

27th August 2010

PLANNING COMMITTEE - 8TH SEPTEMBER 2010

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 8th September 2010 in the Council Chamber, Town Hall, Rugby.

Site Visits

Site visits will be held at the following times and locations.

3.30pm Fox Coverts House, Shilton Fields, Leicester Road, Withybrook
4.00pm The Forge, The Green, Broadwell, 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 meeting held on 18th August 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 – August 2009 – July 2010.

7. Delegated Decisions – 6th August to 20th August 2010.

8. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution: -

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the ground that it involves the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act and that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

PART 2 – EXEMPT INFORMATION

1. Enforcement.

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

The Reports of Officers (Ref. PLN 2010/11 – 6) are attached.

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

Membership of the Committee:-

Councillors Gillias (Chairman), Butlin, Cranham, Day, Lane, Lewis, Kirby, Mrs Parker, Ms Robbins, Roberts, Sandison and Whistance.

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.

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 8TH SEPTEMBER 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.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R10/0808	The Forge, The Green, Broadwell, Rugby The Erection of a single storey dwelling and detached garage to include part demolition of a listed building.	4
2	R10/0812	The Forge, The Green, Broadwell, Rugby The Erection of a single storey dwelling and detached garage to include part demolition of a listed building.	10
3	923	Fox Coverts House, Shilton Fields, Leicester Road, Withybrook Conversion of roof space to provide living accommodation for staff and retention of dormer windows (re-submission of R09/0576/PLN)	13

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
4	R10/0103	HTA Precision Sheet Metal Ltd, Watling Street, Rugby Redevelopment of land comprising: Part full planning permission for the erection of a building (Unit 1) and use for purposes falling within classes B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, including ancillary offices, together with the construction of access road, parking and service areas and associated works, and installation of oil and gas storage tanks.	20

		Part outline planning permission for the erection of a building (Unit 2) and use for purposes falling within classes B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with ancillary offices, parking and service areas and associated works – all matters reserved.	
5	665	Lime Tree Village, Cawston Lane, Rugby 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.	39
6	R10/0953	8 – 16 Crick Road, Hillmorton, Rugby, Warwickshire, CV21 4DX The erection of 4 No. apartments and 15 No. detached / semi-detached dwellings together with associated garaging, parking facilities and site works.	67

Reference number: R10/0808

Site address: The Forge, The Green, Broadwell, Rugby

Description: The Erection of a single storey dwelling and detached garage to include part demolition of a listed building

Case Officer name & number: Owain Williams 01788 533789

Site Description

The proposed development site is located within the local need settlement of Broadwell and is sited in a cul de sac, The Green.

The cul de sac is characterised by its shape arcing around the area of Green Open space located centrally. The dwellings within the cul de sac do vary type and design however the majority of buildings are two storeys and face out across The Green.

The site comprises a large detached dwelling set approximately 60 metres back from the highway, a long open lawned garden and a Grade II listed building fronting the highway. The Grade II listed building, a former blacksmith shop, is now used as a store and garage in conjunction with the dwelling. The building still retains two brick hearths with arched openings below the furnaces, and brick built smoke hoods, leading to internal stacks. The site is part of a large garden which fronts the existing property, The Forge.

There are neighbouring properties either side of the site. Green View is a semi detached dwelling with a gable end and number 4 The Green an end of terrace dwelling which projects further back than that of Green View.

There is an existing public footpath which runs to the side of the site and connects the church located to the rear of the dwellings.

This application has been brought to committee at the request of Councillors Kirby and Hazelton.

Proposal Description

The proposed development is for the erection of a detached bungalow and detached garage within the garden land of the Forge. The applicant has stated that the proposed dwelling will be for rent which will adhere to the local need as highlighted in the recommendations and conclusions of the Leamington Hastings Parish Housing Needs Survey 2007.

In order to provide vehicular access to the new dwelling part of the listed building would have to be demolished. The section of the building now used as a garage is proposed for demolition with work undertaken to ensure that the rest of the building is maintained and historical features retained.

The new dwelling will be an 'L' shape and will measure a maximum of 13 metres in width and 7.3 metres in depth. The dwelling will be located 3.3 metres away from the

rear of the grade II listed building and approximately 53 metres away from the main dwelling the Forge. The dwelling will stand 2.5 metres in height to the eaves and 4 metres to the ridge. The proposed dwelling will be located a metre off the boundary with the neighbouring boundary with Green View. The proposed new access will separate the dwelling from the other neighbouring property number 4 Sunnyside.

The detached garage will be located to the rear of the proposed dwelling and will be situated side on to the bungalow and abut up to the boundary with the neighbouring property Green View. The garage will have a gable ended roof which will stand at 3.2 metres in height. The proposed garage will be attached to another garage of a similar size which will belong to the Forge. This garage will utilise the same proposed access which is to be created as part of the development.

Relevant Planning History

App 234 - Erection of a detached dwelling and detached garage – Application Withdrawn

Technical Consultations

WCC Highways	Objection – Proposal would intensify the use of a highway junction, which has inadequate visibility
WCC Ecology	No objections subject to conditions
WCC Archaeology	No objection subject to conditions
English Heritage	Objection – The scheme has not been justified in terms of PPS5, in particular policy HE9.2 which refers to demolition
Severn Trent	No objection subject to conditions
Environment Agency	No comments received

Third Party Consultations

Parish Council – Neighbours (14) – Objection	The garage part of the listed building is not a later add-on but part of the original building; the original tethering rings can be seen on the rear wall; the building was modified to form a garage by the previous owner, who knocked out the rear wall to accommodate his car; demolishing part of building would jeopardise the structural integrity of the building; Erection of dwelling would create extra run off adding to the problems of storm water and sewage which plague the village and cause flooding to many of the nearby homes; drains and sewers are totally inadequate; the development if approved could lead to a mini estate of social housing or lead way for larger houses to be built there; Further traffic
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would entering and exiting the site would seriously jeopardise the safety of a vehicle parked on the road; the proposed dwelling would overlook the gardens of 4 and 3 Sunnyside; Proposal would be overdevelopment of this small garden site and alter the rural character of the ancient footpath to the Chapel; this site is Greenfield land and not Brownfield land; Lane is already congested; Very little alteration has occurred to building, only repairs to building have been made which are expected to a building of this age; the building is of local interest and also national interest; the area constantly floods already even without further development; building forms part of the villages history; will alter the character of the area

Parish Council – Object

It would increase flooding in the village; parking problems foreseen; new dwelling would stop light to next door neighbours; hardly been any change to building; the building should be preserved as part of rural heritage of village.

Relevant Local Plan Policies and Guidelines

S3	Complies	Rural Settlement Hierarchy
GP1	Conflicts	Appearance and Design of Development
GP3	Conflicts	Protection of Amenity
T3	Conflicts	Access and Highway Layout
T5	Complies	Parking Facilities
H14	Complies	Housing Development outside Rugby Urban Area

PPS1 – Delivering Sustainable Development

PPS5 – Planning for the Historic Environment

Assessment of Proposals

The determining issues to take into account in this case are the principle of the development within this Local Need Settlement; the impact on the grade II listed building, its setting and surrounding area and the impact on the neighbouring amenities and the suitability of the access and parking.

The village of Broadwell is a Local Need Settlement as defined in policy S3 of the Local Plan. The policy states that development to meet identified local needs will be permitted with these settlements. The local need survey for Leamington Hastings Parish dated August 2007 concludes that there is a housing need within the Parish of 4 dwellings to rent. As the applicant has stated that this dwelling will be for rent to adhere to the local need, the proposed development would comply with policy S3 of the Local Plan, however an agreement would have to be undertaken to ensure the dwelling will adhere to its promise of the local need and any approval would not be given until this is signed. Taking into account the above it is considered that the

proposed dwelling subject to a S106 agreement would comply with policy S3 and H14 of the Local Plan.

Planning Policy Statement 5, Planning for the Historic Environment, states that there should be a presumption in favour of the conservation of designated heritage assets e.g. a listed building and that once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Policy HE9.2 of PPS5 states that “where an application will lead to substantial harm to or total loss of significance Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary in order to deliver substantial public benefits that outweigh that harm or loss; the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset can be found that will enable its conservation, and that the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. The design and access statement submitted refers to the changes to which the building has undergone and that it now has an open end which is used as a garage and that there is very little of this part of the existing building left. The information makes reference to more modern bricks and tiles used upon the building and that removing this section of the building would not affect the overall appearance of the building. Although this section of the building has been altered through the past it still holds an integral part of the buildings history. Removing this section of the building would result in a detrimental impact on the appearance of the listed building and also delete part of the history from the building which adds to the building’s significance. There would be no significant gain for the public benefit in demolishing part of this listed building and there is no evidence given to demonstrate that the heritage asset prevents reasonable use of the site so therefore the works would be unjustifiable. It is therefore considered that the proposed part demolition of the listed building would have a detrimental impact on the building and the evidence given is not justifiable to warrant a loss of a section of heritage asset within this small village therefore contrary to policy HE9.2 of PPS5.

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 proposed bungalow to the rear of the black smith shop would result in back land development. There are other properties within the cul de sac which are set back from the highway however this position and location would differ to those seen due to the positioning of the blacksmith shop to the front enclosing the site. The land to the rear of the blacksmith shop is at present garden land for the Forge. This land provides an open landscaped buffer between that of the grade II listed building and the dwelling located some 60 metres away. The introduction of the new dwelling into this space would significantly impact on the appearance of the area and also affect the setting of the listed building. The open appearance of this area with the public footpath running to the side towards the church adds to the historical significance of the area and also the setting of the listed building, so by removing this openness and building within close proximity of the building it would have a detrimental impact contrary to policy GP1 of the Local Plan and also the guidance contained in PPS5.

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 dwelling would be located close to the neighbouring boundary with Green View. The front of the dwelling will be set back a metre from the rear of the neighbouring house and will project 13.2 metres out into the garden land of the Forge. There will be approximately 4 metres between the new dwelling and the neighbouring house however the new dwelling will be only a metre away from the boundary with the neighbouring property and with its eaves at a height of 2.5 metres and 4 metres to the ridge the dwelling would be clearly visible. The open feel of the back garden to which the neighbours enjoyed would be deleted by the dwelling extending along the boundary which would create an enclosed and overbearing feel to the garden contrary to policy GP3 of the Local Plan.

In relation to the access the highway authority has concerns with respect visibility of the junction at The Green and Main Street. The proposed dwelling would add another property to the Green which would intensify the use of the junction further. The highway authority has stated that the visibility of the junction is unsatisfactory so the intensification of the use of the junction would be detrimental to highway safety contrary to policy T3 of the Local Plan. There has been no information submitted in the form of a speed survey nor is there anything in the design and access statement to overcome these concerns so therefore the proposed development would create a detrimental impact on highway safety contrary to policy T3 of the Local Plan.

The other main concern of neighbouring residents was in relation to flooding issues. Severn Trent have been consulted with regards to the drainage and flooding issues and have no objections to the application subject to the submission of drainage plan for the disposal of surface water and foul sewage before any development is commenced to ensure that the development is provide 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. As a result of these comments it is considered that the issue of flooding could be dealt with via an attached condition to any approval given so would not be a justifiable reason for refusal.

Recommendation

Refuse Permission

APPLICATION NUMBER

R10/0808

DATE VALID

26/05/2010

ADDRESS OF DEVELOPMENT

THE FORGE
THE GREEN
RUGBY
CV23 8HD

APPLICANT/AGENT

Mrs Beverley Bates
25 Main Road
Kilsby
Rugby
Warwickshire
CV23 8XR
On behalf of Mr Astley

APPLICATION DESCRIPTION

Erection of a single storey dwelling and garage to include part demolition of an existing listed building

REASONS FOR REFUSAL & RELEVANT LOCAL PLAN POLICIES

REFUSAL REASON: 1

The part demolition of the Grade II listed building would result in substantial harm to its appearance and significance as a heritage asset. There is no significant gain for the public benefit in demolishing part of this listed building and there is no evidence given to demonstrate that the heritage asset prevents reasonable use of the site so therefore the works would be unjustifiable and contrary to policy HE9.2 of Planning Policy Statement 5.

REFUSAL REASON: 2

The Green is characterised by its shape arcing around the area of open space located centrally with the Grade II listed building adding historic significance to the street. The introduction of the new dwelling to this back land site and the demolition of part of the Grade II listed building would result in a detrimental impact to the character and appearance of the area and also the historic setting of the listed building contrary to policy GP1 of Rugby Borough Local Plan 2006.

REFUSAL REASON: 3

The proposed dwelling due to its length, height and proximity in relation to the neighbouring property Green View would result in an overbearing impact to the detriment of the neighbouring amenities contrary to policy GP3 of Rugby Borough Local Plan 2006.

REFUSAL REASON: 4

The proposed dwelling will intensify the use of the highway junction (The Green and Main Street) which has inadequate visibility splays when set against current standards therefore resulting in a detrimental impact on highway safety contrary to policy T3 of the Rugby Borough Local Plan 2006

Reference number: R10/0812

Site address: The Forge, The Green, Broadwell, Rugby

Description: Listed Building Consent to part demolish a listed building to include external alterations

Case Officer name & number: Owain Williams 01788 533789

Site Description

The proposed development site is located within the local need settlement of Broadwell and is sited in a cul de sac, The Green.

The cul de sac is characterised by its shape arcing around the area of Green Open space. The dwellings within the cul de sac do vary in type and design however the majority of buildings are two storeys and face out across The Green.

The forge is a single storey building with a pitched roof. The main elevation facing the road is of three bays, the two to the left housing the forge; there is a rectangular window opening to each bay, each under a Timber lintel with an original timber external shutter. There is a ridge stack to either end of this room, that to the west end having lost its top two courses of brickwork that to the east has a projecting course lost to the top. To the right is a double-door opening under a wide timber lintel; the doors have been removed though the hinges remain in situ. The gable ends are blank.

The interior retains two brick hearths with arched openings below the furnaces and brick-built smoke hoods, leading in to internal stacks. One has a later-C19 floor-standing bellows linked to the furnace by fixed pipe work

This application has been brought to committee at the request of Councillors Kirby and Hazelton.

Proposal Description

The proposal is to demolish a section of the listed building. The section of the building to be removed will be the garage section of the building as is now (the right hand side of the building). The internal wall left exposed will be covered with a skin of the existing reclaimed bricks using lime mortar, retaining the door and timber frame. The timber wall plate detail and purlins would be incorporated into the new skin. It is intended that the hand made tiles would be re-used to replace some of the machine made tiles on the rear of the renovated Blacksmith's shop area.

Relevant Site History

App 234 - Erection of a detached dwelling and detached garage – Application Withdrawn

Technical Consultations

- English Heritage Objection – Proposal would intensify the use of a highway junction, which has inadequate visibility
- WCC Ecology No objections subject to conditions
- WCC Archaeology No objection subject to conditions

Third Party Consultations

- Neighbours (14) – Objection The garage part of the listed building is not a later add-on but part of the original building; the original tethering rings can be seen on the rear wall; the building was modified to form a garage by the previous owner, who knocked out the rear wall to accommodate his car; demolishing part of building would jeopardise the structural integrity of the building

Relevant Local Plan Policies and Guidance

- GP1 – Appearance and Design of Development Conflicts
- PSS5 – Planning for the Historic Environment

Assessment of Proposals

This is a Listed Building Consent application so the only determining issue would be the impact on the upon this Grade II listed building. Planning Policy Statement 5, Planning for the Historic Environment, states that there should be a presumption in favour of the conservation of designated heritage assets e.g. listed buildings and that once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. The information submitted within the design and access statement refers to the changes to which the building has undergone and that it now has an open end which is used as a garage and that there is very little of this part of the existing building left. The information makes reference to more modern bricks and tiles used upon the building and that removing these would not affect the overall appearance of the building. Although this section of the building has been altered through the past it still holds an integral part of the buildings history within it. Removing this section of the building would result in a detrimental impact on the appearance of the listed building and also delete some of the history from the building which adds to the buildings significance and tells the story of the building and the village's history. There would be no significant gain for the public benefit in demolishing part of this listed building so would be unjustifiable. It is considered that the proposed part demolition of the listed building would have a detrimental impact on the building and the evidence given is not

justifiable to warrant a loss of a heritage asset within this small village therefore contrary to policy HE9.2 of Planning Policy Statement 5.

Recommendation

Refuse Consent

APPLICATION NUMBER

R10/0812

DATE VALID

26/05/2010

ADDRESS OF DEVELOPMENT

THE FORGE
THE GREEN
RUGBY
CV23 8HD

APPLICANT/AGENT

Beverley Bates
25 Main Road
Kilsby
Rugby
CV23 8XR
On behalf of Mr Astley

APPLICATION DESCRIPTION

Listed Building Consent for part demoliton of a Grade II listed building

REASON FOR REFUSAL & RELEVANT POLICIES

REFUSAL REASON:

The part demolition of the Grade II listed building would result in substantial harm to its appearance and significance as a heritage asset. There is no significant gain for the public benefit in demolishing part of this listed building and there is no evidence given to demonstrate that the heritage asset prevents reasonable use of the site so therefore the works would be unjustifiable and contrary to policy HE9.2 of Planning Policy Statement 5.

Reference number: 923

Site address: Fox Coverts House, Shilton Fields, Leicester Road, Withybrook

Description : Conversion of roof space to provide living accommodation for staff and retention of dormer windows (re-submission of R09/0576/PLN)

Officer : Richard Redford
Ext 3625

The Proposal

Planning permission is sought for the change of use of the roof space to provide living accommodation in the form of a 3-bed unit for staff that would be employed in connection with the kennel and cattery operations on the site as well as the retention of the dormer windows that have been inserted without planning permission. Amended existing and proposed plans have been received that correctly show the existing and proposed building by way of the 4 dormer windows that are there and not the 3 as shown on the original plans. Submitted as part of the application are a Design & Access Statement, Parking Statement and Planning Statement dealing with the requirements of PPS7. It is a re-submission of a previously refused application.

Authorised Use

Boarding kennels and cattery.

Relevant decisions

R09/0576/PLN - Conversion of the roof space to provide living accommodation
Refused 25.08.2009

R07/0875/PLN - Alterations and replacement of existing kennels and cattery
Approved 20.06.2007
(amendment following approval of R06/0496/PLN).

R06/0496/PLN - Alteration to the existing kennels and cattery, including partial
Approved 11.05.2006
demolition and modifications.

Technical Consultations

Highway Authority No objections

Rhodes Rural Planning Objects The proposal fails to comply with the requirement of Annex A of PPS7 by virtue of there is not an essential functional need for the accommodation proposed; additional labour requirements above that provide by the applicant who lives on site amounts only to a part time requirement; and a range of other properties are available for purchase or rental in the immediate and wider area.

Environmental Health No objections

circumstances exist which outweigh the harm to the Green Belt by way of inappropriateness. Paragraph 3.5 of PPG2 states the 'Essential facilities should be genuinely required' whilst paragraphs 3.7 and 3.8 address the issue of the re-use of existing buildings indicating their re-use should not prejudice the openness of the green belt given that they are already there and that the re-use of such buildings is not inappropriate development providing certain criteria are met.

PPS7 deals with Sustainable Development In Rural Areas and makes specific reference to new dwellings and the re-use of buildings in the rural area. With regards to housing, it advises that in rural areas special justification will be required and where that justification relates to the essential need for a worker to live permanently at or close to their place of work, the provisions of Annex A should be followed. In terms of the re-use of buildings previous elements contained in PPS7 have been removed and are now covered in PPS4, 'Planning For Sustainable Economic Growth', stating that the re-use of buildings for economic reasons is preferable to new build but that the countryside should be protected with local authorities strictly controlling economic development in the countryside away from existing settlements.

The main issues in this application relate to whether the proposal constitutes a new dwelling or re-use of an existing building then, subsequently, whether or not the proposal constitutes inappropriate development and, if so, whether there are any very special circumstance to justify the proposal.

At present the building is used to provide boarding facilities for dogs, cats and horses with the roof void remaining unused even though the dormer windows and roof lights have been put in without planning permission. In the Planning Statement it is detailed that the applicant has identified the need for additional on-site accommodation in connection with the boarding business for security and animal welfare purposes. It is intended that the proposed dwelling be used in connection with the boarding operations by persons employed in the business but who do not currently live on-site.

Given that the building is still in use for its authorised use for animal boarding and that the roof void has not previously been used due to it having a lower ridge line than at present and no openings, it is not considered that the proposal represents a re-use of the existing building given that it is still being used for its intended purposes. As such the proposal is considered to represent a new dwelling to be used in connection with the boarding business.

Whilst PPG2, PPS4 and PPS7 respectively indicate that new dwellings in the green belt and countryside are inappropriate, they do indicate that where they are to be used in connection with appropriate uses or where very special circumstances exist, then dwellings may be acceptable. In order to assess whether the proposed residential use is acceptable given its intended connection with the boarding business, it has to be assessed against Annex A of PPS7. This requires an established need be shown, it to relate to a full time worker, the activity having been established for at least 3 years of which it must have been profitable for one, the functional need not being able to be met by an existing dwelling on the site or in the locality, and other planning requirements being satisfied.

The Planning Statement provided addresses the 5 tests in PPS7 indicating the application complies with the 5 tests. The application forms indicate that there are 2 full time employees however no details as to where they live has been provided nor what functions they fulfil beyond those of the applicants who live in a large dwelling located on the site opposite the building to which the application relates. It has also not been identified that the 2 persons employed in connection with the business are the applicants or separate individuals. This has been assessed by Mr Rhodes, of Rhodes Rural Affairs as the Council's Rural Affairs Advisor, who has objected to the proposal on the grounds that it fails to meet the requirements of the 5 tests. Mr Rhodes response, based on the information submitted as well as that discussed when he met the applicant on site, details as following;

- a) there is not a clearly established functional need contrary to the requirements of test 1;
- b) any labour requirements additional to that provided by the applicant who lives on site would amount to a part time requirements contrary to the requirements of test 2;
- c) no comment can be provided in relation to the financial situation given that there is not a functional need for additional permanent staff accommodation in respect of test 3 requirements;
- d) **if there were a functional need**, other properties existing in the immediate and wider area for rent and sale that would be appropriate that deals with the requirements of test 4; and
- e) he has no comments in relation to 'other planning requirements' covered by test 5.

Based on these comments from the Council's specialist advisor it can be seen that, as was the case in the previous refusal, the proposal fails to comply with the requirements of PPS7 and there are therefore no very special circumstances to justify this development in the Green Belt meaning it is also contrary to the requirements of PPG2, 'Green Belts' and policy E2 of the Local Plan.

Furthermore, given the existence and very close proximity of the applicant's large dwelling on the site to the animal boarding buildings, it has not been demonstrated why the security and animal welfare provisions cannot be met through this existing dwelling. Also, given that it has been stated that the need relates to 2 full time workers, albeit without evidence to show this is the case, were the requirements of Annex A of PPS7 to be met, then there is no evidence to show why a three-bed unit with study capable of conversion to a fourth bedroom is required to provide for a need of 2 people.

In view of the above, it can be seen that there is no evidence to support the proposal and as such the proposal represents inappropriate development in the Green Belt thereby conflicting with PPG2 Green Belts, PPS4 Planning For Sustainable Economic Growth, PPS7 Sustainability In Rural Areas and policy E2 of the Rugby Borough Local Plan.

As the proposal also includes the retention of the dormer windows there is a need to assess their impact. The design, appearance, scale, massing and proportions are considered to be appropriate to a residential dwelling. However, given that it has already been established that the conversion to residential is unacceptable, the next issue raised pertains to the acceptability of dormer windows on a kennel and cattery building. In this context they appear as inappropriate features detrimental to the character, appearance and nature of the building which is of a traditional rural nature that is simple in character and appearance. As such it therefore conflicts with the requirements of policy GP1.

It is considered that the proposal would not impact on residential amenity given the intended occupants would be working in connection with the animal boarding business and adequate noise insulation could be conditioned to ensure noise levels would not adversely affect them. Additionally the position and relationship of the proposed dwelling in relation to the existing dwelling on-site would not raise any issues in terms of over-looking, loss of privacy etc. The provisions of policy GP3 have therefore been met.

Furthermore there is sufficient on-site space to accommodate parking provision that would meet with Appendix 3 and Local Plan policy T5 requirements.

Recommendation

Refuse for the following reasons:

DRAFT DECISION NOTICE

APPLICATION NUMBER

923

ADDRESS OF DEVELOPMENT

Fox Covert House
Shilton Fields
Withybrook
CV7 9LZ

DATE APPLICATION VALID

18th January 2010

APPLICANT/AGENT

Richard S Baily Architects
3 Alpha House
Farmer Ward Road
Kenilworth
Warwickshire
CV8 2ED

APPLICATION DESCRIPTION

Conversion of roof space to provide living accommodation for staff and retention of dormer windows (re-submission of R09/0576/PLN)

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES

Reason for Refusal 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 Belts" not to grant planning permission except in very special circumstances, for new buildings or changes of use other than for the purposes of agriculture and forestry, outdoor sports and outdoor 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.

Whilst both PPG2 "Green Belts" and PPS7 "Sustainable Development In Rural Areas" advise that residential development may be acceptable in certain rural business related instances where the provisions of Annex A of PPS7 have been met, in this case the Council considers that a clearly established functional need does not exist, any need required is likely to amount to a part time requirement only and that there are other dwellings in the immediate and wider area capable of use thus failing to comply with 3 of the 5 tests detailed in Annex A of PPS7. Furthermore in the opinion of the Local Planning Authority the existing dwelling on-site is of sufficient proximity to the boarding kennels to provide the security and animal welfare required in connection with the business.

The proposal therefore constitutes inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness and visual amenities of the Green Belt. It is not considered that there are any very special circumstances which would justify the granting of planning permission for the conversion of roof space above a kennels to residential accommodation in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to Planning Policy Guidance 2 "Green Belts", Planning Policy Statement 4 "Planning For Sustainable Economic Growth", Planning Policy Statement 7 "Sustainable Development In Rural Areas" and Policy E2 of the Rugby Borough Local Plan 2006 which strictly control development in the Green Belt and rural area.

Reason for Refusal 2;

The retention of the dormer windows in the east facing roof slope of the application building represent an inappropriate and unnecessary feature out of keeping with the character and appearance of the traditionally designed simple rural building giving the kennel and cattery building a residential appearance inappropriate in the locality and the green belt. Their retention is therefore contrary to the requirements of policy GP1 of the Rugby Borough Local Plan.

Relevant Policies;

GP1, GP3, E2 and T5 of the Rugby Borough Local Plan

PPG2, 'Green Belts', PPS4 'Planning For Sustainable Economic Growth' and PPS7, 'Sustainable Development In Rural Areas'

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.

PLANNING DEPARTMENT,
Culture
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR

ANNA E. ROSE Head of Planning and

DATE:

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against a decision to refuse planning permission for a householder application, you must do so within 12 weeks of the date of this notice, in all other cases you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: 0117 372 6372 or online at www.planningportal.gov.uk/psc. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy it will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for Communities & Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Other Legislation

This decision does not grant any right or approval under other legislation. You will have to apply separately for Building Regulations approval and for consent to undertake works, or place scaffolds, hoardings or skips within the highway.

Reference Number: R10/0103

Site Address: HTA Precision Sheet Metal Ltd
Watling Street
Rugby

Description: Redevelopment of land comprising:

Part full planning permission for the erection of a building (Unit 1) and use for purposes falling within classes B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, including ancillary offices, together with the construction of access road, parking and service areas and associated works, and installation of oil and gas storage tanks.

Part outline planning permission for the erection of a building (Unit 2) and use for purposes falling within classes B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with ancillary offices, parking and service areas and associated works – all matters reserved.

Case Officer Name & Number: Steve Parkes 3633

Authorised Use

B1(c) light industrial/B8 storage or distribution, petrol filling station

Relevant Decisions

None

Technical Consultations:

Highways Agency	no objection	directs that conditions be attached covering construction of new access spur and closure of existing petrol filling station access
Warks Ecology	no objection	subject to condition covering submission of combined ecological/landscape scheme
Env Services	no objection	subject to condition in respect of contamination; clarification sought on noise
Ramblers Assoc	no objection	subject to diversion of right of way

Warks CC – Countryside	no objection	subject to diversion of right of way
Env Agency	no objection	subject to conditions covering flood risk and contamination
Warks Museum (Archaeology)	no observations received	
STW	no objection	subject to condition covering foul and surface water drainage; further consideration of treatment plant
Central Networks	no observations received	
Landscape Officer	no objection	subject to implementation of planting
<u>Third Party Consultations:</u>		
Newton & Biggin PC	comments	request that roadway lighting be directed away from Newton; query whether the building will be insulated to minimise noise and question the proximity to the neighbouring tip site
Harborough DC	objection	new employment development in rural location; detrimental visual impact on the character and appearance of the countryside
Neighbours	objection	detrimental effect on quality of life; additional background noise and traffic

Other Relevant information:

Site and surroundings

The site, amounting to some 3.2 hectares is located off the west side of the A5, Watling Street, approximately ½ mile to the east of the village of Newton. To the south, at a higher level, is a ribbon of residential properties on Watling Crescent and the neighbouring PIRI works. To the north of the site separated by a small paddock is the Europark employment area. Immediately adjoining to the west is the Bernard Riley haulage site used for purposes of crushing and re-cycling of construction waste. The eastern boundary is formed by the A5 trunk road on the opposite side of which is a former petrol filling station and HGV stop currently used for parcel deliveries, together with a bungalow.

The site comprises what was originally pre and post-war sand and gravel workings which were still in use for such purposes in the early 1970s. That part adjacent to the A5 was formerly a petrol filling station, the use of which ceased in the early 1990s though the hardstandings and kiosk remain. The western part of the site accommodates 3 no. single storey buildings understood to have been formerly ancillary to the sand and gravel workings but which have been occupied by the

applicant company, HTA Precision Sheet Metal, for over 30 years. The buildings are currently used for some machine work and the storage and despatch of goods. The central part of the site comprises un-restored sand and gravel workings and made ground which until recently was largely overgrown and disused. Access to the site from the A5 is currently off a single width roadway which runs along the southern boundary. Levels across the site fall predominantly from east to west from the A5.

The Application

The application is a hybrid proposal comprising part full and part outline schemes for the redevelopment of the site to provide two buildings for use for purposes falling within classes B1(c), B2 and B8. The application is supported by a design and access statement, transport and flood risk assessments, contamination and noise reports, and an ecological assessment and protected species surveys. In accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended, the applicant was advised by the Council's Head of Planning and Culture that the proposal does not constitute development requiring environmental assessment.

That part of the application site the subject of full planning permission essentially takes in the eastern area for the erection of a building (Unit 1) amounting to some 3353sq.m gross internal floor space including ancillary offices, together with associated parking for 57 cars and servicing. The proposals also include the erection of oil and nitrogen and oxygen gas storage tanks in the service yard on the north side of the building. The building would be approximately 79.5m long by 36.3m wide and measure 8m to the eaves and 10m to the ridge of a shallow pitched roof. It would be of steel, portal framed type construction clad in coloured profile horizontal steel sheeting with a two-storey projecting office element on the north side in brickwork and glazed panels. The site would be secured by a 2.4m high galvanised steel palisade perimeter fence. Lighting would consist of luminaires on 5m high columns to the car park which would also provide low level lighting to one side of the access road, together with wall mounted lights to the service yard.

The outline element of the application located on the lower, western part of the site and shown indicatively, is for a second building (Unit 2) of 2020sq.m gross internal floor space, measuring some 58m in length, 35m in width and 6 – 8m to the eaves, together with associated parking for 35 cars, HGV parking and servicing.

The proposals include the construction of a new access road to serve the development off the recently completed, improved access to the A5 serving Europark. The site would be re-graded by way of a cut and fill operation to provide level access to accommodate the scheme. The area adjacent to the A5 would be reduced by some 3m – 6m to form an embankment and to accommodate the car parking serving unit 1. The finished floor level of the building would be approximately 6m below the level of the top of bank adjacent to the A5. The finished floor level of the building comprising unit 2 would be some 3.5m lower separated from unit 1 by an embankment. The existing access road along the south side of the site would be partly re-aligned and incorporate a criblock retaining structure to facilitate the development. The proposed site access road would also sit on an embankment graded down to existing levels on the west and north sides. A public right of way, R107, which runs east-west from the A5 through the southern part of the site would require part diversion.

Foul drainage in respect of unit 1 would be to a new on-site treatment plant with surface water draining to an existing pond and watercourse to the west of the site via an attenuation tank located beneath the service area.

The development of unit 1 is to accommodate HTA Sheet Metal, a high technology specialist sheet metalworking and fabrication company which utilises the latest automated laser cutting technology. The company developed as a family business over a period of 30 years in the existing buildings on the western part of the application site. Having outgrown these premises, it moved into a unit on the neighbouring Europark site on a short-term lease some 3 years ago, retaining the existing buildings for storage and despatch and some machining purposes. Following substantial growth in recent years, the company has now outgrown the premises on Europark and is seeking to redevelop its original site to maximise the scope for further growth and expansion of the business and to move forward with existing and new customers. An overhead crane of some 5 tonnes capacity is also required to meet current needs which cannot be accommodated in the existing Europark building.

The company has diversified out of the oil and gas industry which originally formed much of its work and is now a specialist supplier to the power generation industry. It also carries out MoD work and is a supplier to major shop-fitters. The company currently employs 25 persons full-time but with the proposed expansion expects to double the workforce to 55 persons.

In view of the costs of the civil engineering works required to enable development of the site, together with the new access road, the applicant's agent advises that the site needs to be fully utilised in order to subsidise the high infrastructure costs. It is contended that the speculative development of unit 2 will assist in this regard, providing industrial floor space which can be let until such time that it is required by the company for further longer-term expansion and without it, it is advised that the scheme as a whole will not be viable.

Relevant Planning Policies:

LP	S1	conflicts	urban development priorities
LP	S2	conflicts	the release of development land for housing and employment in the areas identified in policy S1
LP	S3	conflicts	rural settlement hierarchy
LP	S4	conflicts	windfall development
LP	E1	conflicts	development in the countryside
LP	E5	conforms	landscape and settlement character
LP	E6	conforms	biodiversity
LP	ED8	conflicts	employment development outside Rugby urban area
LP	GP1	conforms	appearance and design of development
LP	GP2	conforms	landscaping
LP	GP3	conforms	protection of amenity
LP	GP4	conforms	energy conservation
LP	T3	conforms	access and highway layout
LP	T5	conforms	parking facilities

PPS1	Delivering Sustainable Development Planning and Climate Change – Supplement to PPS1
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk
SPD	Sustainable Design and Construction, June 2009

Determining Considerations

The main planning considerations comprise the principle of development in this particular location, the nature and scale of the proposed scheme and its impact on the surrounding environment, and technical considerations including access and parking, drainage and flood risk, noise, contamination and ecology having regard to the policies contained in the development plan, in government guidance and any other material considerations.

Principle of Development

The development strategy set out in the Rugby Borough Local Plan, July 2006, saved policies S1, S2, S3 and S4 concentrate the majority of new employment development in the most sustainable locations in the urban area in order of priority. Outside the Rugby urban area, saved policy ED8 makes provision for small-scale windfall employment development in Long Lawford, Dunchurch and the main rural settlements, primarily to meet local needs.

The application site, albeit comprising previously developed (brownfield) land, lies outside these locations in the countryside. Saved policy E1 controlling development in the countryside sets out a presumption against all forms of development other than where provision is made elsewhere in the Local Plan. Though part of the site currently accommodates an element of the applicant's business, it is not specifically allocated for development. The neighbouring Europark, however, is identified as a strategically significant employment site under saved policy ED5 where there is a presumption in favour of development and redevelopment for B1(business), B2(general industrial) and B8(storage or distribution) uses. The proposed scheme does not constitute the simple replacement of the existing buildings with more modern premises of a similar size and scale, nor is it required to meet a particular local need in the rural area.

In the circumstances, assessed against the overall development strategy, the proposal conflicts with saved development plan policies S1, S2, S3, S4, ED8 and E1 and is therefore unacceptable in principle. There is a need nonetheless to take account of any other material considerations and the weight to be accorded to them in coming to a decision on the merits of the proposal which are discussed later in this report.

Details of Development

As a hybrid application, consideration is required of both the detailed elements comprised in the scheme in respect of unit 1 and the basic level of information provided in respect of the outline proposal for unit 2.

The details of the development fall to be considered against the Local Plan saved general principles policies GP1, GP2, GP3 and GP4 and environment policy E5 in respect of appearance and design, landscaping, the protection of amenity, energy conservation and landscape and settlement character.

In order to accommodate the amount of development proposed on the site and achieve a satisfactory layout it is necessary to adjust the levels. The new access road running along the north-west side of the site essentially dictates the layout of the development with the service yard to unit 1 served directly off it in front of the building and car parking conveniently located separately on the north side. The layout demonstrates that sufficient space is retained to accommodate unit 2 of the size proposed with appropriate parking and servicing. Landscaping can be satisfactorily accommodated in the layout around the periphery of the site.

The buildings proposed are of a modest scale with the height of unit 1 reduced with the incorporation of the shallow-pitched roof. The design and appearance of unit 1 together with the materials to be used in its construction are typical of smaller-scale employment development and reflects to some extent that more recently constructed on the neighbouring Europark. It is envisaged that unit 2 will be of a similar design and construction.

A basic level of information has been submitted with the application to demonstrate energy efficiency and conservation and resilience to climate change with a view to maximising the potential for reducing carbon emissions in the design and construction of unit 1 and in its operation as required by saved policy GP4, guidance contained in the supplement to PPS 1 and the Council's supplementary planning document. It is considered that further details in respect of energy efficiency and conservation can be covered by condition.

Landscaping has been considered as an integral part of the development with the incorporation of native species in the form of tree, shrub and hedgerow planting designed to soften the impact and assist in assimilating the development into its surroundings. There will be a visual impact, particularly when viewed from the higher ground at the end of Watling Crescent nearby, and over longer views from the edge of Newton village from the west. With the adjustment of levels the development will be set down significantly in relation to the A5 and be well screened from that direction.

The site is not an isolated location in open countryside, however, and the development has to be considered and viewed in the context of the existing uses and development nearby. In this respect, the proposal will result in the provision of significant additional floorspace and site coverage over and above that contained in the existing buildings on the site. In view of this there will be an impact on the character of the immediate locality in terms of the intensification of existing development and associated activity but it is not considered that this will detract significantly from the character of the area in terms of landscape quality and visual amenity. There will also be some environmental benefit from the improvement to the frontage to the A5 which formerly accommodated a petrol filling station and which

currently detracts from the amenities of the locality, the making good and bringing of the despoiled, made ground in the central part of the site into beneficial use and the replacement of the collection of older buildings which are essentially beyond their useful life with more modern development.

In view of the above, it is considered that the proposed development is of satisfactory design and appearance subject to confirmation of energy efficiency and conservation, that the scheme incorporates appropriate landscaping and will not detract from the character, quality and amenity of the locality in accordance with policies GP1, GP2, GP3, GP4 and E5 and guidance contained in PPS1 and its climate change supplement.

Technical Considerations

The response of consultees confirms that there are no technical constraints to the redevelopment of the site as proposed though at the time of writing, the final response of Severn Trent Water is awaited and will be reported verbally at the meeting.

The Highways Agency originally directed that the application not be approved pending receipt of additional information in respect of junction capacity onto the A5 trunk road and queuing distances to the proposed new spur road off the improved access road serving Europark. Following receipt of a revised transport assessment and additional drawings, the Agency is satisfied with regard to junction capacity, the geometry of the proposed access and queuing distances and has therefore raised no objection to the development. The proposal therefore complies with local plan saved policy T3 and guidance contained in PPG13 controlling access and highway layout.

There are no mains sewers serving the site and Severn Trent Water are currently considering the proposed disposal of foul sewage via a private package treatment plant. The Environment Agency is satisfied with proposals for surface water drainage and that there are no implications in terms of additional flood risk in accordance with guidance contained in PPS25.

In terms of transport considerations, the site is not in the most sustainable location as advocated in PPS1 and PPG13 though is not remote from the urban area of Rugby and also sits on a key trunk road with good accessibility. The level of parking proposed for both units 1 and 2 falls within the Council's maximum standards as set out in saved policy T5 though in view of the location and lack of public transport, it is considered that the development should be supplemented by the submission of a travel plan which can be covered by condition.

The noise assessment confirms that there are unlikely to be any detrimental effects on the nearest sensitive receptors comprising the residential properties on Watling Crescent to the south and the bungalow on the opposite side of the A5. Calculations are based on the measurement of noise arising from the company's existing unit on Europark adjusted to take account of the additional HGV traffic likely to be generated by the development. The high-tech metal working is a clean process which has no implications for air quality. The ground investigation report has not revealed any significant contamination of the site. The proposal therefore accords with saved policy GP3 in respect of the protection of residential amenity and with guidance contained in PPS23 and PPS24 covering pollution control and noise.

Though the application site is located within a larger area identified as a non-statutory site for nature conservation, the ecological assessment confirms that habitats within the site are common and considered to be of negligible ecological value. It confirms that there is no flora or fauna of importance on the site and that the proposals will not affect any protected species. The landscape scheme incorporates a variety of native species with a view to enhancing habitat and biodiversity within the locality. The proposal therefore accords with saved policy E6 and guidance contained in PPS9 safeguarding and enhancing biodiversity.

Other Material Considerations

A key consideration to be balanced with all the other aspects, including the principle of development, is the economic implications of the proposal including the generation of employment opportunity and wealth.

This aspect is principally covered in guidance contained in PPS4. Whilst advising that local planning authorities should take a positive approach towards planning applications for economic development, it nonetheless re-iterates that the countryside should be protected for its own sake and that economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. It goes on to highlight criteria against which all applications for economic development should be assessed comprising the limiting of CO2 emissions and providing resilience to climate change, accessibility, high quality design and impact on the character of the area, and the impact on economic and physical regeneration and local employment.

As referred to above, though limited details have been provided with regard to CO2 emissions and climate change, it is considered that issues in respect of energy efficiency and energy conservation can be dealt with by condition. The flood risk assessment confirms that the development will not increase flood risk elsewhere. It is accepted that the site is not the most sustainable location in terms of choice of means of transport but it is on a major trunk route with good transport links and the company is already present in this locality. Car parking provision is within the Council's maximum standards as advised in PPG13. The design is typical of this type of employment development and meets the applicant's specific needs. Landscaping has been properly considered as an integral part of the scheme and will assist in assimilating the development in the local environment so as not to detract from the character and quality of the area. It will also enhance the appearance of the existing brownfield site.

The applicant's agent has pointed to a number of economic benefits, not least job creation with the anticipated doubling of the workforce and enhancing the diversity of employment opportunity locally. The proposal would also enable the retention of the existing workforce and the relationship and links with customers and other local businesses in the Rugby area and the region. The agent also points out that the company is already present on part of the site and on the neighbouring Europark and that there are not the readily available premises in the locality which meet the applicant's specific needs.

Conclusion:

The proposal is contrary to the development strategy contained in the development plan. It has to be acknowledged, however, that circumstances may arise where it is appropriate to enable businesses located in the rural area to grow and diversify as an exception to the policy approach of restraint on development, particularly where there is significant economic benefit in doing so.

This proposal relates to a locally based company employing local people with links to local industry and represents something of a success story at a time of economic decline, particularly in manufacturing. Approval of the proposal would therefore result in significant economic benefit and contribute to the employment needs of the Borough as a whole. There are no technical constraints to the development of the site and it is not considered that the scheme will cause any demonstrable harm to the environment or local amenity. In the circumstances, it is considered that the economic benefits should be given significant weight and there are exceptional circumstances in this particular case which, on balance, justify a departure being made from local and national policies of restraint of development in the countryside.

Approval of the proposal should not, however, be taken to represent a relaxation of policy generally towards employment development in the countryside but that the decision is taken in the light of all material considerations in respect of the specific merits of this particular case. The proposal has also been considered against The Town and Country Planning (Consultation) (England) Direction 2009 and though the development conflicts with a number of development plan policies, it is not considered that there is any requirement to refer the application to the Secretary of State.

Recommendation:

Approve subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R10/0103

DATE VALID

04/03/2010

ADDRESS OF DEVELOPMENT

HTA PRECISION SHEET METAL LTD
WATLING STREET
RUGBY
CV23 0AJ

APPLICANT/AGENT

Mr Clive Berry
G W Deeley Ltd
George House
Herald Avenue
Coventry
West Midlands
CV5 6UB
On behalf of HTAGROUP LTD

APPLICATION DESCRIPTION

Redevelopment of land comprising:

Part full planning permission for the erection of a building (Unit 1) and use for purposes falling within classes B1 (C) (Light Industrial), B2 (General Industrial) and B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, including ancillary offices, together with the construction of access road, parking and service areas and associated works and installation of oil and gas storage tanks.

Part outline planning permission for the erection of a building (Unit 2) and use for purposes falling within classes B1 (C) (Light Industrial), B2 (General Industrial) and B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with ancillary offices, parking and service areas and associated works - all matters reserved.

CONDITIONS, REASON FOR APPROVAL & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

The development to which this permission relates in respect of the erection of a building comprising unit 1 and use for purposes within classes B1(c), B2 and B8 with ancillary offices, together with access road and associated parking, servicing, earthworks and landscaping as identified as the area subject to full planning on the hybrid application zone plan drawing ref.no. P-01 Rev B, 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

Application for approval of the reserved matters specified in Condition 4 below, accompanied by detailed plans and full particulars in respect of the erection of a building comprising unit 2 and use for purposes within classes B1(c), B2 and B8 together with associated parking, servicing, earthworks and landscaping as identified as the area subject to outline planning on the hybrid application zone plan drawing ref.no. P-01 Rev B, 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

The development hereby permitted as referred to in condition 2 above 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: 4

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 with the exception of earthworks is commenced within the area the subject of outline planning permission and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a) The layout of the development on the site.
- b) The scale of the development.
- c) The appearance of the development including the external built form, its architecture, materials, decoration, lighting, colour and texture.
- d) Access
- e) The hard and soft landscaping of the site.

REASON:

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

CONDITION: 5

Details of the following additional matters for the development referred to in condition 2 above shall concurrently with the submission of reserved matters required by condition 4 above, be submitted to and approved in writing by the Local Planning Authority before any part of that development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a) The provision of means of drainage and sewage disposal.
- b) The extent of accommodation for car parking, motor-cycle and cycle parking and loading and unloading of vehicles, which shall be in accordance with the Council's standards unless otherwise agreed in writing with the Local Planning Authority.
- c) The siting, height and design of all fences and walls on the site, including detailed treatment of the site boundaries.
- d) The existing and proposed site levels and their relationship with adjoining land and buildings and the finished ground floor level of the building.
- e) The location of air handling plant, flues or any other equipment located on the roof of the building or externally on the site, to include measures for acoustically treating such equipment.

REASON:

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

CONDITION: 6

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:

- i) the applicant's original drawings received by the Local Planning Authority on 26 February 2010, ref.nos:

1:2500 site location plan edged red
P-01 Rev B - Site Layout Planning Zones
P-02 Rev H- Site Layout Levels
P-03 Rev A - Site Layout Public ROW
P-04 Rev C - Proposed Plans, Sections and Elevations (Unit 1)
4224-50 Rev P1 - Proposed Levels Overall Scheme
4224-52 Rev P1 - Proposed Drainage Overall Scheme
4224-60 Rev P1 - Proposed Levels Detailed Plot Unit 1
4224-62 Rev P1 - Proposed Drainage Detailed Plot Unit 1
4224-70 Rev P2 - Typical Sections Sheet 1 of 2
4224-71 Rev P1 - Typical Sections Sheet 2 of 2

- ii) the applicant's additional drawing received by the Local Planning Authority on 11 August 2010 ref.no:

HTA/90/L/01 Rev B - External Works Planting Plan

- iii) the applicant's additional drawing received by the Local Planning Authority on 10 August 2010 ref.no:

4224-04 - HTA Access Arrangement

- iv) the following associated supporting documents:

Planning Design and Access Statement (rev b) - Deeley Construction
incorporating Ground/Contamination Reports (Former Petrol Filling Station Site
and Remainder of Site - Ground Engineering Ltd Report Ref. C11837)

Ecological Assessment and Protected Species Surveys - Landscape Science
Consultancy Ltd, November 2009

Transport Assessment - BCAL Consulting, Report Ref.4224R001B TA Rev B,
July 2010

Flood Risk assessment - BCAL Consulting, Report Ref. 4224R002B FRA, Rev B,
May 2010

Report on Background Noise - Millard Consultancy
Report Ref. 11525/MR/12-09/2920, December 2009

REASON:

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

CONDITION: 7

The development hereby permitted shall not commence unless and until the proposed access as shown on BCAL Consulting drawing 4224-04 has been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.

REASON:

To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION: 8

Before the commencement of the access works, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. The CMP shall identify the steps and procedures that will be implemented to minimise the impact of construction traffic including the management and routing of heavy goods vehicle access to the site, and include a Stage 1 Road Safety Audit. Once approved, the CMP shall be adhered to at all times during the construction period, unless first agreed in writing by the Local Planning Authority in consultation with the Highways Agency.

REASON:

To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION: 9

The existing entrance to the former petrol filling station shall be closed and the kerblines and verge re-instated, before the development hereby permitted is brought into use, in accordance with fully detailed drawings which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency.

REASON:

To ensure that the A5 trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION: 10

No part of the development hereby permitted shall be brought into use until the proposed access road, including footway, and individual means of access to the buildings have been constructed and completed.

REASON:

In the interests of public and highway safety.

CONDITION: 11

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 4224R002B FRA, Revision B, dated May 2010 and the following mitigation measures detailed within the FRA:

- i) Limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than the existing greenfield rate as detailed in the FRA.
- ii) Provision of attenuation storage volume on the site to retain the 100 year plus 20% flow event volume, assuming the discharge rate given above, with water quality improvements as detailed in the FRA

REASON:

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

CONDITION: 12

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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON:

To ensure that the development complies with approved details in the interests of protection of controlled waters.

CONDITION: 13

Before any development hereby permitted is commenced, additional ground gas monitoring shall be carried out and the results, together with any proposed additional mitigation required, submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of public safety..

CONDITION:14

The accommodation for car parking, motor-cycle and cycle parking and the loading and unloading of vehicles hereby approved and as required by condition 5 above, shall be provided before the development to which it relates is first brought into use and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION: 15

During the construction period, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interest of highway safety.

CONDITION: 16

The landscaping scheme, as detailed on the approved plan ref. HTA/90/L/01 Rev B and as required in accordance with condition 4e) above, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION: 17

Notwithstanding any indication given on the approved drawings, the proposed palisade security fence to unit 1 shall not be located along the frontage of the site to the A5 other than in the position shown on the approved external works planting plan drawing ref. HTA/90/L/01 Rev B.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 18

The buildigs hereby permitted shall incorporate energy efficiency and conservation systems within their design and construction and renewable energy systems to meet at least 10% of energy requirements, unless as may be agreed in writing with the Local Planning Authority, in accordance with full details which shall be submitted to and approved in writing by the Local planning Authority before the construction of the

buildings is commenced. The details so approved shall thereafter be fully implemented and incorporated in the construction of the development.

REASON:

In the interests of sustainable development and to reduce CO2 emissions.

CONDITION: 19

The occupier of each building hereby permitted shall submit, and obtain the written approval of the Local Planning Authority, a Travel Plan within one month of occupation of any part of the buildings. Each occupier shall agree the targets, strategies and monitoring programme for their Travel Plan tailored to their own circumstances.

REASON:

In the interests of sustainable transport.

CONDITION: 20

No work, other than loading and unloading, shall be carried on at any time outside the buildings hereby permitted and no part of the site, other than within the proposed buildings, shall be used for storage purposes.

REASON:

In the interests of the amenities of the locality.

CONDITION: 21

Notwithstanding any indication given in the application and on the approved drawings, 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 cladding materials, shall be submitted to and approved in writing by the Local Planning Authority before any development, with the exception of site preparation and groundworks, is commenced.

REASON:

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

CONDITION: 22

Full details of the location of air handling plant, flues or any other equipment located on the roof of the building comprising unit 1 or externally on the site of unit 1, to include measures for acoustically treating such equipment, shall be submitted to and approved in writing by the Local Planning Authority before such plant, flues or equipment is installed.

REASON:

In the interests of the amenities of the locality

CONDITION: 23

Construction of the development hereby permitted shall not be commenced until adequate provision has been made within the site for the parking of site operatives vehicles and for the loading and unloading of materials and goods.

REASON:

In the interests of public and highway safety.

CONDITION: 24

The development to which this permission relates comprising unit 1 shall not be first occupied other than by HTA Precision Sheet Metal Ltd.

REASON:

The proposed development is only acceptable in the particular circumstances of the applicant.

CONDITION: 25

Notwithstanding any information given in the application, full details of the type, height, design and location of all sources of external lighting to unit 1 and access road shall be submitted to and approved in writing by the Local Planning Authority before such lighting is installed or erected.

REASON:

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

CONDITION: 26

No additional floorspace, including mezzanine floors, shall be created in the buildings without the prior written permission of the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and that sufficient parking and servicing is available to serve the development.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE

Rugby Borough Local Plan, July 2006, saved policies S1, S2, S3, S4, E1, E5, ED8, GP1, GP2, GP3, GP4, T3 and T5.

Rugby Borough Council SPD Sustainable Design and Construction, June 2009.

Government policy guidance contained in PPS1, PPS4, PPS7, PPS9, PPG13, PPS23, PPG24 and PPS25

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:

Although the proposal is contrary to the development strategy set out in the Rugby Borough Local Plan, July 2006, saved policies S1, S2, S3 and S4 and policy E1 controlling development in the countryside, it is considered that the economic benefits of the development, having regard to guidance contained in PPS4 "Planning for Sustainable Economic Growth", should be given significant weight and justify an exception to the policies of restraint on development in the countryside being made in this particular case.

The proposals are of acceptable design and appearance, incorporate appropriate landscaping, have regard to energy efficiency and will not detract significantly from the landscape character and quality of the locality in accordance with Local Plan saved policies GP1, GP2, GP3, GP4 and E5, and guidance contained in PPS1 "Delivering Sustainable Development" and climate change supplement.

There are no technical constraints to the development of the site. Satisfactory access and parking is provided in accordance with Local Plan saved policies T3 and T5 and guidance contained in PPG13 "Transport". Flood risk, noise and contamination has been satisfactorily addressed in accordance with guidance contained in PPS23 "Planning and Pollution Control", PPS24 "Planning and Noise" and PPS25 "Development and Flood Risk". There is unlikely to be any adverse effect on residential amenity in accordance with Local Plan saved policy GP3 whilst biodiversity of the site will be enhanced in accordance with guidance contained in PPS9 "Biodiversity and Geological Conservation".

INFORMATIVE: 1

Condition nos. 7, 8 and 9 are attached on the direction of the Highways Agency. The Agency also advises that the highway proposals to close the existing petrol filling station access associated with this permission involve works within the public highway which is land over which the applicant/developer has no control. The Highways Agency therefore requires the applicant/developer to enter into a suitable legal agreement to cover the design and construction of the works. Please contact the Schemes Sponsor, Paul Bodimeade, on 0121 687 2559 at an early stage to discuss the details of the highways agreement..

INFORMATIVE: 2

With regard to condition 13, the applicant/developer should contact the Council's Environmental Services Dept (Public Health and Licensing Team), tel. Anthony Devonish, 01788 533607 to agree the period of additional monitoring.

INFORMATIVE: 3

The Council's Head of Environmental Services advises and recommends that:

- a) the proposed cut and fill earthworks will require further soil testing to establish if they are suitable for proposed end use. Any soil imported to the site will require chemical consignment notes to establish suitability for the proposed end use.

- b) a full asbestos survey is carried out before any demolition works commence
- c) the Petroleum Officer, Warwickshire County Council, should be contacted before any development commences.
- d) broadband reversing alarms be fitted to forklift trucks operating within the service yard of each unit..

INFORMATIVE: 4

Footpath R107 which crosses part of the site should remain unobstructed and available for use at all times until such time that it has been formally diverted to enable the development to be carried out under Section 257 of the Town and Country Planning Act 1990, as amended. Application for diversion should be made to Rugby Borough Council on the form enclosed.

INFORMATIVE:5

The overhead electricity lines which cross the site will need to be diverted at the developers expense before the development commences. Central Networks should be contacted to agree the diversion requirements.

Reference Number:

665

Site Address:

Lime Tree Village, Cawston Lane, Rugby

Proposal:

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.

Case Officer:

Richard Holt – 01788 533687

Description of Site:

The site is located approximately 900 metres south of the centre of Bilton, 1.2 miles (2 kilometres) north of the centre of Dunchurch and 220 metres south east of Coventry Road, Cawston in open countryside outside any defined settlement boundary. It lies to the immediate north-west of the existing Lime Tree Village on an area of land approximately 3 hectares in size. Predominately along the south-western edge of the site is an existing hedgerow whilst to the north-western and north-eastern boundaries post and wire fencing with post and rail fencing and hedging along the south-eastern edge. Open fields lie to the north-east and north-west with fields and woodland to the south-west.

The site is relatively open with land levels dropping by approximately 3 to 4 metres towards the centre of the site from the north-western and south-eastern boundaries to a small watercourse that runs through the centre of the site. A few mature trees are located around the periphery of the site with areas of recently planted trees along the north-eastern and south-eastern edges. The site is understood to be used for informal recreational purposes by the existing residents of Lime Tree Village and is known as the 'Polo Field.'

Lime Tree Village currently comprises of 69 cottages and 84 apartments within and around Cawston House.

Description of Proposals:

The application is to extend the existing Lime Tree Village complex 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.

The 30 bed Care Home with 12 Extra Care Apartments will be split over two levels in the main central block to be known as Pipewell Grange. On the ground floor there will be a large hall and stage, café/bar, sales office/shop, kitchen, garden, drawing and dining rooms, 15 double-bed rooms with en-suites, 3 two-bed apartments and 3 one-bed apartments with kitchens and bathrooms. On the first floor there will be dining, activities and living rooms, training/meeting and laundry rooms, 15 double-bed rooms with en-suites, 3 two-bed apartments and 3 one-bed apartments with kitchens and bathrooms. A plant room will be located in the roof and there is a stairwell tower on the south-western part of block. Owing to the change in ground levels the ridge and eaves height of the building will vary, however it will have a ridge height of approximately 10 metres and eaves height of 6 metres. The top of the stairwell tower will be approximately 15 metres above ground level. 29 car parking

spaces will be provided adjacent to this block along with two covered and secure cycle storage buildings, including parking and charging for electric scooters.

There will be an additional 47 two-storey houses throughout the site comprising of terraces, semi-detached and detached units. 34 of the properties will be 2-bed and the remaining 13 will be 3-bed. The 2-bed houses will rise to approximately 7.5 metres in height, whilst the 3-bed houses will be approximately 8.5 metres in height. A range of car ports to serve the houses will also be provided with one parking space per house together with an additional 4 spaces.

A series of open spaces will be created across the site incorporating ponds, play area, sensory gardens and grassed areas.

Overall it is envisaged that there will be an equivalent of 65 full-time employees across the site with a maximum of 25 staff on site at any one time.

A design and access statement was submitted with the application, which raised various points including:

- i) Local Distinctiveness with particular reference to Dunchurch & Thurlaston;
- ii) Constraints & Opportunities with particular reference to landscape, ecology, archaeology, arboricultural, flood risk, access, contamination, utilities, water & sewer;
- iii) scheme is to supplement existing communal facilities;
- iv) layout designed to create sense of rural character and spatial enclosure with the massing and grouping similar to 'model' lay cottages and an abbey's traditional groupings (Medieval Grange of Pipewell Abbey was sited at Cawston House);
- v) defined visual & pedestrian links to existing village;
- vi) retention of water course on site and formation of wildlife corridor;
- vii) main massing kept to centre of site to reduce visual impact;
- viii) masterplan approach with defined character areas, especially from an architectural and landscape aspect;
- ix) schedule of materials using mix of red brick, cream painted brick, pantile, slate and lead coloured aluminium; and
- x) sustainability – eg water conservation, sustainable drainage, low energy lighting and refuse recycling.

The applicant's agent has also submitted a Tree Report, Protected Species Report, Wildlife Assessment, Flood Risk Assessment, Archaeological Desk Based Assessment & Evaluation Report, Transport Statement, Utility Infrastructure Report, lighting designs, Code for Sustainable Homes Report, Care Home BREEAM (BRE Environmental Assessment Method) Multi-Residential Report, West Midlands Sustainability Checklist, Site Waste Management Plan, Engineering/Contamination Report, Statement of Community Involvement including 145 feedback questionnaires, and a Care Needs Report. They have also submitted various supporting documents, planning appeal cases including Counsel opinion and articles in relation to housing for the ageing population.

Relevant Planning History:

Use of land for the construction of retirement village with communal facilities Approved
25/03/2003

Construction of temporary haul road with associated buffer planting Approved
27/03/2003

Use of land for the construction of retirement village with communal facilities 23/04/2003	Approved
Replacement of existing stable block by 8 two bed flats & ancillary accommodation for retirement village, plus two garages 02/02/2004	Approved
Erection of 9 two & three bed bungalows & chalets, 3 garages & 6 parking spaces 26/11/2004	Withdrawn
Substitution of house types for Plots 108 & 133 09/05/2006	Approved
Substitution of house type for plot 3 23/10/2006	Approved

Technical Consultations:

Environment Agency	No Objection	Recommend conditions & notes
Severn Trent Water	No Objection	Recommend conditions
Natural England	No Objection	Recommend conditions & notes
Warwickshire Wildlife Trust	Comments	Recommend conditions & notes
WCC Ecology	Comments	Recommend conditions & notes
RBC Trees	No Objection	Recommend conditions
WCC Archaeology	No Objection	Recommend conditions
WCC Highways	No Objection	Recommend conditions
WCC Adult, Health & Community Support Services (WCC Housing)		Recommend condition
RBC Environmental Services	No Objection	Recommend conditions & notes

Third Party Consultations:

Dunchurch Parish Council	Object	Extra traffic on Cawston Lane; Highway works on Cawston Lane to cut speed not been successful; Numerous accidents on Cawston Lane due to speed; Inadequate road network, prejudice highway safety.
Neighbours (23)	Object	Designated leisure area being substituted with buildings; Loss of promised 'jewel in the crown' parkland;

'Polo Field' assured to be open land retained as walking & exercise area for residents;
Deteriorate character of rural landscape and adjacent woodland;
Loss of view and privacy;
Loss of security – too many people;
'Polo Field' will act as a green buffer between Village and any future development on edge of Rugby;
Too dense, big and tall and with commercial venture of care home or respite care exploiting existing amenities;
Up to 400 people on site;
Health & safety implications;
Destroy original concept of village not discussed with residents;
Non-profit set up - Care Home jeopardise this, especially service charges;
Impact on access & insufficient parking at present, new development needs new access;
No new access will result in queues on Cawston Lane – dangerous;
Increased volume of traffic and visitors on site, possibly by 50%, including delivery & disposal vehicles,
ambulances – overwhelming impact;
Noise, light pollution, traffic disturbance & congestion, particularly during construction and upon 1 Thurlaston Drive;
Separate construction/emergency/staff/service access required;
New dwellings should harmonise with existing & be developed as an integrated community – plans met with almost universal horror;
Intensification of traffic on Cawston Lane – it must remain a country lane;
Cawston Lane a cut-through narrow and poor visibility – 40mph speed limit ignored;
Hazard to pedestrians & cyclists using Cawston Lane as well;
Widening of Cawston Lane seems low priority until death occurs – car previously overturned & blocked entrance;
Transport Report does not conclude extension will not cause a significant increase in traffic;
Western Relief Road not resulted in significantly less traffic;
Bus service insufficient – only 1 a day & taxi tokens withdrawn making village isolated & dependent on cars;
No minibus service operated by Village – previously held unviable, future viability questionable;
Internal visibility poor by Thurlaston Drive, safe

pavement for pedestrians by main gate to be removed;
2-way traffic impossible in parts;
Dead-end design will create gridlock;
No footpath by recycling facilities – dangerous;
Lime Tree Walk permanently padlocked – no fire access;
Breach of 2003 planning permission & lack of enforcement – landscaping only just being implemented;
No guarantees future development will be complied with;
No reference to 2006 Local Plan Public Inquiry;
Valuable landscaped area been denied to residents since 2003;
Polo Field is a recreational area for residents & supports rich diverse wildlife eg herons, pheasants, rabbits,
24 species of birds (inc. kingfishers) & badgers and wildflowers (eg geranium, sweet pea & buttercup families);
Polo Field been neglected – Design & Access Statement incorrect;
Biodiversity and ecological amenity will disappear;
Could accommodate new Care Home amongst new landscaping so 200+ recently planted trees are not uprooted;
Uprooting of recently planted trees – outrage;
Propaganda and lobbying done by applicants;
Contented community now full of unrest and worry;
Loss of community spirit by moving social amenities from Cawston House – heart of community, development needs to remain small but develop facilities there;
Out of date photos used in submissions;
Jeremy Wright MP stated in favour of a care home estate but wholly against use of land adjacent to Village for housing, social or otherwise;
Visiting grandchildren should use playground at Bilton, not needed in Village – should be seating or picnic area for residents;
Flawed consultation process by applicant – restricted access to documents, inadequate surveys, mis-leading planning forms;
Applicant misrepresented resident's views;
Support for Care Home but not extra houses;
Another Care Home warranted?;
No justification;
Proposal should be re-designed jointly with residents;
Village promoted as independent living – medical interrogation when buying;
Analysis of Pre-Application Questionnaires with residents:- April 2009 81% negative & 19%

positive, July 2009 60% negative & 40% positive,
 August 2009 73% negative & 27% positive about
 scheme;
 Breaches to existing legal contracts with residents;
 Properties mis-sold;
 Benefits of scheme should be implemented at start;
 Proposed density exceeds Strategic Housing Land
 Availability Assessment (SHLAA) densities by 50%;
 Continuing Care Community concept will result in
 large influx of numbers of old, frail, sick, infirm,
 injured & disabled individuals – unwelcome to
 existing residents and discourage 55/60 years to
 Village;
 Social structures of Active Retired Community –
 threatened/destroyed;
 Administrative & financial nightmare;
 Properties may not be vacant when existing
 residents need them – will they be left empty?;
 Existing & proposed facilities should remain
 separate;
 Suggest extras roads put in around Village,
 particularly along edge;
 Request Committee site visit.

Neighbours (9)

Support

Sensible & logical expansion & natural progression
 of existing retirement village;
 Successful and quality development;
 Ready made environment;
 Nicely landscaped areas, easy paths, increased
 walking areas, enlarged social area, enhanced
 activity areas;
 Infill form of development, close to Bilton & Cawston
 Grange;
 Development represents a Class C2 form of
 development based on level of care and
 dependency of likely residents;
 Requests & comments taken in to consideration;
 Scaled down proposals now acceptable;
 Development will offer a security cushion – real
 benefit to existing residents well-being;
 Ability for sick to remain in community with partners
 & for friends & family to visit;
 Provision of extra care facilities in Village will give
 comfort to residents;
 New Village Hall complex welcomed as at present
 numbers for events have to be limited;
 Village needs to expand to generate income for
 extra services – long term benefits;
 Support current scheme but not further development
 into surrounding fields;
 Sympathetic design with natural features;
 Relocation of admin facilities sensible – free up
 space in Cawston House for redevelopment;
 Restaurant & shop needs more people to survive;

As existing residents age won't have to relocate from Village to receive extra care.

Neighbours (5)	Comments	<p>2003 planning application required detailed woodland planting in 'Polo Field' and haul road; Tree-planting in 'Polo Field' will cost c£22,000 and if planning permission granted some might be able to be incorporated in to scheme; Implementation of 2003 planting too concentrated, too close to properties, third extensive woodland area not required, money-wasting and unnecessarily time consuming, particularly as they will be torn out when development starts; Look forward to growth of new trees; Children's play area should be a garden facility with seating; 'Planning gain' should be sought to provide native trees along Cawston Lane; Concerns regarding availability and content of documents supplied by applicant at Lime Tree Village; Public Inquiry in 2006 – formal objections made by Rugby Borough Council to an extension to Lime Tree Village - no demonstrable need for further extension; Inquiry Report also referred to people with long-term illnesses or disabilities – not a need addressed by extension of Village; Continuing Care Retirement Communities – different concept to independent living;</p>
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Statement of Community Involvement:

Planning Policy Statement 1 and the Council's Statement of Community Involvement (September 2007) advocate the importance of holding pre-application discussions on more significant applications, particularly with interested parties. The applicant and agent conducted a series of consultation events regarding the proposals with both the residents of Lime Tree Village and the wider community. The Council has received a copy of 145 feedback forms in total for events in April, July & August 2009. Both positive and negative comments were received including concerns relating to the overall bulk of the buildings, car parking provision, congestion, width of Cawston Lane and fees, whilst the provision of further landscaping, a larger hall and benefits to long time care are welcomed.

Based on pre-application plans that officers saw it would appear that some of the initial concerns raised by residents did involve changes to the plans prior to submission, such as the loss of the three-storey apartment blocks, reduction in the number of units and the inclusion of more landscaping throughout the site.

Relevant Planning Policies & Guidance:

RBLP S1	Conflicts	Urban development priorities
RBLP GP1	Complies	Appearance & design
RBLP GP2	Complies	Landscaping
RBLP GP3	Complies	Protection of amenity
RBLP GP4	Complies	Energy Conservation

RBLP GP12	Complies	Air Quality Management Area
RBLP GP15	Complies	Planning Obligations
RBLP E1	Conflicts	Development in the countryside
RBLP E5	Complies	Landscape and settlement character
RBLP E6	Complies	Biodiversity
RBLP H6	Complies	Affordable Housing
RBLP H12	Complies	Open space provision in residential developments in the rural area
RBLP LR1	Complies	Open space standards
RBLP TCR3	Complies	Town centre uses
RBLP T2	Complies	Travel Plans
RBLP T3	Complies	Access and highway layout
RBLP T4	Complies	Cycle and pedestrian facilities
RBLP T5	Complies	Parking facilities

Rugby Local Development Framework - Emerging Core Strategy

Planning Policy Statement 1 – Sustainable Development & Climate Change
 Planning Policy Statement 3 – Housing
 Planning Policy Statement 4 - Planning for Sustainable Economic Growth
 Planning Policy Statement 5 – Planning for the Historic Environment
 Planning Policy Statement 7 – Sustainable Development in Rural Areas
 Planning Policy Statement 9 – Biodiversity & Geological Conservation
 Planning Policy Guidance Note 13 – Transport
 Planning Policy Guidance Note 17 – Planning for Open Space, Sport & Recreation
 Planning Policy Statement 23 – Planning & Pollution Control
 Planning Policy Guidance Note 24 - Noise
 Planning Policy Statement 25 – Development & Flood Risk

Assessment of Proposals:

General Policy Principles:

The site lies within the countryside on greenfield land. The Local Plan steers development towards previously developed land within the urban area and settlement boundaries. Therefore as the site lies outside such areas it would not accord with the principles of Policy S1.

PPS4 states Local Planning Authorities should ensure that the countryside is protected for the sake of intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In addition it states that in rural areas development needs to be strictly controlled and that new development should be in or close to existing settlements. PPS7 and the supporting text to Policy E1 reiterates this point particularly the need to conserve and enhance the countryside. The proposed development is not a form of development that is generally associated with the rural economy or activities that occur within it, such as agriculture. Therefore, the proposal would not accord with Policy E1.

Draft Policy CS5 'Growth Delivery' of the Local Development Framework Proposed Submission Core Strategy July 2009 and the associated Focused Changes indicate that development may potentially occur in the future from the south west edge of the Rugby Urban Area towards and around Lime Tree Village, particularly if housing requirement figures increase for the Borough or if there is an insufficient number of houses being delivered. However, this could be subject to change and at present does not form part of the Development Plan.

On this basis, the development would represent a departure from the Development Plan if approved.

C2 Use:

The Town & Country Planning (Use Classes) Order 1987 (as amended) states that a Class C2 use (Residential Institutions) defines care as being 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment.' This meaning specifically states old age and the applicant is prepared to enter into a Section 106 legal agreement to ensure all residents of the extra care units are at least 65 years old at the date of occupation and that they will be contracted to purchase a Basic Minimum Care Package of 1 hour a week. The applicant's agent considers that the average take up of hours in reality is in excess of 1 hour a week, but they do not wish for a greater period of time to be enforced through a legal agreement as they wish individuals to have the freedom to purchase hours when they require them and do not wish to impose greater hours which may act as a deterrent to sales.

Restricting the minimum age to 65 years old, requiring occupants to sign up to a minimum care package, plus the paying of a significant annual service charge, as the units would be leasehold, is clearly going to discourage those individuals who are not elderly and in need of care. In addition, the availability of 24 hour care and the employment of 38 additional members of staff (rising from 27 to 65) to cater for the care needs of the residents are further factors which weigh in favour of the applicant's interpretation that the proposed development is Class C2.

The applicant's agent has submitted a substantial volume of supporting evidence, including various planning appeal decisions and Counsel advice. It would appear that the deciding factor for Inspectors with regard to whether the proposal constituted a Class C2 use related to the above points, particularly the element of the personal care package and the annual service charge for a leasehold unit. It is the actual characteristics of the extra care units and restrictions imposed which the applicant's Counsel felt was the deciding factor between Class C2 and Class C3 development.

The existing dwellings at Lime Tree Village are classified as Class C3 residential dwellings. They are subject to a restriction on occupancy where individuals have to be aged 55 years old or above and when they were originally sold for the first time initially restricted to people who live and work or who have relatives that live or work in the County of Warwickshire. The occupants of these properties do not have to sign up to a care package and it is considered that this is one of the key distinctions which makes a difference between the existing dwellings being Class C3 and the proposed being Class C2.

The applicant's agent has also confirmed that they are willing for the same restriction on the first sale of the dwellings/units as detailed above to be imposed on the new properties.

Need:

Policy TCR3 states Class C2 development should be located within Rugby Town Centre unless it can be demonstrated that there is a need for the development which cannot be met from suitable alternative sites or buildings within the town centre; and that the proposal is within an edge of town centre location; and the site would be capable of being made genuinely accessible by a choice of means of transport.

The Royal Town Planning Institute's Good Practice Paper on Extra Care Housing indicates that between 2006 and 2031 there will be approximately a 67% increase in the number of

individuals over the age of 75 living in the United Kingdom. The applicant has provided evidence that there is a need for the development through extracts from the West Midlands C2 Housing Market Area: Strategic Housing Market Assessment which states that Rugby has an above average elderly population compared to the regional and national average. The relatively older population profile of the Borough combined with demographic trends towards an ageing population has potential implications for future accommodation. For example, an increased need for specialised accommodation for older people that if unmet could result in an under occupancy of larger dwellings creating a potential blockage in the market which may force younger families to leave the area. Para 69 of PPS3 states that Local Planning Authorities need to have regard to ensuring developments do cater for specific groups, such as older people.

The needs assessment submitted by the applicant states there is a shortfall of 66 care places within Rugby Borough currently. The number of care places increases when using population projections to 2018 where there is a likely to be a shortfall of 244 care places. The applicant has also highlighted that there is a further shortfall of 293 places within a 10km radius of the Borough. The applicant has also highlighted the Review of Dementia Care for Older People in Warwickshire (2007) which states that Warwickshire has fewer registered care home places for older people with dementia at 10.32 per 1000 population, than the England average 12.03. Warwickshire County Council Adult, Health & Community Care Services Section have advised that as the number of residents in Warwickshire over the age of 85 is forecast to rise by more than a third by 2016, with the number of people with dementia expected to rise by more than a quarter over the same period, doing nothing in response to these demographic changes is not an option. Based on the information submitted, it is considered that the applicant's have adequately demonstrated a need for the proposed development, in accordance with Policy TCR3.

The applicant has not identified any sequentially preferable sites within the town centre or edge of centre location, as required by Policy TCR3. An outline application in Bilton which includes approximately 159 units associated with residential care, independent living, nursing and dementia care is currently pending. This site has an elongated and rather convoluted layout owing to it comprising of land which was going to be used as a relief road and has been ongoing for sometime. There are various outstanding issues and even if in the future it is judged to be acceptable, it is not clear when this scheme may actually be able to be delivered, particularly as it is only an outline application. Therefore, based on work undertaken by and on behalf of the Council and on other assessments undertaken in support of planning applications officers are satisfied that there are no sequentially preferable alternative sites or buildings within the town centre or edge of centre suitable for this type of development.

With regard to Policy TCR3, the site is served by a daily bus service and lies only 250 metres south of the edge of the Cawston Estate on Coventry Road which is served by a bus every 12 minutes daily. Whilst it is acknowledged Cawston Lane does not have a footpath between it and Coventry Road and may deter some users from walking along it, the site does lie relatively close to Dunchurch and Bilton and therefore is genuinely considered to be capable of being accessed by other means than the private car. Overall the proposal is not considered to be in conflict with Policy TCR3.

Extra Care Housing & Continuing Care Retirement Community Concept:

There is undoubtedly a demand for the availability of accommodation for the elderly, however, not all forms of sheltered housing meet the needs of older people. The RTPI Good Practice paper referred to above states that many older people now survive longer with a disabling illness and the chance for individuals to avoid residential care and live in specially designed housing so they can retain a sense of independence and dignity. Recent planning appeal decisions have reiterated this and highlighted that extra care provision can enable the elderly to maintain as long as possible an independent life and care can be more effectively delivered.

Extra care housing is understood to be a significant growth area and is described as purpose-built accommodation in which varying amounts of care and support can be offered and where some services are shared, but generally do not contain extensive communal facilities such as function rooms, laundries, restaurants, shops, health and fitness rooms.

A Continuing Care Retirement Community (CCRC) is a relatively new concept in the United Kingdom and is being promoted as a response to the limitations of traditional sheltered housing and care home models. The Elderly Accommodation Counsel considers that whilst such facilities are becoming an increasingly popular concept there is a lack of any single clear definition and significantly vary in size, but often include a number of recreation facilities and sometimes a care home. However, the Department of Health considers that they are all embracing comprehensive alternatives to both sheltered housing and residential care, providing for a wide range of needs and individual circumstances. Whilst the age range of CCRCs is understood to be varied they are typically occupied by people in their 70s and 80s on entry. They aim to cater for a whole range of needs and individual circumstances by promoting independence and choice with self-contained accommodation with access to on-site care and support enabling primary health, care and support services to come direct to the individual when required so they don't have to move. A regular service fee is applicable which covers maintenance, communal services, minimal support and care package which can be enhanced by an additional charge. It is the ability for older people to live within a community that links together to enable those individuals to live long into old age with choices that can adapt to their requirements.

The properties themselves are designed so they can be adapted internally for future occupiers and meet the requirements of Lifetime Homes, the Joseph Rowntree Foundation standard. This includes reinforced partition walls in the bathroom so they can support the weight of assisted equipment, as well as the ability to add in hoist tracks and lifts.

Warwickshire County Council Adult, Health & Community Care Services have stated that owing to the growth in the number and needs of older people in Warwickshire they are committed to a 'whole market' approach to increase care accommodation capacity across the county.

Highways:

Concerns have been raised by third parties at the increase in traffic levels along Cawston Lane between Dunchurch and Coventry Road, Cawston. The road is subject to a 40mph limit and there are no footpaths along it adjacent to Lime Tree Village.

It is understood that at present there are 90 garages, 80 residential car parking spaces, 5 staff and 10 visitor parking spaces on site. This equates to 185 spaces overall which based on 153 residential properties is 1.2 spaces per dwelling. The proposed scheme will add a further 89 units to Lime Tree Village, including the care home, which will be served by an additional 80 parking spaces.

The applicant's intend to provide 47 spaces with 4 visitor spaces for 47 extra care cottages, 12 spaces with 2 visitor spaces for the 12 extra care apartments, 8 spaces for residents and visitors to the 30-bed care home, with an additional 7 spaces for staff/visitors. Across the entire Lime Tree Village site this will equate to 265 spaces for 242 units, approximately 1.1 spaces per dwelling/unit.

Cycle parking provision is expected to be accommodated within the curtilage of the intended extra care cottages/units. However, two covered and secure cycle storage buildings for a total of 20 cycles is to be provided for the care home element and the extra care apartments including 4 electric mobility scooter spaces. A further 6 cycle spaces will also be provided adjacent the main entrance to the care home to cater for potential visitors. This level of provision is above the minimum standard for cycle parking the Council would generally accept on a Class C2 residential institution development and therefore the proposal would accord with policy T4.

Paras 49 & 51 of PPG13 'Transport' state that reducing the amount of parking in new development is essential as part of a package of planning and transport measures and that Local Planning Authorities should not require developers to provide more spaces than they themselves wish. Appendix 3 of the Rugby Borough Local Plan, 2006 states that dwellings specifically for the elderly should have a maximum car parking standard of 1 space per unit where there is no resident warden. In the case of nursing and rest homes there should be a maximum of 1 space per 4 residents. Based on the parking levels provided they would accord with the Local Planning Authority's maximum standards, however, there will be an extra provision of 11 spaces for visitors/staff across the site. Owing to the specific characteristics of the development with the provision of extra care cottages/apartments the provision of the additional visitor/staff spaces for 89 extra units is not considered excessive and overall would equate to 1.1 spaces per dwelling/unit across the site. On this basis, it is considered that the development would accord with policy T5 and PPG13.

A Transport Statement was submitted with the application which concluded that the development can be accommodated without detriment to the operational safety or capacity of the local highway network and it will encourage sustainable patterns of living, particularly as the site is within walking and cycling distance of Bilton. This statement also makes reference to the provision of a travel plan with key measures including the provision of a new people-carrier shuttle bus service on request for residents and staff. It is intended that this will be in addition to the minibus service operated from the site so the applicant's anticipate this will enhance connections for residents, particularly those that cannot walk far and do not have access to a car. An existing Community Travel Plan is already in place under the original 2003 permission, so the new travel plan will update this. Therefore, the proposal will accord with policy T2.

A slight adjustment is proposed to the existing access on to Cawston Lane, particularly with regard to the visibility splay to the north-west. This will involve the removal of a mature tree adjacent to the access. Overall Warwickshire County Council Highway Authority has confirmed that they raise no objection to the proposal subject to conditions. Therefore, the proposal is considered to accord with policy T3 and PPG13.

Design & Appearance:

The proposed site will be clearly visible from both Coventry Road and Cawston Lane and will protrude into an open area of undeveloped land within the countryside. The proposal will have an urbanising affect on the surrounding landscape but will also be read in conjunction with the existing Lime Tree Village complex. It will lie within an area that has clearly defined boundaries, so would be read as separate feature to the surrounding fields. The built form will be set back from Cawston Lane between 19 to 43 metres enabling views across the

southern section of the site towards Cawston House, which will assist in providing an element of continuing the identity between this historic building and the new development.

The development will be punctuated throughout with areas of open space, extensive soft landscaping and water features. At an overall relatively low density of 29 dwellings/units per hectare this will help provide a degree of assimilation between the existing village and the surrounding rural landscape. As the site will be served by the same access off Cawston Lane and have a series of links between it and the existing village it would appear as a natural extension. The most significant building will be the care home, extra care apartments and associated facilities, such as the hall. This overall block will appear as a large dominant feature, but being located towards the central part of the site adjacent the boundary with the existing village and surrounded by the smaller 2-storey extra care cottages will not seem too bulky in appearance.

A new hedgerow and additional vegetation will be planted along the north-western boundary and further landscaping along the north-eastern boundary will provide landscape buffers between the site and the surrounding fields. A substantial landscaped strip through the centre of the site will also soften the impact of the development over time.

The architectural character of the main building, Pipewell Grange, is intended to take the form of a central pavilion with wings based on an 'H' shape footprint. The style will appear as an older building which has had 'wings' added. There will be varying roof heights although only two levels of accommodation throughout. The applicant's agent considers this more formal arrangement is similar to the character and appearance of Dunchurch Hall and therefore will respect the setting of Cawston House.

The new cottages will be arranged in groups overlooking the shared green character areas. There is no formal street hierarchy which results in an informal relationship between the buildings and landscape and thus a more unified rural character. The design and appearance of the cottages draws upon the architectural features of the existing properties within Lime Tree Village as well as the villages of Dunchurch and Thurlaston. This includes the use of multi-red brick, painted brick, render, natural timber cladding, small plain tiles and reconstituted slate, curved brick headers, timber doors and chimneys. Therefore, it is judged that the proposal would draw upon the local distinctiveness of the area, in particular the built form. The use of low level lighting in the form of column lights and buried uplights is acceptable in general but their siting and external finish details will need to be conditioned.

The principle of the design and appearance is considered acceptable and whilst it will be prominent in the countryside a balance has to be struck between the provision of additional elderly accommodation where there is an undisputed need and the impact on the environment. Therefore, based on the presence of the existing village and the established need these are significant factors in the consideration of the overall impact of the development. On balance, the proposal is considered to accord with Policies GP1 & E5 and PPS1.

Energy Conservation:

Policy GP4 states that all new development will be required to demonstrate the energy efficient design of buildings, their layout and orientation. The proposals will be expected to minimise the amount of energy resources consumed and limit pollution. The Sustainable Design & Construction Supplementary Planning Document (SD&C SPD), June 2009 sets out the Council's aspirations for development which should achieve the highest feasible and financially viable standards of sustainable design and construction. On major development the Council encourages proposals to meet a Code Level 4 standard although this will not be mandatory until 2013.

The applicant's agent has submitted a Sustainability Checklist and a BRE Environmental Assessment Method (BREEAM) pre-assessment but for financial viability reasons is unable to achieve Code Level 4 on site. They have highlighted that solar water heating will be provided to the cottages and two/three combined heat and power units will be used in the care home to reduce its thermal output and produce electricity. High levels of insulation, water conservation, sustainable drainage, low energy lighting and communal village composter are additional features that will be incorporated into the scheme. Although they consider that if permission was forthcoming they will have built out the scheme by 2013, so are only required to meet a Code Level 3 standard, the evidence they have submitted together with the Sustainability Checklist indicates that their approach towards sustainable design and construction is satisfactory.

On this basis the proposal is not considered to conflict with the aspirations of the SD&C SPD and Policy GP4.

Ecology:

An existing landscape and ecological management plan remains in place across the site, however, sections of this in relation to the Polo Field will be superseded by the proposed development. A Protected Species Report and Wildlife Assessment accompanied the application. The Wildlife Assessment Report re-evaluates the previous management plan and considers that the on site ecological resource is almost unchanged from 2002. Evidence of both badgers and water voles were recorded in the vicinity of the site and precautions will be made to protect such species, including reptile proof fencing. The report considers that the existing management plan remains in force and is a fully appropriate method to increasing biodiversity on the site. Whilst it acknowledges that minor changes will need to be made it concludes that the provision and/or retention of wildlife corridors and open grassland, although smaller than at present, will benefit biodiversity and wildlife management.

Both Natural England and Warwickshire Wildlife Trust have raised concerns regarding future occupiers keeping pet cats who may restrict the successful colonisation of water voles. However, based on the existence of properties along Lime Tree Avenue to the north of the site and that existing residents of Lime Tree Village can keep pets, it is considered unreasonable to impose such a condition. Natural England has acknowledged that such a condition would be difficult to enforce.

Natural England and Warwickshire Wildlife Trust also raised concerns that the development did not provide sufficient mitigation for badger and water vole routes across the site. Following revisions to the site layout both consultees are now content that this matter has been addressed and suitable planning conditions can be imposed. The proposal will therefore accord with policy E6 and PPS9.

Trees & Landscaping:

The Council's Tree Officer has identified six mature trees within the site. All are scheduled for retention apart from the mature ash tree adjacent to the access to the site on Cawston Lane. Whilst this tree is large and in a prominent location it is displaying a number of defects and overall is of poor form and has signs of dieback and large tear outs throughout with limited long term value. Therefore, there is no objection to its removal subject to new tree planting within the site. It is considered the remaining mature trees across the site are located at suitable distances from the proposed footprints. The submitted Tree Report identifies a total of 19 trees together with various works and future monitoring. An arboricultural method statement together with a root protection plan has also been submitted. The Council's Tree Officer has raised no objection subject to conditions.

The legal agreement on the original 2003 planning permission required a detailed habitat species and landscape improvement and management plan to be implemented. The landscape masterplan for the Polo Field indicated an extensive area of tree planting along the north-eastern and south-eastern boundaries with a scattering of trees along the north-western boundary and adjacent to the water course in the centre of the site. The main central part of the site was to be hay cut grassland with small wildflower grassland areas surrounded by further grassland on a 3 year rotation cut with mown grass pathways throughout the Polo Field. The field was to be managed to maximise ecological interest whilst the mown paths would link up with the existing village complex giving access to the residents.

Whilst the landscaping scheme, particularly the tree planting, was never implemented in full, an extensive area of trees have now been planted along the south-eastern edge during the 2009/2010 planting season on the Polo Field. The proposed development would involve the removal of a large number of these trees, particularly to build the Pipewell Grange section of the scheme. However, the proposed development would involve additional tree planting along the south-western and north-western sections of the site at a greater level that was not previously proposed under the original landscaping scheme. Additional planting will also run parallel to the watercourse.

The newly planted trees which will conflict with the intended scheme are young enough to be transplanted to other parts of the site so it is not considered that such recent additions to the Polo Field need to be lost in their entirety. The proposal will also create two new ponds, additional grass landscaped areas some of which will be more formal than others and a play area. These areas will be more defined and more accessible to a variety of users than the current landscaping across the field. The landscape masterplan has been amended to remove certain trees from the drainage easements across the site with any new shrub planting over such easements being shallow rooted. Oak, ash, field maple, sycamore and hawthorn trees are intended to be used across the site as well as ornamental planting to give privacy and seclusion for individual residents, whilst the existing hedge between the site and Cawston Lane is to be retained.

Whilst the loss of the open field is regrettable the intended landscaping for the site will represent a high quality design of hard and soft landscaping that will enhance existing features, such as the water course, and provide valuable green links and wildlife corridors between the existing village and surrounding fields as well as providing a vista towards Cawston House from Cawston Lane. Together with changes to the existing habitat species and landscape improvement and management plan it is considered that on balance the proposal will accord with Policies GP2 & E5.

Affordable Housing:

The agents are adamant that as proposed development falls entirely within a Class C2 they are not obliged to provide any affordable housing and that there is no requirement within Government Guidance or local planning policy to provide such type of housing. Notwithstanding this the Council is concerned that certain units appear self-contained and have the characteristics which are similar to that of a Class C3 use 'Dwellings.' The Local Planning Authority is of the opinion that the proposal could be construed as being more akin to a quasi-residential Class C3 use and thereby potentially contributing to the overall housing requirements. This in turn could be considered to generate the need for an appropriate level of affordable housing even if the nature of the scheme was overall judged to be Class C2, particularly as the elderly population is not entirely immune from the need for an affordable home. For instance, the Rugby Housing Strategy for 2009-2011 states that whilst 76.6% of Rugby Borough's population over the age of 60 own their own homes, clearly 23.4% do not.

Notwithstanding the agent's general stance regarding the provision of affordable housing on a Class C2 development, they have investigated the option of affordable housing provision based on discussions with both Borough & County Council Housing Officers. They have provided evidence with regard to the difficulties of delivering affordable housing through a Registered Social Landlord (RSL) on site, particularly in relation to service charges. It would be a private complex and RSLs are apparently not interested in where care will not be provided by them and there is limited ability to secure funding for this form of specialist housing. As the applicants are not in the position where they could provide affordable housing on an alternative site, they have agreed to provide an off-site financial contribution towards affordable housing on a goodwill without prejudice basis as ultimately they consider there is no specific need for them to provide such form of housing.

In exceptional cases the Local Planning Authority will consider the acceptance of a financial sum of money in lieu of affordable housing units being provided on site, where the applicants have demonstrated that provision on site or in the vicinity is not a viable option. In this particular instance it is considered that a financial contribution in lieu of any affordable housing on site is acceptable and reasonable.

The provision of an off-site financial contribution towards affordable housing is a key part of the scheme which adds further weight in favour of the proposal in this countryside location. These monies would assist the Borough and County Council in facilitating the development of further independent housing with care models to meet the demand of the ageing population in the Borough. On this basis and notwithstanding the varied opinions in relation to the use class, the proposal is not considered to conflict with the general principles of Policy H6.

Open Space:

As with affordable housing, the applicant's agent considers retirement housing developments should not generally be required to provide children's play areas.

However, many grandparents play an active role in providing childcare with recent government statistics estimating that approximately one in four families rely on grandparents on a regular basis. Therefore, whilst the end user of the proposed development will be older people, individuals over the age of 65 or 55 (in the case of the existing village), could still have many years of independent living ahead of them and look after their grandchildren on a regular basis. As Lime Tree Village is in a relatively isolated and self contained location it is considered the provision of a small children's play area may be seen as an advantage to certain residents. Therefore, the proposal will include on site open space provision in the form of carved wooden play equipment which is designed to blend into the rural character of the development and will allow visiting grandchildren and potentially residents somewhere safe and convenient to play.

Certain residents have raised concern at the provision of such a facility, however, it will remain private and not be available to the general public. The facility will represent only a small area of open space within the site and other features such as sensory gardens, horticultural plots, seating areas, grassland, formal gardens, meadow area and spinney will also be included.

As detailed above the original application was subject to a detailed habitat species and landscape improvement and management plan as part of the associated legal agreement. Warwickshire Wildlife Trust are keen that elements of this plan remain in place and that it is updated. The applicant's agent has agreed to this.

Overall the provision of open space throughout the site, albeit on a private basis, will create a network of green spaces and corridors giving future and existing residents of Lime Tree Village access to a wide range of varied and quality recreational resources and therefore would not conflict with the general principles of policies LR1 & H12.

Residential Amenity:

The closest residential properties to the site are those that lie within the existing village complex along Thurlaston Drive and Marton Court. Plots 1-3 will lie approximately 20 metres north-west of 1 Thurlaston Drive across the existing access road into the site. These plots will be 2-storey with the first floor incorporating rooms within the roof space and therefore are of a similar bulk to 1 Thurlaston Drive. The orientation of the proposed plots to this existing property and the separation distances are considered acceptable and would not adversely affect the amenity currently enjoyed by its occupants.

Nos. 2 & 3 Thurlaston Drive will lie approximately 26 to 31 metres away from proposed Pipewell Grange block that will contain the care home and extra-care apartments. Part of the entrance block to the café and hall will actually lie within 16 metres of No. 2 Thurlaston Drive, however this is at a very oblique angle to the south-west and this particular section will be single-storey. Overall it is considered that these distances are acceptable and would not erode the level of residential amenity of the existing properties to such a level to warrant a reason for refusal.

No. 19 Marton Court will be situated approximately 18 metres from plot 47, however as they will be off-set from each other both properties will retain an element of open aspect beyond each other. This relationship is judged to be acceptable. The rear of houses Nos. 20-23 Marton Court will be located approximately 40 metres from plots 39-41, this distance is also considered acceptable.

Some of the distances between the proposed units are relatively close, such as 9 metres between Plot 24 and the side elevation of Plot 26. However, those individuals wishing to purchase these units will be well aware of the relationship between them and overall the layout.

Overall the proposal would comply with policy GP3.

Archaeology:

An archaeological desk based assessment was submitted with the application. This concluded that the site has a moderate potential for late Prehistoric and Roman-British activity, moderate-low potential for Saxon-Early Medieval activity and high potential for Medieval period activity. A pre-determinative survey was conducted which involved the formation of 11 trenches across the site. Very few archaeological remains were found as modern truncation and ground disturbance has occurred across a large section of the site. Whilst the evidence of the deserted medieval village of Cawston was found, Warwickshire County Council's Archaeological Section has confirmed that they raise no objection subject to conditions, particularly in relation to any associated builder's compounds. The proposal is therefore considered to accord with PPS5.

Flood Risk & Drainage:

The site lies within Flood Zone 1 which has a less than 1 in 1000 annual probability of river flooding in any year. However, based on the scale of development at the site, a Flood Risk Assessment formed part of the submitted application. Various recommendations have been suggested within the Assessment to manage any potential flooding such as permeable paving, a new balancing pond and removal of certain culverts. On this basis, the Assessment concludes that the proposed design of the site would not result in a risk to

flooding and that the scheme has decreased the risk of flooding elsewhere. All intended buildings and ground floor levels will be significantly above the existing water course.

Potential conflict between the existing drainage easements across the site and the intended buildings and new trees has been resolved with Severn Trent Water. Both the Environment Agency and Severn Trent Water have confirmed that they raise no objection, subject to conditions. The proposal is therefore considered to accord with PPS25.

Noise, Air Quality & Contamination:

It is acknowledged that surrounding residents could be subject to noise disturbance during construction works. However, Environmental Services are content for such a matter to be addressed by planning condition. In general they accept the content of the contaminated land report but request it is updated to accord with the latest legislation. This can be addressed as part of any planning conditions, particularly as other conditions in relation to a Remediation Method Statement associated with the contaminated land will be required. An air quality assessment would also be required but based on discussions between the applicant's agent and Environmental Services this can also be provided by condition. On this basis, it is considered that the proposal would accord with policy GP3 and PPS23 & PPG24.

Other Matters:

A Waste Management Plan accompanied the application which identifies the possible types of waste that the development may generate. It also covers the handling, collection and disposal of waste, including inert, hazardous and liquid forms as well as the possibilities of reducing, re-using and recycling the waste. This Plan will be reviewed and updated every six months as the development proceeds. The Environment Agency and the Borough Council's Environmental Services Section have raised no objections to the Plan subject to conditions.

Concerns have been raised by some individuals regarding the potential changes to operation of the Village, including security, the administration facilities and the associated charges. These are matters beyond the scope of this application and are private concerns between the residents and the management company and applicant.

Conclusion:

There is an undisputed need to provide further accommodation for the elderly population in the Borough. This overriding need, together with the presence of the existing retirement village adjacent to the site; the benefit to new and existing residents and the wider community through the outreach domiciliary care service; the identification of land to the south-west of Rugby as a potential contingency area for growth; and the offer of an off-site financial contribution towards affordable housing and libraries; are on balance all factors that cumulatively justify special circumstances to warrant a departure from the Local Plan.

Recommendation:

Subject to the completion of a Section 106 legal agreement to secure an off-site financial contribution towards libraries and affordable housing provision; restrictions on use class, age, minimum care package and selling; provision of private open space; travel plan; and a habitat species and landscape improvement and management plan; the application be approved subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

665

ADDRESS OF DEVELOPMENT

Lime Tree Village
Cawston Lane
Rugby
Warwickshire
CV22 7SA

DATE APPLICATION VALID

06/11/2009

APPLICANT/AGENT

Tetlow King Planning
Unit 2 Eclipse Office Park
High Street
Staple Hill
Bristol
BS6 5EL

APPLICATION DESCRIPTION

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.

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:

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

Site Location Plan; HT.3B-A1.p; HT.3B-B2.e; HT.3B-B2.p; HT-3B-CR1.pe; C100 Rev D; C101 Rev C; C103 Rev E; C104 Rev D; C105 Rev B; C106 Rev A; C107 Rev C; C108 Rev C; C109 Rev C; C150 Rev E; C151 Rev A; CP01 Rev A; CP01-A.pe; CP02-A.pe; CP02-B.pe; CP02-C.pe; CP03-A.pe; CP04-A.pe; CS01-A.pe; LP01; ML01; SK102; SK103; SK104; SK105; SK201 Rev A & TL01 received by the Local Planning Authority on 19th October 2009;

Site Plan received by the Local Planning Authority on 20th October 2009;

CH.e Rev A; CH.p2 Rev C; CH.s1 Rev A & CHs2 Rev A received by the Local Planning Authority on 9th November 2009;

HT.2B-A1.pe Rev A; HT.2B-A2.pe Rev A; HT.2B-A3.pe Rev A; HT.2B-A4.pe Rev A; HT.2B-A5.pe Rev A; HT.2B-A6.pe Rev A; HT.2B-A7.pe Rev A; HT.2B-A8.pe Rev A; HT.3B-A1.e Rev A; HT.3B-B1.pe Rev A; CH.p1 Rev E & SL01 Rev C received by the Local Planning Authority on 13th July 2010;

HT.3B-CR2.pe Rev B received by the Local Planning Authority on 15th July 2010;

C102 Rev L received by the Local Planning Authority on 2nd August 2010;

Archaeological Desk Based Assessment by CgMs Consulting dated March 2009 & Archaeological Evaluation Report by John Moore Heritage Services dated June 2009;

Care Needs Assessment ref C:\RC\M7\1102-04.RPT;

Code for Sustainable Homes Pre-Assessment (Level 3) Rev A & Care Home BREEAM Multi-Residential 2008 Pre-Assessment Reports;

Column & Prado Lighting (principle of);

Design & Access Statement (excluding layout & materials in part);

Engineering Appraisal & Substructure Design Philosophy dated May 2009;

Flood Risk Assessment dated May 2009;

Landscape Assessment ref 09.794.R.2;

Preliminary Geo-Environmental & Geo-technical Assessment ref 0903014.001.01 dated June 2009;

Protected Species Report dated 28/03/2009 & Wildlife Assessment dated July 2009;

Site Waste Management Plan;

Supporting Statement ref C:\RC\M7\1102-03.RPT;

Transport Statement ref: 0901-13/PR/01;

Tree Report ref IFS.09.794 dated 09/03/2009;

Tree Survey & Root Protection Plan ref 09.794.001;

all of the above received by the Local Planning Authority on 19th October 2009;

West Midlands Sustainability Checklist Rev A received by the Local Planning Authority on 30th June 2010;

Supplementary Materials & Colours Document (dated 07/07/10) received by the Local Planning Authority on 13th July 2010; &

Landscape Strategy ref 09.794.003B received by the Local Planning Authority on 9th August 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:

Before development commences, samples of the facing bricks and roofing tiles/slates together with finished paint/render colours and timber colours/stains as detailed in the Supplementary Materials & Colours Document dated 07/07/2010 received by the Local Planning Authority on 13th July 2010, together with full details of the materials and external treatment/finishes of the car ports and cycle stores and details of all external hard surface treatments, shall be 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 4:

Notwithstanding the details submitted and before development commences full details of the design, materials and finishes of all windows and doors, including reveal depths, headers and cills, and the type, size and projection of proposed rooflights and solar panels shall be 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 5:

Before development commences full details of the design, materials, height and finished colour/treatment of all proposed boundary treatments within and surrounding the site, including those detailed on the Material Layout Plan ref ML01 received by the Local Planning Authority on 19th October 2009, shall be 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:

In the interests of the visual amenities of the locality.

CONDITION 6:

In addition to the submitted Tree Report ref IFS.09.794 dated 09/03/2009 received by the Local Planning Authority on 19th October 2009 and the Landscape Strategy ref 09.794.003B received by the Local Planning Authority on 9th August 2010, no works or development shall commence until a comprehensive landscaping scheme, including buffer zones for protected species, together with a phasing plan for the implementation of the approved landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the type, density, position and planting height of all trees, shrubs and hedgerows, together with details of those trees and shrubs to be retained, removed or relocated.

REASON:

In the interests of visual amenity.

CONDITION 7:

The landscaping scheme and phasing plan shall not be carried out other than in accordance with the approved details as stated in Condition 6 and if within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

In the interests of visual amenity.

CONDITION 8:

Tree protection methods shall be undertaken in accordance with the Tree Report ref IFS.09.794 dated 09/03/2009 received by the Local Planning Authority on 19th October 2009 unless otherwise agreed in writing with the Local Planning Authority. All measures contained within this Report shall be implemented prior to development commencing to the satisfaction and written approval of the Local Planning Authority.

REASON:

To ensure the health and well-being of the existing trees on site and in the interests of visual amenity.

CONDITION 9:

No development shall commence until a detailed schedule of protected species mitigation measures, in accordance with the mitigation principles outlined in the Protected Species Report dated 28/03/2009 and the Wildlife Assessment dated July 2009 both received by the Local Planning Authority on 19th October 2009, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved mitigation measures.

REASON:

To protect and enhance the ecological value of the site.

CONDITION 10:

Notwithstanding the details submitted, no development shall 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 development shall be served by a public foul sewer and surface water arising from the proposed development shall be treated by sustainable drainage systems with the treatment system designed and maintained to address water quality and quantity aspects unless otherwise agreed in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

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

CONDITION 11:

No building shall be erected or trees planted within 3 metres of the 150mm foul sewer and within 4 metres either side of the edge of the 100mm pressurised/rising foul sewer which cross the site unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

CONDITION 12:

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref E2080097, prepared by the HCD Group dated May 2009 and received by the Local Planning Authority on 19th October 2009 and the following mitigation measures detailed within the FRA:

- a) limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than the existing Greenfield rate of 36.4 l/s as calculated in the FRA;
- 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 FRA;
- 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 13:

No development shall take place, including the creation and formation of any associated builder's compounds and/or construction access routes, 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:

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

CONDITION 14:

Before development commences, details of the siting and associated works involved with the creation and formation of any builder's compounds and/or construction access routes shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of the amenities of the locality and to ensure that any impact on potentially important archaeological remains is safeguarded.

CONDITION 15:

Prior to the first occupation of the first unit, the existing access to the site shall be upgraded to provide a visibility splay with an 'x' distance of 2.4 metres with 'y' distances of 120 metres. No structure, tree, shrub or hedgerow shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway (including the existing hedgerow adjacent the site along the north-eastern side of Cawston Lane).

REASON:

In the interests of highway safety.

CONDITION 16:

Notwithstanding the Column & Prado lighting details submitted, prior to the first occupation of the first unit built on site, details of any external lighting including design, external finish and location shall be 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:

In the interests of visual amenity and to avoid unnecessary light pollution.

CONDITION 17:

Before development commences a detailed noise construction survey and assessment associated with the approved works shall be prepared by a competent noise consultant and submitted to and approved in writing by the Local Planning Authority. The mitigation measures subsequently agreed shall be implemented in accordance with the approved details.

REASON:

In the interests of the residential amenity of adjacent properties.

CONDITION 18:

Prior to the installation of any refrigeration and air handling plant, details of its design, installation and operation shall be 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:

In the interests of the residential amenity of adjacent properties.

CONDITION 19:

No development shall commence unless and until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of health and safety.

CONDITION 20:

No development shall commence unless and until the previously submitted Engineering Appraisal & Structure Design Philosophy prepared by the HCD Group dated May 2009 received by the Local Planning Authority on 19th October 2009 has been updated to include the new Environment Agency/Defra published Soil Guideline Value (SGV) & Toxicological (TOX) reports along with the Chartered Institute of Environmental Health (CIEH) / Land Quality Management (LQM) Generic Assessment Criteria for Human Health Risk Assessment, 2nd Edition 2009. In addition, the following points shall be addressed:

- a) Identified contaminated made ground (historical pond area) shall be removed from site and the excavated void replaced with chemically suitable material for the proposed end-use;
- 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, 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 the 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 21:

The car and cycle parking provision as detailed on the approved plans shall be made available for use prior to the first occupation of the first unit and shall be permanently retained for such purposes and not used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure adequate parking facilities are provided on site at all times.

CONDITION 22:

Other than the walls, gates, fences, railings or other means of enclosure approved under Condition 5 above and notwithstanding the provision of the Town & Country (General Permitted Development) Order 1995, as amended, or any order revoking or re-enacting that Order, no wall, gate, fence, railing or other means of enclosure shall be erected, constructed or placed within the application site edged red unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

CONDITION 23:

During the construction period, adequate measures shall be taken to prevent deleterious matter being carried on to all nearby highways, including the private access road of Thurlaston Drive, Lime Tree Village.

REASON:

In the interests of highway safety.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE

S1, GP1, GP2, GP3, GP4, GP12, GP15, E1, E5, E6, H6, H12, LR1, TCR3, T2, T3, T4 & T5.

PPS1, PPS3, PPS4, PPS5, PPS7, PPS9, PPG13, PPG17, PPS23, PPG24 & PPS25.

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 countryside outside any defined settlement boundary and therefore conflicts with Policies S1 & E1 of the Rugby Borough Local Plan, 2006. Nevertheless, the applicant has submitted evidence to justify a need for the development and that there are no sequentially preferable sites within the town centre or edge of centre. On this basis and based on the site's general proximity to the Cawston Estate, Bilton & Dunchurch, it is considered that the proposal does not conflict with Policy TCR3 of the Rugby Borough Local Plan, 2006. Overall and on balance the design, siting and external appearance, including energy conservation, of the development does not cause significant harm to the amenities of occupants of nearby buildings or to the appearance and character of the locality and as such would comply with Policies GP1, GP3, GP4 & E5 of the Rugby Borough Local Plan, 2006 & PPS1. The proposal has demonstrated that sufficient protection can be provided to flora and fauna and that long term protection and management will be secured by a legal agreement. Therefore, the proposal will accord with Policy GP2 & E6 of the Rugby Borough Local Plan, 2006 & PPS9. The provision of private open space on site together with an off-site financial contribution towards affordable housing means that the development would not conflict with Policies H6, H12 & LR1 of the Rugby Borough Local Plan, 2006. Adequate mitigation measures can be put in place to safeguard matters in relation to archaeology, flood risk, drainage, noise, air quality and contamination. Therefore, the proposal will comply with PPS5, PPS23, PPG24 & PPS25. The development can be served by a satisfactory access and parking provision, including cycles, and will benefit from a travel plan and therefore will be in accordance with policies T2, T3, T4 & T5 of the Rugby Borough Local Plan, 2006 & PPG13. Overall the overriding need; together with the presence of the existing retirement village; benefit to new and existing residents and the wider community through the outreach domiciliary care service; identification of land to the south-west of Rugby as a potential contingency area for growth; and financial contributions for affordable housing & libraries are factors which cumulatively on balance justify a departure from the Development Plan.

INFORMATIVES:

INFORMATIVE 1:

This application is subject to a Section 106 legal agreement.

INFORMATIVE 2:

The applicant is advised to raise awareness with future residents in relation to the presence of water voles within the vicinity of the site, a protected species under the Wildlife & Countryside Act 1981 (as amended), particularly that care should be taken by individuals and their pets from disturbing this species and its habitat.

INFORMATIVE 3:

Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. Should you need to contact Severn Trent Water, they can be contacted on 0116 234 3834.

INFORMATIVE 4:

The applicant should refer to pollution prevention guideline (No. 3) which is available via the Environment Agency's website <http://www.environment-agency.gov.uk>.

INFORMATIVE 5:

All waste drains serving the kitchen area should be provided with grease traps and detritus traps prior to discharge to the sewer and extract fans and ducting serving the kitchen area should be fitted with suitable degreasers and deodorisers.

INFORMATIVE 6:

The applicant is advised to give due regard to the advice contained in BS5228:2008 'Noise and vibration control on construction and open sites.' This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

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

For further information contact:-

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

Tel 0800 783 1423 www.considerateconstructors.co.uk

INFORMATIVE 7:

The applicant is advised that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours:-

Monday - Friday 7.30 -18.00

Saturday 8.30 -13.00

NO WORK ON SUNDAYS & BANK HOLIDAYS.

Reference number: R10/0953

Site address: 8 – 16 Crick Road, Hillmorton, Rugby,
Warwickshire, CV21 4DX

Description : The erection of 4 No. apartments and 15 No. detached / semi-detached dwellings together with associated garaging, parking facilities and site works.

Case Officer Name & Number: Matt McConville – 01788 533763

Description of Proposal:

The application proposes the erection of 4 two bed apartments and 15 dwellings within the site. The proposed dwellings comprise a mixture of 4 three bed semi detached properties, a mixture of 7 detached and semi detached 4 bed dwellings and 4 five bed detached dwellings, two of which are 2.5 stories in height. The largest building on the site would be the apartment block, which would be positioned partially forward of the main access off Crick Road occupying a more central position within the site. This H shaped building would have a width of 16 metres, a depth of 9.9 metres and a height of 8.1 metres. With the exception of plots 5 and 6, which would be sited to the rear of the apartment block, the remaining dwellings would be sited along the western Boundary with Wiggins Close and the southern boundary with Rugby Town Football Club.

The access would run from Crick Road, between numbers 10 and 14, across the former site of 12 Crick Road, which has subsequently been demolished. The access would step around the apartment building by way of an area of block paving and continue to the rear of the site to access the dwellings along the southern boundary.

The site has an area of 0.61 hectares which would result in a density of approximately 30 dwellings per hectare. The development would provide 6 affordable units comprising of the four apartments and the two semi detached units on plots 18 and 19.

Description of Site:

The 0.61 Hectare plot is sited off Crick Road approximately 2.5 miles to the south east of Rugby town centre. The surrounding area to the south of Crick Road around the application site borders open countryside at the urban edge of the town as defined in the Local Plan. The pattern of the development along this boundary is relatively dense with dwellings being built up to and alongside the urban boundary with the open countryside. The site is currently one of the only remaining open spaces between Crick Road and the urban edge to the south side of Crick Road. The area as a whole is residential in character comprising of a mixture of property styles and tenures.

The site is made up of sections of the rear gardens of number 8, 10, 14, and 16 Crick Road. The gardens contain a generous amount of trees and shrubs,

the best examples of which are concentrated around the edges of the site. It includes a number Scots Pine trees, located within the north east corner of the site, which are protected by Tree Preservation Orders.

The site is sandwiched between Wiggins Close to the west and Rowe Close to the east. The rear garden of 18 Crick Road runs between Rowe Close and the site. The neighbouring back land developments are of a similar modern design as the proposed scheme with the density of the whole site being greater than Wiggins Close and similar to that of Rowe Close.

To the rear of the site is the access road to Rugby Football Club beyond which is open countryside which slopes away to the south of the site resulting in the urban edge being visible from a wide area of open countryside.

Relevant Planning History:

The Site:

R05/813/7710/P – Erection of 15 Dwellings – Refused

R07/07565/MJAP – 8 – 18 Crick Road - Demolition of 14 Crick Road and erection of 9 apartments and 15 detached dwellings together with associated garaging, parking facilities and site works – The application was refused in June 2007 by the Planning Committee as it was considered that the proposal would have an adverse effect on the adjoining and nearby residents. An appeal was lodged and dismissed by an Inspector in November 2007. The sole reason for the refusal was the absence of a planning obligation in accordance with Section 106 of the of the Town and Country Planning Act 1990 to secure affordable housing and the relevant financial contributions. The Inspector considered the principle of the development and its impact on neighbours was acceptable.

R07/2156/MAJP – 8 – 18 Crick Road - Demolition of 14 Crick Road and erection of 9 apartments and 15 detached dwellings together with associated garaging, parking facilities and site works – The application was approved by the Planning Committee in January 2008 subject to the completion of the related Section 106 Agreement. The application is still a valid application and has not been determined as the Legal Agreement has not yet been completed.

Neighbouring Sites:

R02/0907/06840/P – Erection of Six Dwellings on the Land Adjacent to 4 Crick Road – Wiggins Close

R03/0737/07760/P – Erection of 28 Dwellings – Land at Crick Road – Rowe Close

Third Party Comments:

Neighbour (2) Objections:

At the time of writing the report two letters of objection had been received:

The letters raise the following concerns and objections:

- The Government is no longer in favour of such garden back land developments. All pre application discussions have taken place before this change.
- Since the time of the 2007 application there have been significant increases in the volume of traffic using Crick Road.
- The development will create one estate between Wiggins Close and Kilsby Lane harming the character and nature of the area.
- The properties within the latest application are positioned closer to Wiggins Close than the previous applications.
- The proposal would impact upon the rural landscape.
- Wiggins Close was not a backland development.
- The layout of the site is more favourable to the CALA Homes properties.
- The proposed access road is directly opposite the access to Orchard Gardens, has this and increase traffic been considered?
- A number of the photographs are miss-labelled.
- The access is no different to the access that was refused in June 2007 on highways grounds.
- The proposal would have a considerable effect on the mains sewerage.

Technical Consultation Responses:

RBC Building Control – No objections

RBC Housing Services – No objections

RBC Rights of Way Officer - No observations

RBC Environmental Health – No objection subject to conditions

RBC Tree Officer – No objection subject to conditions

WCC Highways - No objection subject to conditions

WCC Fire Officer - No objection subject to a condition

WCC Education Department - An educational contribution is required

WCC Archaeology - No comments:

WCC Libraries - A contribution towards Library provision is required.

WCC Police (Crime Prevention Design Advisor) - No Objections

WCC Ecology – No objections subject to conditions

Severn Trent - No objection subject to condition

Councillor Kathryn Lawrence – Expresses concern over the development:

- Is back garden development still allowed following the Governments Changes to PPS3
- Concern over highways safety given the increase in vehicular movements given that Crick Road is already a very busy highway.
- Parking needs to be considered.

Relevant Planning Policies and Guidance:

RBLP S1	Complies	Urban Development Priorities
RBLP S2	Complies	The release of development land for housing and employment development in the areas identified in Policy S1
RBLP GP1	Complies	Appearance and design of development
RBLP GP2	Complies	Landscaping
RBLP GP3	Complies	Protection of amenity
RBLP GP15	Complies	Planning obligations
RBLP T3	Complies	Access and highway layout
RBLP T5	Complies	Parking facilities
RBLP LR5	Complies	Provision of open space as part of new development
RBLP H6	Complies	

PPS1 - Delivering Sustainable development
PPS3 - Housing
PPG13 – Transport

Assessment of the Proposal:

The principle of the development following the changes to PPS3:

On the 9th June 2010, Greg Clark MP, released a statement which removed garden land from the definition of previously developed land within PPS3. The statement also removed the requirement upon Local Authorities to have regard to the national minimum density for housing. The reason given for the amendment was to prevent Local Authorities feeling forced into granting planning permission for unwanted development on garden land. The change was not intended to rule out all development on garden land but to allow the Local Authority to take greater account of the character of the area without feeling there is an automatic presumption in favour of development of garden sites no matter what the impact on the setting.

Impact on the character of the area:

The appeal site is sandwiched between the residential developments of Wiggins Close to the west and Rowe Close to the east. Both of these schemes have created residential development which abuts the defined urban edge of the Rugby settlement. This is the established pattern of development along Crick Road to the west of the site. This pattern of the built environment has now changed the character of the south side of Crick Road from the ribbon development of single properties within generous rear gardens seen in the past. Given that the proposal would be in-keeping with this established

character it is considered that the principle of the residential development of this site accords with PPS3 and Local Policies and is acceptable. It is not considered that the open and character of the site adds sufficient benefits to the character and amenity value of the area as a whole to warrant the refusal of the application on these grounds.

Within the development itself the relationship of the properties is considered acceptable. The double fronted end section of the apartment building would address the entrance to the site and add to the visual security. The 2.5 storey buildings would provide openness through to the rear of the site when viewed from the second section of access road and would create a feature within the development. The spacing of the properties within the development is typical of many residential areas. The closeness is also off set by the retention of the protected trees which will add attractive natural features and an open undeveloped area within the development.

Impact on the residential amenities of neighbouring properties:

The north boundary of the site cuts across the rear gardens of 8, 10, 14 and 16 Crick Road. It retains garden depths, (taken from the closest points of the existing properties), of between 15 and 19 metres. The closest element of the development to numbers 8 to 10 would be the flank elevation of the semi detached property on plot 19, which has no openings within the facing elevation. It is considered that the 20 metre separation distance would avoid any undue harm to the residential amenities of these existing properties.

The apartment block would be off set from the rear of number 14 and would be positioned approximately 30 metres to the rear. Such a distance is considered sufficient to avoid any undue impact on residential amenities.

The majority of the adjacent properties off Rowe Close which abut the site would face the open space and the protected trees. The closest element of the proposed development that would be directly to the rear of these properties would be sited approximately 50 metres away. The only exception is the flank to flank relationship of 8 Rowe Close and the proposed dwelling in the south east corner of the site, (plot 7). The 13 metre separation distance is considered sufficient given the blank flank elevation of the proposed dwelling and the single secondary openings within the flank elevation of number 8.

The greatest impact on existing residential amenities would be in relation to 5 and 6 Wiggins Close. Number 5 Wiggins close has a first floor opening partially facing the flank elevation of the dwelling on plot 14 at a distance of 13 metres and the ground and first floor openings within the closest element of number 6 separated by approximately 16.5 metres. The proposed dwelling would not be sited fully in-front of the openings within either of the existing properties and the separation distance to number 6 along with the first floor level of the opening within number 5 would avoid the proposal materially harming the residential amenities of the existing properties. The flank elevation of plot 14 dwelling would contain a small obscure bathroom window. It is not considered that this would lead to an undue loss of privacy. Number 4 Wiggins Close is orientated at 90 degrees to the site and the separation

distance between the properties on plots 18 and 19 to number 1, which includes a rear conservatory not indicated on the layout plan, is sufficient to avoid an undue loss of privacy.

Impact on the character and appearance of the countryside:

The submitted plan proposes limited landscaping along the rear of the site, similar to that at the rear of Rowe Close. It has been agreed with the developers that a condition can be placed on any approval requiring the submission of an enhanced landscaping scheme along the rear boundary to be agreed with the Council's Arborist prior to commencement. Such a scheme would complement the requirement for a further landscaping/ecology scheme by the County Councils Ecology Section. It is considered that this could be designed to enhance the existing natural screening provided on the opposite side of the boundary with the Football Club to aid the screening of the development when viewed from the open countryside to the south.

Highways Implications:

The Highways Authority have assessed the proposal and raised no objections on the grounds of highways safety or parking standards. The assessment of the scheme would have taken account of the position of the access in relation to Crick Road and surrounding developments and the vehicular movements along the road.

Impact on the natural features of the site and protected species:

The Council's Arborist has raised no objection to the proposal, indicating that the removal of the trees as proposed would have an insignificant impact on the character of the area. The main natural features within the site are the retained Scots Pines which are subject to Tree Preservation Orders. With the implementation of the tree protection plan and by having a suitably qualified Ecologist on site during clearance works it is considered that the development would not unduly harm the natural features of the site of any protected species that may be present.

Section 106 Contributions:

If approved the development would attract financial contributions towards open space, education and library provision inline with Policies GP15 and LR5 of the Local Plan. It would also attract the provision of 6 affordable units in accordance with Policy H6. These contributions will be secured through the completion of a S016 Legal Agreement which should be completed prior to any approval being issued.

Recommendation:

That, subject to the applicant entering into a Section 106 Agreement to secure the provision of affordable housing and financial contributions towards education, library and open space facilities, planning permission be granted subject to the following conditions:

DRAFT DECISION

APPLICATION NUMBER

R10/0953

DATE VALID

19/05/2010

ADDRESS OF DEVELOPMENT

8 - 16 CRICK ROAD
HILLMORTON
RUGBY
CV21 4DX

APPLICANT/AGENT

Mr Mark Alcock
Halcrow Group Limited
Lyndon House
62 Hagley Road
Birmingham
West Midlands
B16 8PE

APPLICATION DESCRIPTION

The erection of 4 No. apartments and 15 No. detached / semi-detached dwellings together with associated garaging, parking facilities and site works.

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:

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 3:

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) All private drive accesses shall be a minimum width of 3.0 metres (for a single access) and 5.0 metres (for a shared access; with a gradient not steeper than 1 in 10 and be hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway 'footway'.

b) No access shall allow surface water to run off the site onto the carriageway.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 4:

Vehicular access to the site from the highway Crick Road (A428) shall not be made other than at a position as shown on the application plans.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 5:

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 (Crick Road – A426) in a forward gear.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 6

The development hereby permitted shall not be occupied before the highway access (onto Crick Road) 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 highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 7:

No new dwelling shall be occupied until pedestrian and vehicular access has been provided to the satisfaction of the Local Planning Authority.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 8:

During the period of construction no loading or unloading of vehicles either calling at the premises or being in the control of the occupiers of the site shall be carried out other than within the curtilage of the site. No vehicles which have been left with or are in the control of the occupier or their employees, shall be stored or parked on the highway (Crick Road).

REASON:

In the interests of highways safety in accordance with Saved Policy T3 and T5 of the Rugby Borough Council Local Plan.

CONDITION 9:

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or Contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Crick Road – A428). Adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 10:

Before the development hereby permitted is commenced, the written approval of the Local Planning Authority, in consultation with the Highway Authority, shall be obtained for details of the design and construction of the proposed (roads, footways, and parking areas) serving the development. These details shall include large scale plans and cross and longitudinal sections showing design, layout, construction of the accesses and roads together with surface water drainage to outfall.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 11:

The development hereby permitted shall not be occupied until the proposed roads, and footways have been constructed (up to basecourse level) in accordance with details approved in writing by the Local Planning Authority.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 12

The development hereby permitted shall not be occupied until the applicant has provided Sustainable Welcome Packs for each household.

REASON:

In the interests of encouraging the use of more sustainable modes of transport.

CONDITION 13:

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:

Plans (3.2)

C894/101 rev C Site Plan

C894/121 rev B Apartment elevations

C894/120A Apartment floor plans

C894/122 rev B House type B

C894/123 rev B House type C

C894/124 rev B House type D

C894/132 House type D1

C894/125 rev C House Type E

C894/126 rev B House type F

C894/127 reb B House typeG

C894/128 rev B House type H

C894/129 rev B House type H1
C894/131 rev B House type I elevations
C894/130 rev A House type I floor plans
C894/133 Garage Plans
C894/102C Street Scenes sheet 1
C894/103B Street Scenes sheet 2
Landscape Plan rev A 25.08.10
Tree Constraint Plan 1a 13.05.10
Tree Protection Plan 17.05.10

REASON:

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

CONDITION 14:

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 [A,B,C,D and E] 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 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:

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 implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION 18:

Prior to the commencement of the development the proposed tree protection measures and proposed tree works should be undertaken in accordance with the approved arboricultural report/tree protection plan relating to the approved design details. The measures shall be agreed at a pre - commencement site meeting to be arranged with LPA tree officer and designated arboricultural consultant responsible for the site before any onsite works. All measures contained within the arboricultural report/tree protection plan should be implemented prior to the development phase to the satisfaction and written approval of the LPA.

REASON:

To ensure the protection of the trees that are to be retained and in the interests of the visual amenities of the area.

CONDITION 19:

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 20:

The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a qualified Ecologist appointed by the applicant to supervise all clearance works on-site (including existing vegetation, unmanaged grassland and trees). This should include an inspection of the trees identified within the Ecological Appraisal report completed by FPCR in August 2010 for evidence of bat roosts. Should any protected species such as reptiles, amphibians, breeding birds or bats be found during this operation, then work must cease immediately while Natural England are consulted for further advice.

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

CONDITION 21

No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for house sparrow, starling and dunnock to be erected on trees/buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with PPS9 and accompanying circular 2005/06.

CONDITION 22:

No works are to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire Museum Ecology Unit). The scheme must include all aspects of landscaping including details

of replacement tree planting and provision of foraging habitat (including night-scented flowers) for bats and enhanced landscaping to the south boundary. The agreed scheme is to be fully implemented no later than the first planting season following the occupation of the development. If within a period of five years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, is destroyed or dies (or in the opinion of the Local Planning Authority becomes 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 variation.

Reason: In accordance with PPS9 and accompanying circular 2005/06.

CONDITION 23:

No development shall commence in any phase unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways and adjoining sections of neighbouring plots 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 24:

The windows to be formed in the first floor west elevation of the dwelling on plot 14 shall be obscure glazed and non opening up to a height of 1.7 metres above floor level. It shall be retained as such in perpetuity.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 25:

[Other than those shown on the approved plans] No new windows/rooflights shall be formed within the dwellings unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 26:

No development shall commence unless and until details of all proposed walls, fences and gates 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:

In the interest of visual amenity.

CONDITION 27:

The proposed roads and serving the development hereby permitted shall be designed in accordance with the requirements and standard specifications of the Highway Authority as described in 'Transport and Roads for Developments – The Warwickshire Guide 2001' (published by Warwickshire County Council) and any subsequent amendments.

REASON:

In the interests of highways safety in accordance with Saved Policy T3 of the Rugby Borough Council Local Plan.

CONDITION 28:

Unless otherwise agreed in writing with the Local Planning Authority, the parking areas and garages hereby approved shall be retained as such, and shall not be used for any other purpose.

REASON:

In the interests of Highway Safety.

REASON FOR APPROVAL:

The site lies within the urban area of Rugby and as a 2nd Priority site the principle of its development is acceptable. The proposal would not unduly harm the residential amenities of neighbouring properties or the character and appearance of the surrounding area and countryside. It would provide a satisfactory access and appropriate parking arrangements and would not adversely affect any protected species. It is therefore considered that the proposal complies with PPS1, PPS3 and PPS13 as well as Saved Policies S1, S2, GP1, GP2, GP3, GP15, T3, T5 LR5 and H6 of the Rugby Borough Council Local Plan.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

S1, S2, GP1, GP2, GP3, GP15, T3, T5 LR5 and H6

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

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 the County Highways Area Team – Tel 01926 412515, 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.

INFORMATIVE 2:

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 Street works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the [applicant{s}/ developer{s}] 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 3:

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

INFORMATIVE 4:

The Highway Authority will not consider drawings or inspect works relating to the adoption of highways under Section 38 of the Highways Act 1980, unless all relevant details of the highways concerned have already been approved in writing by the District Planning Authority in consultation with the Highway Authority as required by conditions imposed on the appropriate planning permission under the Town and Country Planning Act 1990. Developers are advised that no consideration of drawings for technical approval will be carried out until the developer has paid the non-returnable sum of £1000 in respect of the technical checks.

INFORMATIVE 5:

The Highway Authority, will not adopt any estate roads until they, together with the means of access to them, have been laid out and constructed in accordance with the principles and standards as set out in 'Transport and Roads for Developments – The Warwickshire Guide 2001 (published by Warwickshire County Council) and any subsequent amendments. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment & Economy Directorate, Shire Hall, Warwick, CV34 4SX. The applicant{s}/ developer{s} are advised the approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. Developers are advised that no inspection of highway works being proposed for adoption will be carried out until a Section 38 Agreement has been completed.

INFORMATIVE 6:

Unless the developer has entered into an agreement with the appropriate Sewerage Authority or its agent authority for the adoption, under Section 104 of the Water Industry Act 1991, of all sewers contained or passing within the limits of a highway, the Highway Authority will not complete an agreement to adopt that highway under Section 38 of the Highways Act 1980.

N7 The developer is required to contribute £50 per dwelling for Sustainable Welcome Packs and to help promote sustainable travel in the local area. For further information regarding Sustainability Welcome Packs, contact Nicola Small, Sustainable Project Officer on 01926 412105.

INFORMATIVE 7:

Unauthorised signs are not permitted within the limits of any public highway. To discuss the provision of permanent signs in relation to a development a developer must apply in writing to Katrina Pedlar, Traffic Projects Group, Environment & Economy Directorate, PO Box 43, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE 8:

Unauthorised signs are not permitted within the limits of any public highway. To secure the authorisation of temporary signs in relation to a new development a developer must apply to the County Highways Area Team - Tel 01926 412515.

INFORMATIVE 9:

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.

Applicants are advised to pay particular attention to foundation ditches that can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136.

INFORMATIVE 10:

Bat populations have declined dramatically in recent years due to loss of roost sites as a result of development and loss of flight lines and foraging areas. Consequently bats are now afforded European protected species status. Consideration should be given to the provision of suitable bat boxes/access tiles within the new development in order to increase opportunities for wildlife. Further advice and information can be obtained from the Bat Conservation Trust at http://www.bats.org.uk/pages/encouraging_bats.html.

INFORMATIVE 11:

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -

Monday - Friday 07.30 to 18.00

Saturday 08.30 to 13.00

NO WORK ON SUNDAYS OR BANK HOLIDAYS.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	8 th September 2010
Report Title	Statistics for Planning Applications – August 2009 – July 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 – 8th September 2010

**Statistics for Planning Applications –
August 2009 – July 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: 8th September 2010

Subject Matter: Stats. for Planning Applications –
August 2009 – July 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 –8th September 2010
Report of the Head of Planning and Culture
Statistics for Planning Applications August 2009 – July 2010

Statistics for planning applications for the period August 2009 – July 2010

	B/F	Received	Determined	Outstanding
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 2010	238	70	45	263
May 2010	263	23	69	217
June 2010	217	36	64	189
July 2010	189	76	86	179
Monthly Average	271	50	62	259

1.1 RECOMMENDATION

The report be noted.

RUGBY BOROUGH COUNCIL

Planning Committee – 8th September 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 August 2009 – July 2010

Month	Applications Determined	Major Applications Determined Within 13 Weeks	% Of Major Applications Determined Within 13 Weeks
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%
May	0	0	N/A
June	2	0	0.0%
July	1	0	0.0%
Monthly Average	1.25	0.41	33.3%

1.1 RECOMMENDATION

The report be noted

RUGBY BOROUGH COUNCIL

Planning Committee – 8th September 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 August 2009 – July 2010

Month	Applications Determined	Minor Applications Determined Within 8 Weeks	% Of Minor Applications Determined Within 8 Weeks
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%
May 2010	23	6	26.0%
June 2010	18	8	44.4%
July 2010	28	7	25%
Monthly Average	19	8	42.1%

1.1 RECOMMENDATION

The report be noted.

RUGBY BOROUGH COUNCIL

Planning Committee – 8th September 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 August 2009 – July 2010

Month	Applications Determined	Other Applications Determined Within 8 Weeks	% of Other Applications Determined Within 8 Weeks
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%
May 2010	46	14	35.0%
June 2010	44	10	22.7%
July	47	19	40.4%
Monthly Average	38	20	52.6%

1.1 RECOMMENDATION

The report be noted.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	8 th September 2010
Report Title	Delegated Decisions – 6 th August 2010 to 20 th August 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 – 8th September 2010

Delegated Decisions – 6th August 2010 to 20th August 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: 8th September 2010
Subject Matter: Delegated Decisions 6th August 2010 to 20th August 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 6TH AUGUST, 2010 TO 20TH AUGUST 2010

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R09/0971/PLN Refusal 13.08.2010</i>	Canal View Cathiron Lane Harborough Magna	Continued use of land for purposes associated with use as private gypsy caravan site including siting of 1 no. mobile home, 1 no. touring caravan, erection of utility building and formation of hard standing area
<i>R10/1083 Refusal 17.08.2010</i>	11 Rugby Lane Stretton on Dunsmore Rugby	Erection of detached garage to the front of the dwelling

**Applications
Approved**

<i>R10/1082 Approval 06.08.2010</i>	16 Reynolds Way Hillmorton Rugby	Erection of a rear conservatory (partially retrospective)
<i>R10/0825 Approval 06.08.2010</i>	Clifton upon Dunsmore C. of E. Primary School Station Road Clifton upon Dunsmore Rugby	Continuation of use of temporary classroom for pre-school play-group, with option to extend hours to 8.30a.m. to 4 p.m.
<i>R10/0922 Approval 08.08.2010</i>	126 Carlton Road Rugby	Conservatory to side
<i>R10/0113 Approval 08.08.2010</i>	Schoolfield House Main Street Rugby	Erection of rear conservatory
<i>R10/0126 Approval 06.08.2010</i>	8 Staveley Way Brownsover Rugby	Conversion of integral garage to additional living space
<i>R10/0678 Approval 06.08.2010</i>	57 Shenstone Avenue Rugby	Erection of garage and porch to side and canopy to front
<i>R10/1014 Approval 06.08.2010</i>	The Old Workshop Rose Cottage Lower Green Woolscott	Retrospective waiver of Condition 4 of planning permission reference number R05/0404/07590/P (appeal reference APP/E/371515/A/05/1192642) to allow the continuation of use of the existing holiday let as a dwelling house (as described in Class C3 of the Town and Country Planning (Use Classes) Order 1987). Resubmission of previously

refused planning permission R09/1030/WAI
dated 29th January 2010.

<i>R10/0385 Approval 06.08.2010</i>	Two Hoots Farm Luterworth Road Bramcote	Relocation of a vehicular access
<i>R10/0411 Approval 09.08.2010</i>	Dents Farm Hinckley Road Burton Hastings	Erection of a portal steel framed building for use as storage of agricultural produce and machinery
<i>R10/1124 Approval 11.08.2010</i>	8 Shuckburgh Crescent Bourton on Dunsmore Rugby	Erection of single storey pitched roof side extension, alteration to bathroom window
<i>R10/0854 Approval 11.08.2010</i>	25 Hart Close Rugby	Two storey side extension and single storey rear extension
<i>R10/1103 Approval 13.08.2010</i>	Avon Cottage 85, Main Street Newbold on Avon Rugby	Demolition of existing flat roofed double garage and replacement with a pitched roof single garage and formation of a hard standing area
<i>R10/0511 Approval 13.08.2010</i>	Bilton Silver Band Winwick Place Bilton Rugby	Renewal of planning permission R05/0329/01266/P (Demolition of existing building and erection of new rehearsal rooms and band hall, with ancillary accommodation including kitchen and toilets).
<i>R10/1139 Approval 13.08.2010</i>	50 Deerings Road Hillmorton Rugby	Erection of a single storey side and rear extensions and a front porch
<i>R10/0943 Approval 13.08.2010</i>	20 Fisher Avenue Rugby	Erection of a rear conservatory
<i>R10/1100 Approval 16.08.2010</i>	New Nunwood Smallholding Burnthurst Lane Princethorpe Rugby	Retention of existing stable block
<i>R10/0559 Approval 16.08.2010</i>	Cedar Lodge Lutterworth Road Nuneaton	Renewal of planning permission R07/0825/PLN (Replacement garage to side of dwelling)
<i>R10/1134 Approval 16.08.2010</i>	Ground Floor 44 Regent Street Rugby	Change of use of ground floor from retail (Class A1) to professional office (Class A2)
<i>R10/1106 Approval 17.08.2010</i>	10 Southey Road Rugby	Provision of a front dormer to serve a loft conversion
<i>R10/1078 Approval 17.08.2010</i>	The Leys Main Street Coventry	Proposed loft conversion to include the erection of a first floor extension and balcony

<i>R10/1033 Approval 17.08.2010</i>	15 Livingstone Avenue Rugby	Erection of a single storey rear extension
<i>R10/1099 Approval 17.08.2010</i>	16 Beswick Gardens Bilton Rugby	Erection of a single storey rear extension (amendment to approval R10/0407)
<i>Service Review Team Ref. E2E 963 Approval 17.08.2010</i>	J. Sainsburys 385 Dunchurch Road Rugby	Demolition of existing petrol filling station, shop, canopy and pumps, removal of underground tanks, installation of 6 new petrol pumps, installation of replacement tanks, erection of new sales kiosk and a flat canopy, refurbishment of forecourt including new car care facilities with associated works and access alterations
<i>R10/1015 Approval 18.08.2010</i>	43 Hillary Road Rugby	The erection of a new garage and porch
<i>R10/0999 Approval 17.08.2010</i>	W & B Engineering 13A Paynes Lane Rugby	Erection of a first floor side and rear extension to create storage and office area and the erection of a pitched roof and external staircase
<i>Service Review Team Ref. E2E 1099 Approval 18.08.2010</i>	J. Sainsburys 385 Dunchurch Road Rugby	Erection of a temporary petrol filling station
<i>R10/0480 Approval 19.08.2010</i>	Gate Farm House Main Street Bourton on Dunsmore Rugby	Sub division of existing farmhouse into 2 dwellings and formation of new vehicular access
<i>R10/1018 Approval 20.08.2010</i>	Willoughby Fields Farm London Road Willoughby	Retention of three shipping containers for the storage of agricultural related stock and equipment
County Council Consultations/ Matters		
<i>R10/1104 No further comments 12.08.2010</i>	Rugby Cement Plant Lawford Road Rugby	Proposed east and west extensions to the existing packing plant buildings at Rugby Cement plant (amendments to previous application)
Approval of Details/ Materials		
<i>R09/1011/DET Approval of details 09.08.2010</i>	10 Critchely Drive Dunchurch Rugby	Discharge of Condition 9 – Highway sign

<i>R10/0239 Approval of details 09.08.2010</i>	Oak Lodge Cathiron Lane Cathiron Rugby	Discharge of Condition 3 (bat mitigation)
<i>Service Review Team Ref. E2E 392 Approval of non- material changes 10.08.2010</i>	Wolfhamcote Barn Flecknoe Rugby	Repositioning and enlargement of a window in the first floor north elevation and change of roof style on the single storey extension
<i>R09/0331/MAJP Approval of reserved matters 10.08.2010</i>	Former Cattle Market Craven Road Rugby	Discharge of Conditions 5c), 6f), 6g) and 30 and Conditions 5d), 6a), 6c), 6d), 6e), 18, 19 and 31
<i>Service Review Team Ref. E2E 220 (R10/0084) Approval of details – Phase A1 only 17.08.2010</i>	National Policing Improvement Agency Police Training Centre Leamington Road Coventry	Discharge of Conditions 9 – Materials; 17 – Contamination Assessment; 20 – Dust Mitigation Measures; 22 – Arboricultural Statement
<i>R06/1216/MAJP Approval of details 20.08.2010</i>	Harris C. of E. School Land adjacent to Harris Drive Rugby	Discharge of Condition 13 - Drainage
<i>Withdrawn/ De-registered</i>		
<i>R10/1054 Withdrawn 13.08.2010</i>	Europark Watling Street Clifton upon Dunsmore Rugby	Re-location of an existing free-standing totem sign
<i>R10/0657 Withdrawn 16.08.2010</i>	Builder's Yard Birdingbury Road Frankton Rugby	Certificate of Lawfulness for continuation of use of land as a builder's yard for the keeping, storing and operation of builder's plant, machinery and materials