highway – safety concern that arises from this with the school entrance opposite and other road users

- Additional hard surfacing will lead to an increase in surface water flooding onto public footpath
- Widened access will cause headlights to shine into neighbouring property, no.29
- If the widened access is required to allow the dwelling to the rear, then this is opposed also
- Existing wooden gates are more in keeping than the proposed metal gates – wooden gates have always been used as confirmed by very old photographs
- Replacement gates will adversely impact on character of the Tudor house, being out of keeping with the period
- Do not agree that replacement gates are required for highway safety reasons
- Loss of privacy caused by windows in proposed dwelling
- Increase disturbance from traffic noise utilising the existing site access
- No.29B should not be seen as setting a precedent for the approval of this application
- Additional dwelling would lead to increased traffic – nothing should be done to increase parking or increase vehicular activity in this area due to increased risk of accidents

Relevant Planning Policies and Guidance

Core Strategy

CS1	Development Strategy
CS2	Parish Plans
CS16	Sustainable Design
CS20	Local Housing Needs

Saved Local Plan Policies

E6	Biodiversity
T5	Parking Facilities

Other Documents

Planning Obligations SPD
 Sustainable Design and Construction SPD
 Brinklow Conservation Area Appraisal
 Brinklow Village Design Statement

National Policy

National Planning Policy Framework (NPPF)

Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the proposed development, its impact on the qualities, character and amenity of the area, character and appearance of the Brinklow Conservation Area, its impact on the setting of the

nearby Grade II listed buildings, amenity of neighbouring properties, impact on protected species and impact on highway safety.

Principle of development

Part 6 of the NPPF (Delivering a Wider Choice of High Quality Homes) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy CS1: Development Strategy provides a settlement hierarchy; the purpose of which is to ensure that the most sustainable locations are considered for new development ahead of those further down the hierarchy. The application site is located within the Brinklow Village Boundary. Policy CS1 categorises Brinklow as a Main Rural Settlement stating that development will be permitted within the existing village boundaries and that local housing needs will be prioritised over market housing.

Policy CS20: Local Housing Needs states that in Main Rural Settlements market housing will be permitted in line with Policy CS1 but any development should seek to deliver any local housing need dwellings before market housing will be permitted. In the absence of identified local housing needs (either where the need has already been met or where no need has been identified) provision should be made in line with Policy CS1.

Brinklow does not have a current Local Housing Need survey which outlines what housing is required within the village. In any respect, given the small scale nature of the development, meeting local need targets would threaten the financial viability of the scheme. Policy CS20 supports this approach by stating that in circumstances where the provision of these requirements is likely to threaten the financial viability of a development scheme, the Council will consider a reduced provision. As such, it is considered that the provision of a market house as proposed within the application is acceptable and does not contravene either the contents of Policy CS1 or Policy CS20.

It is therefore considered that the principle of the proposed development is acceptable, complying with the contents of Policy CS1 and CS20 of the Core Strategy and Part 6 of the NPPF.

Impact on the qualities, character and amenity of the area, character and appearance of the Brinklow Conservation Area and setting of the nearby Grade II Listed buildings

Part 7 of the NPPF (Requiring Good Design) emphasises the importance of good design whilst Part 12 emphasises the importance of sustaining and enhancing the significance of heritage assets. Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated and that new development should seek to complement and enhance the historic environment.

Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst neither the Core Strategy nor Saved Local Plan policies directly address the issue of backland development, Policy CS16 of the Core Strategy states that development shall be of a scale, density and design that does not have an adverse impact on the qualities, character and amenity of the area.

The Crescent is sited toward the northern end of the Brinklow Conservation Area where dwellings generally front onto the main public highway which results in notable visual cohesion. This leads to a largely uniformed linear pattern of development which characterises not only The Crescent but the village as a whole.

This is reinforced in the Brinklow Village Design Statement which makes reference to the linear form of the village on a number of occasions throughout the document. It states that 'the significance of the linear building pattern in the village, which reflects the history so clearly to current living, is seen in the fact that most houses have a clear view of open countryside to the front or rear of their dwellings'. It goes on to state that 'new development should respond to contextual layout and historical neighbouring precedence', that 'the building density patterns should be preserved, and any attempts to fill in 'significant' gaps where views are important, to be actively resisted' and that 'the overall linear nature should be preserved with the opportunity for most people to have a view of the surrounding countryside'.

The proposed dwelling is sited to the rear of no.31, 33 and 35 The Crescent and is accessed by an existing vehicular driveway which extends off the main public highway between no.29 and 31. Being characterised by a very linear pattern of development, it is considered that the siting of the proposed dwelling in this location fails to conform with the characteristics and distinctiveness of the local area and as such would adversely impact upon both the visual amenity of the area and character and appearance of the Brinklow Conservation Area.

One exception to this very linear pattern of development is the dwelling sited to the rear of no.29 which was approved in 1998 (planning application reference R98/0502/8486/P). A dwelling proposed in the same location as that approved was refused in 1996 (application reference R96/0642/8486/P) and subsequently dismissed at appeal. Despite the Officer's recommendation of refusal, again by reason that the siting of the proposed dwelling was considered to be inappropriate, the application was approved at Planning Committee. It is not considered that the siting of this dwelling, which was approved against the professional Officer recommendation, within relatively close proximity to the site sets a precedent for the approval of this application.

Whilst it is acknowledged that there are small cul-de-sacs which extend off The Crescent these are either historical, having been in situ for a significant period of time (for example Post Office Yard and Crook House Yard), or form more comprehensive developments (for example Hall Close and Barr Lane) than that of the single dwelling proposed. It is therefore not considered that the siting of these small cul-de-sacs which extend off The Crescent provide justification for the approval of the dwelling in this location. The proposed siting of the dwelling fails to comply with the pattern of development and thus the character of The Crescent and Brinklow Conservation Area and as such is considered to be contrary to the contents of Policy CS16 of the Core Strategy as well as guidance contained within the Brinklow Village Design Statement. Thus the siting of the dwelling in this location is also contrary to Policy CS2: Parish Plans.

In 2012, planning permission was refused for the erection of a dwelling to the rear of no.46 Broad Street, Brinklow (planning application reference number R12/001). This too sought planning permission for the erection of a dwelling within the rear garden of no.46 Broad Street, a Grade II listed building, specifically listed for its group value. This dwelling has a large garden area where a number of small outbuildings are located.

One of the reasons that this application was refused was due to its siting meaning that the dwelling would fail to comply with the pattern of development and as such be out of keeping with the qualities and local distinctiveness of the historical environment. The application was refused for a second reason being its adverse impact on the setting of the Grade II listed building.

This refusal was subsequently dismissed at appeal. In assessing the impact of the proposed development on the character and appearance of the area, the Planning Inspector noted that Broad Street was characterised by a 'general lack of residential development to the rear of existing dwellings' and that 'the character of the Conservation Area in this location is

largely linear', with 'the setting of no.46, with its long rear garden, making a positive contribution towards the area's character and appearance'. The decision stated that the proposed development would:

'create a dwelling to the rear of an existing dwelling, in contrast to the prevailing linear pattern of development in the area. The proposal would be in contrast to the general pattern of development within the immediate grouping of listed buildings, where there is no evidence of new dwellings being located within rear gardens. Furthermore, the proposal, were it to go ahead, would combine with the existing outbuildings to lead to the rear of no.46 appearing significantly urbanised. As such, I find that the proposed dwelling would appear incongruous within a garden setting, currently characterised by openness, greenery and ancillary buildings'.

Whilst this appeal decision relates to a dwelling sited on Broad Street in Brinklow, whilst the currently proposed application seeks permission for a new dwelling to the rear of no.31 The Crescent, it is considered that the site circumstances of the two applications are very similar. Both proposals relate to new dwellings to the rear of listed buildings which front onto the public highway and both are sited within areas of Brinklow where the pattern of development is generally linear, where rear gardens are characterised by openness, greenery and ancillary buildings. It is therefore considered that this appeal decision is relevant in the determination of this application, evidencing the importance of ensuring that a proposal reflects the established pattern of development in ensuring that it complies with the characteristics and distinctiveness of a local area.

As the proposed dwelling is sited within the curtilage of a Grade II listed building, an assessment of its impact on the setting of this building must also be made. Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal - including by development affecting the setting of a heritage asset - taking account of the available evidence and any necessary expertise.

The listing includes no.31, 33 and 35 The Crescent given that as originally built the three cottages formed one large house. The Design and Access Statement submitted in support of the application refers to the listing of no.31 The Crescent and states that it is clear that the significance of the listed buildings (no.31-35) are in their group value and contribution to the varied character of the streetscene. Although the building is listed for its group value it is not considered that this lessens the weight that should be applied to an assessment of the development's impact on the setting of these listed buildings, particularly when having regard to the siting of the proposed dwelling which is to the rear of all three Grade II listed properties.

It is considered that due to the scale and massing of the proposed dwelling, sited in isolation to the rear of these buildings, it will have an adverse impact on the setting of these listed properties. In addition, through increasing the number of dwellings (from one to two) using the existing access located to the side of the listed building it is considered that the associated increase in activity as a result of the proposal will further adversely impact upon the setting of the listed building.

Whilst the Design and Access Statement makes reference to the siting of outbuildings within rear gardens along this section of The Crescent, as the proposed dwelling would be located further away from the main dwellings fronting onto the highway and of a larger scale than the outbuildings, it is not considered that this provides justification for the siting of the dwelling as proposed. It is considered that the dwelling would appear as an incongruous addition to the established pattern of development and that it would therefore have an adverse impact on the setting of the nearby listed buildings.

In the assessment of the recently determined application at the site which sought planning permission for a replacement garage to the rear of no.31 and alterations to the site access, it was considered that the latter would, by reason of diminishing part of the village green by laying down additional tarmac hardstanding, have an adverse impact on the visual amenity of the area and character and appearance of the Brinklow Conservation Area. It was considered that the village green forms a significant historic feature within the Conservation Area and therefore any diminishment of it should be resisted. This aspect of the development was therefore withdrawn from the scheme.

Consent is once again sought for the widening of this access. The extent of additional hardstanding has however been reduced so as to result in an access of the minimum dimensions allowable to permit two cars to pass. Despite this, it is considered that any increase in the size of this site access will diminish the historic character offered by this informal village green to the character and appearance of the Conservation Area and as such have an adverse impact upon it.

Taking the above into account, it is considered that by reason of its siting the proposed dwelling and the associated alterations to the site access would have an adverse impact on the qualities, character and amenity of the area, failing to represent good quality design which reflects local characteristics and distinctiveness. In addition it is considered that the development fails to respect the setting of the nearby Grade II listed buildings and as such is considered to be contrary to the NPPF, Policy CS2 and CS16 of the Core Strategy and the Brinklow Village Design Statement.

Impact upon the amenity of neighbouring properties

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

The proposed dwelling will be sited in excess of 24m from the nearest residential dwellings (no.29b, 33, no.35 and no.41 The Crescent) – a distance which is considered sufficient to prevent any undue loss of amenity arising to neighbouring dwellings themselves whether by way of overbearing, overshadowing or overlooking.

The dwelling will be sited some 9.8m away from the garden area associated with no.33. Representations were received in relation to the previously approved application for a detached garage (reference R13/2281) from the owner of this neighbouring property which states that the area at the back of their garden is used as a sitting out/patio area. It was evident at the time of the site visit that this property also had a patio area directly adjacent to the rear elevation of this dwelling – some 24m away from the siting of the proposed dwelling. This distance is considered sufficient to prevent any undue loss of amenity arising to this sitting out area and it is not considered reasonable to refuse planning permission based on the impact of the development on the secondary sitting out area sited adjacent to the proposed dwelling, particularly given the siting of a detached garage associated with no.31 approved under planning application reference R13/2281.

Whilst glazed doors/windows will be inserted at both ground and first floor into the south elevation (the elevation which faces toward the rear elevations and gardens of no.31, 33, 35 and 41) of the proposed dwelling it is not considered that they will cause a significant loss of privacy to either neighbouring dwellings or their associated garden areas given the separation distances that will remain.

Similarly, it is not considered that the glazing to be inserted into the west elevation will adversely impact on the privacy afforded to no.29b given the 29m separation distance between the two dwellings.

It is therefore not considered that the proposed development will have such a significant impact on neighbouring amenity so as to justify a refusal of planning permission, in accordance with the NPPF and the relevant section of Policy CS16.

Impact on protected species

Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things. In addition, Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance.

The County Ecologist has raised no objection to the application subject to the attachment of bat and nesting bird informatives. It is therefore not considered that the proposed development will have an adverse impact on biodiversity in accordance with Part 11 of the NPPF and Saved Local Plan Policy E6.

Impact on highway safety/parking provision

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

As the dwelling is a 2-bed unit, the Council's parking standards state that 1.5 spaces should be provided within the application site. The existing extent of hard surfaced driveway will be extended to provide a parking and turning area to the front of the proposed dwelling of sufficient dimensions to park 2 cars. It is therefore considered that the proposal incorporates an acceptable level of parking provision.

In addition, there will remain sufficient space within the curtilage of no.31 to provide an acceptable level of parking provision for use by the occupiers of the existing dwelling.

County Highways have been consulted on the application and have raised no objection subject to the attachment of conditions and informatives. The proposed alterations to the site access across the village green sees it widened at the junction with The Crescent to give sufficient space for vehicles to pass without one waiting in the highway or the two trying to pass on the verge. It is the view of County Highways therefore that the widening of this access gives opportunity for more efficient vehicular turning movements and as such no objection is raised.

Taking the above into account it is not considered that the development will have an adverse impact on highway safety in accordance with the NPPF, Saved Local Plan Policy T5 and the contents of the Planning Obligations SPD.

Recommendation:

Refuse

DRAFT DECISION

APPLICATION NUMBER

R12/1983

DATE VALID

28/03/2014

ADDRESS OF DEVELOPMENT

31 THE CRESCENT
BRINKLOW
RUGBY
CV23 0LG

APPLICANT/AGENT

Mr Richard Palmer
Hb Architects
The Triforium
17 Warwick Street
Rugby
Warwickshire
CV21 3DH
On behalf of Mrs Heather Page

APPLICATION DESCRIPTION

New dwelling in rear garden, alteration to site access and replacement of vehicular access gates

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1:

The proposed dwelling would be located to the rear of no.31, 33 and 35 The Crescent and as such would be sited behind the dwellings which front onto the main public highway. Having regard to the linear pattern of development which characterises the area, the proposed dwelling is considered, by virtue of its siting, to be unsympathetic to the character and appearance of the locality and the Brinklow Conservation Area, failing to take into consideration the qualities and local distinctiveness of the historical environment and if approved would constitute an incongruous form of development which would be detrimental to the character and visual amenity of the locality and the Brinklow Conservation Area. In addition, the proposed alteration to the site access, which diminishes the area of green space which characterises The Crescent, would adversely impact upon the character and appearance of the Brinklow Conservation Area. The proposed development is therefore contrary to the contents of the Brinklow Village Design Statement, Policy CS2 and CS16 of the Rugby Borough Core Strategy 2011 and the NPPF 2012 which specifically seek to ensure all new development is in keeping with the form of the surrounding area.

REASON FOR REFUSAL 2:

The proposed dwelling is considered by virtue of its siting to be unsympathetic to the setting of a Grade II listed buildings and would be contrary to Part 12 of the NPPF 2012 which seeks to conserve heritage assets and their setting.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. Due to the siting of the proposed dwelling, it was not possible in this case for the scheme to be amended so as to be satisfactory to the Local Planning Authority.

Reference number: R14/0638

Site address: 31 The Crescent, Brinklow

Description: Listed building consent for the replacement of vehicular access gates

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been brought before the Planning Committee at the request Councillor Graham Francis

Site Description

No.31 The Crescent is a Grade II listed dwelling which is sited within the Brinklow Conservation Area and Village Boundary. Historically no.31, 33 and 35 all formed one house but having been split in the past it now consists of 3 individual dwellings. The application site has a vehicular access which lines its side boundary leading to a large garden area to the rear. As existing, wooden gates extend off the side elevation of the listed building across its vehicular access.

Proposal Description

Listed building consent is sought for the replacement of the vehicular access gates attached to the side elevation of the Grade II listed dwelling. As existing the gates measure approximately 2m in height and are constructed in wood, painted white. The proposed gates are proposed to be of wrought iron construction, measuring 1.9m in height and 2.7m in width, finished in black.

Relevant Planning History

R13/2281	Proposed replacement of existing pre-fabricated garages with oak framed outbuilding and erection of garden wall and post and wire fencing	Approved 26.2.2014
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Technical Consultation Responses

None relevant

Third Party Responses

Councillor Gillias – The existing wooden gates are a recent addition compared to the age of the dwellings either side. Consider that the wrought iron gates will enhance the front elevation.

Brinklow Parish Council – Object for the following reasons:

- Understood that under the listing of no.31 The Crescent the entry describes the adjacent 'Coaching Gate' – the existing gate is totally inkeeping with the building and adjacent dwellings as can be evidenced by the view over from the road. The replacement gates are totally out of character for such a period building and would only serve to blight the run of buildings on The Crescent

Neighbours – 5 letters received from 5 households raising objection for the following reasons:

- Both changing the style of gates from close boarded to open ironwork and changing the construction material from wood to metal would fundamentally affect the appearance of the gates and also the adjoining listed property in a detrimental way
- Listing should protect the existing style and appearance
- Cause visual detriment to The Crescent as a whole since the gates and the related properties form a major existing feature
- As the property is in a Conservation Area the existing visual appearance must be maintained
- The existing wooden gates are more in-keeping and in character with the Tudor property – wooden gates have always been used as confirmed by very old photographs

Relevant Planning Policies and Guidance

Core Strategy

CS16 Sustainable Design

Saved Local Plan Policies

E6 Biodiversity

National Policy

National Planning Policy Framework (NPPF)

Part 12 – Conserving and enhancing the historic environment

Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed development on the character and setting of the Grade II listed building and its impact on protected species.

Impact on the character and setting of the Grade II listed building

Part 12 of the NPPF highlights the importance of sustaining and enhancing the significance of heritage assets, ensuring that development makes a positive contribution to local character and distinctiveness. In addition, Policy CS16 of the Core Strategy states that new development must not have a significant impact on existing designated and non-designated heritage assets and their surroundings.

The existing wooden gates are a relatively modern addition and as such do not offer any particular historic interest. It is therefore considered that their replacement will not have a significant impact upon the historic character of the Grade II listed building.

As originally submitted the wrought iron gates with curved detailing were considered to be overly fussy in the context of the simple, linear form of the Grade II listed building. Amended plans have therefore been submitted which have amended the design of the gates. Whilst wrought iron is still proposed, the curved detailing and spikes have been removed so that consent is now sought for a gate which is of much simpler form. It is considered that the gate, which now reflects the linear lines of the Grade II listed building, is in keeping with the character of the building and will not adversely impact upon either the listed building itself or its setting.

Whilst representations have been received which state that the gates are referred to in the listing description this is not the case, being a relatively modern addition when considering the age of the property (16th Century). Whilst concern has also been raised regarding the use of wrought iron in the gates construction rather than wood as existing, it is not considered that as amended, the design of the gates warrants a refusal of listed building consent.

In conclusion, the proposed replacement gates are not considered to have a significantly adverse impact on the character or setting of the Grade II listed building and as such the proposal is considered to comply with the contents of Policy CS16 and Part 12 of the NPPF.

Impact on protected species

Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things. In addition, Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance.

The County Ecologist has made no comment on the application and as such it is not considered that it will adversely impact upon biodiversity in accordance with Part 11 of the NPPF and Saved Local Plan Policy E6.

Recommendation:

Approve subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R14/0638

DATE VALID

28/03/2014

ADDRESS OF DEVELOPMENT

31 THE CRESCENT
BRINKLOW
RUGBY
CV23 0LG

APPLICANT/AGENT

Mr Richard Palmer
HB Architects
The Triforium
17 Warwick Street
Rugby
Warwickshire
CV21 3DH
On behalf of Mrs Heather Page

APPLICATION DESCRIPTION

Listed building consent for the replacement of vehicular access gates

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

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:

application form and plan no.R131:12:25A and 131:12:21A received by the Local Planning Authority on 28 March 2014 and plan no.131:12:24C received by the Local Planning Authority on 1 May 2014.

REASON:

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

CONDITION 3:

Within 1 month of the installation of the gates hereby approved, the gates shall be finished in black as per the details contained within the application form received by the Local Planning Authority on 28 March 2014.

REASON:

To ensure that the impact of the works on the character and setting of the Grade II listed building is acceptable.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. Amended plans were sought through the assessment of the application to overcome initial concerns raised by the Local Planning Authority in relation to the proposal.

Reference number: R14/0546

Site address: The Paddocks, Smeaton Lane, Stretton-under-Fosse

Description: Change of use of land to private gypsy caravan site including the erection of a day room (variation of conditions 2 and 3 of planning permission R12/1735 dated 12 June 2013 to allow a permanent permission)

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of proposal

The application seeks the change of use of land to private gypsy caravan site for permanent occupation together with the erection of a day room. This currently benefits from a temporary permission for 25 year granted on 12th June 2013, but the applicant's Mr and Mrs Smith, together with their family seek to reside permanently on the site. The site is currently occupied by Mr Tommy and Mrs Collette Smith and their two youngest daughters.

The previous planning application reference R12/1735 sought the change of use of land to private gypsy caravan site including the erection of a day room (permanent occupation) was reported to the planning committee on the 12th June 2013 with an officers recommendation of approval as a permanent gypsy and traveller site together with the erection of a dayroom. It was during the deliberation of the application at committee that members considered that the health and educational needs of the applicant and their children outweighed other material considerations advanced. It was felt that these personal circumstances would alter after a 25 year period and it was for this reason that a permanent permission was not considered appropriate and the wording of conditions 2 and 3 were amended to allow the development for a temporary period of 25 years. This would allow the Local Planning Authority to re-assess the development after a period of time in which it is considered that the personal circumstances of the appellants and their family would change.

Description of site

The application site is an existing gypsy and traveller site which benefits from temporary consent for 25 years expiring on the 12th June 2038. The site is located within the West Midlands Green Belt outside of any defined settlement boundary.

The application site is a triangular shaped area of land on the north side of Smeaton Lane. The site as existing has been extensively covered in hard-standing and vehicular access to the site is formed from the east of the application site.

Along Smeaton lane is a fragmented form of linear development, comprising a mix of residential, agricultural, equestrian and industrial buildings. To the south of the application site is a row of terrace cottages, and a detached bungalow to the west of the site with associated equestrian building and land, with agricultural land to the north and agricultural buildings to the east. The site is screened from the public highway with a 2m high close boarded fencing with mature deciduous vegetation in front.

Background

The land was originally part of a larger field (O.S 6600) before it was separated off to become a parcel of land with its own boundaries. In the 1960's the land, together with a concrete sectional building that still stands in the north west corner, was used as a riding club. This use was authorised by a planning permission granted in 1966. The permission was for a temporary period until 1973 but this use continued until 1990. In 1990 an agricultural contracting business was run from the site without the benefit of planning permission. The contractor's yard was used for the parking of a number of JCB vehicles (up

to five or six) and the storage of plant, machinery, materials and smaller pieces of equipment and a diesel tank. In 1997 an enforcement notice was served relating to the erection of a building. It appears from the Council's records the use of the site as an agricultural contracting business continued until July 2001. In 2009, the site became occupied by the applicant and used for residential purposes.

Relevant Planning History

R12/1735	change of use of land to private gypsy caravan site including the erection of a day room (temp 25 years) (permanent occupation)	Approved 12.6.13
R11/1601	Erection of a Dayroom	Withdrawn 26.09.12
R09/0826/PLN	Use of land for purposes associated with use as a private gypsy caravan site for one gypsy family (4 year permission including the retention of 2 no. mobile homes, granted on appeal area of hardstanding and formation of a dated 06.01.15) vehicular access (retrospective)	Refused 17.02.10

Third party comments

Neighbours (2 objections)

- Inappropriate development in the green belt
- Given the health circumstances it would be better for the health of these family members if they were to seek permanent, more substantial accommodation than caravans.
- Set a precedent
- Why kitchen facilities are required in the "day room" as caravans have kitchens.

Coombe Field Parish Council objection

If permanent permission is granted, it will be seen by all sections of the community, both travelling and settled, as a "reward" for persevering with an illegal occupation of what was once green belt land. If nothing else, it creates a "dangerous" precedent showing that the planning rules are not applied evenly.

Stretton-under-Fosse Parish Council objection

It is felt unacceptable to have a permanent permission that allows development in a Green Belt area, particularly one that is contrary to the Parish Plan. This is particularly so when other applications of a similar nature have been refused.

It is considered that the Inspectors decision and the reasons therefor given on 6 January 2011 are still valid and that nothing material has changed since then.

Relevant planning policies and guidance

Rugby Borough Council LDF Core Strategy 2011

CS1:	Development Strategy	complies
CS16:	Sustainable Design and Construction	complies
CS22:	Gypsy, Travellers and Travelling Showpeople.	complies

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

Assessment of proposal

Has part of the application considered in 2013 ref: R12/1735 it was considered that there would be no impact upon the visual amenity of the area, amenities of neighbouring properties, and highway safety, as such the main issue of consideration is whether a permanent permission is considered, on balance, acceptable

Gypsy Status

It is accepted that the appellants and the occupiers are gypsies and travellers in terms of planning policy and falls within the definition of gypsies and travellers in Annex 1 to the PPTS. The Warwickshire County Council Gypsy Liaison Officer confirms this.

Green Belt

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore inappropriate development that is, by definition, harmful to the Green Belt. Policy E of the Planning Policy for Traveller Sites states that traveller sites in the Green Belt are inappropriate development.

Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an inappropriate form of development in the Green Belt, the onus falls on the applicant(s) to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt.

As part of the 2012 planning application refer: R12/1735 the 'material consideration' advanced by the applicants were:

- The education needs of the children
- The health needs particularly of the applicant Tommy Smith
- The health needs of one of the children
- Need within the Borough to provide provisions for pitches for gypsy and travellers
- Financial circumstances

These material considerations are still relevant in the determination of this planning application.

The applicants clearly have some connection to the local area; one of the children currently attends a local primary school and evidence from the School has been submitted to show that this child has good attendance levels circa 90%. Mrs Smith is a governor at this school representing the traveller community; this demonstrates the family's proactive approach to education. One of the other children previously attended a local school, however, due to an incident that occurred at this school was unable to continue attending this school and is now home tutored. A confidential letter has previously been submitted from WCC Traveller Education Support stating that the health needs of this child, who suffers from post-traumatic stress disorder, and currently seeks treatment within the Borough for this condition, would be affected by any move as she needs the stability and security that a permanent home can provide in order to successfully continue her education. Since home tutoring, this child has

made significant progress in her education, as well as improving the child's self-esteem which has led to this child attending dance events at the local sports centre.

Mr Tommy Smith has a diagnosis of Primary Progressive Multiple Sclerosis (MS). Confidential letters from Birmingham Community Healthcare have previously been submitted stating that this is a progressive disease which means that Mr Smith's symptoms will worsen over time. The applicants have previously submitted literature on MS outlining that stress has a very detrimental effect on this condition. The applicant's state that stress is compounded by uncertainty of the future occupation of the site and could be worsened if Mr Smith would have to leave the site after the temporary permission has expired. A letter dated 28th May 2013 has previously been received by Warwickshire County Council Housing Adaption Team outlining Mr Smith's condition which has of late progressed.

It is considered that a permanent site, within this location, would be beneficial in this respect to ensuring continued access to medical services and also ensuring that the children continue with their education.

If an alternative site was to become available for the applicants it needs to be suitable, available and affordable, it would also need to be within the Borough to ensure that the education of the applicant's two youngest children is not disrupted, and access to medical services could continue. Within the 2011 appeal decision the Inspector considered that Woodside Park was not suitable or acceptable to the applicant as a result of past incidents that this family have suffered on other multi-occupied public sites. However, the Inspector did not rule out entirely the acceptability of a pitch on a local authority site at a future date. Currently, there are no vacant pitches available at Woodside Park for the applicants and the expression of interest list is circa 16. However, there is a strip of undeveloped land at Woodside Park that the Council has recently secured permission and funding to develop six pitches on this land that could be rented to the applicant.

Mr Smith's condition has resulted in him being unable to seek employment. As a result of this, should any alternative accommodation outside of the green belt become available, it would not necessarily be affordable to the applicants. Given the trouble that the family has experienced on other public sites, for the family to reside at Woodside Park would result in undue stress for Mr Smith and would increase tension for the family and that of one of their children who currently suffers from Post-Traumatic Stress. Should the family be unable to continue to use the land for residential purposes, they would go on the roadside rather than return to a public site. Given the particular experiences that this family have experienced on public sites, a small private family site would be a suitable alternative.

The impact on the Green Belt is a key factor in the determination of the planning application for a permanent site. The Inspector within the appeal decision found that the use of the site for a residential caravan site detracts very little, if at all, from its surrounding, and in terms of Smeaton Lane, it fits in well with the pocket of development around it. The site itself is well screened and is capable of successfully assimilating itself within the surrounding area. The actual harm to the openness of the green belt as found by the previous Inspector was not significant given the small scale and low intensity of development on the site. The Inspector concluded that the planning history of the site led her to conclude that: (i) the land has not been in agricultural use for over forty years and in recent years. In assessing the effect of the development on the Green Belt, the Inspector concluded that the comparison is not with land in agricultural use but with a neglected and unused area of land, probably of nil use, having an area of hard surfacing and a small building. As the site has not been used for agricultural purposes for a significant period of time and the previous authorised use of the site was as a riding club, the site is considered to be previously developed land as outlined within Annex 2 of the NPPF. In line with the Planning Policy for Traveller Sites weight is given to the effective use of this previously derelict and untidy land. The proposed development would constitute limited infill of previously developed land.

In terms of need, the Council does not have an up to date five year land supply for gypsy and traveller accommodation as required by the NPPF and the Planning Policy for Traveller Sites. There is a shortfall of 28 pitches to be identified within the borough. The Council has undertaken two calls for sites as part of the Strategic Land Allocation Assessment in the preparation of the Gypsy and Traveller DPD process. No new sites have been brought forward as part of this process, although the applicants have brought this site forward for consideration. Paragraph 25 of the Planning Policy for Traveller Sites states that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. The inspector within the previous appeal decision did not consider that the harm to the openness of the green belt was significant and given the size and scale of the development, surrounding land use, together with existing boundary treatments and the existing brick building on site that would be removed as part of this development, it is considered that the harm to the openness of the green belt and the character and appearance of the area is not significant. The fact that the Council does not have an up to date five year land supply for delivering gypsy and traveller sites is a material consideration in favour of granting a further temporary planning permission, however when this is considered alongside the personal circumstances of the applicant including the health and educational needs of the family, and the former condition of the land which was derelict/untidy and previously developed land, it is considered that these factors taken collectively constitute 'very special' circumstances to allow this development within the green belt on a permanent basis, within this location.

Policy CS22 sets out a sequential approach to determining planning applications which reflects the settlement hierarchy within Policy CS1. A site within the green belt, as is the case for this application site is at the bottom of this order of preference. In line with Policy CS22 it is necessary for the applicant to consider alternative non green belt locations. However, taking into consideration the fact that the site is previously developed land and the proposed use would not have an undue impact upon the 'openness' of the green belt, together with the personal circumstances advanced and the need of the family for a permanent settled base within this location, it is considered that the applicants would not have to submit evidence showing that they have considered alternative non-green belt locations given that the 'very special' circumstances advanced outweigh the harm to the green belt by reason of inappropriateness. The fact that the Council has undertaken two calls for sites with no new sites coming forward, indicates that should such a search be undertaken it is unlikely that an alternative site that would meet the specific needs of the applicants and their family would be found.

The previous application was considered acceptable for a temporary period of 25 years based on the personal circumstances advanced and the fact that these circumstances were of a temporary nature. Whilst the health and educational needs weigh heavily in favour of the grant of planning permission for a permanent site, these factors should not be considered in isolation to other material considerations that also weigh heavily in favour of the grant of a permanent planning permission for this particular application.

Collectively these factors include:

- the Council has a large and immediate unmet need of 28 pitches up to 2016;
- slippage in the DPD process and that its adoption is now likely not to be until 2016 at the earliest;
- it is acknowledged that the site is located in the Green Belt, which is a sixth and the lowest priority location for development as set out in Core Strategy policy CS1:

Development Strategy. However, the site is considered to be sustainably located within the Green Belt given its close proximity to a main rural settlement (which is a third priority location for development) which allows good access to services. It should be noted that only two of the Borough's main rural settlements are located outside the Green Belt within a countryside location and they are both closely related to the Rugby urban area. The remaining seven main rural settlements are located within the Green Belt which covers around two thirds of the Borough.

- there is an accepted current lack of alternative available sites to meet the immediate need and a failure of development plan policy to allocate sites;
- the lack of alternative sites that suitable, available and affordable for the applicant
- the Council is currently unable to demonstrate an up-to-date five year supply of deliverable sites as required by paragraph 25 of the Planning Policy for Traveller Sites;
- the families personal circumstances, particularly for medical and educational reasons
- landscape mitigation measures
- limited harm to the character and appearance of the area
- the site constitutes previously developed land
- harm to the green belt is not considered to be significant

The weighting of the factors is quintessentially a matter of judgment. However, on balance, it is the judgement of the Local Planning Authority that the factors set out above when viewed collectively just tips the balance in favour of the grant of permanent permission in this particular instance in this particular location, subject to a personal restriction on the occupation of the site.

Other Material Consideration

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site. These matters were all considered as part of the previous application were considered be compliance with these matters in accordance with policy CS22 and policy CS16 which relates to impact upon visual amenity and residential amenity.

Recommendation

Approval subject to conditions.

APPLICATION NUMBER

R12/1735

DATE VALID

04/12/2012

ADDRESS OF DEVELOPMENT

LAND AT SMEATON LANE (known as
Smeaton Paddocks)
SMEATON LANE
STRETTON-UNDER-FOSSE

APPLICANT/AGENT

Tom Smith
Smeaton Paddocks
Smeaton Lane
Stretton-Under-Fosse
Warwickshire

APPLICATION DESCRIPTION

Change of use of land to private gypsy caravan site (permanent occupation) including the erection of a day room.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 14th May 2014.

REASON:

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

CONDITION 2:

The occupation of the site hereby permitted shall be carried on only by Mr Tommy Smith and Mrs Colette Smith and their residential dependants.

REASON:

The development hereby permitted is specifically intended for the applicants and their children as detailed in the submission which represents the very special circumstance and justification given the sites Green Belt Location.

CONDITION 3:

When the land ceases to be occupied by those named in condition 2 above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use or works undertaken in connection with the use, shall be removed. The dayroom hereby permitted shall also be demolished and all material arising from its demolition removed off site.

REASON:

The development hereby permitted is specifically intended for the applicants and their children as detailed in the submission which represents the very special circumstance and justification given the sites Green Belt Location.

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:

Application Forms dated 8/11/12

Site Location Plan date stamped 19 Aug 2009

Amended Proposed Amenity Block received by the Local Planning Authority on 2nd April 2013

Amended Site Development Plan received by the Local Planning Authority on 2nd April 2013

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 more than two touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

REASON:

In the interest of the visual amenity of the area

CONDITION 6:

No commercial activities and no storage of material shall take place on the site.

REASON:

In the interest of visual and residential amenity.

CONDITION 7:

No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

REASON:

In the interest of visual amenity and highway safety.

CONDITION 8:

Construction of the day room hereby approved shall not be commenced until samples of materials to be used in construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.

REASON:

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

CONDITION 9:

The proposed dayroom shall only be used for purposes incidental to the use of the application site as a private gypsy caravan site and shall not be used for any other purposes and shall not be occupied as a separate dwelling house and no trade or business shall be carried on there from or therein.

REASON:

To ensure that the development is acceptable within the green belt and in the interest of amenities of the locality

CONDITION 10:

Within three months from the date of this permission 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 within three months from the date in which these details are approved.

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 11:

Following completion of the day room the wooden shed currently used as a toilet and washing facilities shall be removed off site within three months.

REASON:

The proposed day room seeks to replace the wooden shed and as such this should be removed of site, in the interest of the amenities of the area.

CONDITION 12:

The existing outbuilding as shown on the amended site development plan received by the Local Planning Authority on the 02nd April 2013 shall only be used ancillary to the use of the site as a private gypsy caravans site.

REASON:

In the interest of the amenities of the area.

STATEMENT OF POSITIVE ENGAGEMENT:

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

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	14 th May 2014
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/01/2014 to 31/03/2014.

<i>Risk Management Implications</i>	There are no risk management implications arising from this report.
<i>Financial Implications</i>	Increases the scope for related costs claims within the Planning Appeals process.
<i>Environmental Implications</i>	There are no environmental implications arising from this report.
<i>Legal Implications</i>	Advice/support with regard to Cost Claims and any subsequent Costs awards.
<i>Equality and Diversity</i>	No new or existing policy or procedure has been recommended.
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted.
<i>Reasons for Recommendation</i>	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 14th May 2014

Planning Appeals update

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter (1st January to 31st March 2014) a total of 7 planning appeals were determined, of which 2 were allowed, 4 were dismissed and 1 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st March 2014 there were 9 planning appeals and 1 enforcement appeal still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date Of Meeting: 14th May 2014
Subject Matter: Planning Appeals
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st January 2014 - 31st March 2014

Application Ref No.	Location	Description	Appeal Type/ Decision	Planning Inspectorate Appeal Ref No./LPA Decision
R13/0788 RR	14 Laburnum Grove Rugby CV22 7QB	Removal of Condition 7 of planning permission R09/0707/PLN dated 30 September 2009 to allow garage to be used as a habitable room.	Written Reps Allowed 05/02/2014	APP/E3715/A/13/2203945 Delegated – Refused 07/06/2013
R12/2064 RR	Fosse Cottage Farm Street Ashton CV21 0PL		Written Reps Allowed 06/02/2014	APP/E3715/A/13/2198296 Delegated – Refused 19/02/2013
R12/1735 NL	Land at Smeaton Lane (known as Smeaton Paddock) Smeaton Lane Stretton under Fosse	Change of use of land to private gypsy caravan site including the erection of a day room.	Hearing Withdrawn 26/02/2014	APP/E3715/A/13/226788 Committee – Approved with conditions 12/06/2013
R13/2149 NM	4 Holly Drive Ryton on Dunsmore CV8 3QA	Erection of a first floor extension over the existing garage	HAS (Householder Appeal Service) Dismissed 04/03/2014	APP/E3715/D/14/2212462 Delegated – Refused 17/12/2013
R13/1748 OW		Prior notification for a single storey rear extension; depth of 4.81m, eaves height of 2.10m and an overall height of 3.15m	Written Reps Dismissed 17/03/2014	APP/E3715/A/13/2210050 Delegated – Refused 08/11/2013

Application Ref No.	Location	Description	Appeal Type/ Decision	Planning Inspectorate Appeal Ref No./LPA Decision
R13/2026 RR	Featherstone Farm Leamington Road Ryton on Dunsmore CV8 3EL	Provision of an underground swimming pool and gym with associated plant, changing area and foot access.	HAS (Householder Appeal Service) Dismissed 31/03/2014	APP/E3715/D/14/221336 Delegated – Refused 29/11/2013
R13/1072 NL	Stoney Grey Oxford Road Ryton on Dunsmore CV8 3EJ	Erection of an enclosed swimming pool (resubmission of previously refused planning application R12/1615 dated 02/01/2013)	Written Reps Dismissed 20/01/2014	APP/E3715/D/13/2203004 Delegated – Refused 05/07/2013

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.03.2014

Application Ref No.	Location	Description	Appeal Type	Planning Inspectorate Appeal Ref No. Decision Type
R12/0972 NL	Site at Land at Gypsy Lane Wolvey CV13 0JA	Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions (resubmission of previously withdrawn application ref: R12/0025 dated 28th March 2012)	Hearing	APP/E3715/A/13/2192798 Delegated – Refused 26/09/2012
R12/0833 NL	The Stables Land South Side of Top Road Barnacle CV7 9LE	The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.	Hearing	APP/E3715/A/13/2192742 Delegated – Refused 29/11/2012
R13/0731 MN	The Old Post Office 24 Main Street Monks Kirby CV23 0QX	Listed Building Consent application for the removal of first floor internal chimney breast	Written Reps	APP/E3715/E/13/2205904 Delegated – Refused 19/07/2013
NL	Land at Manor Farm Main Street Withybrook CV7 9LX	Erection of a building without planning permission.	Written Reps	APP/E3715/C/13/2206762
R13/1290 NL	Hill Farm Princethorpe CV23 9PE	Retention of mobile home for use as a holiday let	Written Reps	APP/E3715/A/13/2209037 Delegated – Refused 29/08/2013
R13/2029 BS	5 Charles Lakin Close Shilton CV7 9LB	Erection of part two storey and part first floor side extension and new porch.	Written Reps	APP/E3715/D/14/2212157 Delegated – Refused 29/11/2013

R13/1903 NL	40 Drummond Road Cawston, Rugby CV	Retention of hard-surfacing to front of property	Written Reps	APP/E3715/A/14/2212804 Delegated – Refused 29/11/2013
R13/1035 MN	Coppicewell Rare Breeds Farm Wolvey Road Bulkington CV12 9JX	Erection of a bungalow	Written Reps	APP/E3715/A/14/2214345 Delegated – Refused 20/09/2013
R11/2061 CD	Staddlestones Collingham Lane Broadwell CV23 8HL	Retention of a mobile home and use as a dwelling for a temporary period of four years.	Hearing	APP/E3715/A/14/2212502 Delegated – Refused 22/07/2013
R12/1582 BS	38 Broad Street Brinklow CV23 0LN	Use of part of ground floor of existing residential property for retail purposes	Written Reps	APP/E3715/A/14/2214272 Delegated – Refused 14/02/2014

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	14 May 2014
Report Title	Delegated Decisions – 4 April 2014 to 24 April 2014
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

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

Rugby Borough Council

Planning Committee – 14 May 2014

Delegated Decisions – From 4 April 2014 to 24 April 2014

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1. BACKGROUND

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

Name of Meeting: Planning Committee
Date Of Meeting: 14.05.2014
Subject Matter: Delegated Decisions – 04.04.2014 to 24.04.2014
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 04.04.2014 TO 24.04.2014

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R14/0297 Refused 15.04.2014</i>	3 Vale Close Hillmorton	Erection of detached dwelling together with the formation of a new vehicular access
<i>R14/0507 Refused 22.04.2014</i>	Sidenhill Cottage Bretford Road Coventry	Erection of a 1.8 metre high front boundary wall
<i>R14/0550 Refused 22.04.2014</i>	Lynton House Withybrook Lane Shilton	Erection of two-storey side and rear extensions, front porch and external alterations
Applications Approved		
<i>R14/0344 Approved 02.04.2014</i>	New House Halfway Lane Dunchurch	Erection of a single storey rear extension and external alterations.
<i>R14/0162 Approved 03.04.2014</i>	57 Lime Tree Avenue Bilton	Erection of side addition to form chimney
<i>R14/0296 Approved 03.04.2014</i>	Rear of 33 Southam Road Dunchurch	Extension and conversion of existing garage to studio apartment
<i>R14/0378 Approved 03.04.2014</i>	180 Dunchurch Road Rugby	Erection of a single storey side extension, two storey side extension, two storey rear extension and the provision of a pitched roof over an existing flat roof to existing garage.
<i>R14/0445 Approved 03.04.2014</i>	Bilton School Lawford Lane Rugby	Proposed works to existing school to reposition the main entrance and construction of 2no new art classrooms within the existing external courtyard

<i>R14/0249 Approved 04.04.2014</i>	Upper Rainsbrook Ashlawn Road Rugby	Raising of the roof height to create first floor living accommodation
<i>R14/0431 Approved 04.04.2014</i>	The Smithy Post Office Road Leamington Hastings	Demolition of the existing garage and erection of a replacement double garage.
<i>R14/0384 Approved 04.04.2014</i>	Priory Cottage Priory Road Wolston	Erection of a two storey side extension including raising the ridge and eaves heights of the existing dwelling, together with associated alterations including provision of a canopy and porch to the front elevation.
<i>R14/0241 Approved 07.04.2014</i>	9 Lower Street Hillmorton	Variation of condition 2 of planning permission R10/0528 (Erection of 4 houses (accessed from Constable Road) and 1 bungalow (accessed from Lower Street) - amendment to planning permission reference 210 to show amended siting of bungalow, revised rear garden boundaries for proposed houses and amended site boundary) to make alterations to approved dwellings on plots 1, 2, 3 and 4 including amending design of front elevation, increasing width and height of dwellings, omitting ground and first floor windows in side elevations and altering window configurations in rear elevations
<i>R14/0499 Approved 07.04.2014</i>	16 Dunsmore Avenue Rugby	Erection of single storey rear extension
<i>R14/0503 Approved 07.04.2014</i>	14 Beaconsfield Avenue Rugby	Erection of single storey front, side and rear extension
<i>R13/2289 Approved 08.04.2014</i>	33 Dyson Close Hillmorton	Erection of a two storey side extension and single storey front and rear extensions - resubmission of a previously approved scheme under planning reference number R10-2150 granted 20th December 2010.
<i>R14/0441 Approved 08.04.2014</i>	St George's Community Hall St John's Avenue Rugby	Provision of a disabled access ramp and associated works (resubmission of planning permission R13/1351, dated 19 December 2013).
<i>R14/0508 Approved 09.04.2014</i>	59 Overslade Lane Rugby	Erection of a two storey front extension.

<i>R14/0529 Approved 09.04.2014</i>	49 Crick Road Hillmorton	Erection of a two storey side and rear extension, including demolition of the existing detached garage.
<i>R12/2310 Approved 10.04.2014</i>	7 th Rugby Scout Group Scout Headquarters Alwyn Road Bilton	Erection of 2.4m high twin wire panel perimeter fencing, including provision of vehicular and pedestrian access gates.
<i>R13/2290 Approved 10.04.2014</i>	Tesco Stores Limited 1 Leicester Road Rugby	Erection of extension and canopy for customer delivery services including alterations to service yard, relocation of car wash service including proposed canopy and office and plant building. Relocation of covered trolley bay.
<i>R14/0059 Approved 10.04.2014</i>	3 Clement Way Cawston	Retention of hardsurfacing [gravel] to front of property and provision of landscaping
<i>R14/0465 Approved 11.04.2014</i>	174 Lower Hillmorton Road Rugby	Erection of a two storey side and single storey rear extension.
<i>R14/0547 Approved 14.04.2014</i>	8 Smithy Lane Church Lawford	Variation of Condition 2 of planning permission reference R09/0956/HOUS (erection of single storey and first floor rear extensions) dated 05/01/2010, to allow amendments to the fenestration and door details of the approved single storey rear sun room extension.
<i>R14/0514 Approved 14.04.2014</i>	7 The Locks Hillmorton Rugby	Erection of a single storey side extension.
<i>R14/0172 Approved 15.04.2014</i>	Land Adj Christian Life Centre Lawford Road New Bilton	Change of use of land to form a car parking area together with an outdoor area of amenity space in association with the Rugby Christian Life Centre
<i>R14/0567 Approved 16.04.2014</i>	6 Fareham Avenue Hillmorton	Erection of two storey side and single storey rear extensions.
<i>R13/2312 Approved 17.04.2014</i>	Beechwood Draycote Road Draycote	Erection of a two-storey detached outbuilding (resubmission of application R11/0043)

<i>R14/0568 Approved 17.04.2014</i>	Springfield Lilbourne Road Clifton Upon Dunsmore	Installation of air source heat pump
<i>R14/0423 Approved 17.04.2014</i>	Land adjacent to 4 Princes Street Rugby	Erection of a three storey building comprising 6no. 2 bed apartments and associated works, including erection of a bin store and cycle store to the rear and provision of parking to the front.
Prior Approval Applications		
<i>R14/0501 Prior Approval 03.04.2014</i>	69 Lower Hillmorton Road Rugby	Prior approval application for single storey rear extension: 4.5m projection from original dwelling, 2.7m eaves height, 3.9m ridge height.
<i>R14/0493 Prior Approval 03.04.2014</i>	10 Shuckburgh Crescent Rugby	Prior Approval for the erection of a single storey extension 4.6 m projection from original dwelling and 2.4 m to eaves height and 3.8 m to highest point
<i>R14/0490 Prior Approval 07.04.2014</i>	30 Oberon Close Bilton	Prior notification of intention to erect a single storey rear extension (projecting 4m out from the original rear wall, maximum overall height 4m, eaves height 2.5m).
<i>R14/0535 Prior Approval 11.04.2014</i>	Glebe Farmhouse Montilo Lane Harborough Magna	Prior notification of intention to erect a single storey rear extension (projecting 8m out from the original rear wall, maximum overall height 4m, eaves height 2.5m).
<i>R14/0574 Prior Approval 17.04.2014</i>	137 Townsend Lane Long Lawford	Prior Approval for the erection of a single storey extension 5.1m projection from the original dwelling and 2.7 m to eaves height and 4.0 m to highest point
<i>R14/0564 Prior Approval 17.04.2014</i>	98 Pytchley Road Rugby	Prior approval for the erection of a single storey extension 4 metre projection from original dwelling and 2.4 m to eaves height and 3.5 m to highest point
Prior Notification		
<i>R14/0533 Prior Notification 03.04.2014</i>	Fields Farm Wolston Lane Ryton on Dunsmore	Application for prior notification under Schedule 2 Part 6 of the Town and Country Planning General Permitted Development Order 1995 for the erection of a steel portal framed agricultural building

Listed Building Consents		
<i>R14/0469 Listed Building Consent 04.04.2014</i>	16 Regent Street Rugby	Listed Building Consent for Internal alterations to form café/bar and refurbishment of existing shopfront and installation of a new fascia signage.
<i>R14/0353 Listed Building Consent 11.04.2014</i>	Honeysuckle Cottage 26 Bond End Monks Kirby	Replacement of a ground floor window
Advertisement Consents		
<i>R14/0198 Advertisement Consent 04.04.2014</i>	White & Bishop Ltd 29-31 Clifton Road Rugby	Provision of a 1 No. internally illuminated, static fascia sign.
<i>R14/0511 Advertisement Consent 07.04.2014</i>	Co-op Pharmacy Rugby Health & Wellbeing Centre Drover Close Rugby	Erection of illuminated fascia and projecting signs
<i>R14/0516 Advertisement Consent 10.04.2014</i>	Unit 8b 14 Chapel Street Rugby	Provision of 12 No. non illuminated vinyl graphic advertisement signage to windows and door areas of the shop front.
<i>R14/0311 Advertisement Consent (Split Decision) 11.04.2014</i>	Morris Homes (Midlands) Ltd Unit 15 Davy Court Castle Mound Way Rugby	Retention of no. 3 fascia signs (one non-illuminated, one externally illuminated and one internally illuminated) and no. 4 of flag adverts
Approval of Details/ Materials		
<i>R12/1155 Approval of Details 02.04.2014</i>	Part of Former Bilton Bypass Land Rear of 314-322 Bilton Road & Rear of Lister House Ivy Grange Bilton	Erection of 11 dwellings with associated garaging, sewers and other works.

<p><i>R10/1272</i> <i>Approval of Details</i> 03.04.2014</p>	<p>Rugby Gateway Leicester Road Rugby</p>	<p>Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.</p>
<p><i>R11/2016</i> <i>Approval of Details</i> 03.04.2014</p>	<p>Lime Tree Village Cawston Lane Rugby</p>	<p>Discharge of conditions 3-6, 9, 10, 13, 14, 17, 19 & 20 of E2E Ref 665 - Extension to Lime Tree Village to form a Continuing Care Retirement Community (Use Class C2) incorporating a 30 bed Care Home, 47 Extra Care Cottages (Use Class C2), 12 Extra Care Apartments (Use Class C2) associated communal facilities, open space and car parking facilities.</p>
<p><i>R11/1695</i> <i>Approval of Details</i> 07.04.2014</p>	<p>Montilo Farm Montilo Lane Harborough Magna</p>	<p>Conversion of barn to residential annexe and erection of an open sided garage</p>
<p><i>R12/2064</i> <i>Approval of Details</i> 08.04.2014</p>	<p>Fosse Cottage Farm Rugby Road Street Ashton</p>	<p>Erection of timber clad building and use as office (Use Class B1).</p>
<p><i>R11/0330</i> <i>Approval of Details</i> 09.04.2014</p>	<p>Land the South of Ashlawn Road Ashlawn Road Rugby</p>	<p>The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.</p>
<p><i>R13/1615</i> <i>Approval of Details</i> 10.04.2014</p>	<p>The Beeches 47 Main Street Wolston</p>	<p>Listed Building Consent application for erection of single-storey side extension, infill rear extension, external alterations including replacement window and internal alterations.</p>
<p><i>R13/1166</i> <i>Approval of Details</i> 10.04.2014</p>	<p>The Beeches 47 Main Street Wolston</p>	<p>Erection of single-storey side extension, infill rear extension, external alterations including replacement window and internal alterations.</p>

<i>R10/0884 Approval of Details 10.04.2014</i>	Land adjacent to Manor Farm Work Units Sawbridge Road Willoughby	Erection of an agricultural workers dwelling.
<i>R13/0575 Approval of Details 10.04.2014</i>	32 Beech Drive Bilton	Erection of 7 dwellings with associated parking and works
<i>R10/1281 Approval of Details 14.04.2014</i>	Rugby Gateway Phase R1 Leicester Road Rugby	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<i>R14/0469 Approval of Details 14.04.2014</i>	16 Regent Street Rugby	Listed Building Consent for Internal alterations to form café/bar and refurbishment of existing shopfront and installation of a new fascia signage.
Approval of non-material changes		
<i>R14/0038 Approval of non-material Changes 03.04.2014</i>	65 Barton Road Bilton	Erection of single storey side extension
<i>R11/1695 Approval of non-material Changes 07.04.2014</i>	Montilo Farm Montilo Lane Harborough Magna	Conversion of barn to residential annexe and erection of an open sided garage
<i>R13/1088 (R12/0600) Approval of non-material Changes 08.04.2014</i>	Unit DC6, Site A Former Peugeot Factory Oxford Road Ryton on Dunsmore	Approval of reserved matters for a sortation facility (Class B8) relating to appearance, landscaping, layout and scale against outline application (R12/0600) for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1c/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout.
<i>R13/2064 Approval of non-material Changes 10.04.2014</i>	9A Queen Victoria Street Rugby	Change of use of existing building from Class B2 (Workshop) to Class C3 (Dwelling) of The Town & Country Planning (Use Classes) Order 1987 (as amended), including associated parking, garaging and amenity space (resubmission of previously approved application R09/0499/PLN)

<i>R13/0883 Approval of non-material Changes 15.04.2014</i>	71 Durrell Drive Cawston	Erection of a single storey side and single storey rear extension.
<i>Withdrawn/ De-registered</i>		
<i>R14/0143 Withdrawn 07.04.2014</i>	Land Adjacent Broadway Coventry Road Cawston	Erection of a new detached two-storey dwelling house with an integral double garage, together with the creation of a new vehicular access.