

14<sup>th</sup> November 2014

## **PLANNING COMMITTEE - 26<sup>TH</sup> NOVEMBER 2014**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 26<sup>th</sup> November 2014 in the Council Chamber, Town Hall, Rugby.

### **Site Visit**

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

3.15pm Church Farm, London Road, Ryton-on-Dunsmore.

Adam Norburn  
Executive Director

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

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

## **A G E N D A**

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the meeting held on 5<sup>th</sup> November 2014.
2. Apologies.  
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

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

6. Delegated Decisions – 17<sup>th</sup> October 2014 – 6<sup>th</sup> November 2014.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2014/15 – 9) are attached.

### **Membership of the Committee:-**

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

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

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

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

**Planning Committee – 26<sup>th</sup> November 2014**  
**Report of the Head of Planning and Culture**  
**Applications for Consideration**

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

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

There are no applications recommended for refusal to be considered.

### Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R13/1255	Church Farm, London Road, Ryton-on-Dunsmore Conversion of hostel to two dwellings and erection of a detached double garage.	3
2	R14/0970	Church Farm, London Road, Ryton-on-Dunsmore Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved.	11
3	R13/0690	Dipbar Fields, Daventry Road, Dunchurch Outline planning application for the development of the site for up to 86 dwellings (Use Class C3) and associated works including means of access from the A45/M45 roundabout and an emergency access from Daventry Road (All other matters are reserved).	24
4	R14/1220	Springfield, Fosse Way, Princethorpe, Rugby Variation of Condition 2 of approval Ref R13/0094 (Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels) to retrospectively amend ground levels and change specified facing bricks.	45
5	R14/0169	Land West of Bryants Bungalow, Brandon Road, Toll Bar End, Coventry, CV3 3GW Change of use of land for the extension of existing caravan site to accommodate 5 gypsy families with a total of 5 caravans, including laying of hardstanding.	54
6	R14/1763	Heathlands, Coventry Road, Cawston, Rugby Proposed conversion of existing detached garage together with external alterations and extension of existing detached double garage to form a separate residential dwelling house, including the repositioning of the existing driveway (resubmission of approved planning permission R14/0886 dated 23/07/2014 to include a separate access to serve the development and increasing the size of the proposed extensions).	62

**Reference number: R13/1255**

**Site address: Church Farm, London Road, Ryton-on-Dunsmore**

**Description: Conversion of hostel to two dwellings and erection of a detached double garage**

**Case Officer Name & Number: John Wilbraham – 01788 533549**

### **Site Description**

The majority of the site lies within the village of Ryton-on-Dunsmore which is classified as a Main Rural Settlement. The southeastern corner of the site is located outside of the village boundary within the Green Belt. The site comprises the main farmhouse at its centre with a range of brick barns located along the northern boundary and a more modern brick built building located to the west of the main farmhouse which was originally approved as an agricultural building. The site is enclosed by a brick wall of varying heights. To the north is the listed Church of St Leonard whose church yard wraps around the northern and eastern boundaries of the site whilst a neighbouring property is located adjacent to the north western corner of the site.

### **Proposal Description**

This application is seeking permission to convert the existing building which is presently a hostel, in to two dwellings comprising of a 4-bed and a 5-bed unit. There would be minimal external alterations to the building other than new timber windows being installed to replace the existing poor quality uPVC ones. It is also intended to erect a detached double garage immediately to the rear of the building which would measure 7m in width by 6m in depth with a ridge height of 6.4m.

### **Relevant Planning History**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>
R14/0970	Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved	Pending consideration
R82/0140/6189/P	Alterations and extensions to existing building and use to provide hostel accommodation for students	Granted 2/6/82
R81/1359/6189/P	Alterations and extensions to existing building and use to provide hostel accommodation for students	Granted 10/3/82

### **Technical Consultation Responses**

Coal Authority – no objection subject to informative (28/5/14)

English Heritage – application should be determined in accordance with national and local policy guidance (11/6/14)

RBC Environmental Health – no comments received

Highway Agency – no objection (10/7/14)

WCC Archaeology – no comments received

WCC Ecology – The site is adjacent to Ryton-on-Dunsmore Churchyard, which provides potential foraging habitat for bats. As the proposal involves demolition of farm outbuildings we recommend that an **initial bat survey** is carried out on the buildings prior to determination (weekly list comments 23/5/14)

On submission of bat survey – no objection subject to a condition requiring roof works associated with building of the chimney to be done in the presence of a qualified bat work (13/11/14)

### **Third Party Responses**

Cllr – no comments received

Parish – object as concerned about re-opening of second access onto the A45 and increase in traffic from use of the rest of the site (5/5/14)

Following amended plans – appreciate that second access is not going to be re-opened but as it is located outside of the village envelope and in the Green Belt ask that the access be properly sealed and the land returned to its natural state. See no justification to extend the built environment outside of the envelope and into Green Belt (3/7/14)

Neighbours –

### **Relevant Planning Policies and Guidance**

#### Core Strategy

CS1	complies	Development Strategy
CS16	complies	Sustainable Design

#### Saved Local Plan Policies

E6	complies	Biodiversity
T5	complies	Parking Facilities

#### National Policy

National Planning Policy Framework (NPPF)

#### Guidance

Sustainable Design and Construction SPD

### **Assessment of Proposals**

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

#### Principle of Development

The majority of the site is located within the village boundary with the bottom southwest corner falling outside of the boundary and within the Green Belt. The existing building is

located within the village boundary as would the proposed double garage. Policy CS1 supports new development within the village boundary but prioritises local housing need over open market housing. In this instance as the existing hostel building is being converted the issue of local need housing does not need to be addressed. It is therefore considered that the proposed conversion of the building to form two dwellings is in accordance with Policy CS1.

#### Impact on the setting of the nearby listed building and impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design. Part 12 of the NPPF sets out how local authorities should conserve and enhance the historic environment.

The site borders the Church of St Leonards which is a Grade II\* listed building located to the north separated by the existing brick barns and a 1.5m high brick wall. The conversion of the building requires relatively minor alterations to the existing property with the biggest changes being the construction of a chimney on the northern elevation, the removal of the escape ladders located between the two rear winds and alterations to the fenestration details. This includes a number of the windows being blocked up or relocated on the north, east and south elevations with the remaining ones being replaced. All the windows will be replaced with more traditional timber windows which better reflect the rural character of the building and will also help to enhance the setting of the listed church.

It is intended to erect a detached double garage for the occupiers of 'Plot B' of the sub-divided main house. The garage would be constructed from plain bricks with a tile roof that matched the existing building. The garage would have a high ridge of approximately 6.4m which is due to the steep pitch of the roof that has been designed to reflect the roof of the main farm house building. The majority of this garage will be screened from the London Road by the existing modern barn currently situated on site and it will also be seen against the adjacent farmhouse and the barns along the northern boundary. It is intended to remove permitted development rights from the properties to ensure any future development is controlled to ensure the setting of the church is safeguarded.

Overall the proposals are considered to be an enhancement to the setting of the listed church and the surrounding area having regard to Policy CS16 and Paragraphs 56, 57 and Part 12 of the NPPF.

#### Impact upon the amenity of neighbouring properties

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

The nearest neighbouring property to the building is Manor Cottage to the west of the site approximately 38m away. The existing use of the building is as hostel accommodation so some overlooking would occur from the existing bedrooms. The proposal for the change of use is not considered to give rise to a greater degree of overlooking than the present use and is therefore considered acceptable having regard to Policy CS16. The proposed garage is located on the western side of the existing building meaning it is screened from Manor Cottage. This ensures the garage will not cause a loss of light or overbearing issue to the neighbour having regard to Policy CS16.

### Impact on protected species

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

A bat survey has been submitted as part of the application which has been assessed by the County Ecologist. They have raised no objections to the scheme subject to a condition requiring the roof works in connection with the erection of the chimney being observed by an Ecologist. A landscaping scheme will be requested to ensure any new landscaping will provide the best opportunities to support and improve the biodiversity of the site.

Based on this expert advice it is considered the proposal will not have an adverse impact on protected species having regard to Saved Policy E6 and Paragraph 118 of the NPPF.

### Impact on parking and highway safety

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

The proposal intends to utilise the existing access off the A45 with parking provided for each of the two new units. The Planning Obligations SPD states that 3 spaces should be provided per 4+ bed unit. The submitted layout plan shows two parking spaces to the front of the property for House A, although the hardstanding area could accommodate up to two additional vehicles, whilst House B is shown as also having two spaces to the rear together with the two spaces provided for in the new garage. The layout plan also shows spaces for visitor parking and additional parking on the existing hardstanding area located in front of the existing barns. Based on the availability of parking at the site for both units in excess of the stated parking standards, the proposal is considered acceptable having regard to Saved Policy T5 and the Planning Obligations SPD.

It is noted that there is another application relating to the land outlined in blue in this application which would impact on the additional parking shown in front of the barns, however as illustrated above even without this parking sufficient parking provision can be achieved to comply with the relevant standards.

Concerns have been raised by local residents and the Parish Council regarding the use of the existing access to serve the two dwellings. The Highways Agency was consulted on the proposal which originally looked to open up an access in the southern corner of the site to create a one-way system. This was not viable as the access is subject to an enforcement notice which ensures it cannot be opened up to access the A45. The amended scheme proposed a slight widening of the existing access drive within the site to allow two cars to pass each other. Consideration was given by the Highways Agency to the existing use of the site which is hostel accommodation for up to 46 students. When considering this use at its fullest the trips generated from it would far outnumber the trips created by the proposed conversion scheme. On this basis the Highways Agency have raised no objection to the proposal and based on this expert advice it is considered the proposal will cause no greater harm to highway safety.

The development therefore complies with the contents of Saved Local Plan Policy T5 and the contents of the Planning Obligations SPD.



**Recommendation:**

Approve subject to appropriate conditions.

Report prepared by: JW 13/11/14

**DRAFT DECISION**

**APPLICATION NUMBER**

R13/1255

**DATE VALID**

16/05/2014

**ADDRESS OF DEVELOPMENT**

CHURCH FARM  
LONDON ROAD  
Ryton-on-Dunsmore  
COVENTRY  
CV8 3EW

**APPLICANT/AGENT**

Mr Gavin Cook  
Hinton Cook Architects  
8 Linford Forum  
Rockingham Drive  
Milton Keynes  
Buckinghamshire  
MK14 6LY

On behalf of Signature Quality Refurbished  
Homes Ltd

**APPLICATION DESCRIPTION**

Conversion of hostel to two dwellings and erection of a detached double garage

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

CONDITION 1:

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

REASON:

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

CONDITION 2:

The development shall not be carried out other than in accordance with the plans no. 13-17-000, 13-17-00-01, 13-17-002, 13-17-003, 13-17-006 and 13-17-007 received by the Local Planning Authority on 22 May 2014, 13-17-005B received by the Local Planning Authority on 30 June 2014 and 13-17-012A received by the Local Planning Authority on 11 November 2014.

REASON:

For the avoidance of doubt.

CONDITION 3:

The facing materials to be used on the external walls and roof shall as specified on the application form and Design and Access statement received by the Local Planning Authority on 22 May 2014.

REASON:

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

CONDITION 4:

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 those orders, no development shall be carried out which comes within Classes A, B, C, D and E of Schedule 2 Part 1 of the Order and Part 2 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 5:

The garage hereby approved shall not be used for any purpose other than ancillary to the residential use of 'Plot B' Church Farm, or what ever subsequent address it becomes.

REASON:

In the interest of residential amenity.

CONDITION 6:

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the 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 7:

Full details (including elevations) of the proposed boundary features including walls, fences and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Details agreed in accordance with this condition shall be implemented prior to the first occupation of the dwellings hereby approved.

REASON:

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

CONDITION 8:

Prior to the first occupation of the dwellings hereby approved the access drive shall be surfaced with in a bound material for a distance of 12.0 metres from the near edge of the highway carriageway.

REASON:

To prevent loose material being carried on to the public highway in the interests of traffic safety.

CONDITION 9:

The development hereby permitted shall not commence until a detailed bat method statement completed by a licensed bat worker (to include an internal/external bat survey of areas of the building to be affected by the works, timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 2:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering.

This can be downloaded at:

[http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223)

Alternatively, you can contact the Street Naming and Numbering Team for an application form at: [SpecialistSupport@rugby.gov.uk](mailto:SpecialistSupport@rugby.gov.uk) or by ringing 01788 533885.

### INFORMATIVE 3:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

**Reference number: R14/0970**

**Site address: Church Farm, London Road, Ryton-on-Dunsmore**

**Description: Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved**

**Case Officer Name & Number: John Wilbraham – 01788 533549**

### **Site Description**

The majority of the site lies within the village of Ryton-on-Dunsmore which is classified as a Main Rural Settlement. The southeastern corner of the site is located outside of the village boundary within the Green Belt. The site comprises the main farmhouse at its centre with a range of brick barns located along the northern boundary and a more modern brick built building located to the west of the main farmhouse which was originally approved as an agricultural building. The site is enclosed by a brick wall of varying heights. To the north is the listed Church of St Leonard whose church yard wraps around the northern and eastern boundaries of the site whilst a neighbouring property is located adjacent to the north western corner of the site.

### **Proposal Description**

This application is seeking outline permission for the demolition of the existing barns and the erection of 6 new dwellings. The proposal is reserving all matters although the access arrangements would not alter from the present arrangements on site.

### **Relevant Planning History**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>
R13/1255	Conversion of hostel to two dwellings	Pending consideration
R82/0140/6189/P	Alterations and extensions to existing building and use to provide hostel accommodation for students	Granted 2/6/82
R81/1359/6189/P	Alterations and extensions to existing building and use to provide hostel accommodation for students	Granted 10/3/82

### **Technical Consultation Responses**

Highway Agency – no objection

RBC Environmental Health – object as a noise assessment is required (16/6/14)

On submission of noise report – no objection subject to a number of conditions requiring further assessment on noise and a contamination report (23/7/14)

RBC Landscape Officer – no objection in principle but landscaping scheme required at reserved matters stage together with tree survey (24/6/14)

WCC Archaeology – object as not information has been submitted to assess potential impact of development on archaeological interests therefore pre-determinative trial trenching is requested ()

On submission of trial trenching report – no objection subject to a condition requiring a programme of archaeological works being attached to the decision (12/11/14)

WCC Ecology – object as bat and habitat survey is required (weekly list comments 9/6/14)

On submission of bat survey – no objection subject to a number of conditions requiring mitigation works and further survey work be carried out (13/11/14)

### **Third Party Responses**

Cllr – no comments received

Parish – object on grounds of highway safety and development within the Green Belt ()

Neighbours – 4 letters of objection received on the following planning grounds:

Highway safety concerns in respect of the access and parking

Concerns with overlooking and disturbance of the church yard

### **Relevant Planning Policies and Guidance**

#### Core Strategy

CS1            Development Strategy

CS16          Sustainable Design

#### Saved Local Plan Policies

E6            Biodiversity

T5            Parking Facilities

#### National Policy

National Planning Policy Framework (NPPF)

#### Guidance

Sustainable Design and Construction SPD

### **Assessment of Proposals**

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

#### Principle of Development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy. The hierarchy is a 6 tiered structure with Main Rural Settlements positioned 3<sup>rd</sup> between Rugby Urban Area and Local Needs Settlements. Within main rural settlements development is permitted with the existing village boundaries and local housing needs is prioritised over market housing.

Policy CS20, Local Housing Needs, states that in main rural settlements permission for local need housing will be granted where it proven to meet the identified needs of the local people.

The proposed development site is located within the village boundary of Ryton on Dunsmore however there are no local need properties being provided within the development. Although there is a preference for local need dwellings before market dwellings, in this case there is no local need survey available to indicate what need is required within the village to enable the developer to provide housing of that kind. The local housing needs SPD states that *“where no Housing Needs Survey exists, or if it is demonstrated that the need has already been met, regardless of the size of the site, no local need housing will be required.”* Based on this guidance it would be unreasonable to expect the developer in this main rural settlement to prioritise a local need that is not evident and the provision of 100% market housing is acceptable complying with policy CS1 and CS20 of the Core Strategy 2011.

#### Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design.

As this is an outline application with all matters reserved the detailed design of the proposals cannot be assessed at this stage. The applicant has submitted an indicative streetscape, indicative elevations of a small section of the development and a possible landscaping scheme together with a design and access statement which makes reference to the existing site and characteristics of the surrounding area to provide a framework for the development.

Whilst the application is in outline and layout is reserved the applicants intend that the indicative layout plan and design principles outlined in the design and access statement will form the basis of any reserved matters application. The design and access statement confirms that the dwellings will be limited in height dependant on their position on the site ensuring neighbouring properties and the listed church is respected. The indicative layout plan demonstrates that the site is capable of accommodating up to 6 dwellings having regard to residential amenity considerations and including satisfactory means of access to the dwellings, parking arrangements and open space. There are some concerns over the relationship between a couple of the properties shown on the indicative layout plan and the church and associated grave yard but these could be addressed through a reserved matters application. Reference is made in the design and access statement confirming the intention not to have any windows on the rear first floor elevations of those units overlooking the graveyard, although this would be clarified through the reserved matters submission.

Overall it is considered that buildings could be designed that would not have an adverse impact on the character of the area and this would be considered in detail in the Reserved Matters submissions. The proposals therefore comply with the relevant part of policy CS16.

CS16 states that sustainable drainage systems (SUDS) should be used and that developments should meet specified water conservation levels. It is considered these details could be controlled through the reserved matters application via appropriate conditions.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum, developments of 10 or more dwellings shall include equipment to reduce carbon dioxide emissions by at least 10%. No energy statement was submitted with the application although the design and access statement makes reference to the dwellings being constructed to a minimum of Code Level 3. It is considered

that a condition could be used to ensure compliance with the Building Regulations at the time of construction.

As the application is in outline form only, details of the design and construction of the dwellings is not known at this stage and an assessment cannot therefore be made as to what types of technology and equipment would be most appropriate in order to achieve the required reduction in carbon emissions. This could be controlled by condition to allow this to be assessed through a reserved matters application to ensure compliance Core Strategy policies CS16 and CS17, the Sustainable Design and Construction SPD and sections 7 and 10 of the NPPF.

#### Impact upon the amenity of neighbouring properties

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

Due to the location of the site there is only one neighbouring property immediately adjoining the site called Manor Cottage. This property has its side gable forming part of the boundary with the site with a two storey extension also projecting along the boundary. There is one ground floor window in the extension which looks over the site and serves a kitchen whilst there is a secondary window on the opposite elevation serving the same room. The indicative plan shows there would be approximately 18m between the nearest proposed dwelling, Plot 1, and the side of Manor Cottage. As the application is only outline at present the specific landscaping and boundary features have not been agreed, although a 2m high fence could be erected along this boundary without planning permission which would have an impact on the window. Given the distance that could be achieved between the neighbour and the proposed dwellings together with securing suitable boundary treatments the impact on the neighbour could be mitigated against at the reserved matters stage having regard to Policy CS16.

#### Impact on landscape and protected species

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

The Council's Landscape Officer has considered the proposal in its current outline form. In principle no objections were raised but a detailed landscaping scheme would be required at the reserved matters stage to ensure the development was designed to respect the character of the area. This would also involve a tree survey of the trees located along the northern boundary in the churchyard to ensure the development would mitigate for any potential harm to this group.

A bat survey was submitted with the application which was considered by the County Ecologist. Bats were discovered on site and the report made recommendations for additional surveys and the submission of a mitigation scheme to accompany the reserved matters application. The County Ecologist has confirmed this would be an acceptable approach and suggested conditions to secure this additional work.

Based on this expert advice and the attaching of the suggested conditions the development is considered to comply with Saved Policy E6 and Paragraph 118 of the NPPF.

#### Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning



Obligations SPD details parking standards which should be provided for various types of development. Paragraph 39 of the NPPF requires development proposals to have regard to the safety of all highway users.

Access to the site is intended to be a reserved matter however it will utilise the existing access which will remain unaffected. The site exits onto the London Road which is maintained by the Highways Agency. They have confirmed that as the number of trips generated by the proposed development would still be considered equivalent to the current usage of the site there is no objection on highway safety grounds. The parking arrangements on the indicative site layout indicate that each dwelling would be provided with two outdoor car parking spaces, whilst units 1-5 would also have associated double garages. Whilst this detail is presently only indicative it does demonstrate that the parking standards contained within the Obligations SPD could be met.

Based on the advice of the Highways Agency and the parking arrangements that could be achieved the development is considered to comply with the contents of Saved Local Plan Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF.

### Archaeology

Paragraph 139 of the NPPF requires consideration to be given to the archaeology of a site.

The County Archaeologist raised objection initially given the history of the surrounding area and requested that pre-determination trial trenching was undertaken to ensure the development would not harm items of archaeological interest. Following the submission of this report the County Archaeologist has confirmed that subject to a condition requiring an archaeological programme of works being secured there is no objection to the scheme.

It is therefore considered that the impact on heritage assets is acceptable in accordance with Paragraph 139 of the NPPF.

### Open space provision

Policy CS10 and the Planning Obligations SPD state that financial contributions may be sought to mitigate against the impacts of a development. Saved policies LR1, H11 and H12 state that developments should provide open space in accordance with the Council's Open Space Standards and that this could include off-site provision.

Guidance contained within Circular 05/05 – Planning Obligations and the Community Infrastructure Regulations state that in order for obligations to be taken into account they must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

If contribution requests do not comply with these criteria it is not considered that the contribution can be required by the Council.

The Council's 2008 Open Space Audit details the requirements for specific types of open space and these are incorporated into the Council's Planning Obligations SPD. There are proposed to be small areas of landscaping throughout the development but none of these could be classed as useable amenity open space, therefore contributions will be required for off-site open space in accordance with the Planning Obligations SPD and secured through a S106 agreement. It is considered that this requirement meets the criteria set out above and that they are reasonable. This will be secured via a Section 106 agreement.

### Affordable housing

Policy CS19 states that on developments over 0.5ha in size or of 15 or more dwellings then affordable housing provision of 40% will be sought. In the current application the site is below the relevant thresholds so affordable housing will not be required.

### Other Issues

The application was submitted with a noise survey given th location of the site close to the London Road. Environmental Health have considered this report and are broadly satisfied that noise impact from the road could be mitigated for to achieve acceptable standards. This would be done through the detailed design stage during the reserved matters stage. Additionally a contaminated land survey would be required but Environmental Health have also agreed this could be secured via a condition for submission with the reserved matters application.

### **Recommendation:**

Approve subject to appropriate conditions and the signing of a S106 agreement.

Report prepared by: JW13/11/14

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/0970

### **DATE VALID**

04/06/2014

### **ADDRESS OF DEVELOPMENT**

CHURCH FARM  
LONDON ROAD  
Ryton-on-Dunsmore  
COVENTRY  
CV8 3EW

### **APPLICANT/AGENT**

Mr Gavin Cook  
Hinton Cook Architects  
8 Linford Forum  
Rockingham Drive  
Milton Keynes  
Buckinghamshire  
MK14 6LY  
On behalf of Mr, Signature Quality Refurbished  
Homes Ltd.

### **APPLICATION DESCRIPTION**

Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### CONDITION 1:

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

REASON

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

CONDITION 2:

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

REASON:

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

CONDITION 3:

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

- a - Layout,
- b - Scale,
- c - Appearance,
- d - Access &
- e - Landscaping

REASON:

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

CONDITION 4:

The development shall not be carried out other than in accordance with the plans and documents detailed below:

Plan/Document Reference Date Received

REASON:

For the avoidance of doubt.

CONDITION 5:

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

REASON:

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

CONDITION 6:

Full details including elevations of the proposed wall (including the rebuilt section along the shared northern boundary), fence and gates, shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first occupied.

REASON:

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

CONDITION 7:

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

REASON:

To ensure the proper development of the site.

CONDITION 8:

The landscaping scheme, as required by Condition 3 (e), 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 9:

In conjunction with the details submitted in relation to Condition 3:

- A full Tree survey/report (BS5837:2012 - trees in relation to design, demolition and construction -

recommendations) including; constraints posed by existing trees (section 5.2, BS5837:2012). Emphasis

should be placed on retaining and successfully integrating Category 'A' and 'B' trees;

- An arboricultural impact assessment (section 5.4 BS5837:2012) which evaluates the direct and indirect

effects of the proposed design and where necessary recommends mitigation; and

- An Arboricultural method statement (section 6, BS5837:2012) including a Tree Protection Plan (section

5.5 BS5837:2012)

shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of visual amenity and to protect retained trees.

CONDITION 10:

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 11:

In accordance with the details required by Condition 3 a further detailed assessment of proposed glazing and ventilation systems is required to be undertaken and submitted as part of the submission of the reserved matters application.

REASON:

To ensure noise levels for occupiers of the new dwellings do not exceed unacceptable levels.

CONDITION 12:

In order to achieve good design, noise levels in external communal areas for day time periods should be designed to achieve 55 dB LAeq, 16 hrs wherever possible. If a noise barrier is intended to be used then a detailed assessment of the barrier length, height and sound reduction performance of it will be required to be undertaken and submitted with the reserved matters application.

REASON:

To ensure noise levels for occupiers of the new dwellings do not exceed unacceptable levels.

CONDITION 13:

No works 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 WCC Ecological Services). The scheme must include all aspects of; landscaping including details of suitable habitat enhancements for wildlife to be informed by a Phase 1 Habitat Survey. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 14:

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant 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 15:

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 those orders, no development shall be carried out which comes within Classes A, B, C, D and E of Schedule 2 Part 1 of the Order and Part 2 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION 16:

No development, including demolition works, shall commence unless and until details of a Demolition & Construction Management Master Plan, for that element of the scheme, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of how traffic associated with the construction of the site will be managed to and from the site together with the types of measures to mitigate the possibility of mud and debris being deposited on the highway from construction traffic leaving the site, as well as details of where demolished material is reused on site or when it is scheduled to be removed from site. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety and amenities of the area.

CONDITION 17:

The development hereby permitted shall not commence until a bat survey of the existing garage and a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 18:

The development hereby permitted shall not commence until a protected species method statement for amphibians and reptiles (to include timing of works, supervision of ground clearance works) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON:

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

CONDITION 19:

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Should the findings determine it, a further appraisal of remedial options may be required. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON:

To ensure the proposal is not adversely affected by contamination which may be present on site.

CONDITION 20:

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.

REASON:

To ensure the proposal is not adversely affected by contamination which may be present on site.

#### CONDITION 21:

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.

#### REASON:

To ensure the proposal is not adversely affected by contamination which may be present on site.

#### CONDITION 22:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

#### REASON:

To ensure the proposal is not adversely affected by contamination which may be present on site.

#### STATEMENT OF POSITIVE ENGAGEMENT:

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

#### INFORMATIVE 1:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering.

This can be downloaded at:

[http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223)

Alternatively, you can contact the Street Naming and Numbering Team for an application form at: [SpecialistSupport@rugby.gov.uk](mailto:SpecialistSupport@rugby.gov.uk) or by ringing 01788 533885.

#### INFORMATIVE 2:

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated,



non-native plants. WCC Ecological Services would be pleased to provide further advice on species if required (Tel: 01926 418060).

#### INFORMATIVE 3:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

#### INFORMATIVE 4:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

**Reference number: R13/0690**

**Site address: Dipbar Fields, Daventry Road, Dunchurch**

**Description: Outline planning application for the development of the site for up to 86 dwellings (Use Class C3) and associated works including means of access from the A45/M45 roundabout and an emergency access from Daventry Road. All other matters are reserved.**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought forward to committee due to the major status of the application

### **Site Description**

The site known as Dipbar Fields comprises an irregular parcel of land extending to 3.1 hectares. The site is located between the Daventry Road and the eastbound exit slip road from the M45 immediately to the west of the roundabout junction. The topography of the site slopes downwards to the east and the northern and western boundaries are defined by trees and hedges. The M45 is situated at a higher level to that of the site.

The site is situated approximately 150 metres to the south east of the main rural settlement of Dunchurch. To the west of the site, and to the north of Daventry Road is agricultural land used for grazing.

The site has an extant permission for development in the form of a hotel with 148 bedrooms and conference facilities. The implementation of the permission is visible in the form of foundations for the hotel along with ground works and bunds. An access on to the A45/M45 roundabout was also constructed in association with the proposed hotel.

### **Proposal Description**

The application seeks outline planning permission for residential development of up to 86 dwellings with associated works. All matters except access are reserved.

The new development seeks access from the A45/M45 roundabout where an arm of the roundabout has already been constructed to serve the permitted hotel. The existing access would be reduced to serve the development with a 5.5m wide road and pavements on either side connecting with the existing pavement on the western side of the roundabout.

An emergency access will be provided from Daventry Road close to the northern corner of the site where an existing access gate is located. Bollards will be installed to prevent use except when required by emergency vehicles or if the main estate road junction with the roundabout is ever blocked.

As part of the application an indicative plan has been provided to show the numbers of dwellings that could be expected on site along with other residential estate features such as estate roads, local areas of play, landscaping and a balancing pond.

The application is supported by a number of documents comprising a design and access statement, planning statement, transport assessment, ecology report, noise report and geotechnical site investigation report. A sustainability checklist is also provided and the applicants confirm that the detailed development will have full regard to energy efficiency and be designed to reduce carbon emissions.

## **Relevant Planning History**

R89/0941/07728/OP – Erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access – Approved 12<sup>th</sup> July 1990

R93/0075/07228/OP – Renewal of planning permission for erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access – Approved 17<sup>th</sup> March 1993

R96/0018/07228/OP - Renewal of planning permission for erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access - Approved 21<sup>st</sup> February 1996

R98/0941/07728/OP - Renewal of planning permission for erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access (variation of condition 1 and 2 of planning ref no. R96/0018/07728/OP dated 21<sup>st</sup> February 1996 to extend time frame by 3 years) – Approved 19<sup>th</sup> February 1999

R01/1087/07728/OP - Renewal of planning permission for erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access (variation of condition 1 and 2 of planning ref no. R98/0941/07728/OP dated 19<sup>th</sup> February 1999 to extend time frame by 3 years) – Approved 7<sup>th</sup> March 2002

R05/0248/07228/D – Reserved Matters application for erection of Hotel/Motel including conference, banqueting and public sports/recreational facilities with associated car parking and access – Approved 2<sup>nd</sup> June 2005

R07/0477/DET – Discharge of Conditions Application – Approved 16<sup>th</sup> April 2007

## **Technical Consultation Responses**

Environmental Services – No objections subject to conditions and Section 106 contribution

Housing Department – No objections

Public Realm – No objections

Police Architectural Liaison Officer – No objections

Ramblers Association – No objections

Severn Trent – No objections subject to condition

WCC Highways – No objections subject to conditions and Section 106 contribution

WCC Ecology – No objections subject to conditions

WCC Archaeology – No objections

WCC Planning – No objections subject to Section 106 Contributions for education

WCC Rights of Way – No objections subject to informatives

Warwickshire Fire Service – No objection subject to conditions

Warwickshire Wildlife Trust – Comments regarding need for secure boundary treatment between the site and the wildlife site to the north.

## Third Party Responses

### Neighbours (4) – Objection

- This development is outside the Dunchurch Boundary and would be the precursor to in fill development between it and the Old Hall development.
- The proposal will have a detrimental impact upon residential amenities such as schools and doctors surgeries
- This will increase local traffic more than the hotel development that was previously approved
- The area near to the development is a dual carriage way and cars exceed 40mph therefore is not a safe place for pedestrians
- There is already a lack of parking in the village of Dunchurch this will only add to the problems
- The proposed area is outside of the village and means we are losing valuable green belt and the character and appeal of the village will be impaired.
- The density of houses gives a congested appearance for the size of the site.
- Insufficient space has been allocated to landscaping the site and screening
- Construction of the site will have a negative impact on our quality of life due to noise, smell and disruption
- Unnecessary considering approved developments at Bilton Grange and Coventry Road/Cawston Lane
- Will cause massive traffic problems in a village already overloaded with vehicle movements
- The nearest watercourse is currently unable to cope with the surface water laying on the site for long periods so it is doubtful it will cope with runoff from 86 dwellings.

### Neighbours – Comments

- If this housing estate is approved we would want a condition imposed enforcing the developers to install a secure 2 metre high metal security fence along their side of the boundary adjoining the Meadow wildlife site to avoid conflict.
- Development should be sympathetic to the historic heritage of the village
- Sufficient car parking should be provided on site not only for the residents but their visitors
- Improvements to the traffic signalling at Dunchurch crossroads including the provision of a right turn filter for traffic turning from the B4429 into the A426 Rugby Road.

### Parish Council – Comments

- Feel it is inevitable that this site will be developed given its current state
- Big negative is that the loss of the potential hotel is a loss of employment from the area
- We feel the traffic impact is underestimated and given the lack of parking in Dunchurch and the particular problems in Daventry Road it would be preferable if some public parking were provided at the north of the site adjacent to the Daventry Road with pedestrian access only to Daventry Road.
- Would question the traffic figures given
- Would suggest that it is imperative that proper and serious traffic management is incorporated into this plan with particular attention being paid to the existing problems in Daventry Road and also the impact on the cross roads in the centre of the village.

- If development goes ahead a security fence should be put in place to protect the adjoining field which is being used by Warwickshire Wildlife Trust as a scientific site to encourage new species of flowers and trees.
- Request that a S106 include a contribution towards help for the library and toddlers playground.

## **Relevant Planning Policies and Guidance**

### Local Development Framework Core Strategy, June 2011

CS1	Development Strategy
CS10	Developer Contributions
CS11	Transport and New Development
CS13	Local Services and Community Facilities
CS16	Sustainable Design
CS17	Reducing Carbon Emissions
CS19	Affordable Housing
CS20	Local Needs Housing

### Rugby Borough Local Plan “saved policies”

E6	Biodiversity
E17	Development Affecting Parks and Gardens and Other Elements of the Historic Landscape
H12	Open Space Provision in Residential Developments in the Rural Area
LR1	Open Space Standards
LR3	Quality and Accessibility of Open Space

### Supplementary Planning Documents

Planning Obligations SPD, March 2012 (RBC)

Sustainable Design and Construction SPD, February 2012 (RBC)

Housing Needs SPD, March 2012 (RBC)

### National Planning Policy Framework, March 2012

Sections 4 – promoting sustainable transport; 6 – delivering a wide choice of high quality homes; 7 – requiring good design; 8 – promoting healthy communities; 10 – meeting the challenge of climate change, flooding and coastal change; 11 – conserving and enhancing the natural environment and, 12 – conserving and enhancing the historic environment

## Assessment of Proposals

The determining issues to take into account in this case are the principle of development in this countryside location, the suitability of the access, the impact upon highway safety, biodiversity and flood risk.

### Principle of Development

Core Strategy Policy CS1 states that the location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy. The site is located in a 5<sup>th</sup> priority location and it is not allocated for development, therefore the proposal is not in accordance with the Development Plan.

NPPF paragraph 55 states that local planning authorities should avoid new isolated homes however it continues to set out special circumstances where residential development in the countryside can occur. The proposal will not be in accordance with any of the exceptions set out in paragraph 55.

The applicant has indicated that the proposal has been submitted as a result of the Council being unable to demonstrate a 5 year land supply as required by National Planning Policy Framework paragraph 47. It is acknowledged by the authority that this is the case with the Borough's Housing Land Supply Update September 2014 Assessment for the period 2014-15 to 2018-19 confirming that the authority can only demonstrate 4.13 years supply.

NPPF paragraph 49 states that where an authority cannot demonstrate a five year land supply the relevant housing policies contained within the development plan are considered not to be up to date. Therefore in accordance with the NPPF paragraph 14 which sets out the presumption in favour of sustainable development, permission should be granted for proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole or specific policies in the framework indicates development should be restricted.

Whilst it is not relevant given the context of NPPF paragraph 49 it should be noted that Core Strategy policy CS5 identifies the south west broad location as an area for development should the Council be unable to demonstrate a 5 year land supply.

NPPF paragraph 17 sets out 12 core land use planning principles for plan making and decision taking. The following principles are specifically relevant to this proposal;

- Take account of the different roles and characters of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value; and
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The site is considered to be sustainably located even though it is within the countryside with it being in a walkable distance to the main rural settlement of Dunchurch which has a range of services and it also benefits from good bus routes into Rugby Town Centre. The proposal

would make effective use of a previously developed site which would otherwise not be developed for its intended purpose of a hotel and leisure facility. The development of the site will not result in a new incursion in the countryside thus helping to conserve and enhance the natural environment. It is acknowledged by the applicant that there will be views into the site through the proposed landscaped areas. However, this would not be intrusive nor is it considered that this will have a significant effect on the intrinsic character and beauty of the countryside.

The proposal will make on site provision of open space and it will lead to the improvement of the biodiversity value of the site thus enhancing the natural environment. The proposal would also lead to less vehicular trips than that of a hotel development reducing the sites impact on the transport network.

In conclusion whilst the proposal does not comply with NPPF paragraph 55 the site is sustainably located, reuses previously developed land, provides affordable housing and helps contribute to a supply of deliverable housing to meet the Borough's 5 year land supply. There is considered to be no adverse impact which would significantly outweigh the benefits of the proposal and therefore the application should be approved.

#### Affordable Housing

Core Strategy policy CS19 sets out a target affordable housing provision of 40% on sites exceeding 1ha in size or capable of accommodating 30 or more dwellings. It is made clear that new housing development which fall within this threshold in Main Rural Settlements will be required to meet any identified local housing need as a priority and that this need will form part of the overall affordable housing target. In circumstances where it is demonstrated that such a target is likely to threaten the financial viability of a scheme, policy CS19 confirms that the Council will consider a reduced target.

The applicants have confirmed that the proposals will include 40% affordable housing provision in accordance with policy CS19 and that any consideration of the impact of such provision on the viability of the scheme, and hence a potentially reduced provision, will be dealt with at the detailed, reserved matters stage when all the development costs are known.

#### Character and Appearance

The plan submitted as part of the application is an indicative layout with only the access points as the agreed detail. The indicative layout is only a draft layout that shows that up to 86 dwellings can be located within the site allowing for an area of open space. The site is labelled as a previously developed site as the extant permission of the hotel could still be built out and the footings of the building can be clearly seen on site. The coverage of the hotel, including car park on site was expansive for the site and when compared to the layout of the housing development wouldn't be to dissimilar in the area covered meaning that a similar impact would be had.

There have been indicative house types and information submitted as to what kind of house types and their architecture may be introduced on to the site. It has been indicated that the new houses would be designed to reflect the more traditional development in Dunchurch. This would include traditional architectural features including bay windows, dentil courses, brick heads and cills to the windows and doors, chimneys and porches.

Taking into account the above the scheme could be designed so that it would be in keeping with the character of the surrounding area and would not have a detrimental impact on visual amenity.

The relevant part of policy CS16 is therefore complied with.

### Transport and Highways

Core Strategy policy CS11 states that development will be permitted where sustainable modes of transport are prioritised and measures to mitigate any transport impacts arising from the development or cumulatively with other proposals are provided. This reflects section 4 of the NPPF which promotes sustainable transport and advises that development which generates significant amounts of traffic should be supported by a transport statement or assessment. In addition, it states that decisions should take account of whether opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access can be achieved, and, that cost effective improvements can be undertaken on the transport network to limit any significant impacts arising from the development. The NPPF also makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

As already stated the site is considered to be sustainably located even though it is within the countryside with it being in a walkable distance to the main rural settlement of Dunchurch which has a range of services and it also benefits from good bus routes into Rugby Town Centre.

It has been demonstrated that the traffic generated by the proposal would be less than that of the extant permission which exists for a hotel and leisure facility. The Warwickshire County Council Highways department have assessed the application and stated that “based on the TRICS information submitted the statements could be considered correct. Any modelling of traffic movements in to Dunchurch should have taken in to account the movements associated with the hotel, as it would be considered committed development. Therefore, there should still be capacity on the network for the proposed development, and could result in freeing up capacity for further developments in the area”.

The highway department have however indicated that the proposed development could result in more movements through the signalised junction adjacent to the Dun Cow Public House than previously expected at different times. This is due to the movements of people living in Dunchurch being more biased to local areas rather than using trunk roads, which visitors to the hotel may have preferred. In order to address this issue and potentially find a solution the highway authority has stated that “technology has moved on and to try and improve flows through Dunchurch and improvement works to the signals are proposed. It is proposed to install ‘MOVA’ software and update the signals, which will actively monitor flows and adjust timings accordingly. The cost of the works should be £80,000. The applicant has agreed to pay this contribution which will be included within the Section 106 agreement.

The highway department have also commented on the pedestrian movements to and from the site. They state that “A footway link is proposed, but not fronting the whole of the site. The proposed layout does not make it easy for pedestrians to access Dunchurch. The desire line for some pedestrians would be to use the B4429. As such, the existing footway fronting the site on the B4429 should be improved and linked to form a continuous footway from the roundabout junction with the M45 to Dunchurch village. Improvements to the footway will require signs to be moved at the applicant’s expense. Also, to improve pedestrian safety alterations are requested to the painted markings on the dual carriageway so that the taper lane is extended, thereby moving vehicles away from pedestrians.” These improvements and works will be conditioned as part of any approval so that they are installed before any house is occupied.

Taking the above into account it has been demonstrated that that the proposed development may have less of an impact on the highway network than the extant permission, but



measures are required to improve connectivity and access which can be achieved via conditions and a section 106 agreement therefore the impact on highway and pedestrian safety is acceptable.

### Amenity, Noise and Air Quality

Core Strategy policy CS16, amongst other things, seeks to ensure that the amenities of existing neighbouring development are safeguarded. Section 11 of the NPPF advises that the planning system should prevent both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution (para. 109). It further advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum any adverse impacts, including through the use of conditions (para.123). In addition, it states that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan (124).

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

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

Comments were given with regards to the traffic generated and the air quality management area in the centre of Dunchurch. The Environmental Protection Officer discussed the issue with the highway department and agreed that if the signalisation of the junction within Dunchurch centre was improved by the use of the new improved technology MOVA then he would have no objection to the application. As already stated this has been accepted by the applicant and will be included in a section 106 agreement.

The relevant part of policy CS16 is therefore complied with.

### Biodiversity

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

Under the provisions of the Natural Environment and Rural Communities Act 2006 (NERC Act), in exercising their functions, local authorities must have regard to the purposes of conserving biodiversity. Local planning authorities also have a responsibility as set out in Circular 06/2005 to further the conservation of habitats and species of principal importance where they may be adversely affected by a planning proposal. The Conservation of Habitats and Species Regulations 2010 (Habitat Regulations), as amended, implement the European Directive 92/43/EEC on the conservation of habitats and fauna and flora, and include measures which seek to protect certain species. Under the regulations certain activities which would normally constitute an offence against European Protected Species can only be carried out legally under a licence issued by Natural England

As part of the planning application process there were 4 ecological surveys undertaken which took into account breeding birds, reptiles, great crested newts and badgers. There was also a nesting bird mitigation report submitted.

The Breeding Bird Survey Report produced by Lockhart Garratt Limited describes a survey carried out between April and June 2014 to establish the breeding bird activity on site. The ecology department have stated that the survey appears to have been carried out to an appropriate methodology and they are confident in its findings.

It highlighted that 28 bird species were identified on the site, 4 of which were only recorded flying over. Little ringed plovers, a bird listed under Schedule 1 of the Wildlife and Countryside Act, were recorded nesting on site. Lapwings, an RSPB red listed bird and listed under the NERC Act as a Priority Species, and wood pigeon were also confirmed to be breeding on site, with several other species identified as possibly or probably breeding. The report recommends that clearance of the wet areas and any hedgerow vegetation should be carried out outside the bird nesting season (March to September inclusive).

The Mitigation Strategy for Nesting Birds produced by JMRP Construction & Technology in 2012 outlines measures which will be taken to avoid harm to nesting birds during clearance. The ecology team again have found this report acceptable and stated that the measures should be incorporated into a Construction and Environmental Management Plan which should be submitted prior to works commence on site.

It is also recommended within the report that, in order to compensate for the loss of breeding habitat for little ringed plovers, a Schedule 1 listed bird; a compensatory breeding habitat should be created offsite. As the majority of the site is being developed, it is not considered possible to create compensatory habitat for little ringed plover on-site. It will therefore be necessary to secure the creation of a compensatory habitat offsite in an agreement with a local landowner.

The ecology department have stated that they have been informed by Natural England that there are several farms nearby under the Higher Level Stewardship scheme, and there is also a site managed by Warwickshire Wildlife Trust immediately to the north. Some of the owners of these sites may be willing to create compensation habitat on their land. The compensation habitat contribution would be based on the estimated cost of creating a 15m x 15m wet grassland scrape for lapwings and a gravel scrape for little ringed plover, setting aside the land and maintaining for 5-10 years to which the ecology department consider a cap of £10,000 to be adequate for the S106 agreement. The applicant has agreed to meet this contribution and it will be included within a Section 106 agreement.

Within the Mitigation Strategy for Nesting Birds it was highlighted that protection and enhancement would be given to the existing hedgerows at the northern and western boundary, and new hedgerows along the southern boundary would be will be planted. These will provide some compensation for the loss of habitat within the site. In order to ensure this work is done and is suitable the ecology department have requested that a combined ecological and landscaping scheme to detail species planting and subsequent management is submitted prior to works commencing to ensure that there will not be a loss to biodiversity in accordance with the NPPF. This detail can be conditioned via an approval.

With regards to the reptile, great crested newts and badgers surveys the county council ecologists have assessed the details and found the findings to be acceptable and have no objections subject to the submission of a construction and environmental management plan prior to works commencing on site.

Taking into account the above it is considered that the proposed development would comply with saved policy E6 of the Local Plan 2006.

#### Open space provision

The proposed indicative layout shows an area within the site for a locally equipped area of play (LEAP). The provision of this site is deemed acceptable by the Council who will negotiate and discuss the get into finer details of its location and to what it will consist of at the reserved matters stage. It has however been requested that this area also be utilised to locate some green gym equipment to address the small deficit of outdoor sports within the area.

#### Sustainable design and construction

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

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

A Flood Risk Assessment (FRA) was submitted as part of the application which has been assessed by the Environment Agency and Warwickshire County Council Flood Risk Management team to which they have no objections subject to conditions.

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

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

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

#### Planning Obligations

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

The proposal, as already stated, has generated contributions in the form of highway improvements and compensation habitats. The other contributions that will be sought from the development will be in the form of an education contribution, a contribution towards the Parish Council for improving/expanding youth services and the library in the village and the provision of a LEAP on site which is to include some green gym equipment. As these contributions will be received via a Section 106 agreement the development would comply with policy CS10 of the Core Strategy 2011.

### Other considerations

The public footpath R235 crosses part of the site and the indicative layout plan does not take account of it with obstructed by at least one dwelling and shown to run across gardens and parking bays. As this application is an outline application the rights of way officer has no objections and indicates that the footpath would have to be either incorporated into the scheme or legally diverted before the development can commence. This issue will be dealt with at the reserved matters stage.

This issue regarding the provision of a secure fence between the development and the wildlife site to the north will also be dealt with via the reserved matters stage and can also be conditioned within an approval. It can also be highlighted via an informative that this is a sensitive boundary and conflict between the residential properties and the wildlife site would need to be avoided.

### **Recommendation**

That the Development and Enforcement Manager be given delegated powers to approve the application, subject to conditions, following the completion of a Section 106 legal agreement

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R13/0690

#### **DATE VALID**

14/11/2013

#### **ADDRESS OF DEVELOPMENT**

DIPBAR FIELDS  
DAVENTRY ROAD  
DUNCHURCH  
RUGBY  
CV22 6NT

#### **APPLICANT/AGENT**

Mr Laurence Wilbraham  
Wilbraham Associates Ltd  
18a Regent Place  
Rugby  
Warwickshire  
CV21 2PN  
On behalf of JMRP Construction and  
Technology

#### **APPLICATION DESCRIPTION**

Outline planning application for the development of the site for up to 86 dwellings (Use Class C3) and associated works including means of access from the A45/M45 roundabout and an emergency access from Daventry Road. All other matters are reserved.

#### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

CONDITION: 1

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

#### **REASON**

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

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

- a) The layout of the development on the site.
- b) The scale of the development to include the height, width and length of each building proposed in relation to its surroundings
- c) The appearance of the development including the external built form, its architecture, materials, decoration, lighting, colour and texture.
- d) The formation of any means of access to and within the site including including footways, private drives and means of accessing individual plots, drainage (including the outfalls) and levels of the car parking and manoeuvring areas
- e) The hard and soft landscaping of the site including the design and treatment of all open spaces

REASON:

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

CONDITION: 4

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

- A) The provision of means of drainage and sewage disposal.
- B) The extent of accomodation for car and cycle parking which shall be in accordance with the Council's standards.
- 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 the finished ground floor levels of all buildings

E) The provision of refuse storage facilities.

REASON:

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

CONDITION: 5

Access for vehicles to the site from the public highway (B4429 Daventry Road) shall not be made other than at the positions identified on the approved drawing titled Sitelayout:01. The accesses to the site shall be constructed / improved as the case may be in accordance with the standard specification of the Highway Authority

REASON:

In the interests of highway safety

CONDITION: 6

The development shall not be commenced until visibility splays have been provided to the emergency access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety

CONDITION: 7

The development shall not be commenced until visibility splays have been provided to the vehicular access to the site from the roundabout junction in accordance with TD 16/07 Geometric Design of Roundabouts, Design Manual for Roads and Bridges

REASON:

In the interests of highway safety

CONDITION: 8

Notwithstanding the plans submitted full details of the proposed footway improvements and footway link along the B4452 along with associated street lighting shall be submitted to for approval in writing by the District Planning Authority, in consultation with the Highway Authority. The approved scheme shall be implemented in full prior to first occupation on site

REASON:

In the interests of highway safety

CONDITION: 9

No development shall commence until full details of the street lighting scheme for the development have been submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority.

REASON:

In the interests of highway safety

CONDITION: 10

No development shall commence until full details of the carriageway markings scheme to alter the carriageway alignment fronting the site on the B4452, in consultation with the highway authority, has been submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority.

REASON:

In the interests of highway safety

CONDITION: 11

The development hereby permitted shall not be occupied until a Traffic Regulation Order has been implemented on the B4452 fronting the site to prevent the parking and the loading / unloading of vehicles.

REASON:

In the interests of highway safety

CONDITION: 12

The development shall not be commenced until turning areas are provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON:

In the interest of highway safety

CONDITION: 13

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100year climate critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved detailed design drawings before the development is completed.

The developer shall provide evidence from Severn Trent Water on the approved discharge rate of 185l/s, which is to be further reduced by 25% to 140l/s as stated in the Flood Risk Assessment.

The developer shall also demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.

The developer shall also provide details on maintenance regime for the whole drainage system.

REASON:

To prevent flooding by ensuring surface water run-off is managed to minimise the risk of on and off site flooding from the development site

CONDITION: 14

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

A) The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase.

B)The control of dust including arrangements to monitor dust emissions from the development site during the construction phase.

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

(C) Measures to reduce mud deposition offsite from vehicles leaving the site.

REASON:

To safeguard the amenities of the surrounding area.

CONDITION: 15

Prior to any development commencing a further noise survey and assessment by a competent noise consultant must be prepared and submitted, with any proposed works, to the local planning authority for approval. The assessment must take into account noise emitted from road traffic related noise around the site and the Severn Trent owned pumping station near the site.

Any proposed mitigation must insure that the internal noise climate for each property achieves compliance with the following: Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided. 30 dB Laeq 16 hour between 07:00 and 23:00 hours 30 dB Laeq between 23:00 and 07:00 hours 45 dB LA Max between the hours of 23:00 and 07:00. For gardens, balconies, terraces and other shared communal external areas, a target noise level for day time periods of 55 dB Laeq, T should be met from steady continuous noise sources such as road traffic.

REASON:

To safeguard the amenities of future occupiers

CONDITION: 16

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

development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.



(a) An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

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

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

#### REASON:

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

CONDITION: 17

The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badgers, reasonable avoidance measures for reptiles, amphibians and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

It is recommend that this plan is produced in accordance with British Standard 42020:2013 Biodiversity. Code of practice for planning and development.

REASON:

To ensure that protected species are not harmed during development

CONDITION: 18

No works 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 WCC Ecological Services). The scheme must include all aspects of landscaping including details of hedgerow planting and grassland management. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION: 19

The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at the site has been submitted to and approved by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety

CONDITION: 20

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 21

The landscaping and open space details required by condition no. 3e) and 23 shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, finished levels, means of enclosure, paving and footpaths, structures such as play equipment together with an implementation programme

CONDITION: 22

The implementation of the landscaping and open space proposals approved in compliance with conditions 3e) and 23 shall be in accordance with an implementation programme to be agreed with the Local Planning Authority prior to the commencement of development and the landscaping thereafter shall be properly maintained for five years following implementation and any failures being replaced during the following planting season.

REASON:

In the interests of the visual amenities of the locality

CONDITION: 23

This permission shall relate only to the application site edged red on site location plan received by the Local Planning Authority on the 14th November 2013 and does not authorise the layout of development shown on drawing ref SITE LAYOUT 01 submitted in support of the application for illustrative purposes only.

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow (so far as is reasonably practicable) from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE: 2

The development for which planning permission is hereby permitted requires that public footpath R235 be diverted / stopped-up by a Statutory Order made under Section 257 of the Town and Country Planning Act 1990. This permission does not authorise the diversion / stopping of the footpath or guarantee that it will be done. Before the development is commenced the applicant must apply to Rugby Borough Council for an Order to be made

INFORMATIVE: 3

Condition number 5 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways

Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications 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: 4

Condition numbers 9 and 11 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications 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: 5

Condition numbers 10, 12 and 13 requires the applicant / developer to arrange for a speed limit review and a scheme to improve the road markings fronting the site. The applicant / developer should contact Warwickshire County Council's Traffic and Road Safety Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. The applicant / developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs etc and all works/installation costs.

#### INFORMATIVE: 6

The applicant is required to enter into a suitably worded Section 106 Agreement to contribute £80,000 towards improving the signalised junction at the B4429 and A426

INFORMATIVE: 7

The applicant / developer is required to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.

INFORMATIVE: 8

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

INFORMATIVE: 9

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

INFORMATIVE: 10

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

INFORMATIVE: 11

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

Monday - Friday 7.30 a.m. - 18.00 p.m.

Saturday - 8.30 a.m. - 13.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

NB: Site deliveries should be made to the site between the above times. Also variation from the agreed hours has to be agreed with the Local Planning Authority.

INFORMATIVE: 12

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:-

- \* Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood.
- \* Eradicate offensive behaviour and language from construction sites.
- \* 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](http://www.considerateconstructors.co.uk)

INFORMATIVE: 13

Public footpath R235 must remain open and available for public use at all times.

INFORMATIVE: 14

No works may begin on the current recorded alignment of public footpath R235 unless or until the public footpath has been diverted by a legal order that has been confirmed and come fully into effect

INFORMATIVE: 15

If it is necessary to close public footpath R235 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

INFORMATIVE: 16

Any disturbance or alteration to the surface of public footpath R235 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath

INFORMATIVE: 17

There should always be a visibility splay provided to the pedestrian crossing point over the M45 exit arm with an 'x' distance of 1.0 metres and 'y' distances of 120 metres as measured from the rear edge of the public highway carriageway. This is a reminder to the developer that this land is highway land and no structure, tree or shrub shall be erected, planted or on this land.

**Reference number: R14/1220**

**Site address: Springfield, Fosse Way, Princethorpe, Rugby**

**Description: Variation of Condition 2 of approval Ref R13/0094 (Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels) to retrospectively amend ground levels and change specified facing bricks.**

**Case Officer Name & Number: Owain Williams – 01788 533789**

### **Site Description**

The application site is located to the South Western extent of Rugby Borough, approximately 0.3 miles to the North East of the Village Boundary of Princethorpe. The site is of a generally rectangular shape and covers an area of approximately 6.79 hectares.

The site comprises a four bedroom detached bungalow (which has been extended), a detached garage and additional outbuildings which have D2 and Sui Generis class of use. Some of the existing outbuildings have been removed in the process of implementing the previous approval. The works undertaken so far include the re-grading of the land to achieve the build level of the proposed dwelling and detached garage.

The topography of the land falls from east to west, with the south west corner of the site being at the lowest level.

The site is accessed off the Fosse Way via an existing driveway. The front of the site is heavily landscaped with the vegetation also continuing around the periphery of the site

### **Proposal Description**

This application is to vary condition 2 of the approval ref R13/0094 which was for the Demolition of the existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels. As already stated works have started resulting in the re-grading of the land.

The amount of land that has been moved around the site to achieve the build levels for the dwelling and garage without moving land off site has led to the original proposed levels of the surrounding land not being achieved therefore the land has been re-graded hence this application.

During the process of the application there has been amended plans submitted revising the levels of the land and also a visual impact assessment and flood risk assessment.

The proposed application also seeks to alter the bricks approved for the dwelling as the waiting time for the brick chosen is up to a year.

### **Relevant Planning History**

R06/0400/PLN - Retrospective application for siting of 2no. mobile homes – Refused Permission

R07/1269/PLN - Retrospective application for siting of 2 no. mobile homes. (Resubmission of planning application R06/0400/PLN) – Refused Permission

R13/0094 - Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels – Approved 12<sup>th</sup> June 2013

## **Technical Consultation Responses**

Landscape Officer – No objections

RBC Drainage Officer – No objections

WCC Drainage Engineer – No objections

Environment Agency – Comment yet to be received

## **Third Party Responses**

Neighbours (1) – Objection

- The alteration in level of the land especially close to the ditch between the site boundaries will create flooding issues.
- Despite requests for detailed drainage specifications and pipe locations together with projected run off volumes, these have still not been presented
- It can be argued that if this application had been presented at these higher ground levels it would not have been passed as it materially affects the outlook of the village and our property. It will be some years before any planting will become effective or offer any screening
- These levels are unacceptable given the green belt status and the need to retain the openness and permanence of the countryside.
- Despite assurances that access for ditch maintenance would be provided via a one meter access path, this has not happened and it is now impossible for maintenance to be undertaken without undercutting the bank which will make it more unstable than it is now which will create further issues.
- Any planting undertaken on land above the ditch bank must take into consideration access required for equipment to undertake maintenance work to the ditch itself, no planting should be undertaken on the bank as this would be destroyed when ditch clearance is undertaken. Should the council see fit to grant this application provision must be made for on-going maintenance

Parish Council – No objections however are concerned about the retrospective aspect of the planning app. Also we hope that all necessary precautions have been taken so that flooding does not occur on the Fosse Way or adjacent properties

Neighbour (1) – Objection (after the submission of Flood Risk Assessment)

- The risk of flooding is not to Springfield Farm but to adjacent properties as a consequence of action taken on Springfield Farm
- There has been flooding in the area previously as a result of ground works previously undertaken on the site of Springfield Farm by previous owners.
- The extensive ground works have destroyed the original land drainage system with no replacement provided and created a faster run off which has eroded the bank more.
- There is still no access path for maintenance of the ditch and the banking now rises directly out of the ditch at an angle 45 to 50deg and forms an integral part of the ditch as such is within my boundary



- The current JPP drawings do not identify soak aways as a means of disposing of rain water, instead, this water is being piped round the waste disposal plant and into its discharge pipe (to dilute waste discharge water?) all of which is now being piped directly into our ditch
- The ditch actually runs away from the road and into our sump to be discharged into a land drain running across our field. It then enters the road side drainage system and is piped directly into the local brook. This is not acceptable as the volumes of water now being concentrated into this location exceeds its capacity and will consequently flood over across our property.
- The drainage plan set round two sides of the 85mtr level should deal with some of the run off, however the JPP drawings ignore the 85mtr level area which is being pumped into our ditch following heavy rain, also the outfall point for building drainage which is again piped into our ditch
- Surface water will be forced through our hedge and into the lower lying ground level and left to make its way down our field

Neighbour (1) – Objection (after amended plans received dated 4<sup>th</sup> November 2014 were received)

- The track whilst good it is about 1.3 metres too high from the original top of ditch level
- The accepted bank out angle of a ditch for stability purposes is 45 deg. the current angle is greater than this.
- The track height also effectively prevents access from our land by any equipment
- As the track does not extend up to the water tank, access will still be needed along the top of Mr Singh's bank to that area to which is not shown.
- Resulting from the installation of the track there is an amount of rubble and brick slabs exposed on the face of the ditch, this will slide into the ditch in the very near future.
- Sewing the bank with grass seed or other planting is not going to solve this problem it needs a proper drainage system

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

### Saved Local Plan Policies

E6 – Biodiversity

## **Assessment of Proposals**

The determining issues to take into account in this case are the impact of the difference in levels upon the openness of the Green Belt, the impact upon the character and appearance of the development and the impact upon drainage.

The NPPF at Para 89 states that the redevelopment of previously developed sites, whether redundant or in continuing use is acceptable in principle, providing that it does not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development.

The approval of the proposed dwelling and detached garage (ref R13/0094) was found to be in principle acceptable as it was redeveloping previously developed land and was considered not to have a greater impact upon the openness of the Green Belt to which it is to sit therefore complying with paragraph 89 of the NPPF.

The re-grading of the land which has been undertaken does not adhere to the approved plans however the levels of land to which the house and garage to be built are to remain the same as approved. It is the land levels surrounding the proposed development which have altered resulting in land close to the periphery of the site being banked up higher removing the gradual rise that there once was.

The main issue in context of the previous approval would be whether or not the re-grading of the land would have significant impact upon the openness of the Green Belt to affect the principle of development in context with the NPPF.

### Character and Appearance

As part of the application a visual impact assessment (VIA) was undertaken. The alterations in the levels of the land caused by re-grading would be most evident when viewed from Fosse Crescent where there are gaps in the existing vegetation. The VIA concluded that "in these views the horizon is formed by the landform part way across the field. However during the initial years after planting, the steeper topography along this boundary will have the effect of moving this horizon line closer to the visual receptors in Fosse Crescent, providing a moderately adverse visual impact. As the woodland planting establishes over the subsequent years, the steeper landform at the site boundary will become concealed by tree and shrub vegetation, providing a softer boundary. This beneficial effect will be offset by the loss of longer views over the development site field, delivering a net effect of minor adverse significance".

The views of the site from front and rear of the site would not be affected due to the existing landscaping and topography involved helping to screen the site from view.

The Councils landscape officer has assessed this VIA and has agreed with the author that the alterations in levels will only have a minor adverse significance upon the appearance of the development site in the landscape and therefore finds the alterations acceptable.

Since the VIA was submitted the land levels have been amended further with the angle of the banks on the southern boundary reduced which has therefore further minimised the impact upon the character and appearance of the landscape. When viewing the site from Fosse Crescent without the substantial landscaping in place the land beyond can still be viewed in context with the development site although the levels of land have been increased therefore the visual impact would not be significant to warrant refusal. It is therefore considered that the proposals will comply with paragraph 89 of the NPPF and also policy CS16 of the Core Strategy 2011.

## Drainage

With regards to the drainage of the site a flood risk assessment was undertaken and submitted during the process of the application which concluded that the surface water drainage from this site, post development, is such that the surface water is to be managed and disposed of within the site boundary, thus complying with the Technical Guidance to the National Planning Policy Framework.

The flood risk assessment was undertaken due to the concerns of the adjoining land owner to the south of the site and specific mention was given to this issue. The FRA states that “post development the catchment draining towards the south shall be significantly reduced as the proposed contours direct flows towards the western boundary. Therefore flood risk to the southern boundary from overland flows likely to be generated within the site is reduced as a result of this development. As flows are diverted to the west a land drainage system with infiltration and detention has been provided to control flood risk from overland flows”

The FRA has been assessed by Rugby Borough’s drainage officer and the findings of the assessment are found to be acceptable. The officer also stated that the tree and shrub planting along this bank (as per the clients drawing) will stabilise it but some additional rough grass growth will also slow down the flow and reduce silt from slipping into the ditch.

Contact has also been made with the Environment Agency and Warwickshire County Council Flood Risk Management regarding the proposals to alter the levels of the land. Comments have been received from the County Council stating that “From the information provided, there is a reduction in the size of the catchment feeding the watercourse. The plans in appendix E show that for the majority of rainfall events, there will be a large reduction in the flows entering the watercourse to the south of the site. For heavier rainfall events, the land drainage will not capture all of the flow so there will be flows closer to pre-development (but likely to remain lower)”

Comments have yet to be received by the Environment Agency but will be shared at committee once they are received but the initial discussions had they gave no indication that the proposals would be of a concern to them.

The issues that have been raised above regarding access for ditch maintenance have been taken into consideration and an access path has been created and shown on the amended plans. There is still however concerns from the adjoining land owner regarding access to this path. The issue regarding access to the ditch for maintenance is a civil issue between the applicant and the neighbour rather than a planning consideration; however it is the officer’s opinion that neighbouring landowner could gain access to the path from his adjoining land.

Following the works to create the access path to the side of the ditch the drainage officer has stated that no further works would be envisaged for the ditch with the exception of the septic tank works. The amended plans submitted show the bio treatment plant pipe now runs and outfalls to the highway ditch to the north corner of the site rather than the southern ditch which would improve the situation further.

Furthermore during the process of the application and on-going site works the neighbouring land owner highlighted a steady discharge of water from the development site into the ditch. The applicant has explained that this occurred due to the recent re-grading works that were done and that the substantial excess soil from this re-grading was stockpiled at the top of the bank and this had in turn caused a Dam like effect trapping the rainfall over a 2 week period within this area. The applicant then in order to facilitate the removal of the excess soil created a temporary drain for this water to be discharging into the ditch.

The applicant has continued to state that “The re- grading of the land and the new drainage system has now been in its present form since February this year, during this period there has indeed been some heavy rainfall as well as above average months of rain. The system has managed to cope and work efficiently throughout this period without causing any flooding problems” A point to note would be that this has been without the benefit of the substantial landscaping scheme which would also help reduce the effects of flooding.

Taking into account all the comments from technical consultees and taking on board all the concerns raised it is considered that the alteration of the levels created by the re-grading of the land surrounding the development would not significantly affect the drainage of the land therefore the proposals are acceptable.

### **Recommendation**

Grant Permission Subject to Conditions

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R14/1220

#### **DATE VALID**

16/06/2014

#### **ADDRESS OF DEVELOPMENT**

SPRINGFIELD  
FOSSE WAY  
PRINCETHORPE  
RUGBY  
CV23 9PG

#### **APPLICANT/AGENT**

Mr Dill Sidhu  
Bilton Architectural Services Ltd  
The Coach House  
Merttens Drive  
Rugby  
Warwickshire  
CV22 7AE  
On behalf of Mr Bal Singh

#### **APPLICATION DESCRIPTION**

Variation of Condition 2 of approval Ref R13/0094 (Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels) to retrospectively amend ground levels and change specified facing bricks.

#### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

Drawing Nos PSF/01, PSF/02, PSF/03, PSF/04, PSF/05, PSF/06, PSF/07, and PSF/09 received by the Local Planning Authority on 12th December 2012

Drawing Nos. JO1274/A1/001 Rev A, PSF/PC/16, PSF/PC/17, PSF/PC/18, PSF/PC/19 and PSF/PC/20 received by the Local Planning Authority on the 4th October 2014

Great Crested Newt Mitigation Method Statement prepared by Martin Ecology dated August 2013 and received by the Local Planning Authority on the 4th October 2013

Nocturnal Bat Survey Report prepared by Martin Ecology dated August 2013 and received by the Local Planning Authority on the 4th October 2013

Drawing No. PSF/10 REV G and PSF/PC/35 received by the Local Planning Authority on the 4th November 2014

Materials - Brick - Baggeridge Oast Russett

Tile - Rosemary Plain Blues

Joinery - Idigbo and Euro Oak Timbers

REASON:

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

CONDITION: 3

The landscaping scheme, as detailed on the approved landscaping and ecological management dated December 2013 and received by the Local Planning Authority on the 5th December 2013, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

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

CONDITION: 4

Within 3 months of occupation of the new dwelling all existing buildings including the bungalow shall be demolished and all deleterious materials removed from site.

REASON:

To ensure that the proposal is an appropriate form of development in the Green Belt and to ensure that openness is retained in compliance with the NPPF.

CONDITION: 5

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

REASON:

In the interests of highway safety

CONDITION: 6

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 those orders, no development shall be carried out which comes within Classes A, B, C, D, E, F and G 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: 7

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

REASON:

In the interest of visual amenity.

CONDITION: 8

The proposed garage building hereby approved shall not be used for any purpose other than ancillary to the residential use of the new dwelling and the ground floor shall only be used for the parking of vehicles and shall not be converted to living accommodation.

REASON:

To ensure that the proposal is an appropriate form of development in the Green Belt and remains fit for the purpose as intended.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Lowland grassland is a Local Biodiversity Action Plan habitat. One of the main factors affecting this habitat is changes in management from cutting to year round grazing (often by ponies or horses) resulting in floristic change, over grazing and poaching. As a consequence sites may become invaded by weed species such as ragwort, dock and thistles. One of the targets of habitat action plans is to actively promote the appropriate management of all neutral grassland sites over 0.25ha. To maintain condition or improve to good condition. Due to the use of the site for grazing previously, we strongly recommend that sensitive mowing or

grazing management practices are employed at the site in order to enhance the grassland's floristic diversity. Further information can be found on the Grassland Trust website [www.grasslands-trust.org](http://www.grasslands-trust.org), WCC Ecological Services (01926 418060) or the applicant's surveyor.

**INFORMATIVE: 2**

The site is within the Princethorpe Woodlands Project area, a current landscape-wide scheme led by Warwickshire Wildlife Trust which aims to reconnect the fragmented ancient woodlands via enhancement and planting of hedgerows. The applicant may wish to contact the Project Officer of scheme regarding support/advice for hedgerow planting/management. Further information can be found on the WWT website: [www.wildlifetrusts.org/living-landscape/schemes/princethorpe-woodlands](http://www.wildlifetrusts.org/living-landscape/schemes/princethorpe-woodlands)

**INFORMATIVE: 3**

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

**INFORMATIVE: 4**

In view of the nearby reptile records and composition of the surrounding habitat, care should be taken when clearing the ground prior to development. If any evidence of specially protected species such as grass snake, slow worm or common lizard is found, work should stop while WCC Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part1) of the Wildlife and Countryside act 1981, makes it is an offence to intentionally or recklessly kill or injure any of the species listed above.

**INFORMATIVE: 5**

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 a.m. - 18.00 p.m.

Saturday - 8.30 a.m. - 13.00 p.m.

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

**Reference number: R14/0169**

**Site address: Land West of Bryants Bungalow, Brandon Road, Toll Bar End, Coventry, CV3 3GW**

**Description:** Change of use of land for the extension of existing caravan site to accommodate 5 gypsy families with a total of 5 caravans, including laying of hardstanding.

**Case Officer Name & Number:** Nathan Lowde 01788 533725

### **Description of Proposals**

The application seeks the extension to the existing gypsy site at Bryants Bungalow to provide a further five mobile homes to serve five gypsy families. The proposed pitches would be sited to the west of the existing residential caravan site. The proposal also seeks the provision of a hardstanding area, together with landscaping.

The application is to be determined by members of the Planning Committee at the request of Cllr Derek Poole.

### **Description of Site**

Bryants Bungalow dwelling is set within a generous curtilage and is part of the sporadic development along Brandon Lane. Access gates and established boundary planting form a clear frontage boundary. The site is located off the north side of Brandon Road in an area of countryside designed as Green Belt. The site has a mixed use for residential and as a private residential caravan site. The residential caravan site is located south of the dwelling house. To the west of the dwelling house is a day room that serves the existing residential caravan site. A new access has recently been formed as part of the permission for the six pitches, and this access will serve the proposed development.

### **Relevant planning history**

#### **R14/0169**

Change of use of land for the extension of existing caravan site to accommodate 2 gypsy families with a total of 2 caravans, including laying of hardstanding.

Approved 03/07/2013

#### **R12/1287**

Extension to the existing Gypsy Caravan site including the erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding. (Amendments to previously approved planning application R12/0206 dated 16th April 2012).

#### **R11/0715**

Change of use of land for siting of 6no residential caravan pitches and associated works (partially retrospective) (variation of condition 4 of R10/0320 dated 16th June 2010 to allow no more than 6 residential pitches accommodating one household per pitch be provided, of which 2 pitches shall contain no more than one caravan and 4 pitches shall contain no more than two caravans each.

Approved 19/09/11



R10/0320

Change of use of land for siting of 6no residential caravan pitches and associated works (partially retrospective)

Approved 16/06/2010

R09/0563/PLN

Change of use of land for the siting of 10 no. residential caravan pitches

Refused 06<sup>th</sup> January 2010

**Relevant policies and guidance**

Rugby Borough Council LDF Core Strategy 2011

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

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

**Third party comments**

- Neighbours no comments received
- Brandon and Bretford no comments received
- Parish Council

**Technical consultation responses**

- RBC Environmental Services no objection subject to conditions relating to detailing relating to the exiting septic tank, no commercial activity, business or trade, no vehicles over 3.5 tonnes, no burning of any waste material.
- WCC Highways No objection subject to requiring the Western access remains closed unless utilised specifically for the delivery of larger living caravans in connection with a valid planning permission.

**Assessment of proposal**

Main issues

The key issues to assess in relation to this application are as follows:

- Policy Background
- The harm to the Green Belt that would result from the granting of a planning consent for the permanent use of the site as 10 pitches for gypsy families.

- The future timescale for the production of the Gypsy & Travellers Site Allocation DPD (Development Plan Document), which will seek to identify and allocate suitable sites in the Borough for additional Gypsy and Travellers pitches.
- Any other matters

### Gypsy Status

The Warwickshire County Council Gypsy and Traveller Liaison officer confirms that the intended occupiers of the proposed pitches are classed as Irish Travellers under the Races Relations Act 1976 and Equalities Act 2010.

### Green Belt

There is a clear statement within Core Strategy policy CS1 that only where national policy allows will development within the Green Belt be permitted. This statement is repeated in Policy CS22. The development of gypsy and traveller sites is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt as stated in the National Planning Policy Framework. Planning Policy for Traveller Sites (PPTS) Policy E also states that the development of traveller sites in the Green Belt is inappropriate development. As inappropriate development the proposal is therefore harmful to the Green Belt by definition.

The NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Where inappropriate development is proposed in the Green Belt, the onus falls on an applicant to demonstrate that there are very special circumstances to justify a grant of planning permission that will cause is harm to the Green Belt.

It should be noted that the written ministerial statement by Brandon Lewis in July 2013 stated that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt. This was reinforced in a further written ministerial statement on the 17<sup>th</sup> January 2014.

The applicant has submitted two letters setting out the reason for the proposal. The applicant states that John Rooney, who currently occupies two pitches on the approved site, has to vacate one of the pitches for Tommy Rooney who is reclaiming his pitch. It is therefore proposed that John Rooney will move into Bryant's Bungalow as it would be more suitable for his family. Felix Rooney and his family who currently reside in the bungalow will consequently move out and will require one of the 5 additional pitches proposed through this application, with the remaining pitch currently occupied by John Rooney is to be taken over by his eldest daughter, who is due to marry.

The remaining pitches proposed through this application will be occupied by the Robb family who have been "adopted" by Felix Rooney, who is their uncle, following the loss of their parents. The Warwickshire County Council Gypsy Liaison Officer also confirms that since the loss of their parents Mr and Mrs Rooney have been their guardians, with Mrs Rooney being their Aunt and therefore they would be considered immediate family. The applicant highlights that the Robb family, previously lived within Bryant's Bungalow for about 10 years, however, through time they have formed their own households and had to travel for work, but when they are not traveling the reside in touring caravans on the application site and they use the facilities within the bungalow. This arrangement is not considered to be suitable and no longer ideal. By permitting the application, the family will all be able to live together as an extended family for mutual support. The advantage of a settled base would also allow the children of school age to receive schooling. Given that the family have resided in

Bryants Bungalow for circa 10 years, in which time one of the children attended Bilton High School, they have connections to the area and the borough.

Core Strategy Policy CS22 requires applicants to demonstrate that a sequential approach has been taken towards the selection of sites. Alternative sites must be able to provide suitable, available, affordable and lawful accommodation. The applicant's agent has undertaken a search of land to find alternative accommodation in more sustainable locations in accordance with the hierarchy outlined within policy CS22, however, has not found any land that is suitable or affordable as a traveller site.

It is accepted that there is a significant need for additional sites and that the Council is currently unable to demonstrate an up to date five year land supply of deliverable gypsy and traveller sites, as required by the PPTS. Work on a Gypsy and Traveller Sites Allocations Development Plan Document ("DPD") commenced in 2012 with a view to adoption in summer 2014. Two calls for sites exercises were undertaken: one as part of the Strategic Land Availability Assessment; and another specifically for Gypsy and Traveller Sites. For the second call for sites correspondence was sent to the following; existing Gypsy and Traveller sites within the Borough; Gypsy and Traveller liaison groups; Warwickshire County Council and other bodies that may have landholdings such as Warwickshire Police, National Grid and Severn Trent.

This process did not lead to the identification of any new sites that were available specifically to accommodate the needs of the gypsy and traveller community.

The failure of the call for sites to identify any deliverable sites to meet the large unmet for gypsy and traveller accommodation in the Borough is one of the reasons why there has been a delay in production of the DPD. Another reason for the delay is the need to update the Gypsy and Traveller Accommodation Assessment Study following Lord Taylor's review of planning policy guidance. The DPD will not be adopted in summer 2014 as originally intended. An updated Local Development Scheme (January 2014), timetables the adoption of the DPD for April 2016. It should be noted that the authority are currently out to tender on an updated needs assessment to inform the DPD. The production of the DPD will therefore not assist in meeting the immediate need for 41 permanent pitches by 2016 that is outlined in Policy CS22. This outstanding need currently stands at 26 pitches.

### Other Harm

One of the five purposes that the Green Belt serves is to safeguard the countryside from encroachment. The proposed would result in encroachment into the countryside, however, as the site is within the domestic curtilage of the dwelling house, and also taking into consideration the existing authorised caravans, the actual harm arising from encroachment is not considered substantial.

Openness is the most important attribute of Green Belts and any proposal should be assessed by reference to its nature, scale, bulk and site coverage. Whilst the proposal would be viewed in context with the existing caravans site, given the size and scale of the proposed development the level of harm to the openness of the green belt would be significant and when viewed in context to the existing caravans on site the cumulative impact in terms of site coverage is also considered significant.

### Other Material Consideration

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required,

suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

**1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure**

The site is located within 2km walking distance of a primary school, Post Office, fish and chips shop situated on St James Lane, Willenhall, Coventry. The site therefore has convenient access to services without the use of the private car.

It is considered that the scale of this development when taken accumulatively with the existing pitches on site is proportionate in scale to the nearest settlement which given its close proximity to Coventry would be the nearest settlement.

**2) Vehicular access into the site via the public highway is appropriate**

No objection has been raised against the proposal from WCC Highways subject to conditions.

**3) The site is capable of sympathetic assimilation into the surroundings**

The site does lie within the rural landscape and clearly impacts upon its character and appearance. The proposed mobile homes would be sited some 40m from the highway and would be screened to some degree by a row of mature conifers. Given the positioning of the mobile homes together with the screening along the front boundary the proposed development would not be readily visible from outside the application site and as such it would not have an adverse impact upon the visual amenity of the area in accordance with policy CS16.

**5) Development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.**

Given the distance to neighbouring properties it is not considered that the proposed development would have an adverse impact upon neighbouring properties in accordance with policy CS16.

Overall Balancing Exercise

Whilst there would be harm to the Green Belt through encroachment and openness the level of which is not considered to be substantial. Substantial weight is given to the policy harm from inappropriate development and there would be additional harm to the openness and purposes of the Green Belt if planning permission were granted. A series of considerations must be set against these objections with include:

- The Council has a large and immediate unmet need of 41 pitches between 2008-2012 with a further need of 46 pitches for the period 2012-2026;
- It is acknowledged that the site is located in the Green Belt, which is a sixth and the lowest priority location for development as set out in Core Strategy policy CS1: Development Strategy. However, the site is considered to be sustainably located within the Green Belt given its close proximity to Coventry and Ryton-on-Dunsmore a main rural settlement (which is a third priority location for development) which allows good access to services. It should be noted that only two of the Boroughs main rural settlements are located outside the Green Belt within a countryside location and they are both closely related to the Rugby urban area. The remaining seven main rural settlements are located within the Green Belt which covers two-thirds of the Borough.

- There is an accepted lack of alternative sites to meet this immediate need and a failure of development plan policy to allocate sites;
- The lack of alternative sites to meet the needs of the intended occupiers
- Continued access to health and education provisions
- The local connections of the intended occupiers to the area and the borough
- The gypsy and travelling status of the intended occupiers of the pitches
- The Council is currently unable to demonstrate an up-to-date five year supply of deliverable sites as required by paragraph 25 of the Planning Policy for Traveller Sites; and
- Compliance with the criteria 1-3 and 5 of CS16

The weighting of the factors is quintessentially a matter of judgment. It is not considered that these matters tip the balance in favour of a permanent permission. However, on balance, it is concluded that the factors set out above when viewed collectively just tips the balance in favour of the grant of a temporary permission in this particular instance in this particular location, subject to a personal restriction on the occupation of the site. A temporary permission for 4 years would not involve permanent harm to the Green Belt, and allow for such time for new sites coming forward through the development plan process.

### **Recommendation**

Approval of temporary permission

#### **APPLICATION NUMBER**

R14/0169

#### **DATE VALID**

14/01/2014

#### **ADDRESS OF DEVELOPMENT**

LAND WEST OF  
BRYANTS  
BRANDON LANE  
COVENTRY  
CV3 3GW

#### **APPLICANT/AGENT**

Mr Philip Brown  
Philip Brown Associates  
74 Park Road  
Rugby  
Warwickshire  
CV21 2QX  
On behalf of Mr Felix Rooney

### **APPLICATION DESCRIPTION**

Change of use of land for the extension of existing caravan site to accommodate 5 gypsy families with a total of 5 caravans, including laying of hardstanding.

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **CONDITION: 1**

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

#### **REASON:**

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

**CONDITION: 2**

The use hereby permitted shall be for a limited period of 4 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme of work, including the implementation period to be submitted to and approved by the Local Planning Authority prior to any development commencing.

**REASON**

The development hereby permitted is not considered acceptable on a permanent basis.

**CONDITION: 3**

The proposed pitches shall not be occupied other than by the following:

Felix Rooney and residential dependants

Joseph Robb and residential dependants

Barbara Robb and residential dependants

Patrick Robb and residential dependants

Noel Robb and residential dependants

**REASON**

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

**CONDITION: 4**

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

Amended Site Layout Plan received by the Local Planning Authority on the 03rd March 2014

Site Location Plan edged red at scale of 1:1250

**REASON**

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

**CONDITION: 5**

No more than one static caravan, as defined in the Caravan Site and Control of Development Act 1960 and the Caravan Site Act 1968, as amended, shall be stationed on each of the pitches at any time.

**REASON**

In the interest of the visual amenity of the area and openness of the green belt

**CONDITION: 6**

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

**REASON**

In the interest of visual and residential amenity.

**CONDITION: 7**

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

**REASON**

In the interest of visual amenity and highway safety.

**CONDITION: 9**

Vehicular access to the proposed pitches shall not be made other than for the access edged red on the amended Site Location Plan received by the Local Planning Authority on the 29th October 2012.

**REASON**

In the Interest of Highway Safety

**CONDITION: 10**

The western access shall remain closed at all times and only used for the delivery of static caravans.

**REASON**

In the interest of highway safety.

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**Reference number: R14/1763**

**Site address: Heathlands, Coventry Road, Cawston, Rugby**

**Description: Proposed conversion of existing detached garage together with external alterations and extension of existing detached double garage to form a separate residential dwelling house, including the repositioning of the existing driveway (resubmission of approved planning permission R14/0886 dated 23/07/2014 to include a separate access to serve the development and increasing the size of the proposed extensions)**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

### **Description of Site**

The existing garage is to be sited on land that presently forms part of the residential curtilage of Broadway located towards the centre of a linear form of housing and fencing northern side of the A4071 Coventry Road at Cawston.

### **Description of proposal**

The proposal forms a re-submission of previously approved planning application ref: R14/0886. The proposal seeks to create a two bedroom bungalow through the conversion of an existing detached garage for which planning permission was granted in 2008 (ref: R08/1270/HOUS), together with external alterations, which includes the removal of the existing garage door and replacement with a window and door and insertion of windows to side and rear elevations. The application also seeks extensions to the existing garage extending along the east side elevation towards the existing dwelling house (heathlands) by 3.5m and extending the rear elevation by 3.2m.

The planning permission ref: R14/0886 was amended in agreement with the applicant to remove the separate access and utilise the existing access to serve the proposed new dwelling. This application now for consideration has been submitted proposes that the new dwelling is served by a separate access and the existing access repositioned.

The application is to be determined by members of the planning committee as the previous approval was determined by members on the 23<sup>rd</sup> July 2014.

### **Third Party Comments**

Neighbours	no comments received
Parish Council	no objection subject to conditions

### **Technical Consultation Responses**

WCC Highways	no objection subject to conditions relating to construction of the access
Tree Officer	on objection subject to a condition relating to replanting of tree

### **Relevant planning policies/guidance**

RBC Local Development Framework

### **Core Strategy**

CS1 Development Hierarchy



CS16 Sustainable Design and Construction

Saved Local Plan Policies (Post Core Strategy Adoption)

E6 Biodiversity

T5 Parking Standards

RBC Planning Obligations SPD Appendix 2

### **Assessment of proposal**

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seek to locate development sustainably within this hierarchy based on a sequential preference. CS1 states “It must be demonstrated that the most sustainable location are considered ahead of those further down the hierarchy.” The application site is located within an area of the borough designed as countryside, but its location is on the edge of the urban area. Towards the rear of the site outline planning permission has been granted for the Cawston Extension site (ref: R11/0114) which comprises of up to 600 houses. This is a material consideration is assessing the principle of the development. The NPPF sets a presumption against new dwellings within the countryside unless there are special circumstances as outlined with paragraph 55 of the NPPF. However, owing to the sites location on the edge of the urban area and the proposed Cawston Extension Site to the rear, it is considered on balance, having regard for these material considerations, the principle of development is considered acceptable.

Part 7 of the NPPF emphasises the importance of good quality design and policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Within the street scene at either end the plots tend to be smaller and houses closer together with semi-detached properties in places. Within the middle, notwithstanding previous extensions to these properties, these properties are detached, lying within substantial plots with significant gaps in-between. This contributes significantly to the character of the street scene. The previous application was amended in agreement with the applicant following officer advice as it was considered that the provision of a new access onto the Coventry Road would erode the character of the street scene and the perception of spaciousness between the properties. The applicant now proposes to create a new access and reposition the existing access, creating space between the two accesses and the neighbouring access. Given that the applicants have proposed to reposition the existing access to maintain a distance between the new access to serve the proposed dwelling house and the access to serve the existing dwelling, it is not considered, on balance, that it would have such an adverse impact upon the character and appearance of the street scene to warrant refusal.

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties. The main two neighbouring properties that this proposed development may impact upon is the neighbouring dwelling Budleigh and the existing dwelling Heathlands. Taking into consideration the scale and design of the proposed development and that the proposed extensions are towards the existing dwelling and not the neighbouring property Budleigh it is not considered that the proposed dwelling would impact upon the amenities of this neighbouring property. Given the scale and design of the proposed dwelling it would not have an overbearing impact upon the existing dwelling house. The proposed would therefore conform to policy CS16 and also accord with the core principles of the NPPF in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

For the purposes as assessing car parking standards the site is located within an area of low access as defined within the Council's Planning Obligation SPD. The proposed development, through the conversion of the existing garage, would result in a loss of a car parking space serving the existing dwelling. However, sufficient car parking will still be maintained to the front of the existing dwelling to accommodate 3 car parking spaces and therefore comply with the minimum car parking standards as set out with the Planning Obligations SPD. The proposed development which seeks to create a 2 bedroom dwelling house would be served by two car parking spaces. The Council's Planning Obligation SPD states that a minimum of 1.5 car parking spaces is required for a dwelling of this type. The proposal therefore accords with the car parking standards set out with the Council's SPD.

No comments have been raised by WCC Ecology as such it is not considered that the proposed development would impact upon protected species/habitat in accordance with saved Local Plan Policy E6. The proposed new access would result in the removal of an existing Kanzan Cherry tree and potentially a Whitebeam tree within the highway verge. The applicant has undertaken a Tree Survey which has identified that the cherry tree is over-mature and showing signs of defect at the base. As such it has been agreed and considered acceptable by the Council Tree Officer that these two trees can be removed and replaced with a four replacement mature trees .

### **Recommendation**

Approval subject to conditions.

#### **APPLICATION NUMBER**

R14/1763

#### **DATE VALID**

22/09/2014

#### **ADDRESS OF DEVELOPMENT**

Heathlands  
Coventry Road  
Cawston  
Rugby  
CV22 7RY

#### **APPLICANT/AGENT**

Mr Philip Baumber  
Philip Baumber Architectural Limited  
50 Radmore Road  
Hinckley  
Leicestershire  
LE10 0RQ  
On behalf of Mr & Mrs E MORROW

### **APPLICATION DESCRIPTION**

Proposed conversion of existing detached garage together with external alterations and extension of existing detached double garage to form a separate residential dwelling house, including the repositioning of the existing driveway (resubmission of approved planning permission R14/0886 dated 23/07/2014 to include a separate access to serve the development and increasing the size of the proposed extensions)

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **CONDITION: 1**

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

#### **REASON:**

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

**CONDITION: 2**

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

Drg. No. ss01 Rev. A (Site Plan superceded)

Amended Plan Drg. No. ESP/02 received by the LPA on the 03/11/14

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

To ensure a satisfactory external appearance.

**CONDITION: 4**

The proposed new hedges as shown on amended plan drg. No. ESP/02 received by the LPA on the 03/11/14 as shown on amended plan ss01 Rev A shall only include native trees/scrubs.

**REASON**

In the interest of visual amenity and biodiversity.

**CONDITION: 5**

No works or development shall take place until a specification of all proposed tree and hedge planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees and hedging to be planted. Tree 1 (Cherry) and Tree 2 (Whitebeam) to the site frontage should be removed prior to commencement of works in connection with the formation of the new vehicular access. Warwickshire County Council must be informed prior to tree works taking place. On completion of development works four new trees must be planted at heavy standard size (12-14cm girth and 3.5-4 metres in height) in the verge immediately adjacent to the front boundary hedge and staked and tied as appropriate (species and planting position to be agreed as per the planting specification). Hedge planting should be undertaken to infill the existing entrance and to provide the internal property boundary. If within a period of 5 Years from the date of planting of those trees or hedging, or any tree or hedging planted in replacement for them, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

To maintain and enhance continuity of tree/hedge cover in the local area.

**CONDITION: 6**

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 those orders, no development shall be carried out which comes within Classes A, B, C, E and F 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: 7**

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

A) A minimum width of 3.0 metres, with a gradient not steeper than 1 in 15, 40 and hard surfaced in a bound (bituminous) material for a distance of 7.5, metres from the near edge of the highway carriageway.

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

C) The access not allowing surface water to run off the site onto the highway.

**REASON**

In the interest of Highway Safety

**CONDITION: 8**

The development hereby permitted shall not be occupied until all parts of existing accesses to Coventry Road name, not included in the proposed means of access, have been permanently closed and the highway features, (including the verge and kerblines) have been reinstated in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON**

In the interest of Highway Safety

**CONDITION: 9**

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

**REASON**

In the interest of visual amenity

**CONDITION: 10**

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.

## **STATEMENT OF POSITIVE ENGAGEMENT:**

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

## **INFORMATIVE: 1**

The 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**

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday - Friday - 7.30 a.m. - 18.00 p.m.,

Saturday - 8.30 a.m. - 13.00 p.m.

No work on Sundays & Bank Holidays.

## **INFORMATIVE 3:**

Condition numbers 7, 8, & 9 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must complete access crossing application forms A & B, and serve at least 28 days notice under the on the Highway Authoritys Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184 of the Highways Act 1980. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. Forms A and B are available from the Area Team who may be contacted by telephone: (01926) 412515.

## **INFORMATIVE: 4**

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

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	26.11.2014
<b>Report Title</b>	Delegated Decisions –17.10.2014 to 06.11.2014
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Paul Varnish 3774
<b>Report Subject to Call-in</b>	N/A
<b>Report En-Bloc</b>	N/A
<b>Forward Plan</b>	N/A
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	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 – 26.11.2014**

**Delegated Decisions – From 17.10.2014 To 06.11.2014**

**Report of the Development and Enforcement Manager**

**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: 26.11.2014  
Subject Matter: Delegated Decisions – 17.10.2014 to 06.11.2014  
Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

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

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

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\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER  
DELEGATED POWERS FROM 17.10.2014 TO 06.11.2014

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R14/1396 Refused 22.10.2014</i>	2 Brudenell Close Cawston	Retention of blue slate chippings at side of property in-lieu of grassed area.
<i>R14/1927 Refused 30.10.2014</i>	B J House Bath Street Rugby	Alterations to existing boundary wall as approval under R06/1922/PLN dated 12/01/2007 (retrospective).
<i>R14/1930 Refused 03.11.2014</i>	2 Tower Road Hillmorton	Erection of dwelling.
<b>Applications Approved</b>		
<i>R14/0539 Approved 16.10.2014</i>	24 Coventry Road Brinklow	Demolition of concrete garage and creation of new three-bedroom dwelling.
<i>R14/1716 Approved 16.10.2014</i>	Land at 66 Warren Road Rugby	Variation of condition 2 of planning permission R13/0181 (Erection of a detached bungalow) to amend roof materials.
<i>R14/1807 Approved 16.10.2014</i>	116 Heather Road Binley Woods	Erection of a single storey rear extension, pitched roof over the existing two storey flat roof extension and a loft conversion to include a flat roofed dormer to rear roof slope.
<i>R13/1380 Approved 17.10.2014</i>	Former New Bilton Conservative Club 59 Avenue Road New Bilton	Part demolition and conversion of the existing building to 2 No. flats together with external alterations and erection of 8 No. dwellings together with the provision of a new vehicular access, and car parking provisions and associated works.
<i>R14/1433 Approved 17.10.2014</i>	28 Chamberlain Road Hillmorton	Erection of a two storey side and single storey front extensions.

<i>R14/1064 Approved 20.10.2014</i>	Garage Rear of 52A Avenue Road New Bilton	Conversion of existing garage to form a one bedroom dwelling house, external alterations and associated car parking.
<i>R13/1008 Approved 21.10.2014</i>	The Old Stables 36 Alexandra Road Rugby	Conversion of old stable building to residential unit.
<i>R14/0700 Approved 21.10.2014</i>	24 Coombe Drive Binley Woods	Erection of a side extension including creation of a first floor within the existing roof space.
<i>R14/1033 Approved 21.10.2014</i>	The White Byre Heath Lane Brinklow	Erection of conservatory and detached double garage.
<i>R14/1497 Approved 21.10.2014</i>	Arcadia Coventry Road Dunchurch	Proposed change of use of garden land for cattery business and erection of associated pens and buildings.
<i>R14/1852 Approved 22.10.2014</i>	19A Barby Lane Hillmorton	Minor Material Amendment to planning permission R14/0008 (Extension and alteration to existing detached garage to form an annex) to provide porch and roof alteration.
<i>R14/1846 Approved 22.10.2014</i>	Land at Top Road Top Road Barnacle	Erection of stable for temporary period - amendment to previous application R14/1177.
<i>R14/1369 Approved 23.10.2014</i>	46A Fisher Avenue Rugby	Installation of a side dormer and alterations to front elevation including provision of a replacement canopy and a bay window.
<i>R14/1883 Approved 23.10.2014</i>	9 Wordsworth Road Rugby	Erection of a first floor rear extension.
<i>R14/1756 Approved 24.10.2014</i>	4 Ansty Court Main Road Ansty	Erection of single storey side extensions and a single storey extension to existing garage, alterations to enclose existing covered walkway to create additional ancillary residential accommodation (including conversion of an existing garage bay), and extension of the existing veranda to the rear.

<i>R14/1717 Approved 24.10.2014</i>	Land adjacent to Manor Farm Green Lane Wibtoft	Erection of a single storey agricultural worker's dwelling.
<i>R13/1882 Approved 24.10.2014</i>	The Gable Main Street Brandon	Proposed outbuilding, porch and new first floor side facing window.
<i>R14/1653 Approved 24.10.2014</i>	12 Dunsmore Heath Rugby	The garage will become a new bedroom and the front of the house will be extended outwards in order to create a new entrance hall. The toilet will move left making room for a shower room.
<i>R14/1893 Approved 27.10.2014</i>	W Potter & Sons (Poultry) Ltd Willey Fields Farm Willey	Erection of a storage building to replace existing storage shed to be demolished.
<i>R14/0170 Approved 27.10.2014</i>	Pike Hall Farm Gibraltar Lane Broadwell	Extensions and alterations to property.
<i>R14/1719 Approved 27.10.2014</i>	Bungalow Farm Smeaton Lane Rugby	Two bay extension to an existing steel framed agricultural building for storage of straw and agricultural machinery.
<i>R13/0539 Approved 28.10.2014</i>	15 Horne Close Hillmorton	Retention of a detached bungalow (resubmission of previously approved scheme under planning reference R12/1436 granted 8th November 2012 for the erection of a detached dwelling) to include minor amendments to the original scheme to include slight increase in roof height, omission of the chimney and the addition of an air source heat pump.
<i>R13/2247 Approved 28.10.2014</i>	30 Percival Road Rugby	Erection of two storey side and rear extension and single storey rear extension.
<i>R14/1896 Approved 29.10.2014</i>	3 Kalfs Way Cawston	Proposed part conversion of existing double garage, together with external alterations.

<i>R14/1587 Approved 29.10.2014</i>	4 Newland Street New Bilton	Demolition of the existing building and erection of a two storey building to create 2 no. one bed flats.
<i>R14/1890 Approved 29.10.2014</i>	26 Blossom Way Rugby	Conversion of part of the existing garage into a habitable room (retrospective).
<i>R14/1606 Approved 29.10.2014</i>	New Barn Stables Coppice Farm Burnthurst Lane Princethorpe	Proposed conversion of stables to dwelling.
<i>R14/1702 Approved 30.10.2014</i>	Land to the rear of the Scout Hut The Kent Hillmorton	Installation of a septic tank.
<i>R14/1894 Approved 30.10.2014</i>	199 Townsend Lane Long Lawford	Variation of Conditions 2 (plans) and 3 (materials) of planning permission reference R13/2201 (Erection of a two storey side and rear extension and single storey front and rear extensions), dated 02 January 2014, to permit the use of alternative facing and roofing materials.
<i>R14/1872 Approved 30.10.2014</i>	36 Main Street Newton	Erection of two storey side extension and single storey rear and front extensions.
<i>R14/1805 Approved 30.10.2014</i>	23 Parkfield Road Newbold	Proposed two storey side extension to replace existing garage.
<i>R14/1584 Approved 30.10.2014</i>	8 Bilton Road Rugby	Erection of a two storey side and rear extension and single storey rear extensions, including partial demolition of an existing side extension.
<i>R14/1776 Approved 31.10.2014</i>	22 Woodlands Road Binley Woods	Erection of two storey side and single storey rear extensions.
<i>R14/1854 Approved 31.10.2014</i>	The Barn Back Lane Birdingbury	Installation of a flue.

<i>R14/1929 Approved 31.10.2014</i>	79 School Street Wolston	Erection of single storey side and rear extension.
<i>R14/1750 Approved 31.10.2014</i>	51 Yates Avenue Newbold	Retention of porch and canopy to front of dwelling.
<i>R14/1436 Approved 31.10.2014</i>	Gate Farm London Road Willoughby	Proposal to demolish three existing farm buildings and erect a new livestock barn with linked workshop building.
<i>R14/0732 Approved 31.10.2014</i>	7 Kirkby Close Brownsover	Conversion of the integral garage to ancillary living accommodation.
<i>R14/1887 Approved 31.10.2014</i>	Acorns Croft Burnthurst Lane Princethorpe	Replacement of existing stables with new dwelling on same footprint.
<i>R14/1720 Approved 04.11.2014</i>	3 Furrow Close Rugby	Erection of first floor extension.
<i>R14/1933 Approved 04.11.2014</i>	273 Hillmorton Road Paddox Rugby	Demolition of existing single storey rear extension and the construction of a part single part two storey rear extension.
<i>R14/1961 Approved 04.11.2014</i>	Britannia Cottage Church Road Ryton on Dunsmore	Erection of retaining wall with fence panel detailing to side and rear of site – resubmission of application R14/0635 (retrospective).
<i>R14/1144 Approved 05.11.2014</i>	Grange Farm House Hillmorton Lane Clifton upon Dunsmore	Erection of single storey side and rear extensions, formation of balcony to rear and replacement of outdoor above ground swimming pool with detached garage.
<i>R14/1757 Approved 05.11.2014</i>	Bit of a Treat 2 Bagshaw Close Ryton on Dunsmore	Retrospective change of use of existing premises from Class A1 (retail) to mixed Class A1 (retail), Class A3 (food for on-site consumption) and Class A4 (drinking establishment).
<i>R14/1800 Approved 05.11.2014</i>	Pegottys Coffee Shop 44 Chapel Street Rugby	Proposed replacement of existing canopies with one new canopy and one retractable awning.

<i>R14/1939 Approved 06.11.2014</i>	116 Percival Road Rugby	Retention of a mono-pitched roof to the existing garage.
<b>Prior Approval Applications</b>		
<i>R14/1313 Prior Approval 22.10.2014</i>	18 Hibbert Close Rugby	Prior Approval application for erection of a rear conservatory measuring 5.95m projection from wall of original dwelling (3.75m from existing extension), 2.25m eaves height and maximum height 3.25m.
<i>R14/1868 Prior Approval 31.10.2014</i>	140 Rugby Road Binley Woods	Prior approval for a rear conservatory measuring 3.6 metres in depth, 2.6 metres to the eaves, 3.2 metres in height maximum and 4.9 metres in width.
<i>R14/1924 Prior Approval 31.10.2014</i>	14 Dalkeith Avenue Bilton	Prior Approval for the erection of an 8.0 m in total projection from the rear elevation of the original dwelling and 2.8 m in height to the eaves and 3.3 m in height to the highest point of the lantern [roof light].
<b>Prior Notification</b>		
<i>R14/1900 Prior Notification of proposed demolition 28.10.2014</i>	Rolls Royce Public Limited Company Ansty Aerodrome Coombe Bank Lane Coventry	Prior Notification for Demolition Works {Town & Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 31}.
<b>Listed Building Consents</b>		
<i>R14/1855 Listed Building Consent 31.10.2014</i>	The Barn Back Lane Birdingbury	Listed Building Consent for the Installation of a flue.
<b>Advertisement Consents</b>		
<i>R14/1600 Temporary Advertisement Consent 17.10.2014</i>	Rugby Gateway – Employment Leicester Road Rugby	Installation of non-illuminated totem pole signage and associated structure (reduced in size from existing).

<i>R14/1407 Advertisement Consent 22.10.2014</i>	Montague House 2 Clifton Road Rugby	Proposed no. 2 free standing externally illuminated signs at the front of the site.
<i>R14/1630 Advertisement Consent 28.10.2014</i>	2 High Street Rugby	Advertisement Consent: New fascia with down-lighting and hanging sign.
<i>R14/1782 Advertisement Consent 30.10.2014</i>	Unit 3 Imperial Road Prologis Park Ryton on Dunsmore	Proposed non-illuminated signage, including totem pole.
<i>R14/1949 Advertisement Consent 05.11.2014</i>	Pegottys Coffee Shop 44 Chapel Street Rugby	Proposed replacement of existing canopies with one new canopy and one retractable awning bearing new café's name.
<b>Certificate of Lawful Use or Development</b>		
<i>R14/0790 Certificate of Lawful Use or Development 21.10.2014</i>	Fishing Lake South West of Hillcrest Farm Flecknoe Road Wolfhampcote	Certificate of Lawfulness relating to formation of lake and use for commercial competition fishing lake with ancillary operational land.
<i>R14/1066 Certificate of Lawful Use or Development 05.11.2014</i>	34 Montrose Road Rugby	Certificate of lawfulness for proposed hip to gable roof and erection of rear dormer window.
<b>Agricultural Determinations</b>		
<i>R14/1700 Prior Notification of agriculture or forestry development 20.10.2014</i>	Gate Farm London Road Willoughby	Determination as to whether prior notification is required for the erection of an extension to an existing agricultural storage building.
<i>R14/1708 Prior Notification of agriculture or forestry development 31.10.2014</i>	Magpie Lodge Farmyard Lilbourne Road Clifton Upon Dunsmore	Determination as to whether prior notification is required for the erection of a proposed new cow shed.



<b>Approval of Details/ Materials</b>		
<i>R13/0192 Approval of Details 17.10.2014</i>	Land Adjacent to the Old Dairy 25 Brookside Rugby	Renewal of planning permission R10/0033/PLN dated 14th April 2010 for the erection of a dwelling.
<i>R14/1474 Approval of Details 23.10.2014</i>	DIRFT III Land West of A5 Watling Street Rugby	DIRFT III: Rail Embankment to the West of the A5 - Submission of Details - Discharge, in part, of Requirements 3,6,8,10,12,13,14,15,22,24,25 & 32 as set out in Schedule 2 of the Daventry International Rail Freight Interchange Alteration Order 2014. (SI 2014 No.0000, dated 24th July 2014).
<i>R13/0790 Approval of Details 28.10.2014</i>	Coton House Lutterworth Road Churchover	Listed Building Application for alterations and first floor extension of Coton House to form 4 dwellings.
<i>R11/2016 (E2E Ref 665) Approval of Details 28.10.2014</i>	Lime Tree Village Cawston Lane Rugby	Discharge of conditions 3-6, 9, 10, 13, 14, 17, 19 & 20 of E2E Ref 665 - Extension to Lime Tree Village to form a Continuing Care Retirement Community (Use Class C2) incorporating a 30 bed Care Home, 47 Extra Care Cottages (Use Class C2), 12 Extra Care Apartments (Use Class C2) associated communal facilities, open space and car parking facilities.
<i>R13/0790 Approval of Details 28.10.2014</i>	Coton House Lutterworth Road Churchover	Listed Building Application for alterations and first floor extension of Coton House to form 4 dwellings.
<i>R11/0114 Approval of Details 28.10.2014</i>	Cawston Extension Site Coventry Road Cawston	Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).
<i>R12/1194 Approval of Details 29.10.2014</i>	Land off Priory Road and School Street Priory Road Wolston	Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012).
<i>R12/1559 Approval of Details 29.10.2014</i>	Hallmark Care Homes Anya Court 286-290 Dunchurch Road Rugby	Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.

<i>R12/1243 Approval of Details 29.10.2014</i>	Former Little Chef Site London Road Thurlaston	Change of use of existing premises from Class A3 to mixed use as Classes A3 and A5 of the Town and Country Planning (Use Classes) Order 1987, including extending and refurbishing the restaurant, provision of a drive-through lane and associated works.
<i>R12/0600 (R13/1088) Approval of Details 31.10.2014</i>	Unit DC6 Former Peugeot Factory Site A Oxford Road Ryton on Dunsmore	Outline application for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout.
<i>R13/0930 Approval of Details 03.11.2014</i>	Rear of 25 Lawford Road New Bilton	Demolition of bungalow and erection of part single-storey and part two-storey 8no. Bedroom (7 resident and 1 staff) residential care home (Use Class C2), with associated access, boundary and landscape works.
<i>R14/1463 Approval of Details 04.11.2014</i>	Land Rear of 22 David Road Bilton	Erection of a detached dormer bungalow (reserved matters application for planning approval R12/0417 dated 11 June 2012).
<i>R14/0500 Approval of Details 04.11.2014</i>	Dunsmore House Lilbourne Road Clifton upon Dunsmore	Occasional Use of Dunsmore House for weddings and wedding receptions - temporary period for 12 months. Including provision of new vehicular access, parking area and temporary siting of marquees.
<i>R11/0330 Approval of Details 05.11.2014</i>	Land the South of Ashlawn Road Rugby	The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.
<i>R11/2294 Approval of Details 05.11.2014</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station.

<i>R14/0409 Approval of Details 05.11.2014</i>	The Coal Yard High Street Ryton on Dunsmore	Erection of 14 no. dwellings and associated works.
<i>R14/0592 Approval of Details 05.11.2014</i>	54 Rugby Road Binley Woods	Conversion of existing detached garage to a dwelling, including raising the roof and provision of a new dropped kerb.
<b>Approval of Non-material Changes</b>		
<i>R14/0909 Approval of Non-material Changes 22.10.2014</i>	18 Heather Road Binley Woods	Erection of single storey side and rear extension and new chimney stack.
<i>R13/0218 Approval of Non-material Changes 27.10.2014</i>	Brimham/Dilkusha Main Street Easehall	Erection of two joint single garages to serve adjoining neighbouring properties and the erection of a detached summer house and installation of front gate to Brimham.
<i>R10/1281 Approval of Non-material Changes 31.10.2014</i>	Rugby Gateway Phase R1 Leicester Road Rugby	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<b>Approval of Reserved Matters</b>		
<i>R14/1703 Approval of Reserved Matters 27.10.2014</i>	Unit 4 (Rugby Gateway) Waver Way Rugby	Erection of building for B8 - storage and distribution use, with associated access and other works (Approval of reserved matters relating to outline planning permission R10/1272).