

27<sup>th</sup> February 2015

## **PLANNING COMMITTEE - 11<sup>TH</sup> MARCH 2015**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 11<sup>th</sup> March 2015 in the Council Chamber, Town Hall, Rugby.

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 18<sup>th</sup> February 2015.
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 – 30<sup>th</sup> January – 19<sup>th</sup> February 2015.

## **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 – 13) 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 – 11<sup>th</sup> March 2015**

**Report of the Head of Planning and Recreation**

**Applications for Consideration**

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

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R14/1741	Land adjacent to Brookside, Hinckley Road, Ansty Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved).	3

### Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R14/2192	Bungalow Farm, Smeaton Lane, Stretton-under-Fosse, Rugby Erection of a free range egg laying unit with associated feed bins, hardstandings and access track.	12
3	R14/0407	Land adjacent to Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access.	19
4	R14/1874	Roof top, 9 – 10 North Street, Rugby Erection of rooftop extension to provide 6 apartments comprising 3 x one-bed and 3 x two-bed units.	47
5	R14/0122	6 High Street, Hillmorton Proposed new dormer bungalow.	54
6	R15/0292	Various sites within the Rugby Urban Area – Town Hall, Art Gallery and Museum and Corporation Street Temporary advertisement consent for various banners and contra vision display advert (Rugby World Cup).	62
7	R11/0786	Oakdale Nurseries, Rugby Road, Binley Woods Redevelopment of Garden Centre including the erection of a new building with open sales area and service yard, car parking, landscaping and associated works.	66
8	R14/1494	Treetops, Shilton Lane Creation of no. 2 travellers pitches and associated amenity block	91

**Reference number: R14/1741**

**Site address: Land adj. to Brookside, Hinckley Road, Ansty**

**Description: Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved).**

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

### **Proposed Development**

The application is made in outline with layout, scale, appearance and landscaping reserved for future determination. An illustrative site plan has been included, to indicate how the site could be developed to accommodate 4 no. Local Need Dwellings comprising of 2no. bungalows and 2no. houses. The description of development has been altered to that stated above as it more fully describes the proposed development.

The access to the proposed development would be served utilising the existing field access.

The application is to be considered by members of the planning committee given the significant number of objections received.

### **Site Description**

The site is an open field lying to the south-east edge of Ansty village. Ansty village is identified within the Core Strategy as a local needs dwelling. The pattern of development along the north western side of this part of Main Road/Hinckley Road in Ansty is linear in form with properties only one deep fronting the road. Open fields lie to the east and north of the application site.

Access to the field is via an existing field access off the Hinckley Road. Running through the site is an existing public right of way ref R30a.

### **Third Party Comments**

Neighbours (62 individual letters of objection)

- The applicant does not meet the application requirements (and the person requiring a bungalow) has not lived in the village for 5 years or more. The father has never lived in the village or close by and has not long term ties with the village expect his son recently moved there
- Applicant has not resided in the village for a period of 5 years
- There are houses available which could be adopted, so this is not correct that the need cannot be met
- Affordable housing is not required in the village
- Properties for sale within the area that can meet the current need
- Public right of way runs through the site
- Land prone to flooding
- One of the properties is for the applicants father and as such is not open market
- Not in line with CS20 and CS21 of the Core Strategy
- Increase traffic
- Applicants father could be accommodated within the applicants existing house, which has recently been extended

- Local need survey has not been instigated by the local people or Borough Council, but by the applicant and as such cannot be impartial.
- Within Green Belt land
- Suitable development sites exist within the village boundary
- Full survey results have not been made publicly available.
- According to the Environment Agency website, the proposed land is at low to medium risk of flooding from surface water
- Would set a precedent
- Contrary to the purposes of including land within the green belt
- Major intrusion into green belt land
- Previous application for a local needs dwelling at Brookside Cottage was refused.
- Indicative plans do not take into consideration changes in ground levels
- Ansty is a small village without any facilities and limited bus service
- Ansty is not a village suitable for young families and elderly people
- Impact upon Bats within the area
- Encroachment into the green belt
- Poor access into the site
- Pumping station is already working to capacity

Max Jones – Robin Jones Estate agency and Chartered Surveyors

- There are sufficient plots within the village boundary to meet the need both now and in the future

Parish Council            objection

- The application does not comply with policy CS21
- The parish Council have utilised the services of a chartered surveyor and identified 20 suitable sites, one site is as a garage site belonging to the Borough Council
- There is a bungalow for sale in Ansty
- Housing Needs Survey cannot be relied upon
- The development is not exclusively for affordable house
- No reference to the public right of way that runs through the site
- Surface water flooding
- Highway safety
- 55 local residents in an open meeting expressed a unanimous view that they did not support this development
- Adverse impact upon the character and appearance of the village and surrounding countryside
- Would encourage urban sprawl
- The development of a Parish Plan/Neighbourhood Plan will be a more representative view.

**Technical Consultation Responses**

WCC Highways	no objection subject to conditions
Tree Officer	no objection subject to conditions
WCC Rights of Way Team	no objection subject to advisory notes
Environmental Services	no objection subject to advisory notes

## **Relevant planning policies/guidance**

### Core Strategy

CS1	Development Hierarchy
CS16	Sustainable Design
CS21	Rural Exceptions Sites

### Saved Local Plan Policies

E6	Biodiversity
----	--------------

### Other material considerations

Ansty Local Housing Needs Survey 2014

### National Policy

National Planning Policy Framework (NPPF)

Part 7 – Requiring good design

## **Assessment of Proposal**

### Principle of development

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 Borough designed as green belt, and policy CS1 states that only where National Planning Policy allows will development be permitted. Within the supporting text of policy CS1 paragraph 2.7 states that in exceptional circumstances, affordable housing developments will be permitted through the application of Rural Exception Site Policy, on the edge of Local Needs Settlements in the Countryside or Green Belt where it can be demonstrated that there are no suitable sites within existing boundaries.

Within Annex 2 of the NPPF defines rural exception sites as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the need of the local community by accommodation households who are either current residents or have an existing family or employment connection. Small number of market homes may be allowed at the local authority’s discretion.

Paragraph 54 of the NPPF indicates the important of local planning authorities being responsive to local circumstances, particularly affordable housing, through rural exception sites where appropriate.

Paragraph 87 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 89 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. Such exceptions include

limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate in the Green Belt.

Policy CS21 of the adopted Rugby Borough Core Strategy 2011 refers to Rural Exception Sites and states that affordable housing that meets the needs of local people, as defined in Policy CS20, will be permitted as a Rural Exception Site adjacent to defined rural settlement boundaries, where development is normally resisted, if ALL of the following criteria are met.

1. It is clearly demonstrated that there is a local need for affordable housing which outweighs other policy considerations

The applicant commissioned a Local Housing Needs survey to be undertaken by Midlands Rural Housing. Midlands Rural Housing work with local authorities, town and parish council, registered providers (housing associations/registered social landlords), private developers and local communities in order to investigate the need for, and provide, affordable homes in towns and villages throughout the midlands.

Midlands Rural Housing (MRH) delivered questionnaires to every household in the Parish of Ansty in June 2014. In total 145 forms were distributed and 44 were received in return, giving a return rate of 30% against the number distributed. In the experience of MRH this is a good level of response for a survey of this kind and it is only those who have a housing need or are interested in a local needs development and general village life that are likely to respond. The returned forms are kept confidential due to data protection and not even the applicant, who commissioned the survey, has been allowed to see the returned forms.

The results of the survey found that 82% of respondents believed that there is not a lack of adequate housing in Ansty whilst 14% of returned surveys felt that there is.

The published Housing Needs Survey concluded that there was an immediate identified housing need for the following:

- **1 was assessed as being in need of affordable housing:**  
1 x 2 bed house – affordable rented
- **3 were as being in need of open market housing:**  
1 x 2 bed housing – open market purchase  
1 x 2 bed bungalow - open market purchase  
1 x 3 bed bungalow - open market purchase

Midlands Rural Housing is an independent organisation which the Council use and recommend to parish councils for the undertaking of Local Housing Needs Surveys. As such the Council do not dispute the finding of this report, or the manner in which it was undertaken.

Within the report, in particular, it identified a need for 1 x 2 bed bungalow - open market purchase for a single person household, the need identified states the need to be closer to carer and need to change for physical reasons. Assumptions have been made by the



applicant's agent within their Design and Access Statement, and through a number of third parties comments, that this need identified is the personal need of the applicant's father. Given that the applicant has not resided within the Village for 5 years, his father would not meet the local connection criteria outlined within policy CS20. However, this assumption, is incorrect, following discussions with Midlands Rural Housing (MRH), they have stated that the applicant has not had sight of the survey responses and that the person whom this need has been identified for, is not related to the applicant Mr Tayton.

It is therefore considered based on the conclusions of the Local Needs Survey that there is an immediate identified need.

2. It is demonstrated no alternative suitable sites exist within the defined settlement boundary;

The applicants have asserted within their design and access statement that there are no sites within the settlement boundary that could accommodate four houses due to the fact that the boundary has been drawn tightly around the confines of the village. The LPA are currently not considering any proposal for development within the village boundary to accommodate the identified need. Similarly no sites have been brought forward as part of the Strategic **Housing Land Availability Assessment (SHLAA)** within the village boundary. However, it is noted that the application site itself, has not be brought forward for consideration as part of the SHLAA process. As such as oppose to identifying the land through a plan led system the applicant have opted to bringing the site forward through the submission of this planning application.

The Parish Council have commissioned a chartered surveyor who has concluded that there are 22 different sites within the village boundary that could accommodate the identified need.

An exhaustive list has been provided, in confidence, by the parish council to the case officer of sites that may be suitable to accommodate the identified need. The Council have considered each of these sites, but most have been discredited as they relate to development within garden areas, which would either represent over-development of the site with limited amenity space serving the existing and proposed dwelling(s), or would impact upon the character and appearance of the area (in places where the pattern of development is linear in form) and/or would impact upon neighbouring properties. A number of sites have been suggested which may be suitable but there is not intent that these sites would be brought forward for re-development in the immediate future, and as such are not available or deliverable.

It is therefore considered, at this moment in time that no suitable sites which are currently available and deliverable which exist within the settlement boundary.

Given the need identified, which consists of open market dwellings, it could be viable for these dwellings to be delivered individual, within the settlement boundary. However, without a single site being brought forward to accommodate all of the need it is likely that the affordable rental property would not be delivered. In order for the need to be delivered in totality it would require a single site to be brought forward, and in all probability, would be on

the edge of the settlement boundary within the Green Belt. This is not to say, however, that there may be more preferable green belt sites which constitute previously developed land, for which the need could be met, and as such the impact upon the openness of the green belt would be greatly reduced in comprise to an undeveloped area of land.

3. The development consists exclusively of affordable housing;

The development does not consist exclusively of affordable housing. The NPPF does state that a small number of market homes on rural exception sites may be allowed at the local authority's discretion. Given that the Local Housing Needs survey has identified open market housing as a need, it is at the local authority's discretion to permit open market housing on this site as preference over affordable housing.

4. Developments do not have an adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside;

In respect to the impact upon the character and appearance of area and surrounding countryside, it is noted that the application is made in outline with details relating to layout, scale and appearance reserved for consideration at the reserve matters stage. However, an indicative plan has been submitted to show that it is possible to arrange the development in a linear arrangement, to reflect to character and pattern of housing development along the north western side of this part of Main Road in Ansty which is linear in form with properties only one deep fronting the road. The positioning of the bungalows in front of the two storey dwelling houses would enable a gradual progression of the built-up form towards the settlement boundary. As such, it is possible to development the site in a manner that would be coherence with the established pattern of development to the east of the site along Main Road.

However, the site is outside of the village boundary and as such falls within the West Midlands Green Belt. The site is an open grass field, devoid of any permanent structure on the land. Brookside Cottage provides a key function in terms of forming an end stop to buildings within the village, demarcating the point between the village and the open countryside beyond. The proposal would result in the extension of a linear row of housing that would erode the open character of the area. The proposed development would also have a significant impact upon the openness of the green belt, which is an essential characteristic of green belts, and as such the character and appearance of the green belt would be harmed.

The openness of the green belt beyond Brookside Cottage is considered to be an important part of the character of the streetscene and accordingly the proposal is considered to be unacceptable and contrary to the requirements of criteria 4 of Policy CS21 and accordingly fails to comply with policies CS21, together with policy CS16 which seeks to ensure 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.

The NPPF outlines that the government attaches great importance to green belts. The essential characteristics of green belt are their openness and permanence. The loss of openness has to be counted as a harmful effect of what is proposed.

### Conclusion and Overall Balancing Exercise

Paragraph 89 of the NPPF advice that the provision for limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate in the Green Belt. To avoid being classed as inappropriate in principle, the development in question has to accord with policies set out within the Local Plan. The proposed development would be considered in the context of policy CS21 and as such would need to comply with this policy through meeting all the criteria identified within it. As outlined above, the proposed development would not comply with all the criteria outlined within policy CS21, and as such would constitute inappropriate development within the Green Belt.

Green Belts have five specific purposes, set out in paragraph 80 of the Framework. One of which is to prevent urban sprawl by keeping land permanently open. The proposed development would also extend the built up area of Main Road into undeveloped land and as such would constitute an intrusion or encroachment into the countryside and therefore would conflict with one of the purpose of including land within the green belt which includes safeguarding the countryside from encroachment.

As a form of inappropriate development, it is necessary to consider whether 'very special circumstances' exist to outweigh the potential harm to the green belt by reason of inappropriateness and harm to openness, and other harm, such as encroachment into the countryside. The conflict with development plan policies adds further weight against the development.

An important material consideration to be weighed in the balance is the identified local need as concluded within the Local Housing Needs Survey, together with the fact that no suitable sites which are currently available and deliverable exist within the settlement boundary, and the delivery of the affordable rental property. However, the Government have made it clear in their Ministerial Statement of 1st July 2013 that unmet demand for housing is unlikely to outweigh the harm to the Green Belt and other harm so as to constitute the very special circumstances justifying inappropriate development in the Green Belt.

Any development on the site would, however limited, impact upon the openness of the Green Belt. This is important because the essential characteristics of Green Belts are their openness and their permanence. The Government attaches great importance to Green Belts. As such the loss of openness has to be counted as a harmful effect of what is proposed. The harm identified to the open character of the area and the character of the streetscene along the Hinckley Road, adds further weight against the proposed development.

Whilst the need identified within the Housing Needs Survey, would be sufficient to support local need housing within the settlement boundary, given the identified harm to character and appearance of the area, and the openness of the Green Belt, which is significant, it is considered, that this harm would not be outweighed by the need identified. In addition to this

and as stated previously, the need identified, which consists of open market dwellings, would make it viable for these dwellings to be delivered individual, within the settlement boundary.

Whilst the proposal would represent an opportunity to deliver the identified local need in it's totally, it would harm to the character and appearance of the area, the openness of the Green Belt, and the purposes of including land within the green belt, for which it is not considered the harm identified is outweighed by other considerations. The proposal there conflicts with policies CS1, CS21 and CS16 as contained within the Core Strategy and provisions contained within the NPPF detaining to development within the green belt.

#### Other Matters

Following consultation with WCC Highways it is not considered, subject to conditions, that the proposed development would have an adverse impact upon highway safety.

Saved policy E6 seeks to ensure that proposed development does not impact upon protected species/habitats. Following consultation with WCC Ecology it is not considered, subject to informatives and a condition requiring the retention of the existing trees, that the proposed development would have an adverse impact upon protected species/habitats in accordance with saved policy E6.

Much concern has been raised, through third party comments, relating to flooding from surface water. The site is not within a flood plain and should permission be granted it would be conditioned that details relating to drainage for to disposal of surface water.

#### **Recommendation**

Refusal

#### **APPLICATION NUMBER**

R14/1741

#### **DATE VALID**

12/12/2014

#### **ADDRESS OF DEVELOPMENT**

LAND ADJACENT TO BROOKSIDE  
COTTAGE  
HINCKLEY ROAD  
ANSTY

#### **APPLICANT/AGENT**

HB Architects  
The Triforium  
17 Warwick Street  
Rugby  
Warwickshire  
CV21 3DH  
On behalf of Stave Tayton

#### **APPLICATION DESCRIPTION**

Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved).

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

### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Core Strategy Policies CS1, CS16, CS21

Ansty Housing Needs Survey 2014

National Planning Policy Framework

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

### **REASON FOR REFUSAL:**

The site is located in the Green Belt where there is a presumption against inappropriate development. Paragraph 89 of the NPPF advice that the provision for limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate in the Green Belt. To avoid being classed as inappropriate in principle, the development in question has to accord with policy CS21 as set out within the Core Strategy. It is the opinion of the Local Planning Authority that the proposed development does not accord with policy CS21 and as such constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have a significant impact on the openness of the Green Belt. The proposal would further harm the character and appearance of the area. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for the proposed development in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1, CS21, CS16 of the Rugby Borough Core Strategy 2011 and policies contained within the National Planning Policy Framework.

### **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. However, for the reason stated, it is not possible to grant planning permission for the development proposed.

**Reference number: R14/2192**

**Site address: Bungalow Farm, Smeaton Lane, Stretton-under-Fosse, Rugby**

**Description: Erection of a free range egg laying unit with associated feed bins, hardstandings and access track.**

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

### **Description of proposal**

The application seeks the erection of a single purpose building to house 16,000 free range laying hens. The proposed building will measure 125.4m by 18.3m with an eaves height of 2.6m and a ridge height of 5.3m. The three feed bins would be positioned along the northern elevation of the proposed building and would measure approximately 5 metres in height. The building is made up of an internal timber frame, with external cladding consisting of tongue and grooved weather boarding (stained timber) for walls and slate blue polyester coated steel profile sheeting for the roof.

The chickens would be able to wander freely on the land adjacent to the building in a controlled environment. The birds gain access to and from the range through pop holes on the southern elevation of the building. The applicant states that Freedom Food now expects producers to incorporate areas of trees within the range area so that grazing birds have access to shade, and as such trees would be planted within the range area.

The proposed building would be sited to the east of the application site and to the southeast of the residential dwellings along Smeaton Lane.

An EIA is not required as it does not exceed 60,000 places for hens as stated within Schedule 1 paragraph 17 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The proposal is accompanied by a Flood Risk Assessment as the proposed building is within a Flood Zone 1 area, part of the proposed access track goes through a Flood Zone 2 area and Flood Zone 3 area attributed to Smite Brook which is circa 20m north of the proposed area.

The application is to be determined by members of the planning committee as it constitutes a major development.

### **Description of site**

The application site is located outside of any settlement boundary within the West Midlands Green Belt, located circa 800m to the west of Stretton-under-Fosse. Smite Brook runs through the site, and as such part of the application site falls within a Flood Zone 1, 2 and 3.

The farm access which serves this farming enterprise is located off Smeaton Lane and runs along the east side of the existing dwelling house known as The Bungalow. To the west and east of The Bungalow, are residential dwelling houses along Smeaton Lane.

The applicant's land holding extends to 40.4 hectares. The site comprises of the mixture of buildings include a range of tradition buildings converted into stabling for four, steel framed general purpose buildings converted to a range of 8 stables, portal steel framed straw storage building holding c 3,000 bales, portal steel framed general purpose building used for straw storage, general purpose building and an existing poultry building holding 9,500 birds.

### Third Party Comments

Neighbours (2 objections)

- Concerns about equestrian users which use the Smeaton Lane, and the increase in HGV vehicular traffic.
- Smeaton Lane not wide enough to allow HGV vehicles to pass oncoming traffic
- HGV traffic unacceptable and inappropriate along Smeaton Lane
- Generate very few local jobs
- Increase surface run-off
- Increase risk of flooding

Parish Council

- Brinklow Parish Council no comments received
- Stretton-under-Fosse Parish Council no comments received
- Coombe Fields Parish Council no objection

### Technical consultation responses

WCC Highways	no objection
RBC Environmental Services	no objection subject to informatives
Environment Agency	no objection
Rhodes Rural Planning	The building is reasonably required for the purposes of agriculture and to support the farm business into the future.

### Relevant planning history

R/98/0733/11572/P	Erection of a single storey building and two feed storage bins and use as an egg production unit	Approved 30/11/98
-------------------	--	-------------------

### Relevant planning policies/guidance

#### Core Strategy

CS1	Development Strategy
CS16	Sustainable Design

#### Saved Local Plan Policies

E6	Biodiversity
----	--------------

#### National Policy

National Planning Policy Framework (NPPF)

Part 7 – Requiring good design

## **Assessment**

### Principle

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 the Green Belt. Core Strategy policy CS1 states that only where National Policy allows will development be permitted in the Green Belt. Paragraph 89 of the NPPF advises that the local planning authorities should regard the construction of new buildings as “inappropriate”. Exceptions to this as outlined in paragraph 90 include buildings for agriculture. It is therefore considered that the proposed building, which is considered to be an agricultural activity, is by definition an appropriate form of development within the green belt. It is considered that the building is reasonably required for the purposes of agriculture and to support the farm business into the future.

The proposed building would affect the openness of the Green Belt. Taking into account the location of the building and its size, it is considered that the impact upon the openness of the green belt is significant. Ordinarily, within the green belt, the Council would seek to position new buildings close to existing buildings in order to reduce the impact upon the openness of the green belt. However, as proposed development is for free range birds which would require a sufficient range area, its positioning within the site away from existing buildings is considered acceptable.

Whilst the impact upon the openness of the green belt is considered significant, such an impact is considered acceptable, taking into consideration the intended use of the building and that it would support and expand the existing agricultural business.

### Visual impact

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.

From a landscape perspective this landscape is low lying, open and intensively farmed, characterised by relatively large, irregular fields, enclosed by low cut hedgerows, predominantly in arable use or down to permanent and temporary grass. The Smite Brook runs through the landscape with a belt of trees running along its edge. The Landscape Assessment for the Borough of Rugby 2006 defines this landscape area as Dunsmore Parkland. Within this landscape assessment, Dunsmore Parkland is defined as a gently rolling estate landscape with a well-wooded character, defined by woodlands edges, parkland and belts of trees. Wooded streamlines and mature hedgerow and roadside trees, (typically oak), reinforce this impression by creating a sequence of linked wooded spaces. Visibility of the application site within the landscape is low due to both the level of tree cover, as well as to the low lying rolling topography.

The design of the building is utilitarian in appearance and takes on a typical agricultural character with the use of stained timber weatherboarding on the walls to help assimilate it into the working agricultural landscape, as well as replicating the design and appearance of the existing building on site used for egg production. The proposed feed bins would also be similar in design to those existing within the site, and would not exceed the height of the proposed building, and as such would not appear unduly prominent, or out of character



within the landscape. Whilst the building would have a large footprint, its bulk is reduced by virtue of the low eaves height and ridge height. Whilst the proposed building is set away from the existing poultry unit, circa 50m, it would be viewed in context to the existing poultry building and as such would not appear isolated within the landscape.

The proposed development is therefore in accordance with policy CS16 and the core principles of the NPPF which seeks to secure a good standard of design. A landscaping scheme will be secured via condition to screen the proposed building from residential properties along Smeaton Lane, which would have views of the proposed building such as Thistledown.

#### Residential

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 nearest property to the proposed building is Thistledown which is located along the Smeaton Lane and approximately 240m to where the proposed building would be positioned. Taking into consideration the distance of the proposed building to this residential property, it is not considered that it would have an adverse impact upon the amenities to the neighbouring property in terms of noise and odour.

#### Highway

Following consultation with WCC Highways no objection has been raised to the proposed development.

#### Flooding

The building itself is located within Flood Zone 1, an area of land with a "low" probability of flooding. Furthermore, the building is to be designed so that water can enter/exit it meaning there would be no loss of floodplain storage were the site to ever flood.

#### Biodiversity

Saved policy E6 seeks to ensure that proposed development does not impact upon protected species/habitats. It is not considered that the proposed development would have an adverse impact upon protected habitats/species in accordance with saved policy E6.

#### **Recommendation**

Approval subject to conditions

**APPLICATION NUMBER**  
R14/2192

**DATE VALID**  
12/01/2015

**ADDRESS OF DEVELOPMENT**  
Bungalow Farm  
Smeaton Lane  
Stretton under Fosse  
Rugby  
CV23 0PS

**APPLICANT/AGENT**  
Mr Ian Pick  
Ian Pick Associates Ltd  
Llewellyn House  
Middle Street  
Driffield  
East Yorkshire  
YO25 4RL  
On behalf of Mr Larry Milne

## **APPLICATION DESCRIPTION**

Erection of a free range egg laying unit with associated feed bins, hardstandings and access track.

## **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:

Application forms dated 12/1/15

Location Plan Dwg. No. IP/LM/01

Design and Access Statement

Flood Risk Assessment dated 12 January 2015

Amended Site Plan Dwg. No. IP/LM/02A received by the LPA on the 5th February 2015

Amended Elevation Plan Dwg. No. IP/LM/03A received by the LPA on the 5th February 2015

### **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 as specified on the application form dated 12/01/2015 and on Amended Elevation Plan Dwg. No. IP/LM/03A received by the LPA on the 5th February 2015.

### **REASON:**

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

### **CONDITION: 4**

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: 5**

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

**REASON:**

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

**CONDITION: 6**

Full details of the materials to be used in the surfacing of the access track and the hardstanding area shall be submitted to and approved by the Local Planning Authority before the development is commenced.

**REASON**

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

**CONDITION: 7**

No development shall commence unless and until details of how solid and liquid matter will be collected, stored and disposed of, have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON**

In the interest of residential amenity and pollution control.

**CONDITION: 8**

The proposed building hereby permitted shall only be used for the purposes of free range egg production and for no other purposes.

**REASON**

To ensure that the development is 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.



**Reference number:** R14/0407

**Site address:** Land Adjacent Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH

**Description :**

Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access.

**Case Officer Name & Number:**

Richard Holt 01788 533687

**Description of Site:**

The application site is located to the south and south-west of the Rugby Urban Edge off the Ashlawn Road, B4429, approximately 1.5 miles (2.5 kilometres) south-east of the town centre. The site area equates to approximately 4.5 hectares which comprises predominately of agricultural farmland which until recently was used for grazing livestock. The existing fields are relatively open with established hedging around their edges interspersed with trees including some mature. A belt of relatively young trees runs across the site approximately 180 metres south of Ashlawn Road up to a collection of agricultural buildings in the south eastern corner adjacent to Ridgeway Farm.

Between Ashlawn Road and the belt of trees and agricultural buildings referred to above, the site is relatively flat dropping by just over a metre. Beyond these trees and buildings the land falls more significantly by a further 5 metres to the south western tip of the site and then beyond dropping by approximately a further 25 metres over the next 800-900 metres to Rains Brook at the bottom of the valley.

To the north of the site is Ashlawn Road with an established residential area beyond, including the junctions of Charter Road and Fareham Avenue along with many driveways. There is a mix of one, two and three storey properties in the area, although two-storey is the most prevalent.

Immediately to the west of the site are the playing fields associated with St Andrews Rugby Football Club which includes both a clubhouse and sports pitches. Beyond lies the recently constructed Rainsbrook Crematorium. To the east is the access drive serving Ridgeway Farm and immediately next to it Ashlawn School a large secondary school and sixth form college with approximately 1700 pupils.

To the south lies more agricultural land that extends down to Rains Brook along with some buildings and garden associated with Ridgeway Farm. To the south east the Diamond Jubilee Wood has been formed.

**Description of Proposals:**

This is an outline application for the use of land for residential development. An indicative masterplan has been submitted with the application to demonstrate how a scheme for 85 dwellings could be laid out across the site. However, the accompanying Design & Access Statement states the proposal does not preclude alternative layouts or numbers and the Transport Assessment Addendum makes reference to the site potentially accommodating up to 100 residential units.

All matters are reserved for consideration at a later stage apart from access. The illustrative plan, together with the plan in the Transport Assessment, depict two accesses on to Ashlawn Road from the site. The primary vehicular access on to Ashlawn Road will be

formed by a 'T-junction' between the junctions with Charter Road and Fareham Avenue (opposite 102 Ashlawn Road). It will be approximately 5.5 metres wide with a 2 metre wide footpath on either side. A secondary pedestrian/cycle link will also be provided from the site on to Ashlawn Road between the junctions of Charter Road and Heath Way (opposite 114 Ashlawn Road). This second link will also act as an emergency access to the site. A third pedestrian access is intended to be formed from the site onto the adjacent Ashlawn Recreation Ground/St Andrews Rugby Club playing fields.

The indicative masterplan shows that the majority of existing trees and hedging will be retained across the site, apart from those which need to be removed to form accesses onto and throughout the site, together with a section of the aforementioned tree belt adjacent to the existing agricultural buildings in order to facilitate the formation of a more low density housing pattern. Beyond the tree belt to be retained where the land level begins to drop more noticeably an area of open space will be formed which will ultimately serve as a surface water attenuation pond and a recreational route. The indicative masterplan also shows how additional landscaping could be incorporated into this area. The submitted Design & Access Statement envisages that a range of styles of properties could be provided on site ranging from 1-bed to 5-bed, including affordable housing.

The applicant's agent has also submitted with the application a Design & Access Statement, Planning Statement, Transport Assessments (with subsequent addendums), Stage 1 Road Safety Audit, Travel Plan, Archaeological Evaluation, Archaeological Desk Based Assessment, Archaeological Geophysical Survey, Ecological Landscape Plan, Protected Species Mitigation Plan, Biodiversity Impact Assessment, Ecological Appraisal, Ecological Mitigation Strategy, Bat Tree Assessment, Bat Emergence Survey, Great Crested Newt Survey, Hedgerow Assessment, Affordable Housing Delivery Plan, Statement of Community Involvement Report, Air Quality Assessment, Flood Risk Assessment, Services [Infrastructure] Report, Agricultural Land Classification Report, Tree Survey, Landscape & Visual Impact Assessment, Economic Benefits Statement and Site Investigation/Ground Contamination Assessment.

**Relevant Planning History:**

Use of land for erection of 16 houses	Refused 24/02/1954
Use of land for erection of dwellings	Refused 19/01/1959
Use of land for residential purposes	Refused 31/07/1991
Use of land for residential purposes	Refused 05/08/1992
Use of land for residential purposes	Refused 28/05/1997
	Appeal Withdrawn 11/05/1998

**Technical Consultations:**

WCC Highways	No objection, subject to conditions, informatives & s106
WCC Archaeology	No objection, subject to a condition
WCC Education	No objection, subject to a s106
WCC Development Group	No objection, subject to a s106
WCC Ecology	No objection, subject to conditions, informatives
WCC Flooding & Drainage	No objection, subject to conditions

WCC Fire & Rescue	No objection, subject to a condition
Severn Trent Water	No objection, subject to a condition
Environment Agency	No objection, subject to informatives
Natural England	No objection
RBC Landscape	No objection
RBC Parks & Open Space	No objection, subject to a s106
RBC Trees	No objection, subject to conditions
RBC Environmental Services	No objection, subject to conditions & informatives

### Third Party Consultations:

As part of the application submission a Statement of Community Involvement document has been prepared. It explains that 130 properties were directly leaflet dropped about the proposals and a public exhibition was held on 3<sup>rd</sup> July 2014 prior to the submission of the application. It is understood this was attended by approximately 100 people and a total of 35 feedback forms were received by the agent. Matters which were raised included highways, principle, drainage, local facilities, affordable housing, housing mix, property values and ecology. As part of the consideration of the actual application the following comments have been received:

Cllr R Dodd	Object	Concerned proposal does not accord with Policy CS1 in relation to building on greenfield land; All identifiable brownfield land should be exhausted first before constructing on greenfield land; This land has not been identified to address lack of 5 year land supply; Concerned at proposed junction on to Ashlawn Road and highway infrastructure despite highway safety improvements as road continues to have one of the highest kill & seriously injured numbers within the County.
Neighbours (14)	Original Plans Object	Major increase in traffic on dangerous and extremely busy narrow road; Detrimental to highway safety; Increase in traffic since opening of the Crematorium; Vehicles travel at excessive speed along Ashlawn Road, especially motorbikes; Surveys demonstrate vast majority of traffic speed along road; Developers ignored public request for roundabout; Heavy traffic already at junction of Ashlawn Road and A428; Inaccuracies in transport report re timings of stationary traffic – actually far greater and failure to consider cumulative effect of accesses close to driveways and junctions; Department for Transport guidance should be used rather than Warwickshire Highway Design guide, which is based on estate road layouts; Traffic volumes need to take account of other planned developments; Existing roundabouts on Ashlawn Road won't cope at peak times; Traffic already at stand still at school times & at other times of day; Parked vehicles on Vernon Avenue

& Fisher Avenue result in cars from Ashlawn Road unable to turn so stops traffic; Ashlawn Road is a bypass for DIRFT traffic; Ashlawn Road is not just a residential collector road; Ashlawn School to be extended without further parking – where will student cars go?; Massive expansion at Paddox School whilst Rokeby School closed; Entrance to new estate and proximity of entrances to school and other road junctions will make it chaotic at peak/school times; Access in wrong place should be opposite Charter Road or Heath Road; Access will cut through cycle path to school; More vehicles will result in serious accidents waiting to happen; More traffic calming needed and speed cameras; Locals should be included in transport studies; Accident already happened at proposed access point; Increase in noise and general congestion; Trees should not be given priority over getting acceptable highway solution; Realistically development will be for 100 dwellings; If houses built no guarantee children will be placed in local schools increasing likely throughput of traffic; No school places available locally – all over-subscribed without new developments; Children cross where proposed access will be; Outside settlement boundary in countryside which is unsuitable for development – conflicts with local planning policy; Strategic Land Availability Housing Report (SLAA) Sept 2013 states site cannot be considered suitable for development as in open countryside; Deficiencies in natural and semi natural green spaces and amenity green space in area; Detrimental harm to quality, character and amenity of area; Loss of green fields, a unique and attractive area; Proposal doesn't meet any of the 3 key criteria in the NPPG (National Planning Policy Guidance) on Economic, Social & Environmental grounds; No clear economic benefit from development; Additional housing need met from Rugby Radio Mast site and proposed site west of Ashlawn Road & other sites within settlement boundary – development have minimal impact on housing shortage; Too many people already in town, new houses too small and only have parking for 1 car; Extra strain on already stretched resources such as schools, hospitals and GPs – adverse social impact; Water supplies already under pressure; Ground is clay and prone to being incredibly wet and dry; Attenuation pond could raise water levels in surrounding area and make ground unsuitable for burials at cemetery; Prevailing wind carries crematorium emissions over proposed houses; Construction of crematorium resulted in loss and displacement of wildlife; Loss of hedgerows home to several protected species; Local dog walking area; Loss of prime land; Previous applications on site refused as site in countryside, visually prominent and



traffic problems; Precedent for development in countryside leading to further environmental damage, thin end of wedge; Development of Rainsbrook Valley will be a disaster & disgrace; Adverse visual impact, particularly on adjacent homes; Loss of Green Belt & countryside views impacting on rural landscape; Smaller houses will be out of character with area, should be less than 15 houses on site; Old/empty homes need to be refurbished first; Site should be used as an extension to the playing fields or additional parkland/recreational facilities; Will encourage gangs of kids to congregate on rugby field; Plans all finalised at public consultation stage – not democracy; Proposal against existing resident's equality and human rights; Common sense needed; Relaxed attitude of planners; & Developer motivated by maximising profit.

Neighbours (4)

Original comments stand;

Revised Plans

Transport Assessment states Ashlawn Road/A428 Paddock junction already exceeds capacity; Not acceptable to have worse congestion problems, even during construction phase; Severe congestion already and at rush hours and school entry/exit times; New retirement flats development at Featherbed Lane proves problems with construction traffic; Travel Plans futile and never adhered to and never enforced; Increase in traffic on very busy Ashlawn Road & associated junctions – risk of accidents & possible fatalities; Against building on open countryside destroying landscape and views; Loss of Green Belt and impact on rural character; Should be less houses on site and number proposed will not significantly change housing shortage; Land should be used as parkland or playing pitches; Adverse pressure on school places; & Developer motivated by maximising profit.

Neighbours (1)

Observation

Good that ecological features protected and new ones created; Will need continued and assured sympathetic future ecological management – vegetation should not be over cut/mown; & Legally binding management plan should be formed with Warwickshire Wildlife Trust.

**Relevant Planning Policies & Guidance:**

Rugby Borough Council Local Plan, 2006 Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
H11	Open Space Provision in Residential Developments in the Urban Area	Complies

LR1	Open Space Standards	Complies
LR3	Quality & Accessibility of Open Space	Complies
T5	Parking Facilities	Complies

Rugby Borough Core Strategy 2011:

CS1	Development Strategy* (assessment below)	Complies* (*see
CS5	Growth Delivery*	For information
CS10	Developer Contributions	Complies
CS11	Transport & New Development	Complies
CS16	Sustainable Design	Complies
CS17	Reducing Carbon Emissions	Complies
CS19	Affordable Housing	Complies

National Planning Policy Framework, 2012

PPS10 Planning for Sustainable Waste Management, July 2005

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Rugby Borough Council Housing Needs Supplementary Planning Document, 2012

Rugby Borough Council Revised Affordable Housing Viability Assessment, 2010

Rugby Borough Council Housing Land Supply Position, September 2014

**Assessment of Proposals:**

General Principles:

The application site lies within the countryside immediately adjacent to the Rugby Urban Area. Policy CS1 considers that new development in the countryside will be resisted and only where national policy on countryside locations allows will development be permitted. However, since the adoption of the Core Strategy, the Government published the National Planning Policy Framework (NPPF) and updated the way in which local planning authorities can apply their local policy if they cannot demonstrate a five year housing land supply.

Paragraph 47 of the NPPF specifically relates to local authorities significantly boosting the supply of housing and requires that local planning authorities demonstrate a five year housing land supply (plus 5% moved forward from later in the plan period to ensure choice and competition in the market). Where there has been a record of persistent non-delivery of housing, local planning authorities are then required to increase this buffer to 20% (again moved forward from later in the plan period).

In order to establish whether this development proposal is acceptable in principle it is first necessary to consider whether the Council can demonstrate the required five year land supply. The Council has undertaken monitoring for 2013/14 and updated its position in September 2014. This shows that the Council can only demonstrate 4.13 years land supply with a shortfall of 558 dwellings.

Where the required land supply cannot be demonstrated by the planning authority the NPPF is specific, at paragraph 49, that relevant local policies for the delivery of housing must then be considered to be out of date. Therefore, in the case of the adopted Core Strategy policy CS1, which would ordinarily be applied to directing the location of housing, cannot be relied on. In such instances paragraph 49 of the NPPF therefore requires that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is considered to be a sustainable location sited immediately adjacent to the Rugby Urban Area in Hillmorton next to Ashlawn School. Although Policy CS1 can be given no weight as part of the determination of this application, it specifies that the Rugby Urban Area is the primary focus for meeting strategic growth targets. The Council has long been clear that this is because the Rugby Urban Area is the most sustainable location for growth in the Borough. Weight is therefore given to the proximity of the site to the urban area when considering whether it is a sustainable location as the NPPF requires.

With regard to the production of the Strategic Land Availability Assessment (SLAA) in 2013, if the Local Planning Authority were able to demonstrate that it has a land supply, then it would be able to maintain the position as detailed in the SLAA. However, the NPPF must take precedence over the results of the SLAA, which is an evidence document and in itself does not determine whether a site can gain permission.

In addition to the above and proximity to Ashlawn School, there is an hourly bus service (Monday to Saturday) between Rugby and DIRFT that runs along Ashlawn Road and down Fareham Avenue close to the proposed main access in to the site and the site lies approximately 300 metres from Paddox Primary School and is around 600 metres from the various shops and commercial premises along the A428 Hillmorton Road. These factors also add to the sustainability of the site.

Policy CS5 states that where there is a significant shortfall in deliverable sites the Council will publish a Development Plan Document (DPD) to allocate sites within the South West Broad Location. However, the supporting text to this policy states that where there is an identified shortfall in land supply the Council will seek to bring forward land within the South West Broad Location to address the shortfall. Whilst the application site does not lie within the South West Broad Location, the site does lie adjacent to the edge of the Rugby Urban Area in a sustainable location as detailed above. Therefore, it is accepted that the site will provide a valuable contribution towards housing land supply based on the Council's inability to demonstrate an adequate supply and this issue is a significant material consideration in the assessment of the proposal. Whilst outline planning permission has been granted for residential development on part of the land within the South West Broad Location for up to 850 dwellings and there is a pending outline application for up to 860 dwellings, no reserved matters applications have been received pertaining to the approved outline applications and thus the Council is currently failing to achieve a 5 year land supply of built dwellings.

It is therefore considered that the principle of residential development on the site is acceptable in accordance with the presumption in favour of sustainable development contained within the NPPF.

### Highways:

The access points for the site off Ashlawn Road will lie within a 30 mph zone and from Fareham Avenue eastwards past Ashlawn School there are a variety of existing traffic calming measures in place. The Highway Authority sought additional modelling following the submission of the original Transport Assessment which then provided them with a degree of comfort that the development would only have a minimal impact upon the safe and efficient operation of the junctions of Ashlawn Road with Percival Road and Fareham Avenue. However, the Highway Authority remained concerned regarding the modelling which was undertaken for the Ashlawn Road / A428 Hillmorton Road junction (Paddox pub junction). This junction is identified for improvement under the mitigation measures proposed as part of the Radio Mast Site development and whilst the proposed development will impact upon this junction the Highway Authority does not consider this is to such a significant extent to warrant refusal of the application on this basis.

Various concerns have been raised by third parties regarding the proximity of their private driveways to the access points serving the intended development and that at least one of them has suffered a recent accident turning into their driveway. The Highway Authority is aware of these concerns together with concerns regarding the aforementioned junctions. However, overall the Highway Authority has concluded that the intended access arrangements are satisfactory and will have a minimal impact upon the safe and efficient operation of the highway network at this location.

A Travel Plan has also been submitted with the application in order to encourage the use of more sustainable modes of transport. In addition to the provision of Sustainable Travel Packs sought by the Highway Authority, various measures and initiatives are outlined in the Travel Plan which include public transport vouchers of c£150; upgrading of the two closest bus stops on Fareham Avenue to provided shelters with seating and timetable information; and discounts for cycles and cycle clothing and for outdoor walking clothing. The Plan also states that the fundamental success of such a Travel Plan will be the essential appointment of a Travel Plan Co-ordinator which initially would be the responsibility of the developer and then this will be past to the residents to manage through a Residents' Forum.

As this is an outline application only an indicative layout has been received. However, the accompanying Design & Access Statement identifies that parking will be provided in accordance with the Council's standards and that the use of parking courts will be limited with a preference for on-plot parking so the distance between the parking space and the dwelling is minimal. Reference is also made to garaging accommodating cycle space provision as well.

Overall the proposal is considered to accord with saved policy T5, policy CS11 and the NPPF.

### Air Quality & Amenity:

The closest residential properties to the site, excluding those which belong to the landowner, lie on the northern side of Ashlawn Road approximately 30 metres from the site boundary. The illustrative layout shows that the row of intended properties fronting Ashlawn Road will be set back between 15-20 metres from the site boundary resulting in a potential separation distance of around 45 metres or above between habitable room windows. Whilst the indicative layout is purely illustrative it does show how the site could be development in a manner that would not adversely affect the residential amenity of existing properties.

A 3-storey performing arts and classroom block at Ashlawn School has been approved on the western portion of the school site adjacent to the application site. This has been partly implemented and the current block lies approximately 50 metres from the boundary of the

application site. Once the extension has been completed a further wing will project towards the site and lie approximately 18 metres from the site boundary of the current application. The indicative layout shows an internal road running between the school extension and any new dwellings resulting in a distance of around 33 metres between the approved extension to the school and any new dwelling. On this basis, it demonstrates that a housing layout could be achieved that would not adversely affect the residential amenity of future occupants and the houses could be located a sufficient distance from the school boundary to reduce potential conflict between the two uses.

The site lies within an Air Quality Management Area which seeks to manage air quality impact associated with increased traffic to and from proposed development and focuses on transport-related pollutants, nitrogen dioxide and particulate matter. An air quality assessment was undertaken identifying various receptors near to where the greatest increase in traffic from the development is expected, including Ashlawn School. The report concluded that the change in traffic volumes that are envisaged as a result of the development will not lead to a significant impact on nitrogen dioxide or particulate matter concentrations. The Council's Environmental Services have confirmed that they also agree with the findings of the report.

Overall, subject to conditions and informatives, the proposed development is considered to comply with policies CS11 & CS16 and the NPPF.

#### Ecology:

The site lies just outside the designated Strategic Green Infrastructure Network, however, it is understood that there are records of bats, reptiles, amphibians (including great crested newts), notable birds, invertebrates and badgers in the surrounding area. The application has been accompanied by a suite of ecological reports, surveys and mitigation strategies, including a Hedgerow Assessment.

WCC Ecology welcome the plan to retain many of the scattered trees, hedgerows and part of the young woodland but still anticipate an overall biodiversity loss following the construction of the development. Although they consider that protected and notable species, newts, bats, nesting birds, reptiles and badgers (as well as other mammals) can have suitable mitigation measures put in place via planning conditions and informatives including an ecological landscaping plan and appropriate habitat management plan. However, owing to the potential biodiversity loss, WCC Ecology sought the preparation of a Biodiversity Impact Assessment prior to the determination of the application. This report has now been completed and whilst it identifies a small biodiversity loss (0.22 units of biodiversity, equivalent to 3% loss on site) as calculated by WCC Ecology, they do acknowledge that the planting of a hedgerow along the southern boundary of the development site diagonally across the existing field will result in a linear biodiversity gain. Owing to other proposed on-site mitigation and management the expected loss is not considered substantial enough to require additional off-site compensation and therefore, WCC Ecology do not object to the proposals subject to the imposition of conditions and informatives.

Overall, subject to the mitigation measures detailed above and contained within the various submitted reports, the proposal would comply with saved policy E6 and the NPPF.

#### Landscaping, Visual Impact & Character of Area:

The site lies within both the Dunsmore Plateau Farmlands and Fringe as detailed in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers it to be a very distinctive gently rolling and undulating landscape characterised by both intensively farmed agricultural land with poorly defined field patterns and closely cropped

hedgerows with geometric field patterns and mature trees and woodlands with few roads and settlements.

Historically the Local Planning Authority has raised concerns that the development of the site would be visually prominent emphasised by its location on the edge of the Rainsbrook Valley and that past development proposals would have a detrimental impact on the open countryside by extending the area of built form. Since those refusals in the 1990s the visual prominence, appearance and to some extent character of the immediate area has begun to change.

Whilst the two fields adjacent Ashlawn Road have not really altered and remain visually prominent from Ashlawn Road and the residential properties along its northern edge, Ashlawn School next to the site has continued to expand and is due to extend further based on recent planning permissions. Rainsbrook Crematorium to the west of the site has been built along with a cemetery together with associated car parking and four 15 metre high floodlighting columns have been approved at St Andrews Rugby Football Club. In addition, a woodland belt of trees has been planted to the immediate south of the proposed area of built form and now contains c120 trees (excluding those that are intended to be removed adjacent to the agricultural buildings) and are currently in the region of 6 metres high.

This development and planting has altered the appearance and character of this southern escarpment of Rainsbrook Valley and the visual appearance of any development on the site has been reduced from the open countryside to the south and across Rainsbrook Valley, including from areas near Barby on the other side of the valley. Although it is acknowledged that Ridgeway Farm and agricultural buildings associated with the farm can still be clearly seen from across the valley.

The submitted Landscape & Visual Impact Assessment acknowledges that those dwellings on Ashlawn Road are subjected to the greatest visual impact followed by those residents of Ridgeway Farm and users of Ashlawn School from the development. Nevertheless, it does consider that the placement of built development will, at worst, have a minor adverse effect upon Dunsmore Plateau Farmlands and that the scheme could be absorbed within the medium sensitivity landscape and adverse effects in visual terms are limited to nearby receptors [houses on Ashlawn Road].

Whilst the revised indicative masterplan illustrates how the site could be developed with 80 units across the site, the development of open fields with built development will undoubtedly alter the visual appearance of an area but it is considered that the sensitivity of the site in relation to the surrounding open countryside has changed and the site is now more enclosed aided by development on the illustrative plan being restricted to the north of the aforementioned belt of trees. In addition, it is likely that the development would be read as forming part of Hillmorton rather than as just an isolated area of built form protruding into the open countryside. However, this is finely balanced as at present once passing Ashlawn School and travelling west along Ashlawn Road the surrounding landscape to the south opens up and areas of built form become very sporadic with a more rural context. Whilst the southern escarpment as identified in the WCC Landscape Assessment in visibility terms is judged to be high, it is considered that the use of landscaping around and throughout the site will also over time assist in providing a degree of visual containment of the site and reduce views into the site from the surrounding area, especially the south, and when subsequent landscaping conditions are considered they can ensure that native species of ecological value are used.

Nevertheless, the building on the fringe of an established settlement area will result in the development to some extent being seen in relationship with the existing built form in the immediate area. This juxtaposition is key when looking at releasing sites to help address the

Borough Council's lack of 5 year housing land supply. Whilst landscaping of the actual site will be dealt with as a reserved matter, the subsequent management of existing and proposed landscaping will be key. The Council's Landscape Officer has raised no objections to the proposed scheme and welcomed the southern part of the site being retained as open space and a pond area. On this basis, the proposal would comply with the general principles of saved policy GP2, CS16 & the NPPF.

### Trees:

An arboricultural report has been prepared which identified a total of 48 individual trees and 16 groups of trees on or adjacent to the site. Three oak trees are considered to be of particularly high quality and are considered to be graded as Category A, whilst 50% of the trees (24) are judged to be of moderate quality, Category B. A further 14 trees are assessed as low quality, Category C, whilst a remaining 7 trees are judged to be of limited physiology and structural integrity and the majority have been identified to be felled, Category U. 13 groups of Category B trees are also identified along with 3 groups of Category C trees.

Three Category C and one Category B trees are intended to be felled in order to facilitate the development along with one Category B tree in a group of 8 and the removal of 50 relatively young Category C trees in a single group by the existing agricultural buildings, although the report highlights better specimens may be retained and relocated as part of the development.

Whilst the Council's Arboricultural Officer acknowledges the layout is purely indicative, he notes that it does have generally good spatial integration between proposed buildings and retained trees meaning both should be able to co-exist post development with minimal or no direct impact. The trees being lost by the development, particularly for the access, are considered acceptable and are not judged to be so significant that they should be retained. In fact, it is understood that one of the large poplars has a history of shedding large limbs. Nevertheless, it is expected that comprehensive tree planting can be done throughout the development to compensate for their loss and this can be addressed via appropriate planning conditions. On this basis, the proposal will comply with saved policy GP2.

### Agricultural Land Classification:

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of the higher quality land. Although no sequential approach has been undertaken by the applicants with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land.

The best and most versatile land is defined as Grade 1 (excellent), 2 (very good) and 3a (good) with remaining agricultural land graded as 3b (moderate), 4 (poor) and 5 (very poor). According to Natural England's statistics approximately 12% of land, 23,692ha in Warwickshire is Grade 1 or 2. In Rugby Borough there is no Grade 1 land but there is 4,186 ha of Grade 2 land which equates to 11.8% of land within the Borough. The figures for Grade 3 land provided by Natural England do not split Grades 3a & 3b but indicate that approximately 75.5% of land, 26,686 ha is Grade 3 land.

The applicants have submitted an Agricultural Land Classification report for the site, which included the analysis of 8 auger boring soil profiles. The area surveyed included the entirety of the existing field in the southern portion of the site so its findings resulted in 2.8ha being Grade 2 and 1.9ha being Grade 3a.

2.8ha of Grade 2 land would be lost by the proposed development, which equates to approximately 0.07% of Grade 2 land within the Borough, whilst 1.9ha of Grade 3 land would be lost equating to approximately 0.007% in the Borough. This loss is considered minimal and is a further factor in the consideration of this application. Notwithstanding this the proposed development is not in the most sequentially preferable location when the best and most versatile agricultural land is considered in isolation of other factors.

Natural England have produced a technical note which was revised in December 2012 entitled Agricultural Land Classification: protecting the best and most versatile agricultural land. This guidance supports the NPPF and emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does state decisions rest with the relevant planning authorities and such classification is a basis for assessing how development proposals affect agricultural land within the planning system, but acknowledges it is not the sole consideration.

The general principles of development are referred to above, and whilst this particular part of the site is not previously developed land and represents greenfield development, it is key not to view this element in isolation of the overall scheme. On balance, when considering all factors, the loss of this small section of agricultural land is not judged to be so significant to warrant refusal of the application on this issue alone and doing so would not undermine the Development Plan and the NPPF in relation to this matter.

#### Archaeology:

An archaeological desk-top assessment has been produced for the site and this was accompanied by a geophysical survey. The results of the survey revealed a multiphase site containing enclosures, pits and ditches likely to date from the Iron Age and Roman periods with high potential for evidence of Late Prehistoric/Roman activity and negligible/low potential for significant archaeological evidence of all other periods.

As precise dating of the identified anomalies and significance of these features had not been concluded, WCC Archaeological Unit sought the preparation of an Archaeological Evaluation incorporating trial trenching across the site. This report has now been received and concludes that it was Roman rather than Late Prehistoric activity that made the greatest impact on the site. Whilst no domestic structures were positively identified, the size and range of pottery found indicated occupation nearby. Overall the report considers that the finds whilst having their own individual value with potential to contribute to local and regional research are not of an importance that would prohibit development or need designing around on the site.

Whilst WCC Archaeology consider the development will have a significant impact upon archaeological deposits across the site, they do not object to the principle of development provided further archaeological work is undertaken which can now be a condition of any forthcoming planning permission and thus would not be in conflict with policy CS16 nor the NPPF.

#### Flood Risk & Hydrology:

A Flood Risk Assessment (FRA) was submitted with the application and identifies the site as being in Flood Zone1 and is not at risk of fluvial flooding in storm events up to 1 in 1000 years. The assessment considers flooding from other sources such as pluvial, sewerage,



groundwater and artificial water bodies has been assessed as a low risk to the development. The report considers that surface water drainage should be such that the volumes and peak flow rates of surface water leaving the site as developed would be no greater than the rates prior to the proposed development. The active use of surface water drainage methods, including sustainable drainage systems (SUDs) where possible, is referred to in more detail below in the Sustainable Design & Construction section.

It is noted that due to falling ground levels towards the south of the site away from Ashlawn Road on site pumping will be required to achieve a connection to the existing sewer network, but Severn Trent Water have confirmed that gravity discharge to these sewers from 100 houses can be accommodated within the public foul sewerage system. Severn Trent Water has confirmed to the developer that modelling of the sewer network may be required because downstream foul sewers are taking surface water run-off from various parts of the local area. However, it is understood from the FRA that this work is being undertaken by Severn Trent Water and any downstream improvements will be funded by Severn Trent Water.

Notwithstanding the above, Severn Trent Water, Environment Agency & Warwickshire County Council Lead Flood Authority have raised no objection to the proposal subject to appropriate conditions and thus the proposals are considered to accord with policy CS16 and the NPPF.

#### Ground Contamination:

A desk top study to determine potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site has been undertaken. This concluded that the likely risk is considered low to negligible and any risks can be mitigated by physical barriers (eg ground gas resistant membranes if applicable). The report does state that owing to the presence of the existing agricultural buildings, some of which are intended for demolition, a specialist contractor should undertake an asbestos survey prior to the commencement of development works.

In addition, the report recommends that an intrusive ground investigation is completed before the commencement of any development to assess the actual contaminative status of the ground conditions of the site and this is also recommended by the Council's Environmental Services Section.

On this basis, it is considered that matters relating to ground contamination and asbestos can be addressed by suitable measures and mitigation via conditions and informatives and therefore complies with the NPPF.

#### Sustainable Design & Construction (inc drainage):

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The Sustainable Design & Construction Supplementary Planning Document, 2012 (SDC SPD) states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.

Policy CS16 states that sustainable drainage systems (SUDs) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDs are also referred to in saved policy GP2. The submitted Flood Risk Assessment (FRA) refers to the site having insufficient infiltration capacity for satisfactory means to for the disposal of surface water run-off. It is intended surface water drainage will utilise the existing ditch running down the centre of the site and swales and a balancing pond will be provided in the southern part of the site. These types of features are generally

acknowledged to be preferred methods of surface water drainage and the site is considered large enough to accommodate such water bodies as shown on the indicative plan. However, the FRA stipulates that site specific ground investigation works will take place at a later stage which will help inform appropriate site drainage design and the applicability of various SUDs techniques.

The Environment Agency, Severn Trent Water and Warwickshire County Council Lead Flood Authority have raised no objection to the proposal subject to appropriate conditions.

This policy also states that all new residential development should meet the water conservation standards in Level 4 of the Code for Sustainable Homes. However, it goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 10 dwellings or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This policy also goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

The agents have stated that energy efficient measures and low carbon technologies along with water conservation measures will be incorporated where possible into the dwellings and that the south-facing aspect of the site can be exploited at the reserved matters stage. As this application is in an outline format it is considered that both these matters could be addressed by condition at this stage.

#### Open Space & Indoor Sports Facilities:

Saved Policy LR1 in conjunction with the Planning Obligations Supplementary Planning Document seeks the provision of good quality and accessible open space and indoor & outdoor sports facilities, particularly in association with residential schemes. The site lies next to the Ashlawn Recreation Ground which is also home to St Andrews Rugby Football Club. A revised indicative layout plan was prepared in conjunction with the Council's Open Space & Parks Section to facilitate a stronger pedestrian link between the site and the existing Recreation Ground. The illustrative layout identifies the provision of green spaces interlinked and connected to wider green routes and pedestrian links throughout the site and beyond.

However, it is acknowledged that based on the size of the development not all open space provision will be able to be accommodated on site. The applicants have agreed to the principle of an off-site financial contribution to address any potential deficits in provision arising from the development, including indoor & outdoor sports. This will enable existing facilities to be enhanced/maintained, which is likely to include Ashlawn Recreation Ground as it is immediately adjacent the site, as well as a contribution towards a Locally Equipped Area for Play (LEAP) if this cannot be provided on site.

On this basis the proposal is considered to accord with saved policies LR1 & LR3.

#### Affordable Housing:

Policy CS19 states that on sites greater than 1 hectare or capable of accommodating more than 30 dwellings a target affordable housing provision of 40% will be sought and these affordable homes will be required to be provided in a range of different sizes, types and tenures.

The applicants are proposing that 40% of all total dwellings on site will be affordable with 75% of that 40% being rented and the remaining 25% of that 40% being shared ownership with both being delivered in partnership with a Registered Provider. It is envisaged that this will be split across a range of properties from 1-bed to 4-bed units.

This level of provision would accord with Policy CS19 as well as the associated Supplementary Planning Documents.

#### Planning Obligations:

Policy CS10 and the Planning Obligations Supplementary Planning Document states that financial contributions may be sought to mitigate against the impacts of a development. Guidance contained within Circular 05/05 Planning Obligations and the Community Infrastructure Levy 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; &
- Fairly and reasonably relates in scale and kind to the development.

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

Based on previous consultations, the Local Planning Authority is aware that spaces in both primary and secondary schools in Rugby and the surrounding area are reaching capacity. The WCC Education Authority has provided data that indicates that a financial contribution is needed for early years, primary, secondary, sixth form and for special educational needs at primary, secondary & sixth form. This is considered to be warranted and the applicants accept it.

Financial contributions have also been sought for public open space, indoor and outdoor sports and sustainability packs. These have all been justified and are detailed in the relevant sections above.

WCC had also sought contributions towards libraries, public transport and cycle routes. However no justification has been provided despite asking for it and therefore the Local Planning Authority cannot support their request and at this stage they are considered unreasonable.

#### Other Matters:

The NPPF places significant weight on the need to support economic growth through the planning system. The applicants have submitted an Economic Benefits Statement and whilst it does mention that the development would assist in providing a greater choice of homes, including affordable ones, to the area, they also consider that the development would help provide 62 full time equivalent temporary construction jobs per year plus a further 31 full time indirect jobs associated with the construction industry. The applicants believe that this will contribute financially to the regional construction economy as well as boosting local income and expenditure plus the generation of additional funds to the Local Authorities through Council Tax and the New Homes Bonus.

As the applicant is placing an element of weight for the acceptability of their proposal on the Council's lack of housing land supply, the Local Planning Authority is anxious that any approval does then subsequently result in the commencement of a development in a timely manner which can contribute to housing need in the Borough. On this basis, it is considered reasonable to reduce the time the applicant can submit reserved matters from 3 years to 18 months.

PPS10 has not been superseded by the NPPF and advises that new development should be supported by site waste management plans. Whilst they do not require the formal approval of the Local Planning Authority they are encouraged to identify the volume and type of material to be demolished and/or excavated with opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed. Although no site waste management plan was submitted with the application, the Site Waste Management Plans Regulations 2008 will require a construction project of this scale to have a site waste management plan in place prior to works commencing on site. It is understood that these plans may be monitored by the Environment Agency and/or the Borough Council.

Human Rights, particularly with regard to Article 1 of the First Protocol (protection of property) and Article 8 (right to respect private and family life) forms part of the overall assessment of the planning application in the headings above and it is considered that these adequately address individual resident's rights under the European Convention on Human Rights, including those of individuals living adjacent to the proposed development site.

#### Conclusion:

The application site lies outside the urban area of Rugby in the countryside as defined in the Core Strategy. However, the Core Strategy pre-dates the publication of the NPPF which updated the way in which housing land supply is assessed. The proposed scheme is considered to represent sustainable development and there would be economic benefits to the local economy, at least in the short term, whilst the development is being constructed in terms of employment and spending. There would be a social benefit in the supply of additional houses that would aid the Council's lack of 5 year land supply, including much needed affordable homes. The scheme would also make other social benefits by making financial contributions towards education, play & open space and indoor & outdoor sports. Development on a greenfield site would inevitably result in a degree of environmental harm, but it is considered that this impact can be adequately mitigated. Overall and on balance the proposed development is judged to be sustainable in the terms of the NPPF.

The recommendation of approval of the proposal should not, however, be taken to represent a relaxation of policy generally towards residential development in the countryside but that the decision is taken in the light of all material considerations in respect of the specific merits of this particular case as detailed above and on balance all factors that cumulatively justify the proposal.

#### **Recommendation:**

The Head of Planning & Recreation be given delegated powers to grant planning permission subject to the completion of a legal agreement to include affordable housing as well as financial contributions towards education, indoor and outdoor open space and sustainability packs, along with conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R14/0407

**DATE VALID**

05/09/2014

**ADDRESS OF DEVELOPMENT**

LAND ADJACENT RIDGEWAY FARM  
ASHLAWN ROAD  
HILLMORTON  
RUGBY  
CV22 5QH

**APPLICANT/AGENT**

Mr Richard Lomas  
Hourigan Connelly  
7 Swan Square  
15 Swan Street  
Manchester  
M4 5JJ  
On behalf of Richborough Estates

**APPLICATION DESCRIPTION**

Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access.

**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 18 months 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 one year 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 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 - Landscaping (including hard and soft and any ponds)

REASON:

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

CONDITION 4:

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

21082\_06\_170\_01.1 Topographical Survey Sheet 1;

BIR.4548\_14A Site Location Plan;

Affordable Housing Delivery Plan dated August 2014 by Bridgehouse Property Consultants;

Agricultural Land Classification ref SES/RE/AR/#1 dated 3rd June 2014 by Soil Environmental Services Limited;

Air Quality Assessment ref 21082/08-14/3687 dated August 2014 by Mewies Engineering Consultants;

Archaeological Desk Based Assessment ref AT/SM/17348/01 dated July 2014 (Revised August 2014) by CgMs Consulting;

Bat Emergence Survey ref 14-010 dated July 2014 by Just Ecology Limited;

Bat Tree Assessments ref 14-010 dated July 2014 by Just Ecology Limited;

Ecological Appraisal ref 14-010 dated May 2014 by Just Ecology Limited;

Ecological Mitigation Strategy ref 14-010 dated July 2014 by Just Ecology Limited;

Economic Benefits Statement dated July 2014 by Turley Economics;

Flood Risk Assessment ref 21082/08-14/3669 dated August 2014 by Mewies Engineering Consultants;

Fluxgate Gradiometer Survey ref 011 dated July 2014 by Geophiz.biz;

Geo-environmental/Site Investigation Desk Study ref 090-14-087-11 dated May 2014 by ASL;

Great Crested Newt Survey ref 14-010 dated July 2014 by Just Ecology Limited;

Hedgerow Assessment ref 14-010 dated 2014 by Just Ecology Limited

Landscape & Visual Impact Assessment ref 2192\_R02a\_JE\_AS dated 14 August 2014 by Tyler Grange;

Services Report ref 21082/08-14/3642 dated August 2014 by Mewies Engineering Consultants; &

Transport Assessment ref T14526 TA dated 14th August 2014 by PTB Transport Planning Limited;

all of the above received by the Local Planning Authority on 22nd August 2014;

Travel Plan with Appendix A ref T14526 TP dated 14th August 2014 by PTB Transport Planning Limited received by the Local Planning Authority on 4th September 2014;

Tree Survey ref MF/7915A dated 22nd August 2014 by Midland Forestry;

Transport Assessment Addendum ref T14526 TA Addendum Email dated 1st September 2014 by PTB Transport Planning Limited; &

Stage 1 Road Safety Audit Designer's Response Rev A ref T14526 RSA1 DR - Email V2 dated 4th September 2014 by PTB Transport Planning Limited;

all of the above received by the Local Planning Authority on 8th September 2014;

Biodiversity Impact Assessment ref 14-010 dated October 2014 by Just Ecology Limited received by the Local Planning Authority on 24th October 2014;

Protected Species Mitigation Plan ref 14-010 dated November 2014 by Just Ecology Limited and an Ecological Landscaping Plan ref 14-010 dated November 2014 by Just Ecology Limited both received by the Local Planning Authority on 19th November 2014;

Archaeological Evaluation ref 106640.01 dated November 2014 by Wessex Archaeology received by the Local Planning Authority on 1st December 2014;

Transport Assessment Addendum 2 ref T14526 TA Addendum 2 Email dated 8th December 2014 by PTB Transport Planning Limited received by the Local Planning Authority on 9th December 2014;

Email from PTB Transport Planning Limited to the Local Planning Authority dated 17th December 2014 at 12:00 re access arrangements plan.

REASON:

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

CONDITION 5:

The details submitted in relation to Condition 3 above shall have regard to the indicative masterplan ref BIR.4548\_16 dated 23.07.2014 received by the Local Planning Authority on 22nd August 2014 and as amended by the sketch proposal plan ref BIR.4548.18 dated 16.10.2014 received by the Local Planning Authority on 16th October 2014.

REASON:

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

CONDITION 6:

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 7:

No development shall commence unless and until details of all proposed walls, fences, railings and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and no dwelling shall be first occupied until the boundary treatments associated with that dwelling have been installed, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of visual and residential amenities.

CONDITION 8:

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

REASON:

To ensure the proper development of the site.

CONDITION 9:

All new dwellings that are to be built shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

REASON:

To ensure sustainable design and construction.

CONDITION 10:

Prior to the first occupation of any dwelling, details of water efficiency measures to be incorporated into the design of all dwellings to meet the standards below in accordance with Policy CS16, for that element of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall then be incorporated in to the design of each dwelling prior to their first occupation and then retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to Code Level 4 of the Code for Sustainable Homes.

REASON:

In order to ensure water efficiency is achieved through sustainable design and construction.

CONDITION 11:

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 12:

No external lighting in communal/public areas, including roadway and pathway lighting, shall be erected or installed unless and until full details of the type, design and location of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected and installed in accordance with the approved details.

REASON:

To prevent unnecessary light pollution and in the interests of the amenities of the area.

CONDITION 13:

Prior to the occupation of 25% of the dwellings on the application site the upgrading of the existing bus stops on Fareham Avenue as detailed in the approved Travel Plan referred to in Condition 4 above, shall be implemented in full and made available for use unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure improvements to facilitate the use of alternative modes of transport from the private car are undertaken in a timely manner.

CONDITION 14:

Notwithstanding the Ecological Landscaping Plan approved under Condition 4 above, no works shall commence on site, including any site clearance, until a further ecological landscaping plan which incorporates the layout and landscaping details required by Condition 3 above, has been submitted to and agreed in writing by the Local Planning Authority. The Plan must include all aspects of landscaping including details of habitat creation and management and installation of bat and bird boxes within the new houses and/or trees as well as details of the quantity, size, species and position of all trees, hedges, shrubs to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. The agreed Plan shall be fully implemented before/during the development of the site as appropriate and with regard to soft landscaping completed within the first planting season following the first occupation of the development.

REASON:

To protect species and features of importance for nature conservation and in the interests of visual amenity.

CONDITION 15:

The landscaping scheme, as approved in relation to Condition 3 above, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 16:

Notwithstanding the Protected Species Mitigation Plan approved under Condition 4 above, no development shall commence, including site clearance, until a further detailed schedule of protected species mitigation measures for bats, nesting birds, amphibians, reptiles and badgers has been submitted and approved in writing by the Local Planning Authority. This shall include a schedule of works and timings, details of protected species licences needed and specific mitigation methods as well as details of who is responsible for the long term management of the ecological enhancements on site. Such mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 17:

Notwithstanding the Tree Survey approved under Condition 4 above, no development shall commence until a full tree survey (BS5837:2012 - Trees in relation to design, demolition & construction - recommendations) has been submitted to and approved in writing by the Local Planning Authority. It shall include, constraints posed by existing trees with emphasis placed on retaining and successfully integrating Category A & B trees; an arboricultural assessment which evaluates the direct and indirect effects of the proposed layout/design submitted in relation to Condition 3 above and where necessary recommends mitigation; and an arboricultural method statement with a tree protection plan. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and to safeguard key trees within and around the site.

CONDITION 18:

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

REASON:

In the interests of fire safety.

CONDITION 19:

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, archaeological 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 20:

No development shall commence unless and until a full Asbestos Survey of buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 21:

No development shall commence until a Construction Method & Management Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- control of noise and vibration emissions from construction activities including ground works and the provision of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- control of dust, including arrangements to monitor dust emissions from the development site during the construction phase;
- measures to reduce mud deposition offsite from vehicles leaving the site during the construction phase; &
- heavy goods vehicle routing plan.

Development shall be carried out in compliance with the approved Construction Method & Management Statement unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

CONDITION 22:

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 minimise the risk of pollution.

CONDITION 23:

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

#### REASON:

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

#### 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:

This development is subject to a s106 legal agreement.

#### INFORMATIVE 2:

The applicant/developer's attention is drawn to the Site Waste Management Plans Regulations 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

#### INFORMATIVE 3:

The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification.

The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

#### INFORMATIVE 4:

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

#### INFORMATIVE 5:

With regard to Informatives 3 & 4 above, the approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 or Section 278 of the Highways Act 1980.

An application to enter into a Section 38 or 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 Street Works 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 6:

The applicant/developer is advised that in relation to the details to be submitted pursuant to Condition 22 above they will need to have regard to the following:

- a minimum width of 6 metres from top of the bank shall be provided on both sides of any watercourse;
- a fully labelled network drawing showing all dimensions of all elements of the proposed drainage system including any on/offline control devices and structures;
- detailed network calculations that correspond to the above drawing;
- modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations. A submerged outfall should be used for the modelling;
- an electronic copy of the model must be submitted to Warwickshire County Council Flood Risk Management Team;
- detailed drawings showing plan and sections of the proposed SUDs features, together with inlet and outlet headwalls;
- if the drainage network is to be adopted, evidence of an agreement with the adopting body;
- the applicant should also include evidence of overland flood flow routing in case of system failure or overtopping. This should include the hydraulic modelled flow routes with depths/velocities of the flow;
- on completion of the development the detention basin is to be cleared of all siltation build up during construction of the development; &
- developer shall provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water system shall be maintained and managed after completion for the duration of the life of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the Local Planning Authority.

#### INFORMATIVE 7:

The applicant/developer is advised that in relation to the details to be submitted pursuant to Condition 20 above they will need to have regard to the following:

- the asbestos survey shall be fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas, including those that are difficult to reach;
- there is a specific requirement in the Control of Asbestos Regulations 2012 for all asbestos containing materials (ACMs) to be removed as far as reasonably practicable before a demolition;
- the value and usefulness of the survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used

by the surveyor. Information on the location of all ACMs, as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on the survey scope will reduce the extent to which ACMs are located and identified, incur delays and consequently make managing asbestos more complex, expensive and potentially less effective; &

It should be noted that demolition contractors are required to inspect a site. Where the presence of asbestos is suspected then the Health and Safety Executive (HSE) and Environment Agency has to be notified and special waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a designated waste management site licensed to take asbestos. A consignment note for the national inspectorate is required for each load and a paper trail of movements of such waste is kept.

#### INFORMATIVE 8:

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 9:

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

Monday - Friday - 07:30 - 18.00

Saturday - 08.30 - 13.00

No work on Sundays & Bank Holidays.

#### INFORMATIVE 10:

The applicant/developer is advised that a development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for consenting lies with the Lead Local Flood Authority (LLFA). In an internal drainage district, the consent of the Internal Drainage Board,

instead of the LLFA, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information on Ordinary Watercourses contact the LLFA.

#### INFORMATIVE 11:

The applicant/developer's attention is drawn to the comments of Warwickshire Police below:

- All ground floor glazing and vulnerable windows meet PAS 24:2012 and have laminate safety glazing (6.8 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A;

- All external doors meet PAS 24:2012 all glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.8mm. In the future some of the residents might have issues lifting the handles on this type of system. Product development has now moved forward substantially and doors are available with the following options:

Doors operating on a single locking point negating the need for both upwards and downwards operation of a handle by the occupier

Doors operating with electromechanical locking systems, operated by either a key, an electronic fob or even by fingerprint, utilising a biometric system;

- All perimeter fencing should be 1.8 metre high close boarded fencing;

- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013;

- Fencing or similar be considered along the open space areas, this will refrain vehicles driving onto the open space causing anti social behaviour or injuring someone who is using the space for play; &

- Footpaths and emergency routes that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site.



**Reference number: R14/1874**

**Site address: Roof top, 9 – 10 North Street, Rugby**

**Description: Erection of rooftop extension to provide 6 apartments comprising 3 x one-bed and 3 x two-bed units.**

**Case Officer Name & Number: Richard Redford, (01788) 533 625**

**The Proposal;**

Planning permission is sought for the erection of a rooftop extension to provide 6 apartments comprising 3 x one-bed and 3 x two-bed units. The flats will be access via two existing internal stair wells and each will have an external private patio amenity space due to the proposal being set back from the existing building frontage by between 1m and 4.3m. No parking provision is proposed.

The agent has provided additional information pertaining to cycle provision, the sites sustainable location and the existence of an agreement that the service yard for The Clocktowers is available for use in association with the application building. An additional plan showing the provision of cycle storage has also been provided.

**Site History;**

Change of Use of 1st, 2nd and 3rd floor offices to 29 residential units (8 x one bed and 21 x two bed units) (R11/0693) Withdrawn 21.07.2014

Prior approval change of use of upper floors from offices (Use Class B1(a)) to 29 two-bed residential flats (Use Class C3) (R13/1781) Withdrawn 12.12.2013

Prior Approval change of use from offices (Use Class B1(a)) to 29 residential flats (Use Class C3) comprising twenty-one x 2-bed units and eight x 1-bed units (R14/0727) Not required 02.06.2014

Prior Approval for change of use from offices (Use Class B1(a)) to 35 residential flats (Use Class C3) comprising 25 x one-bed units and 10 x two-bed units (R14/1215) Not required 24.07./2014

**Consultee Correspondence;**

Environmental Health No objection Request conditions and informatives if approved

WCC Highway Authority No objection Request a condition and a number of informatives be attached to any approval as original objection on the grounds of insufficient off-highway parking and cycle provision as well as no provision for the servicing of the proposed units having been addressed.

Severn Trent Water No objection

**Third Party Correspondence;**

Cllr Mahoney Object On the grounds of inadequate parking provision provided with the proposal resulting in the need for potentially 15 further spaces, to cover occupants and visitors, in an area that already suffers from a lack of parking spaces

Cllr Shera                      Object                      On the same grounds as Cllr Mahoney

Cllr O'Rourke                Object                      On the same grounds as Cllr Mahoney

**Other Relevant Information;**

Cllr Mahoney has requested the application be determined by your Committee due to concerns relating the lack of parking provision in the area.

Located within the Rugby Town Centre the site is occupied by a 4-storey art-deco style flat roofed building fronting onto North Road but with a side elevation facing onto the service road for The Clocktowers Shopping Centre. Also situated within the Primary Shopping Area the site lies immediately adjacent to the Town Centre Conservation Area.

Currently with a bank at ground floor with offices above, the site is surrounded by a variety of town centre uses including shops, banks, offices and public houses. Work has commenced on the conversion of the existing upper floors to residential in accordance with the most recent prior approval change of use permission. Ground levels fall along North Street from the clock tower past the application site and on towards Caldecott Park.

**Relevant Policies;**

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS7	Complies	Retail Frontages
RBCS Policy CS16	Complies	Sustainable Design & Construction

Planning Obligations SPD

NPPF

**Consideration;**

The issues for consideration in this application relates to the principal of the proposed development, design, appearance, amenity and parking.

Principle Of Development;

Located within the town centre of the Rugby Urban Area the site is situated in the 1<sup>st</sup> preference location as detailed in policy CS1 entitled Development Strategy which seeks to ensure development is directed in a structured manner to the most appropriate locations with the town centre being in the most preferable location. The supporting text for the Rugby Town Centre for this policy acknowledges that it is not the most suitable location for major housing developments but does at the same time acknowledge the potentially positive benefits of 'above shop' living.

Policy CS7 relates to retail frontages but indicates that within the primary shopping area and town centre the provision of residential units at upper levels – through new build or conversions - will be capable of support subject certain criteria. At present the existing upper floors are being converted to residential having been the subject of a prior approval change of use from offices to residential which was approved. The proposal will see the proposed units created in a new floor to be constructed on top of the existing building and it is considered that the creation of an additional floor will not to harm the retail function or character of the town centre. Furthermore, it is considered that it will not impact upon the vitality and viability of the town centre.

On this basis it can be seen that the proposed additional floor to provide residential dwellings in the form of flats complies with policies CS1 and CS7 meaning the principal of the development is acceptable.

#### Design, Appearance & Amenity:

With regards to design and appearance of the proposal, it has a modern appearance visible from certain vantage points away from the site, but will not be readily visible from the immediate area on North Street due to it being positioned behind the existing parapet wall and being set back from the edge of the building in order to minimise any potential visual prominence it may present.

The height of the proposal will be the same height as the highest point of the building at present with its walls set-back behind the parapet wall by between 1.5m and 2.4m, with each of the flats proposed having an external patio amenity area. This set-back and its height matching the highest point of the building will, along with the use of glazing set in metal that will match the style and proportions of the windows on the lower floors, enable them to fit in with the remainder of the building so enhancing the visual character and appearance whilst also not impacting on the character and appearance of the locality.

Proposed openings will be situated on 3 of the 4 elevations as is the case with the existing building with all openings looking down onto both North Road and The Clocktowers service yard over which the applicant has access. There will not be any loss of privacy or light whilst there will also be no impact on the amenities of either existing neighbours nor future occupiers of the flats proposed.

9 North Street is an art deco style building immediately adjacent to, but outside of, the Town Centre Conservation Area and is in a relatively prominent location in North Street. As such the design, character, appearance, scale and massing of the proposal needs to not only be appropriate to the building itself but also the adjacent conservation area. It has already been indicated in the previous 2 paragraphs that the proposal is of a contemporary design and appearance that officers consider will fit in with and relate well with the building on top of which it will be located. Furthermore, the materials indicated to be used are considered to be appropriate although a condition requiring samples is necessary. Officers are of the opinion that the proposal will, due to its setting on top of the existing building and set back, provide an attractive and different visual relationship with the conservation area that will serve to enhance it whilst as a minimum preserving it.

As such the proposal complies with the provisions of policy CS16.

#### Highway & Parking:

As submitted no car or cycle parking was proposed as part of the scheme. Details submitted put forward the sites location within the town centre in very close proximity to a variety of services including buses, the train station and shops as showing the site is in a highly sustainable location. Furthermore there are public car parks in the immediate area.

As highlighted above Councillors Mahoney, Shera and O'Rourke have all objected to the proposal on the grounds of insufficient parking provision to provide for users of the flats and their guests.

The Highway Authority originally objected to the proposal on the basis of a lack of parking (cars and cycle) and details pertaining to the servicing of the flats not having been provided – the same grounds as raised on application R11/0693 for the change of use of the upper 3

floors to 29 residential units on which the Committee resolved to approve permission without any parking subject to the applicant entering into a legal agreement.

Following discussions with between officers, the Highway Authority and the agent additional information has been provided putting forward amongst other things the sites sustainable location. In addition to this an amended plan showing the provision of 11 cycle spaces. A copy of a document was also provided showing the applicants right to utilise the service yard in association with the application building for maintenance and servicing.

On the basis of this additional information relating to the buildings sustainable location and the use of the servicing yard by users of the building as well as the amended plan, the Highway Authority has commented that whilst they still have concerns over the lack of dedicated off-street parking, they removed their objection as they feel satisfied on balance that it is in a sustainable location with appropriate servicing in place for users of the flats.

The cycle spaces provided exceeds the required level of 6 and is in an area that will enable them to be used with ease. Furthermore the site is, as put forward in the agents statement, situated within the town centre in a very sustainable location with all the necessary facilities in close walking distance. Whilst parking standards would require the provision of 3 spaces, it is considered that in this central town centre location the omission of parking spaces can be accepted due to the sustainability of the site. As such the proposal is acceptable.

**Conclusion;**

It can be seen that the proposal is in a highly sustainable location with close access to facilities including shops and transport links. This location is in the preferred location for such development with the scheme put forward of a good quality design and appearance that will not impact upon either amenities or the adjacent conservation area. Whilst no off-street parking has been provided, the sites location in a highly sustainable location is such that in this instance is considered acceptable. As such the proposal is considered acceptable.

**Recommendation;**

Recommend approval subject to conditions.

Report prepared by: Richard Redford                      26<sup>th</sup> February 2015

**DRAFT DECISION**

**APPLICATION NUMBER**

R14/1874

**DATE VALID**

03/11/2014

**ADDRESS OF DEVELOPMENT**

ROOF TOP  
9-10 NORTH STREET  
RUGBY  
CV21 2AB

**APPLICANT/AGENT**

Mrs Rebecca Walker  
Chapman Design  
10 David Road  
Rugby  
Warwickshire  
CV22 7PX  
On behalf of Mr John Michalik, Hadleigh  
Marketing Services

## **APPLICATION DESCRIPTION**

Erection of rooftop extension to provide 6 apartments comprising 3 x one-bed and 3 x two-bed units.

## **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:

Application forms, drawings numbered 2121-15 dated January 2009, 2121-101, 2121-102, 2121-103, 2121-104, 2121-106, 2121-107 and 2121-108 all dated October 2014 submitted to and received by the Local Planning Authority on 3rd November 2014; and

The letter from Wilbraham Associates Limited dated 9th December 2014 submitted to and received by the Local Planning Authority on 9th December 2014; and

Drawing numbered 2121-101 dated March 2013 submitted to and received by the Local Planning Authority on 28th January 2015

### 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 cycle parking spaces shown on the approved drawing numbered 2121-101 dated March 2013 and received by the Local Planning Authority on 28th January 2015, shall be provided before the first occupation of any of the units hereby approved and retained thereafter for cycle parking purposes in association with the approved development.

### REASON;

To ensure the provision and subsequent retention of cycle parking spaces required and approved in association with the development approved.

### CONDITION 4:

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 5:

No development shall commence unless and until full working drawings of the proposed external windows and doors have been submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:50 and should specify the materials of construction and cross-sections of the glazing bars and transoms of all windows including reveal depths. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity and to protect the character of the building in which they will be used.

CONDITION 6:

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

REASON:

In the interest of highway safety.

CONDITION 7;

Before the development hereby approved commences an acoustic report addendum (to include mitigation where necessary) to the acoustic report dated August 2012 by ANV Acoustic Consultants, shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved document.

REASON;

In the interests of amenity.

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 applicant / agent is advised that the acoustic report dated August 2012 and carried out by ANV Acoustic Consultants referred to in Condition 7 above as requiring an addendum to, was submitted as part of the withdrawn planning application considered under LPA reference R11/0693.

#### 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:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to Warwickshire County Council's Rugby Area Team Tel 01926 412515, 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 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{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead

to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

#### INFORMATIVE 5;

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.

**Reference number: R14/0122**

**Site address: 6 High Street, Hillmorton**

**Description: Proposed new dormer bungalow**

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

### **Site Description**

The site is located in the village of Hillmorton which is within the Rugby Urban Area. The site presently forms part of the garden of the applicant's dwelling and contains a flat roof detached garage

### **Proposal Description**

This application is seeking permission for the erection of a new detached bungalow located to the side of the applicant's existing property. The bungalow would form an L-shape with a forward projecting lounge and an integral garage, kitchen, dining room, bedroom and bathroom completing the ground floor and two additional bedrooms created within the roof space. The footprint of the main bulk of the building would measure 9.3m in length by 10.5m in width, with the front projecting element measuring 5.8m in length by 5m in width. The height of this element would be 4.6m whilst the main ridge would be 6.4m.

### **Relevant Planning History**

N/A

### **Technical Consultation Responses**

RBC Arboricultural Officer – no objection subject to a condition re no storage of materials on grass verge (23/12/14)

WCC Archaeology – no objection subject to condition for programme of archaeological works (14/1/15)

WCC Ecology – recommend that notes relating to the protected status of bats and nesting birds is attached to any permission granted also would recommend that the any existing trees and hedgerows are retained where possible and protected via a tree protection plan (weekly list comments 9/12/14)

WCC Highways – no objection subject to suggested conditions and informatives (13/1/15)

### **Third Party Responses**

Cllr – no comments received

Neighbours – one letter of objection received on the following grounds:

- Traffic Generation & access
- Noise & disturbance from the proposal
- Loss of privacy
- Loss of Light (21/12/14)

One letter of support received on the following grounds:

- Bungalow with ground floor accommodation would meet needs of applicant (19/1/15)



## **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 of the proposed development on the qualities, character and amenity of the area, amenity of neighbouring properties and impact on protected species.

### Principle of Development

Policy CS1 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. As this site is within the urban area of Rugby the principle of new residential dwellings is acceptable. The proposals therefore accord with Policy CS1.

### 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.

The dwelling has been amended to address earlier concerns with its design. The bungalow has been amended so that it now forms an L-shape with the lounge projecting towards the private access road and the main bulk of the bungalow then set behind. The roof hips up on all sides with two dormers on the rear roof slope serving the two rooms in the roof, this design mirrors the roof design of the main house. The scale and design of the bungalow fits well within the plot and the wider streetscene.

The site is accessed via a private track that doubles as a pavement running off Barby Lane, which serves 4 properties. A grass verge separates this from the main highway and contains a number of mature trees. The Council's Arboricultural Officer has considered the impact of the proposal on the nearest of these trees which is sited opposite the access to the site. He has raised no objections to the proposal subject to a condition requiring that no materials are stored on the verge within the root protection zone of the tree. This is considered reasonable and will help ensure the tree is not impacted by the development.

Overall the design and style of the bungalow is considered to respect the character of the area and wider streetscene having regard to Policy CS16 and Paragraphs 56 and 57 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 affected neighbour is no. 4 located immediately to the west of the site and the applicant's own property. No. 4 is one half of a semi-detached pair of dwellings which are set approximately 2m back from the access way. Concerns have been raised by the neighbour in respect of loss of light, overbearing, loss of privacy and noise issues arising from the proposal.

This property has a single storey side addition which starts approximately half way down the side elevation and extends back past the rear elevation, wrapping round across half of the rear elevation. There is a window in the side elevation of this addition on the shared boundary with the application site. This window serves a kitchen and is the only window into that room, although there is a glazed door in the front elevation of the addition which also provides some light to the room. A utility rooms leads off the kitchen which has glazed doors leading into the garden. Consideration has been had to the impact of the proposal on this window although under permitted development the applicant could erect a 2m high fence or all on the boundary which would clearly have a great impact on the amenities if the kitchen.

The amended design and layout of the proposed bungalow means the front wall of the main body will start approximately at the mid-point of the window. The forward projecting lounge element would be set away from the window by 5.7m with its roof sloping up away from the neighbour. The 45 degree line is breached on the main body of the bungalow and only just clips the very end of the lounge element. The window is east facing so the proposed bungalow will result in some loss of light to the kitchen, however this is balanced against the PD fallback in relation to the erection of a fence on the boundary which is considered would have a greater impact than the bungalow in terms of loss of light and overbearing. The rear windows in the property serve a utility and bathroom which are not classed as habitable rooms and therefore are not afforded the same level of protection. There are a couple of rooflights proposed in the side elevation facing no. 4 however these are high level by their nature and would not give rise to issues of overlooking.

On balance the proposal is not considered to give rise to such harmful impacts in terms of overlooking, loss of light or overbearing issues 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.

The County Ecologist has raised no objections to the proposal subject to a number of informatives being attached, one of which relates to the retention of the existing hedges where possible. 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 will utilise the existing access way that presently serves the applicant's dwelling although a new access will be created off it to serve the bungalow. County Highways have considered the scheme and raised no objections in principle subject to a number of conditions and informatives. One of these conditions relates to the erection of bollards at the end of the access way to prevent vehicles existing on to Fellows Way. Concerns have been raised regarding the intensification of use of the access way and the possible impacts caused by parking of cars on the verge. There is no turning space provided within the development site although cars could reverse out on to the access way due to the turnout provided and drive away in a forward gear.

The proposal provides two parking spaces, one in the garage and the other on the hardstanding area. Potentially two cars could be parked on this hardstanding area although it would be very tight. The Planning Obligations SPD states that 2 spaces should be provided per 3-bed unit which is complied with in this instance.

Overall the development is deemed to comply with the contents of Saved Local Plan Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF.

**Recommendation:**

Approve subject to appropriate conditions.

Report prepared by: JW 27/2/15

**DRAFT DECISION**

**APPLICATION NUMBER**

R14/0122

**DATE VALID**

25/11/2014

**ADDRESS OF DEVELOPMENT**

Land adjacent to  
6 HIGH STREET  
HILLMORTON  
RUGBY  
CV21 4EE

**APPLICANT/AGENT**

Mrs Rebecca Walker  
Chapman Design  
10 David Road  
Rugby  
Warwickshire  
CV22 7PX  
On behalf of Mr Bill Sewell

**APPLICATION DESCRIPTION**

Proposed new dormer bungalow

## **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. 2404-LP received by the Local Planning Authority on 1 December 2014 and 2404-01, 2404-02 and 2404-03 received by the Local Planning Authority on 9 February 2015.

### REASON:

For the avoidance of doubt.

### CONDITION 3:

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 4:

The development hereby permitted shall not be occupied until suitable bollards have been supplied and erected on the service road to east of the site, in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

### REASON:

In the interests of highway safety for pedestrians and vehicle users alike.

### CONDITION 5:

The vehicular access to the site shall not allow surface water to run off the site onto the highway.

### REASON:

In the interests of highway safety for pedestrians and vehicle users alike.

CONDITION 6:

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 for pedestrians and vehicle users alike.

CONDITION 7:

There must be no storage of building materials, parking of vehicles or any other building activity on the council owned grass verge to the front of the property.

REASON:

To ensure there is no damage to the verge or the adjacent street trees and their associated rooting areas.

CONDITION 8:

No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA in consultation with the Warwickshire County Council Archaeological Information and Advice team.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.

Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in Condition 8 above.

The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy is to be undertaken.

REASON:

To ensure the proposal does not adversely affect items of archaeological interest.

CONDITION 9:

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 or Schedule 2 Part 2 of the Order without the prior written permission of the Local Planning Authority.

## REASON:

In the interest of residential amenity.

## 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:

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{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

## INFORMATIVE 3:

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 4:

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 or property adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises or property 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 5:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should

stop immediately and Natural England must be contacted on 0845 1300 228 for advice on the best way to proceed.

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 6:

The applicant is respectfully requested that the existing trees and hedgerows on site are retained where possible and protected via a tree protection plan.

**Reference number:**

**R15/0292**

**Site address:**

**Various sites within the Rugby Urban Area – Town Hall, Art Gallery and Museum and Corporation Street**

**Description:**

**Temporary advertisement consent for various banners and contra vision display advert (Rugby World Cup)**

**Case Officer Name & Number:**

**Nisar Mogul – 01788 533688**

**Site Description**

The application covers three main sites within the Rugby Urban Area. These are: The Town Hall,

The Art Gallery and Museum and the street lampposts along Corporation Street. Part of the Corporation Street lampposts lie within the Conservation Area.

**Proposal Description**

Temporary advertisement consent is sought for the installation of 4 types of non-illuminated adverts/banners within the Rugby Urban Area locality to promote the forthcoming Rugby World Cup, with the town being the home of the sport of Rugby.

The four advertisement types comprise of:

1. Two banners that measure 2.5 metres in width and 5 metres in length, one displaying the Rugby World Cup and the official world cup logo and the other displaying players participating in a game, also with the official logo in the lower half of the banner. These two banners are being displayed on the front elevation of the Town Hall.
2. One banner measuring 8 metres in width and 6 metres in length displaying a game in progress and the words “proud home of Rugby” to the top left hand side and the official logo to the top right hand side. This banner is displayed at the second floor level on the circular elevation of the Art Gallery adjacent to the pay and display car park.

To the main entrance of the Art Gallery along the glazed units is the contra vision displaying part of the world cup with the words “England 2015” in red writing either side of the cup. The signage measure 14.68 metres by 5.6 metres.

3. Nine banners on lampposts measuring 785 mm across by 2 metres in length with a variety of logos including the official world cup logo and the Rugby Borough Council logo. These lampposts are located along Corporation Street and lamppost numbered 9 on the Site location plan relating to Corporation Street lies within the Conservation Area.



## **Technical Consultation Responses**

WCC Highways – No objections.

## **Third Party Responses**

Ward Councillors – ( Eastlands, New Bilton and Benn) – No responses received to date – exp 6/3/15.

Neighbours – No responses received – exp 6/3/15

## **Relevant planning history**

None.

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS16            Sustainable Design

### National Policy

National Planning Policy Framework (NPPF)

## **Assessment of Proposals**

In the assessment of this application, the determining factors are the impact of the proposed advertisements on the qualities, character and amenity of the area, character of the Conservation Area, amenity of neighbouring properties and impact on public safety.

Part 7 of the NPPF (Requiring Good Design) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In addition, Part 12 (Conserving the Historic Environment) emphasises the importance of sustaining and enhancing the significance of heritage assets and ensuring that new development makes a positive contribution to local character and distinctiveness.

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated and that new development should seek to complement and enhance the historic environment.

The scheme is deemed to accord with provisions of the National Planning Framework. The temporary advertisements are considered to be an acceptable in terms of design and materials and appropriate for the event that they advertise. They are sited within acceptable locations and no objections have been raised by the Warwickshire County Council Highways Department.

It is considered that the proposed advertisements will not have an adverse impact on the visual amenity of the area or character of the Conservation Area or any adverse impact on any nearby residential amenity in accordance with the NPPF and Policy CS16 of the Core Strategy.

Report prepared by : Nisar Mogul.

**Recommendation:**

Approve for a temporary period until 30 November 2015 subject to conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R15/0292

**DATE VALID**

12/02/2015

**ADDRESS OF DEVELOPMENT**

Town Hall / Art Gallery and Museum  
and Corporation Street  
VARIOUS  
RUGBY

**APPLICANT/AGENT**

Mr Michael Beirne  
Rugby Borough Council  
Town Hall  
Evreux Way  
Rugby  
Warwickshire  
CV21 2RR

**APPLICATION DESCRIPTION**

Retention of temporary advertisement consent for various banners and contra vision display (Rugby World Cup)

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

CONDITION 1:

The consent hereby granted shall be deemed to be affective from 11th March 2015 and run until 30 November 2015.

REASON:

This is the period that the temporary consent is required for.

CONDITION 2:

The development shall not be carried out other than in accordance with the plans submitted to the Local Planning Authority on 12th February 2015.

REASON:

For the avoidance of doubt.

CONDITION 3:

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

CONDITION 4:

No advertisement shall be sited or displayed so as to:-

a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),

b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or

c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

CONDITION 5:

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

CONDITION 6:

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

CONDITION 7:

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: 3-7

In the interests of public and 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: R11/0786**

**Site address: Oakdale Nurseries, Rugby Road, Binley Woods**

**Description: Redevelopment of Garden Centre including the erection of a new building with open sales area and service yard, car parking, landscaping and associated works.**

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

The proposed application has been brought forward to planning committee due to its status a major planning application.

### **Site Description**

The site was formerly operated as a Nursery and Garden Centre by Brandon Roses. The site covers a large area, some 26 acres in extent, and abuts the A428 Rugby Road which runs between Coventry and Binley Woods to the west and the villages of Brandon, Wolston and Rugby to the east.

The site lies to the immediate east of the main rural settlement, Binley Woods. The site is broadly opposite Coventry's former speedway stadium which also has low density housing surrounding it and is set in the West Midlands Green Belt. There is then a visual separation (approx. 700 metres) between the existing garden centre site and its existing structures to the local need settlement of Brandon which is emphasised further by the fact that the Garden Centre site occupies the edge of a plateau and to the south and east the ground drops away gently, providing drivers on the Rugby Road driving eastwards a glimpse view of countryside ahead.

The site of the existing Garden Centre comprises a number of large buildings; several large former irrigation reservoirs; and hard-surfaced areas previously used for outdoor sales, storage, servicing and car parking. The Garden Centre has been vacant for a considerable length of time and is now in a state of disrepair.

There is extensive existing landscaping within and surrounding the site which add to the character and appearance of this area and assists in the transition from the urban setting of Binley Woods to the rural setting of the Green Belt.

### **Proposal Description**

The proposal is for the redevelopment of the existing garden centre/nurseries which would involve the demolition of the majority of the existing structures and the erection of a new building with open sales area and service yard, car parking, landscaping and associated works. As part of the scheme the formation of a nature conservation area is also to be included.

The existing buildings, including the polytunnels have a footprint of 2,376m<sup>2</sup> of which 2,231m<sup>2</sup> are proposed to be demolished. The only building to be retained is that of the dwelling house towards the front of the site measuring 145m<sup>2</sup> in area.

The original submission of the development proposed a new garden centre consisting of 3,959m<sup>2</sup> to which 3124m<sup>2</sup> was indoor retail floorspace and 835m<sup>2</sup> was covered by canopies. In addition an open sales area is attached to the side of 2671m<sup>2</sup>. It was proposed that the garden centre would house an ancillary restaurant which is proposed to the south west of the building to overlook an ornamental pond.

The design of the main building showed 5 low pitched gable ended sections spanning the width of the building with a higher atrium located centrally which protruded higher than the rest of the building. The height of the atrium was shown at 7.6 metres with the eaves of the atrium level with the other ridges of the building at 6.3 metres.

The parking provision on site shows 147 spaces in front of the new garden centre which includes the existing hardstanding area used for parking on the existing site. There are another 69 spaces allocated within an overspill area off the main car park which is surfaced with reinforced grass. The garden centre and its car park will be accessed via the existing access to the north of the site.

In terms of the landscape strategy it has been stated that the intention is to create a change in emphasis from the east to the west of the site, with that part to the west adjacent to Binley Woods having a more gardenesque emphasis in the planting with a stronger emphasis on native planting to the west adjacent to woodland, and to a much simpler rural form of landscape to the south and east, which relates the site to the open fields and countryside to the south and east. Those trees growing on site at present are not all natives but include many ornamental conifers. However, due to the size of these ornamental coniferous trees and their value in terms of providing landscape form and shelter to wildlife, good specimens will be retained.

As part of planning application process and following discussions by the agent both with the Local Planning Authority and Ward member's amended plans were submitted which looked to reduce the scale and massing of the building.

The new indoor and covered retail floor space will measure 3439m<sup>2</sup> which is a reduction of 520m<sup>2</sup> (13%) and the open retail sales area will measure 2191m<sup>2</sup> which is a reduction of 480m<sup>2</sup> (18%). The associated service yard has also been reduced in size by 331m<sup>2</sup> (32%).

As part of the changes proposed the main garden centre building is located a further 14 metres away from the road, so now a full 75 metres away, and has altered its appearance including a reduction in height. The changes made include using a low mono pitch structure nearest the road which slopes up towards the main building and turning part of the building through 90 degrees so that gable ends face the road rather than being able to view the entire length of the building. The glazed atrium has been removed but opening roof vents have been added to help dissipate heat built up within the shops and glasshouse.

The parking provision on site has altered through the changes which now provide 142 spaces within the main allocated car park and 88 spaces within the reinforced grass overspill car park.

The other significant change made as part of the amendments is to increase the size of the proposed nature conservation area to 71,142m<sup>2</sup> (17.6 acres) which will now include all the open space to the south of the site.

## **Relevant Planning History**

Proposed residential development – Refused 12/10/59

Packing room and shop – Approved 03/12/62

Proposed Bungalow – Approved 12/10/64

Erection of glasshouse for retail purposes – 13/02/85

Erection of six display conservatories – Approved 18/10/90

## **Technical Consultation Responses**

Environmental Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

Landscape Officer – No objections

WCC Ecology – No objections subject to conditions

WCC Highways – No objections subject to conditions

WCC Flood Risk Management – No objections subject to conditions

Environment Agency – No objections subject to conditions

Severn Trent – No objections subject to conditions

Police Architectural Liaison Officer – No objections

## **Third Party Responses**

### Comments received to the original submission

Neighbours (12) – Objection

- No objection to a garden centre in principle on this site but the scale of the proposal is somewhat bigger than the Brandon area can take.
- The height of the main building is too dominate for the housing opposite.
- The proposal includes new retail use.
- The applicants Derbyshire site has the massive retail character of the local Rugby Blooms site.
- The high water table needs attention and solutions to flooding should be provided.
- The development will cause traffic issues around the site and the local area.
- The build-up of traffic at the entrance to the site will cause increased noise and air pollution close to my property.
- There will be an increase in the number of accidents on this road.
- There needs to be more organization regarding the structure of the roads into the garden centre.
- The build-up of traffic will create difficulties in us exiting our driveway.

- Entrance would be better situated near the top of speedway lane to make way for extra lanes to create flow lanes for turning left and right into the garden centre.
- Loss of privacy.
- Increased noise and general disturbance.
- The open green space between Binley Woods and the centre of Brandon village should be preserved to stop an urban sprawl from Coventry to Wolston.
- The proposed main building does not sit comfortable in this area.
- Precedence for the refusal of this has been set by the adjacent stadium where applications for retail shops and Sunday markets were refused by RBC as this was a sports stadium only.
- Concern over the size of the centre and traffic that would be created.
- Preserving the Green Belt with the field between the proposed garden centre and Brandon is a must. This field should be protected within the terms of any permission granted, from any sort of building being erected.
- The roof height will have an impact on the Brandon countryside.
- This area is already full of nature trails so why is there more proposed.
- What about the additional building of temporary structure around the site i.e. polytunnels, marquees etc. which is a further impact on the Green Belt.
- Traffic already a problem with the speedway and stock car racing this will only add to this.
- There is no consideration given to the impact upon the existing facilities of the area.
- The scale of the development is too large. It is far in excess of guidelines for expansion in a Green Belt area, i.e. circa 200% opposed to guidelines of 30% expansion being acceptable.
- A significant proportion of the site would represent change of use, i.e. retail, catering, conferencing.
- The impact of the development should be considered in relation to other proposed developments in the same area. This and potential development of the Brandon Speedway for residential development would combined have a large impact upon traffic generation in the area.

#### Neighbours (2) - Support

- The development would be in keeping with Brandon's assets, being an area of recreation (see village design statement).
- The creation of jobs is positive and hope this will include apprenticeships.
- Please that there is an environmental element to the proposals as this fits in to the conservation work already taking place in the area by Warwickshire Wildlife Trust.
- The proposals will enhance the entrance to Brandon Village from Binley Woods and provide a valuable amenity to the area.

#### Binley Woods Parish Council - Comments

- Initial comments given supported the application however further comments were submitted that confirmed agreement in principle to the development but raised concerns that there is no dedicated right turn from Coventry and the impact on the Green Belt and associated Planning Policies

#### Wolston Parish Council - Objection

- The scale of the proposal is excessive in its current location
- The highway structure in the area is not designed for or capable of coping with the anticipated increase/level of traffic. There is likely to be a detrimental impact on Brandon and surrounding villages, including Wolston.

Comments received following submission of amended plans.

Neighbours (2) (Objection)

- The latest reduction in size of the main building is a move in the right direction but it remains a formidable development for this site.
- The total development is arguably site much too large for the site
- The issue of any increase in traffic on this highway is still critical
- This application and the associated impact from increased traffic should be considered in the wider context of other developments in the area
- For a business to survive they must attract a significant number of customers therefore significant amount of traffic volumes.
- The application must provide funding and concrete plans to address the impact of traffic on Avondale Road and Main Street specifically funding for some level of road engineering and improved signage.
- If garden buildings and conservatories are sold I see no indication of adequate space for this
- The proposed plant production nursery implies some large greenhouses. Where would this be located?
- A retail impact assessment has not yet been seen. This could be critical as the proposals duplicate what is sold in some nearby retail outlets.

Neighbours (2) (Support)

- This development will enhance the area dramatically and provide a beneficial amenity at the same time maintaining green space between the existing urban development of Binley Woods and Brandon Village together with 35 much needed jobs to the area.
- This site is an eyesore and redevelopment is the only option
- The new garden centre would be an asset to the community and of benefit to the local children who will learn about nature.
- It will create jobs for local people and be run by a family that have won awards at two other garden centres they run.

Brandon and Bretford Parish Council (comments)

- Although we appreciate the changes to the design made by the applicant, we are aware this is still a major development in the green belt. The expansion over the current built area is still over the 30 per cent figure which has been usual practice in the green belt.
- If this application is minded to be granted, we would request that consideration is given to the removal of permitted development rights on the remainder of the site. Bathe reason for this would be residential amenity as well as we would not want to see for example poly tunnel development on the only remaining field which has clear views in both directions between Brandon and Coventry.



- Concerned about the traffic management at the entrance with the potential for large vehicles to have to be all across the road to enter the site, the potential for clashes of major traffic volumes at events with Coventry Stadium as it is mainly a weekend venue, and residential amenity with traffic queues not allowing residents to either access or leave their homes. We would wish these matters to be addressed thoroughly

## **Relevant Planning Policy**

### Core Strategy

CS1 – Development Strategy

CS2 – Parish Plans

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

### Saved Local Plan Policies

GP2 – Landscaping

E6 – Biodiversity

T5 – Parking Facilities

### Supplementary Planning Documents

Rugby Borough Sustainable Design and Construction SPD

Rugby Borough Planning Obligations SPD

### National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of development within this Green Belt location, the impact upon the character and appearance of the area, the impact upon neighbouring amenities and the impact upon highway safety and biodiversity.

### Principle of Development

Within the NPPF paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development, economic, social and environmental and these give rise to the need for

planning system to perform a number of roles, for example contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities and contributing to protecting and enhancing our natural environment.

It is important that these roles are not undertaken in isolation because they are mutually dependant. The NPPF paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well in peoples quality of life, including making it easier for jobs to be created in cities, towns, and villages; moving from a net loss of bio-diversity to achieving net gains for nature; replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure.

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

Paragraph 18 of the NPPF states that the Government is committed to ensuring economic growth in order to create jobs and prosperity.

As the proposed garden centre is to be located within a rural area paragraph 28 of the NPPF would be relevant as it states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

It is considered that the proposed new garden centre would be a form of sustainable development as it would create jobs, enhance biodiversity in the form of the nature conservation area and would replace the poor design of the existing garden centre and replace it with a better design and by doing this would improve conditions in which people live, work, travel and take leisure. The development would ensure the growth and expansion of a business and enterprise in this rural area which is encouraged by the NPPF. However the location of the development within the Green Belt has to be considered.

Within the NPPF the government attaches great importance to Green Belts and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph continues to highlight exceptions to the case such as buildings for agriculture and forestry and provision of appropriate facilities for outdoor sport. The relevant exception in this case is for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As stated the proposed site is located within the Green Belt but is classed as previously developed land, as it is land which has been occupied by a number of permanent structures and associated fixed surface structures. In complying with the first section of this paragraph the question that would arise and have to be considered would be whether or not the development would have a greater impact on the openness of the Green Belt.

Within the supporting statement received from the agent of the application it states that the extent of existing developed land will be reduced by 5.5% which could indicate that the proposed centre may not have a greater impact upon the openness of the Green Belt however this refers to the coverage of the existing nurseries/garden centre across the site not only of buildings but also hard surfaced areas.

The fact is that the amount of built form would increase across the site and its positioning shown has encroached further into an area where there had been no built form previously. In terms of a percentage increase if you take all existing buildings and compare that to the proposed there would be a 54% increase in built form footprint across the site. Taking away the polytunnels (temporary structures) within the nursery area to the east of the site from the calculations the increase of built form footprint would rise to 127%. The height of the new garden centre would also be higher than that of the existing structures on site. Taking into account the above it is easy to see and acknowledge that the proposed garden centre would have a significant impact upon the openness of the Green Belt and therefore would be classed as inappropriate development.

However, although the development is acknowledged as having a greater impact upon the openness of the Green Belt the NPPF paragraph 87 states that as with previous Green Belt policy, inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF continues to clarify this point further by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The proposed development would have very special circumstances associated with it which should be considered against the inappropriateness of the development within the Green Belt. The following points set out the individual benefits of developing this site

- The proposed development would enhance the appearance of the site which has fell into disrepair over time. The disused buildings and structures will be removed and replaced with a new building further away from the highway than that of the existing buildings.
- The proposal is re-using an existing site which is within the same use therefore ensures the retention of a rural enterprise within the local area. Similar sites i.e. Church Lawford Nursery have now been replaced by housing development.
- The proposed development will create 46 direct jobs plus further spin off jobs.
- The proposed development will inject up to £2.8 million of investment into the local economy which will have positive knock affects to other local services, facilities, businesses and trades in the area.

- The nature reserve will create a substantial 18 acre open buffer in the Green Belt between Binley Woods and Brandon. This will be managed land, accessible to the public under controlled conditions. It will link the classroom in the garden centre providing an educational resource which could be utilised by local schools. With a successful management plan this area could thrive and also gives the Council a greater degree of control over any further pressures of development upon the land.
- The proposed development will 'clawback' some £3 million of consumer spend in the locality which is being spent outside the area and it will also reduce the need for people to travel by car.
- The new garden centre would be a sustainable form of development which when located adjacent to a main rural settlement, Binley Woods, would take the level of sustainability further more so than any other existing garden centre within the borough.
- The extent of the existing landscaping is a benefit to the site as this encloses large parts of the site and removes an element of openness from the land reducing the impact of the development upon the landscape. The development is looking to retain the majority of the existing landscaping whilst bolstering it in places. No new landscaping will be introduced which in itself will affect the openness of the land.
- The proposed development will support an onsite plant production nursery. This proposal would be subject of a future planning application. Having a plant production nursery on site would make the development more sustainable and would significantly reduce the number of deliveries that would be made to the centre. The area highlighted for the nursery production plant would be set to the east of the buildings so would be discreet and hidden from view. This area was the land previously used for this purpose so would not encroach any further into the Green Belt.
- The proposed development will offer greater control over the range of goods sold since the current consent on the application site is for a "garden centre" use (which falls within Use Class A1) and therefore there is no restriction on what goods can be sold from the area.
- Whilst there may be more built form it will be compacted into a smaller area to that of the existing appearing more consolidated in the centre of the site and set further back from the Rugby Road.

The agent had argued that the extent of the existing/former gross retail area will be reduced by 22%. Whilst this reduction would be an added benefit there is no certainty to whether or not the area highlighted by the agent was previously used for retail purposes or not so little weight should be given to this as a special circumstance. Similarly this would adhere to the point made regarding the reduction of the extent of existing developed land by 5%.

The weighting of these factors is quintessentially a matter of judgement and whilst individually these factors may not be enough to outweigh the impact upon the Green Belt, the cumulative impact of benefits would tip the balance in favour of granting the permission for the redevelopment of this site, therefore outweighing the harm to the Green Belt. The proposed development therefore would be acceptable within its Green Belt location and

combined with the fact that this does form a sustainable form of development which would help support a prosperous rural economy the development would comply with the relevant sections of the NPPF highlighted above.

The other aspect to consider when assessing a garden centre in an out of centre location would be the impact it would have upon the vitality and viability of the Town Centres. As part of the submission a retail impact assessment has been submitted.

In accordance with National Planning Policy Framework paragraph 24, the applicant has submitted a sequential test as the proposal is for a main town centre use that is not in an existing centre and not in accordance with the development plan. NPPF paragraph 24 states that out of centre sites should only be considered if there are no suitable sites available within firstly the town centre then edge of centre locations. The NPPF also states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The National Planning Practice Guidance (NPPG) sets out further guidance on the sequential test, providing a checklist for how the sequential approach should be considered in plan making and how the sequential test should be used in decision taking.

The checklist provides two considerations in determining whether a proposal complies with the sequential test. The first being, with due regard to the requirement to demonstrate flexibility consider the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre. The second is to consider the scope for flexibility in the format and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.

The guidance also sets out that locational requirements can be considered in the sequential test, with certain main town centre uses having particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case.

The applicants' sequential test highlights that the garden centre business model, is one that is not capable of being suitable and viable within the town centre. This is due to the operators not being able to afford town centre rents since they do not achieve the required level of turnover per m<sup>2</sup> and the open sales area, which are a core part of the garden centre model requires secure open land, is not viable on high value town centre land.

The applicant also highlights that garden centres need to generate cash flow to finance the business over the quiet months of the year and disaggregating goods which are sold within the covered sales area would adversely affect the viability of the business. The applicant highlights that Town Centre sites are scarce and that bulky goods sales do not generate sufficient sales productivity to trade in prime town centre locations nor would they act as 'anchors' to reinforcing compact defined retail areas.

Notwithstanding the above the applicant has assessed vacant sites and premises in Coventry, Rugby and Kenilworth up to a distance of 300m from the primary shopping areas for suitable, available and viable sites of 0.6ha (area of the proposed final retail use) or units of 650m<sup>2</sup> (minimum unit size). The applicant highlights available sites within the centres however they were considered to be too small and they do not have the open land necessary for the open sales area closely related to the proposed garden centre. The assessment also highlights the two retail allocations contained within Rugby's Core Strategy policy CS8. The assessment states that the sites are not considered to be available within the applications' development design period and the proposal is unlikely to generate a footfall great enough to enhance the overall provision of retail floorspace in the town centre.

It is therefore considered that the applicant has complied with the sequential test demonstrating that there are no suitable, available or viable sites in or around the town centres considered.

The applicant has also undertaken an impacts test in accordance with NPPF Paragraph 26 with the proposal being greater than 2,500 sqm in floorspace, being located outside of town centres and not in accordance with an up-to-date development plan.

National Planning Practice Guidance (NPPG) paragraph 015 provides that the impact test should be undertaken in a proportionate and locally appropriate way. The applicant highlights the NPPG paragraph 016 sets out that as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). This recognises that retail uses tend to compete with their most comparable competitive facilities.

The applicants catchment area for its retail impact assessment is a 20 minute drive time which is a larger area than a retail store (partly because there are fewer garden centres). Within the catchment there are three designated town centres (Rugby, Coventry and Kenilworth) which have been considered within the retail impact assessment. The applicant also highlights the number of garden centres, plant centres and DIY stores within the catchment area which the garden centre will compete with.

The applicant sets out that within the garden centre catchment area that the available comparison expenditure by 2019 is forecasted to be £1.5bn. To establish what the town centre market share would be of this available expenditure the applicant has looked at Rugby Borough Council, Coventry City Council and Warwick District Council retail studies. The studies show that of the available comparison goods expenditure within the catchment area that on average 31% of the market share is attracted to their respected designated town centre. It should be noted that this figure is a minimum as market shares tend to be split over a number of town centres.

Applying the 31% to the £1.5bn, available comparison goods expenditure for the application catchment area, would equate to £465 million. The garden centres high street shop diversion of £323,000 from £465 million would equate to 0.07% of the total available spend. If the other major retailers retail channel was considered to be located within Town Centres this would result £771,750 trade diversion which equates to a diversion of 0.17%.

It is considered that the trade diversion from town centres of £323,000 to £771,750 to be *de minimis* against the available expenditure available within the catchment area. The trade diversion is unlikely to impact on one town centre only due to the extent of the catchment area therefore it is considered that the proposal would not have a significantly adverse impact upon the individual town centres of Coventry, Rugby and Kenilworth. The applicant has also stated that the proposal would not have an adverse impact on any planned investment within the designated centres of Coventry, Rugby and Kenilworth.

In conclusion the proposal has satisfied the sequential test and it has been demonstrated that there will not be a significantly adverse impact upon Coventry, Rugby or Kenilworth Town Centre with the proposal impact mainly falling on its like for like competition i.e. other garden centres, DIY stores and plant centres which are not protected by planning policy

### Character and Appearance

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and 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.

As already highlighted above the site has fallen into a state of disrepair and is of a very untidy appearance. The proposed development would rid the site of the disused buildings and structures that are strewn across the site and replace it with a more consolidated built form. The fact that the new building would be set approximately 75 metres away from the highway and low in profile closest to the road would reduce the impact upon the street scene as the open aspect of the site closest to the road would be retained and viewed as so when passing the site from both directions.

The design and appearance of the main building itself will use a combination of pitched and arched gable ends. The frontage of the building will use a combination of timber cladding and glazed sections which taking into consideration it's positioning in the countryside the use of timber cladding, a natural material, would be suitable.

The extensive existing landscaping upon and surrounding the site helps to soften the appearance of the development and from certain viewpoints would screen the proposed development. The proposed landscaping scheme would only go further to enhance this and improve the appearance of the site.

Taking into account the above it is considered that the proposed development would improve the appearance of the site and would sit comfortably within its surroundings therefore complying with policy CS16 of the Core Strategy 2011.

### Neighbouring Amenities

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

The positioning of the main building set 75 metres away from the highway would reduce any impact on the neighbouring properties in terms of an overbearing nature. The access to and

from the site will remain as existing and whilst there may be more traffic generated the amount has been judged not enough to warrant an alteration to the junction. This would highlight that whilst there may be an increase in traffic the levels would not be significant to result in an adverse impact in terms of noise, pollution and general disturbance to warrant refusal. The findings of the Transport Assessment to which is described in more details below has been accepted by the Environmental Services department who indicated that they have no objections to the scheme with regards to a further impact on air quality in the area.

The site still has the existing garden centre use upon it and therefore in theory could be reinstated and utilised without requiring further permission if existing buildings were utilised which could lead to traffic and noise generation. As this could occur without control it would be unreasonable to refuse the redevelopment of the site for the reasons of traffic and noise as the neighbouring residents could still be subject to same affects.

Taking into account the above it is considered that the proposed development would have minimal impact upon the neighbouring amenities therefore complying with policy CS16 of the Core Strategy 2011.

#### Highway Safety

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement (TS) or a Transport Assessment (TA). Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

The applicants have submitted a TA which has been prepared by BWB Consultancy on their behalf. The TA provides an assessment of the potential impacts that the development proposals could have upon the operation of the highway network within the vicinity of the development sites, and identify if mitigation is required and what the referred scheme would be for agreement with the Highways Authority. The assessment concluded that the proposed scheme would not result in significant traffic flows during the weekday period and would not have an adverse impact on the operation or safety of the surrounding highway network.

In terms of the Saturday period, the proposed scheme would result in a net increase of 151 two-way vehicle trips during the busiest period on a weekend. However the base flows on Rugby Road are significantly reduced on weekend and the cumulative peak hour period would be still less than the weekday base flow period. Once distributed onto the adjacent highway network the level of trips generated by the proposed scheme would further reduce. The report continued to conclude that the junction assessment of the proposed site access has indicated that the junction operates within capacity for the future base year with the addition of the development generated traffic.

The Highway Authority commented that based on the analysis and assessment of the document and further additional modelling which has been undertaken there is no objection to the TA, as it demonstrates a robust methodology and identifies that the development will have minimal impact upon the safe and efficient operation of the highway network.

Taking this into account the proposal would comply with paragraph 32 of the NPPF by ensuring that safe and suitable access to the site can be achieved for all people.



## Biodiversity

Saved policy E6 of the Rugby Borough Local Plan 2006 states that the Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. Where necessary the Borough Council will seek long term management plans, which will be secured by planning conditions or obligations.

As part of the submission an Ecological Assessment dated August 2014 was produced by Landscape Science Consultancy Ltd. The report highlighted the site as being in a semi-rural area with woodland, grassland and buildings in the surrounding area, providing good habitat for a range of protected species. The survey details the results of a range of ecological surveys which include reptiles, great crested newts, nesting birds, badgers and bats to which no evidence of any species were found. The report however does highlight the potential impacts to the named species through the proposed development. The report concluded that with appropriate mitigation in place any impacts to protected species can be reduced and avoided. The Warwickshire County Council Ecologists have assessed the report and agree that the report has been carried out using the appropriate methodology in appropriate conditions and are satisfied with the findings. As such the ecologists have requested the inclusion of a condition for a protected species method statement to be produced and agreed to by the local planning authority (with advice from WCC Ecological Services). This document should include timings of works, full details of the reptile translocation strategy and clear instructions of working methods which will be employed on site to avoid harm to protected species, as outlined within the ecological survey report.

The other aspect of the proposals related to biodiversity is the creation of the nature conservation area. This proposal has been widely welcomed by the ecologists at the County Council who stated on the original submission, before the nature conservation area has been increased, that it would fully compensate for the loss of habitats of low-medium ecological value through the development of the proposed new garden centre and associated car park and hard standing areas.

As part of proposing an increase in the size of the nature conservation area a draft management plan for the area has been submitted. The ecologists have again assessed this and found the habitat management plans to be appropriate and have considered that area would improve the value of the site and the variety of species including reptiles, amphibians, nesting birds, invertebrates and small mammals, and would protect and maintain connectivity of wildlife habitat within the wider area. The educational use of the site has also been welcomed and that this should be managed to avoid disturbance to particularly sensitive habitats through the use of interpretation boards, mowing pathways etc. to encourage people away from sensitive areas. To ensure that a successful management plan is agreed and to ensure the long-term success of the important ecological features identified on site as well as ensuring its status in perpetuity it is requested that a full management plan using the principles already highlighted in the draft be submitted prior to commencement of works.

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

### Other considerations

Carbon Emissions - Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that, as minimum, all developments of 1000sqm or more of non-residential floor space shall incorporate decentralised and renewable or low carbon energy equipment to reduce carbon dioxide emissions by at least 10%.

The details given within the sustainability statement indicate that the building is to be a light glasshouse structure incorporating insulated metal cladding and timber style panelling for optimum thermal insulation but also double glazed glass/twin walled polycarbonate to parts of the wall and roof to allow natural lighting and reduce artificial lighting. The opening roof vents will allow natural ventilation rather than electrical powered air conditioning and the internal blinds will automatically control thermal glare maximising solar input in the winter and reducing solar input in the summer. A biofuel boiler will heat the building using underfloor hot water pipes and rainwater will be collected and piped to the water storage reservoir and used for irrigation of the plants. There are other details given within the sustainability statement are regards to the recycling methods on site, the travel plan and landscape.

Although there are details of the build there is no certainty that what is proposed would achieve the 10% reduction in carbon emissions however this can be controlled via condition to ensure this is assessed before the building is occupied.

Drainage - A Flood Risk Assessment (FRA) was submitted as part of the application which has indicated that the pond on site and subsequent off site pond system will continue to function as existing and provide the necessary surface water runoff attenuation for the site. The assessment concluded that there is sufficient comfort that the existing on site pond system has sufficient capacity to accommodate the additional volume arising from the proposed development and that in the unlikely event that any further mitigation measures are required that they would be limited in nature. The FRA has been assessed by the Environment Agency and Warwickshire County Council Flood Risk Management team to which they have no objections subject to conditions.

Aviation Safety - The planning process involved consultations with Coventry Airport who have highlighted that the area around the site is heavily wooded to both north and south with open ground to the east and west. Coventry Airport have considered it unlikely that the proposed development will attract further wildlife that may be a danger to aviation with one exception, large flocking birds such as Canada Geese. The danger to aviation with regards to large flocking birds would be bird strike. The clearing and restoration of the reservoirs on site could make them very attractive to such birds which would therefore lead to some concern. It has been requested by the airport that the developers look to mitigate against the potential for attracting such birds by considering a combination of fencing specifically designed to deter large flocking birds such as Canada Geese, double-row planting, and

other mitigation measures such as the absence of islands or promontories, lack of dense ground cover that could encourage nesting, use of plants in the planting scheme that are unpalatable to Canada Geese.

In order not to delay the process and to be able to undertake a full mitigation strategy to avoid potential bird strike a condition has been proposed by the agent to undertake this work prior to commencement of works. The condition has been agreed with by the Coventry airport who have also offered their services when the plan is being drawn up.

### **Recommendation**

The recommendation is for approval subject to the referral of the application to the National Planning Casework Unit, as the proposal by reason of its scale and location, would have a significant impact upon the openness of the Green Belt, the Head of Planning & Culture be granted delegated powers to grant planning permission subject to conditions and informatives.

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R11/0786

#### **DATE VALID**

18/08/2014

#### **ADDRESS OF DEVELOPMENT**

OAKDALE NURSERIES  
RUGBY ROAD  
BRANDON  
BINLEY WOODS  
CV8 3GJ

#### **APPLICANT/AGENT**

Mr Paul Barton  
Malcom Scott Consultants Ltd  
Grove House  
1 Loves Grove  
Worcester  
WR1 3BU  
On behalf of Mr and Mrs Moseley

### **APPLICATION DESCRIPTION**

Redevelopment of Garden Centre including the erection of a new building with open sales area and service yard, car parking, landscaping and associated works.

### **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:

Drawing Numbers G1343-30; G1343-31; G1343-32; G1343-33; G1343-34 received by the Local Planning Authority on the 22nd December 2014

REASON:

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

CONDITION: 3

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: 4

Notwithstanding the details submitted 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: 5

The area edged green on drawing G1343-34 is to be maintained as a Nature Conservation Area and is to be laid out and managed in accordance with a Management Plan to be agreed in writing with the Local Planning Authority. The Nature Conservation Area thereafter should be laid out in accordance with approved management plan.

REASON:

To protect species and features of importance for nature conservation.

CONDITION: 6

The development hereby permitted shall not commence until a detailed schedule of protected species mitigation measures for reptiles, great crested newts, bats, nesting birds and badgers (including timings, supervision and protection measures and a reptile translocation scheme) has been submitted to and approved in writing by the District 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: 7

Prior to the commencement of the construction of the proposed development, a bird strike risk assessment shall be carried out and a report of the findings, together with any mitigation measures deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Coventry Airport Safeguarding. Should the assessment indicate that mitigation measures will not reduce the probability of bird strike to an acceptable level then, unless otherwise agreed, an alternative landscape scheme to the construction of the proposed development, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority

REASON:

In the interests of aviation safety

CONDITION: 8

No works or development shall take place until an arboricultural method statement/tree protection plan (BS5837:2012 - Trees in relation design demolition and construction: Recommendations) for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring ground in relation to the approved plans and particulars. This should show the details and positions of the Tree Protection Barriers/and or ground protection. The positions of all trees to be removed shall be indicated on this plan. B) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. C) the details of any changes in levels or the position of any proposed excavations within the Root Protection Area of any retained tree.

REASON:

To protect retained trees during the development phase.

CONDITION: 9

No development shall commence until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the local planning authority. These details shall include:

- a. A surface water drainage scheme utilising suitable sustainable drainage techniques and limiting the rates of discharge from the site to less than pre-development.
- B. Calculations of pre and post-development runoff rates;
- c. A fully labelled network drawing showing the dimensions of all elements of the proposed drainage system (including any online or offline controls and structures);
- d. Detailed network calculations that correspond to the network drawing;
- e. Modelled results for critical storms (including as a minimum 1 year, 30 year, and 100 year +30% climate change events of various durations). A submerged outfall should be used for the modelling;
- f. Details of the long term maintenance of the drainage and SuDs infrastructure (including who is responsible for the different elements, the length of any agreement and the maintenance regime to be followed);
- g. Evidence of overland flood flow routing in case of system failure or overtopping (including flow routes and depths/velocities of the flows)

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: 10

The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies within the car park area has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON:

To ensure the protection of the water environment.

CONDITION: 11

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, archaeological 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: 12

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

REASON:

In the interest of health and safety

CONDITION: 13

No development shall commence unless and until a full Asbestos Survey of buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 14

Prior to the premises being brought into use for the purpose hereby permitted, details of means to prevent grease, fat and food debris from entering the foul drainage system serving café/restaurant element of the premises shall be submitted to the Local Planning Authority for prior approval. The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details

REASON:

In the interests of health and safety

CONDITION: 15

Prior to the commencement of works further details of the extract ventilation system for the proposed onsite café should be submitted to and approved by the local planning authority

REASON:

In the interests of neighbouring amenities and to ensure satisfactory appearance of the development.



CONDITION: 16

Prior to commencement of works a Construction Management Plan which should contain a Construction Phasing Plan and HGV Routing Plan shall be submitted and approved in writing by the Local Planning Authority

REASON:

In the interests of highway safety

CONDITION: 17

The Travel Plan undertaken by BWB Consultancy which was received by the Local Planning Authority on the 18th August 2014 shall be implemented no longer than a month after occupancy of the hereby approved garden centre. This travel plan shall thereafter be subject to a review after 6 month period to which shall be agreed in writing by the Local Planning Authority.

REASON:

In the interests of sustainability

CONDITION: 18

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

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

CONDITION: 19

The dwelling house within the site of the garden centre shall only be occupied by either the owner of the business or a staff member/ manager working directly with the proposed garden centre.

REASON:

In the interests of residential amenity

CONDITION: 20

Unless otherwise agreed in writing the premises shall not be opened for business other than between the hours of 09:00 to 18:00 Monday to Saturday and 10:00 to 16:30 on Sundays

REASON:

To protect the amenity of nearby properties

CONDITION: 21

Other than shown on the approved plans no further buildings or structures both permanent or temporary shall be erected on any part of the site edged red.

REASON:

To safeguard the satisfactory appearance of the site

CONDITION: 22

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be used as a Garden Centre only in accordance with the terms of this condition for the sale of horticultural goods and associated goods with ancillary restaurant and for no other purpose, including any purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that Order. Except with the prior written approval of the Local Planning Authority, the retail floor/sales space hereby permitted shall only be used for the sale of the following goods:

- 1) Composts, peats, chemicals and other goods associated with plant and garden care including gardening books, garden tools, watering equipment and garden machinery;
- 2) Plants and houseplants, seeds, bulbs, cut flowers and goods associated with their care, maintenance and presentation;
- 3) Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and barbecue accessories;
- 4) Pets, pet foods, pet cages and birds including aviaries and cages, fish and fish accessories including ponds, pet care advice and care products;
- 5) Seasonal Christmas products, silk, dried and other artificial flowers and floristry requisites including floral art, prints and frames;
- 6) Childrens outdoor play equipment and toys
- 7) Trees and plants of all kinds, pots, rockery and statuary, ponds, pools and fountains and accessories;
- 8) Garden buildings, greenhouses, conservatories, gazebos, summerhouses, swimming pools, spas and hot tubs with all accessories,
- 9) Landscape and building materials, fencing, wrought iron work and timber products;
- 10) Ancillary restaurant;
- 11) Ancillary food sales limited to no more than 10% of floorspace in total;

12) Other ancillary comparison products (non-food) not listed above, the sales of which shall be confined to no more than 15% of covered floorspace in total.

**REASON:**

The justification for this retail development is based upon a demonstrable need only for the sale of goods that are normally sold from a garden centre.

**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 building is in a residential area and demolition may cause noise nuisance to local residents. Demolition should only be permitted between the hours 0800 - 1800 Monday-Friday, Saturday 0900 - 1600. If work at other times is required permission should be obtained from the local planning authority.

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.**

If work at other times is required permission should be obtained from the local planning authority

**INFORMATIVE: 2**

The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway

Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 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 Street Works Act 1991 and all relevant Codes of

Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

#### INFORMATIVE: 3

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

**Reference number: R14/1494**

**Site address: Treetops, Shilton Lane**

**Description: Creation of no. 2 travellers pitches and associated amenity block**

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

### **Site Description**

The site lies within the open countryside and the Green Belt approximately 1 mile from the centre of Shilton village. The application site forms part of the wider garden area for the property known as Treetops which extends to approximately 0.4ha. This property has recently been extended and is the first plot in a ribbon of development that runs along Shilton Lane consisting of 6 dwellings and a garden centre. A number of the dwellings have caravans sited in the rear gardens. The site covers the rear south western corner of the garden which is presently partitioned off with a 2m high close board fence. Access to the pitches would be achieved via a driveway running past the western gable of the bungalow.

### **Proposal Description**

The application is seeking permission for the creation of two pitches and associated amenity block. Each pitch comprises one static mobile home and one touring caravan with parking provided for each. The site is boarded by 2m high close boarded fence along its front boundary which presently divides it from the remaining garden area of the dwelling.

### **Relevant Planning History**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>
R10/1345	Approval of details: Alterations and extensions to dwelling to include extension to side and provision of living accommodation in roof space. Erection of detached garage to front and alterations to access.	Granted 17.02.2011
R10/1345	Alterations and extensions to dwelling to include extension to side and provision of living accommodation in roof space. Erection of detached garage to front and alterations to access.	Granted 11.11.2010

## Technical Consultation Responses

WCC Ecology – no objection subject to reptile and amphibian note being attached (weekly list comments 15/8/14)

WCC Highways – object as would result in intensification of use of sub-standard access (28/8/14)

Following submission of speed survey – no objection subject to suggested conditions and informatives being attached (8/10/14)

## Third Party Responses

Cllr Pacey-Day – object to the application (28/8/14)

Parish – object on the following planning grounds:

- The development would change the character of the property and area
- Additional site would be overbearing on the area given number of existing traveller sites
- Not in accordance with sequential test set out in local plan
- Visual impact of development on open and rural environment
- If minded to approve should be conditioned specifically to named occupants and natural screening installed (29/8/14)

Neighbours – no comments received

## Relevant Planning Policies and Guidance

### Core Strategy

CS1	Complies	Development Strategy
CS16	Complies	Sustainable Design
CS22	Complies	Gypsies, Travellers and Travelling Showpeople

### Saved Local Plan Policies

E6	Complies	Biodiversity
T5	Complies	Parking Facilities

## National Policy

National Planning Policy Framework (NPPF)                      Complies

Planning Policy for traveller sites

## 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 of the proposed development on the openness and visual amenity of the Green Belt and the qualities, character and amenity of the area, amenity of neighbouring properties, impact on protected species and impact on highway safety.

## Principle of Development

### Planning Policy for Traveller Sites:

It is accepted that the applicants are gypsies and travellers in terms of planning policy and fall within the definition of gypsies and travellers in Annex 1 to the PPTS.

The core Central Government policy on gypsies and travellers is now a document entitled Planning Policy for Traveller Sites (PPTS), 2012. This states that the Government's aim in respect of such sites includes the following points:

- that local planning authorities should make their own assessment of need for the purposes of planning;
- encourage local planning authorities to plan for sites over a reasonable timescales;
- Green Belt should be protected from inappropriate development;
- promote more private traveller site provision;
- reduce number of unauthorised encampments;
- increase number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply with access to education, health, welfare and employment infrastructure;
- reduce tensions between settled and traveller communities; &
- have due regard to protection of local amenity and local environment.

The PPTS goes on to state that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide five years' worth of sites against their locally set targets and identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11 to 15. As well as relating the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density. However, the PPTS is very clear that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites this should be a significant material consideration in any decision for temporary planning permission. This Council is currently unable to demonstrate an up to date five year land supply of deliverable gypsy and traveller sites

It also states that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and when assessing the suitability of sites in rural or semi-rural areas such sites should not dominate the nearest settled community. However, the PPTS states local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements.

When dealing with applications for traveller sites, the PPTS also considers the following matters need to be taken in to considered and these include:

- existing level of local provision and need for sites;
- availability (or lack) of alternative accommodation;
- applicant's personal circumstances; &
- sites from any travellers should be considered.

In addition it states weight should be attached to whether the site makes effective use of brownfield, untidy or derelict land; it can be well planned or soft landscaped to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyles; and not enclosing the site with hard landscaping, high walls or fences.

#### Green Belt:

Policy CS1 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. A sequential approach to new development means that as the site lies within the Green Belt this is the least preferred location for new development. Policy CS22 which specifically focuses on sites for gypsies, travellers and travelling showpeople also adopts a sequential approach to the provision of such sites with land within the Green Belt being the least preferred location. Both policies CS1 and CS22 state that new development, including sites for gypsies, travellers and travelling showpeople, will be resisted in such areas unless the national policy on Green Belts would permit such development.



Section 9 of the National Planning Policy Framework (NPPF) refers to the protecting of Green Belt land and states that the essential characteristic of them is their openness and their permanence. Policy E of the PPTS states that such sites, whether temporary or permanent, are inappropriate development in the Green Belt. The PPTS states inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. It goes on to say that traveller sites whether temporary or permanent in the Green Belt are inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The document considers that any local planning authority wishing to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific need should only be done through the plan making process and not in response to a planning application.

In July 2013 and January 2014 the Government issued a ministerial statement reinforcing the point that temporary and permanent traveller sites in the Green Belt are inappropriate development and that unmet need for traveller sites is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development in the Green Belt. In this instance the applicant has provided information in respect of the family circumstances, with the pitches being provided for his daughters and their husbands, and the lack of any other available sites within the area.

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.

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 although this deadline has now been revised to 2016. An updated Gypsy and Traveller Accommodation Assessment Study was published in November 2014 and highlights that in the period 2014/15 to 2018/19 that there is a need for 24 pitches.

The allocation of pitches pursuant to the provision of Policy CS22 is to be informed by updating the GTAA on a regular basis and as such the pitch allocation requirements will be updated through the 'GTAA process'. Policy CS22 acknowledges that 'the outcome of the future GTAAs (or local assessments) will assist the Council, if necessary, in identification and allocation of land for sites for pitches in the Gypsy and Traveller Site Allocations DPD, and in the determination of applicable planning applications.

The information provided by the applicant sets out how the Council does not have a five year supply of gypsy traveller sites which is a material consideration especially given that the proposal is for a temporary period. Based on the special circumstances of the applicant and subject to limiting the proposal to a three year period, during which time the DPD should have been adopted, the sequential approach is considered to be acceptable having regard to Policy CS22.

Issues relating to the sequential approach to development locations and in particular the impact on the Green Belt is covered in section 2 below.

### **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**

An Inspector in a nearby 2011 appeal decision found that a proposal for 3 pitches would not create a cumulative burden on services and infrastructure in Barnacle. Given that this proposal is only for two pitches it is considered the change of use of the land as proposed would not have a cumulative burden on services and infrastructure in Barnacle.

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

Following consultation with Warwickshire County Council Highway Authority it is considered subject to conditions that the proposed development would not be detrimental to highway safety.

### **3 and 4) The site is capable of sympathetic assimilation into the surrounds**

The Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006 identifies this area of the Borough as High Plateau Cross and the Inspector in the 2011 appeal decision described the site as having a “strong impression of emptiness”. The Inspector stated “I see no reason to disagree when the Assessment identifies the area as having a high overall sensitivity”.

The site forms part of the garden area of the dwelling known as Treetops which already has a number of tall mature trees along the front boundary which provide some screening of the site from Shilton Lane. The rest of the site is bordered by a mature hedgerow which also helps screen the site from other viewpoints. The site is located within the garden in the first of a small number of dwellings in this location. Whilst not located within a settlement the site is seen as part of this ribbon of development and therefore whilst causing some additional harm to the countryside, is not considered as harmful as if the site were an isolated location. Given the temporary nature of the permission it is felt the visual harm that arises from the proposals would only be for the short term after which time the site would have to be reverted back to its present state and the harm to the Green Belt would be reversed.

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

Given the distance of the application site to nearby neighbouring properties it is not considered that the proposal would impact upon the residential amenity of nearby neighbouring properties.

#### Temporary permission

Paragraph 28 states that if a Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering an application for the grant of temporary planning permission. As identified above the Council accept that there is a clear unmet need within the Borough and this need is being addressed through the Gypsy & Travellers Site Allocations DPD which is being prepared for adoption in 2016. Following consultation with the applicant it was agreed that a temporary permission for a period of three years would be reasonable, based on the information submitted to support the proposal. This temporary period would allow the Council to complete its Gypsy & Travellers Site Allocations DPD which will form the basis for assessing these types of applications over the plan period.

### Human Rights

In reaching this decision consideration has been given to the human rights of the intended occupants of the application site. If planning permission is refused, the applicants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights. However, this has been balanced and weighted against the alternative available to the applicant, wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance and refusal of permission is considered proportionate to the circumstances of this case.

### Impact on the visual amenity of the Green Belt and the wider character of the area

The amenity block was originally granted as a garage on the opposite side of the site and its impact on the visual amenity of the Green Belt has previously been assessed. It's relocation to the side of the dwelling will aid in screening the pitches located behind it from Shilton Lane. Taking into consideration the character of the streetscene being varied with retail, residential, and equestrian buildings forming part of the streetscene together with the established Gypsy and Traveller sites within the streetscene, it is not considered that elements of the development that will be visible within the streetscene would have an adverse impact upon the visual amenity of the area of the Green Belt especially given the temporary nature of the site. It is therefore considered that the proposed development would not have an adverse impact upon the visual amenity of the area or the Green Belt in accordance with policy CS16 and 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 is High Tor located approximately 70m to the west. Given the separation distance between this property and the application site there is not considered to be any adverse impact arising in terms of loss of light, overbearing or loss of privacy 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.

The County Ecologist has raised no objections to the proposal subject to the suggested informative notes being added to the decision. 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 applicant has submitted a speed survey as part of the application to address the concerns initially raised by the Highways Officer. Following the submission of this survey the Highway's Officer has confirmed there are no objections to the scheme subject to the suggested conditions and informatives being attached. Based on this expert advice it is considered the proposal will not have an adverse impact on highway safety having regard to the contents of Saved Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF.

### **Recommendation:**

Approve for a temporary period subject to the signing of a S106 agreement

Report prepared by: JW 27/2/15

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/1494

### **DATE VALID**

21/07/2014

### **ADDRESS OF DEVELOPMENT**

TREETOPS  
SHILTON LANE  
COVENTRY  
CV7 9LH

### **APPLICANT/AGENT**

Dr Angus Murdoch  
Murdoch Planning Ltd  
Po Box 71  
Ilminster  
Somerset  
TA19 0WF  
On behalf of Mr and Mrs Forrest

### **APPLICATION DESCRIPTION**

Creation of no. 2 travellers pitches and associated amenity block

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

#### CONDITION 1:

This permission shall be for a period expiring on 2 February 2018, on or before which date the building and works hereby approved shall be removed and the land reinstated to enable its former use to be resumed unless the further written permission of the Local Planning Authority has been obtained to retain the building.

#### REASON:

Based on the specific circumstances of the applicant and to allow the Council to complete its Gypsy and Traveller Sites Allocations Development Plan Document.

#### CONDITION 2:

The development shall not be carried out other than in accordance with the plans no. 01285/1 Rev 1, 01285/2 Rev 1, 01285/3 Rev 1, 01285/4 Rev 1 and 01285/5 Rev 1 received by the Local Planning Authority on 7 August 2014.

REASON:

For the avoidance of doubt.

CONDITION 3:

Notwithstanding the details on the submitted plans no. 01286/1 Rev 2 and 01286/9 Rev 1 this temporary permission is only for two pitches.

REASON:

Based on the special circumstances set out in the supporting information provided by the applicant.

CONDITION 4:

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

REASON

To define this permission

CONDITION: 5

There shall be no more than 2 touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, stationed on the site as defined on the plan no. 01286/9 Rev 1 received by the Local Planning Authority on 7 August 2014.

REASON:

To ensure that the proposed development is an appropriate form of development within the green belt and in the interest of visual amenity and residential amenity.

CONDITION 6:

The vehicular access to the site shall not be used until it has been constructed to include the following requirements:-

- a) A minimum width of 5.5 metres with a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a distance of 12.0 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 12.0 metres from the near edge of the highway carriageway.

REASON:

In the interests of highway safety.

CONDITION 7:

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

REASON:

In the interests of highway safety.

CONDITION 8:

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

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

CONDITION 9:

Within three months of the date of this decision full details of the existing septic tank shall be submitted to the Local Planning Authority. Should any further works to the existing septic tank be required or a new septic tank installed, these shall be implemented within three months from the date of this details being approved.

REASON:

In the interest of residential amenity to ensure that the site is served by sufficient drainage.



#### CONDITION 10:

No commercial activities shall take place on the land, including the storage of plant, machinery and materials and the transfer or burning of materials.

#### REASON:

In the interest of visual amenity and to protect to openness of the green belt

#### 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 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:

Condition numbers 6 & 7 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 Authority's 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.

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

#### INFORMATIVE 3:

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 4:

In view of the suitable habitat nearby, care should be taken when clearing the ground prior to development, and if evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while Warwickshire County Council Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended).

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	11 March 2015
<b>Report Title</b>	Delegated Decisions –30.01.2015 to 19.02.2015
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Daniel McGahey 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 – 11 March 2015**

**Delegated Decisions – From 30.01.2015 to 19.02.2015**

**Report of the Head of Planning and Recreation**

**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: 11.03.2015  
Subject Matter: Delegated Decisions – 30.01.2015 to 19.02.2015  
Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

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

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

---

\* Exempt information is contained in the following documents:

Document No.	Relevant Paragraph of Schedule 12A
--------------	------------------------------------

---

\* 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 30.01.2015 TO 19.02.2015

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R14/1141 Refused 30.01.2015</i>	Clifton Lakes Farm Clifton Lakes Watling Street Clifton upon Dunsmore	Retention of alterations and change of use forming access way and landscaping and provision of fencing, hardstanding, further landscaping and other associated works to create a sheep and cattle holding area.
<i>R14/2353 Refused 30.01.2015</i>	Coombe Fields House Smeaton Lane Stretton Under Fosse	Extension and alteration to existing single storey garage to form new annexe
<i>R14/2295 Refused 02.02.2015</i>	267 Hillmorton Road Rugby	Full: Partial demolition of bungalow and construction of two storey dwelling
<i>R14/2321 Refused 16.02.2015</i>	30 Viaduct Close Rugby	Erection of a replacement detached garage with loft room over.
<i>R14/2193 Refused 18.02.2015</i>	Gable End Green Lane Wibtoft Lutterworth	Erection of a first floor side extension.
<b>Applications Approved</b>		
<i>R14/2377 Approval 29.01.2015</i>	2 Sheridan Close Rugby	FULL: Single storey side extension
<i>R14/2382 Approval 29.01.2015</i>	The Old Post Office Marton Road Birdingbury Rugby	Amendments to planning permission R13/2089 (Conversion of former post office to a 2 bedroom ground floor flat, dated 12/12/13).
<i>R14/2249 Approval 29.01.2015</i>	Potford Dam Farm Coventry Road Cawston Rugby	Conversion and extension of existing outbuildings into a single dwelling house.

<i>R15/0001 Approval 30.01.2015</i>	Rear of 31The Crescent Brinklow Rugby	New dwelling in rear garden and replacement of vehicular access gates (resubmission of planning reference number R12/1983).
<i>R14/0786 Approval 30.01.2015</i>	78 Yates Avenue Newbold Rugby	Provision of a pitched roof to existing flat roofed rear projection.
<i>R14/2357 Approval 30.01.2015</i>	50 Park Road Rugby	Erection of single storey rear extension
<i>R14/2115 Approval 30.01.2015</i>	44 Dunsmore Avenue Hillmorton Rugby	Proposed two storey rear, single storey side and new porch and pitched roof to front element
<i>R14/1323 Approval 02.02.2015</i>	Ainsdale Sawbridge Road Grandborough Rugby	Erection of side extensions including an integral garage, provision of a roof balcony, installation of dormer windows and external alterations.
<i>R14/1689 Approval 30.01.2015</i>	7 Kingsley Avenue Hillmorton Rugby	Proposed two storey side and rear extension with loft conversion
<i>R14/2003 Approval 02.02.2015</i>	Paddock View Main Street Bourton on Dunsmore Rugby	Erection single-storey side/rear extension and external alterations
<i>R14/2351 Approval 03.02.2015</i>	The Thatched Cottage 2 Main Street Stretton-under-Fosse Rugby	Retention of single storey extension to the rear of the existing garage to provide storage area
<i>R14/2355 Approval 03.02.2015</i>	4 Sheriff Road Rugby	Retention of a part two storey, part single storey side, first floor front and a single storey rear extensions
<i>R14/0970 Approval 05.02.2015</i>	Church Farm London Road Ryton-on-Dunsmore Coventry	Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved
<i>R13/1215 Approval 09.02.2015</i>	5 Orwell Close Clifton Upon Dunsmore Rugby	Erection of single storey side extension



<i>R15/0030 Approval 10.02.2015</i>	13-15 High Street Rugby	Erection of 3 Mews Dwellings to the rear together with alteration and extensions of 13-15 High Street
<i>R14/2216 Approval 10.02.2015</i>	4 Manor Cottages Birdingbury Road Leamington Hastings	Erection of a two-storey side extension and first floor rear extension, together with a new porched area and erection of a detached garage to front.
<i>R15/0080 Approval 10.02.2015</i>	55 Ashlawn Road Rugby	Single storey rear extension
<i>R14/2206 Approval 10.02.2015</i>	Abbey Farm Hinckley Road Wolvey Hinckley	Conversion and extension of existing brick built agricultural building to a holiday let in connection with the existing bed and breakfast business
<i>R14/2346 Approval 12/02/2015</i>	44 Hoskyn Close Hillmorton Rugby	Erection of a single storey front extension together with a mono-pitched roof (retrospective)
<i>R15/0067 Approval 12.02.2015</i>	Marvin House Farm Green Lane Lutterworth	Full: Erection of grain storage building on land currently in use as a pony paddock
<i>R15/0131 Approval 13.02.2015</i>	Bell and Barge Harvester Brownsover Road Brownsover Rugby	Extension to external raised decking and associated minor works, together with a pergola area.
<i>R14/2219 Approval 13.02.2015</i>	95 Clifton Road Rugby	Conversion of existing building to form 6no. residential flats.
<i>R14/1959 Approval 16.02.2015</i>	29 Portland Road Rugby	Erection of a two storey side extension.
<i>R15/0153 Approval 16.02.2015</i>	24 Champion Way Brownsover Rugby	Part two storey/part single storey rear extension to dwelling
<i>R14/1981 Approval 17.02.2015</i>	School Farm School Street Rugby	Conversion of existing buildings into four residential dwellings and the construction of a two storey rear extension and first floor

		mezzanine extension, together with external alterations.
<i>R15/0065 Approval 17.02.2015</i>	1 Abbots Way Rugby	Extension to existing garage
<i>R15/0090 Approval 17.02.2015</i>	Stone Cottage Vicarage Lane Rugby	Full: Detached garage
<i>R15/0134 Approval 17.02.2015</i>	12 Rathbone Close Hillmorton Rugby	Erection of conservatory addition
<i>R14/1804 Approval 18.02.2015</i>	29 High Street Ryton on Dunsmore Coventry	Erection of a rear single storey extension
<i>R15/0118 Approval 18.02.2015</i>	23 Parkfield Road Newbold Rugby	Amendment to previous application R14/1805 - proposed two storey side extension to replace existing garage with render finish to side and rear elevations
<i>R15/0147 Approval 18.02.2015</i>	4 Ruskin Close Rugby	Erection of a part single, part two storey side and a single storey rear extension.
<b>Prior Approval Applications</b>		
<i>R15/0014 Prior Approval Not Required 02.02.2015</i>	13-15 High Street Rugby CV21 3BG	Prior Approval for the conversion of the 1st and 2nd floor offices to 8 no. one bedroom flats.
<i>R15/0052 Prior Approval Not Required 03.02.2015</i>	33 Wordsworth Road Rugby	PAX: Single storey rear extension
<b>Listed Building Consents</b>		
<i>R14/2300 Listed Building Consent 30.01.2015</i>	The Forge 4 Main Street Bourton-on Dunsmore Rugby	Listed Building Consent for new thatched ridge to main roof of cottage, extension of thatch to rear of cottage incorporating swept roof over new dormer window and extension of thatched ridge up to North wall of cottage.

<i>R14/2012 Listed Building Consent 06.02.2015</i>	58A – 61A First Floor Flats The Square Dunchurch Rugby	Listed Building Consent for the replacement of existing timber windows with timber double glazed windows and repair to existing brickwork (retrospective)
<b>Advertisement Consents</b>		
<i>R14/2347 Advertisement Consent 29.01.2015</i>	Sainsbury's Local 31B Clifton Road Rugby	Display of 2no. Internally illuminated fascia signs, 1no. Internally illuminated projecting sign, and 1no. Non-illuminated ATM surround.
<i>R14/2370 Advertisement Consent 30.01.2015</i>	The Courthouse 23 North Street Rugby	Installation of illuminated fascia sign, illuminated double sided pictorial sign to existing gibbet and post, 2 illuminated bullnose amenity boards fixed to existing post, 2 aluminium bullnose amenity boards, 4 myra spot lights and 8 small led flood lights
<b>Certificate of Lawful Use or Development</b>		
<i>R14/2031 Certificate of Lawful Use or Development 03.02.2015</i>	218 Dunchurch Road Rugby	Certificate of Lawfulness for Proposed Development - demolition of part the existing side/rear extension and erection of a single storey side extension not linking to the existing side/rear
<i>R15/0151 Certificate of Lawful Use or Development 17.02.2015</i>	Land to the rear of 54 Rugby Road Binley Woods	Certificate of Lawfulness for Proposed Development - erection of a single storey side extension to the rear of the previously approved attached garage.
<b>Agricultural Determinations</b>		
<i>R15/0218 Prior Notification of agriculture or forestry development 04.02.2015</i>	Pailton Pastures Montilo Lane Pailton Rugby	Application for prior approval under Schedule 2, Part 6 of the Town and Country Planning [ General Permitted Development Order 1995 ] as amended for the erection of an extension to an existing agricultural building
<b>Approval of Details/ Materials</b>		
<i>R14/1717 Approval of Details 30.01.2015</i>	Land adjacent to Manor Farm Green Lane Wibtoft	Erection of a single storey agricultural worker's dwelling.

	Lutterworth	
<i>R13/1441 Approval of Details 05.02.2015</i>	Hillcrest Farm Clay Hill Lane Long Lawford Rugby	Erection of an Agricultural Workers Dwelling
<i>R13/1169 Approval of Details 12.02.2015</i>	Coventry and Warwickshire NHS Ambulance Trust Ambulance Station Brownsover Lane Brownsover Rugby	Erection of 29 dwellings with associated access, parking, landscaping and works.
<i>R10/1972 Approval of Reserved Matters 13.02.2015</i>	Former Peugeot Works (Site B) Oxford Road Ryton-On- Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m <sup>2</sup> , including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
<i>R11/0699 Approval of Details 17.02.2015</i>	Rugby Radio Station A5 Watling Street Clifton Upon Dunsmore Rugby	Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to

		the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane.
<b>Approval of non-Material Changes</b>		
<i>R12/1393 Approval of non-material changes 03.02.2015</i>	Blacksmith's Arms 19 High Street Ryton on Dunsmore Coventry	Erection of 2 no. two storey dwellings and associated works to public house car park
<i>R13/1591 Approval of non-material changes 05.02.2015</i>	Manufacturing Technology Centre Unit 5 Ansty Park Pilot Way Ansty	Erection of building for use for research & development purposes with associated car parking, servicing, external lighting, landscaping, drainage and travel plan to provide Aerospace Confidential Facility - submission of reserved matters against outline planning permission R09/0035/MEIA dated 15th May 2009.
<i>R11/1210 Approval of non-material changes 06.02.2015</i>	20 Dew Close Rugby	Erection of a two storey side and rear extension, and a single storey front extension.
<i>R10/1286 Approval of non-material changes 09.02.2015</i>	Rugby Gateway Phase R2 Leicester Road Rugby	Erection of 230 dwellings with associated open space, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
<i>R14/0752 Approval of non-material changes 18.02.2015</i>	264 Alwyn Road Bilton Rugby	Erection of first floor side and rear extensions, single-storey rear extension and external alterations.
<i>R13/2315 Approval of non-material changes 18.02.2015</i>	Little Thatch Church Walk Bilton Rugby	Proposed two storey and single storey rear extensions and replacement garage
<b>Withdrawn/ De-registered</b>		

<i>R14/2234</i> <i>Withdrawn</i> <i>18.02.2015</i>	42 Dale Street Rugby	Erection of a single storey rear extension
--	-------------------------	--