

10<sup>th</sup> April 2015

## **PLANNING COMMITTEE - 22<sup>ND</sup> APRIL 2015**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 22<sup>nd</sup> April 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 11<sup>th</sup> March 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 – 19<sup>th</sup> February 2015 – 2<sup>nd</sup> April 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 – 14) 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 – 22<sup>nd</sup> April 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

There are no applications recommended for refusal to be considered.

### Recommendations for approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R14/0407	Land Adjacent 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.	3
2	R14/2257	Land Adjoining 14 The Locks, Hillmorton Erection of one detached dwelling and detached garage (re-submission of refused application R13/1791).	34
3	R14/2048	The Evergreens, Wood Lane, Shilton, CV7 9LD Permanent permission application for use of land as a private gypsy and traveller site for 2 mobile homes, including stables and storage buildings (previous temporary permissions R12/0342 and R13/1494).	51

**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

This application was deferred from the Planning Committee on 22<sup>nd</sup> March 2015 to seek additional information in relation to highways. Further details are given in the section entitled Highways below and a further verbal update will be given on the night.

Two additional conditions have been imposed since the original recommendation including specific details of the emergency access and associated markers & signage and details of a new pedestrian crossing on the Ashlawn Road. Five additional neighbour comments have been received which are included as part of the Revised Plans comments detailed below.

### **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. Along the southern side of Ashlawn Road is a joint footpath/cycleway which runs between Dunchurch and Ashlawn School.

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)	Object OriginalPlans	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 (9)

Original comments stand;

Revised Plans

Transport Assessment states Ashlawn Road/A428 Paddox junction already exceeds capacity;

Ashlawn Road used as a bypass for DIRFT traffic;

Not acceptable to have worse congestion problems, even during construction phase;

Severe congestion already and at rush hours and school entry/exit times;

Traffic has been at standstill between Ridgeway Farm and Hillmorton Road junction on several occasions over last few days;

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;

Southern side of Ashlawn Road a safe route to school – reduces potential conflict between cyclists and motorists;

Rugby Borough Council recommendation made in ignorance of the safe route to school;

100 houses will have 100 vehicles leaving between 08:00 & 09:00 hours thus potential for 100 contentions

between cyclists & motorists each morning during school year;

Development does not support sustainable transport to school;

Increase in students at Ashlawn will increase number of cars from older students – parking pressure on side roads;

Provision of pedestrian crossing will not ease traffic problem – will contribute to further congestion, is it really necessary;

Already a pedestrian crossing by Ashlawn School, therefore too close to this one;

New pedestrian crossing is a waste of money;

Children can cross Ashlawn Road with ease – main hazard is parents who continue to park illegally;

Scheme will place considerable stress on local infrastructure;

Against building on open countryside destroying landscape and views;

Loss of greenfield and Green Belt and impact on rural character;

Should be less houses on site and number proposed will not significantly change housing shortage;

Unnecessary as other development in area;

Also proposed development at Bilton Fields – traffic impact;

Increased traffic from crematorium services;

Land should be used as parkland or playing pitches;

Adverse pressure on school places, especially Paddox primary; &

Developer motivated by maximising profit.

Neighbours (1)

Good that ecological features protected and new ones created;

Observation

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. Both access points will cross a footpath/cycleway route along the southern side of Ashlawn Road. The Highway Authority sought additional modelling following the submission of the original Transport Assessment, particularly with regard to using 2011 Census Data to ascertain the robustness of the estimated traffic distribution from the development and the routes that the vehicles may take. This additional modelling also looked at the existing junctions of Ashlawn Road with Percival Road and Fareham Avenue, including the operation of the mini roundabout. The Highway Authority considered that the revised transport assessment provided them with a degree of comfort that the development would only have a minimal impact on these junctions and that their safe and efficient operation would not be jeopardised.

It is understood that the applicant's transport consultants and the Highway Authority held further discussions regarding alternative access solutions to the site, including a fourth arm on the mini roundabout at the Ashlawn Road/Fareham Avenue junction, but concluded that the original access arrangements on to Ashlawn Road remained the most suitable. They also held further discussions regarding the potential concerns 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 will include signalling. However, the Highway Authority have stated that whilst the proposed development will impact upon this junction the level would not be material and thus they do not consider the impact to be so significant to warrant refusal of the application on this basis. The Highway Authority have reassured the Local Planning Authority that they have worked closely with the developers' highway consultants to identify a clear methodology to resolve the issues raised and gained clarification through additional testing to satisfy their initial concerns.

A Road Safety Audit was conducted by the applicant's Transport Consultants. Based on the revised Transport Assessment the Highway Authority does not dispute its findings or conclusions. This identified three potential issues relating to no dedicated right hand turning lane at the proposed access; position of the access junction; and visibility for cyclists on Ashlawn Road.

The conclusions of the Transport Assessment indicated that the proposed junction for the site would operate well within capacity with minimal queues and owing to vehicle speeds recorded at the site no right turning lane was justified.

In relation to the second aspect, this focused on the junction being staggered between Fareham Avenue and Charter Road and concern about vehicles not being able to turn in and out of the site at peak times without conflict. The report considered that the low vehicle speeds from the east and predicted capacity levels meant the junction would operate well with minimal delays and owing to limited accesses on the southern side of Ashlawn Road no confusion would occur from turning vehicles and other road users.

The third issue relates to cycle and vehicle conflict on Ashlawn Road. Enhanced visibility splays and reinforced give-way markers and signage at the intended access into the site as well as to the existing Ridgeway Farm and Ashlawn School dropped crossings would be done to address this final identified issue. Whilst this work would be done under Highway legislation a condition has been imposed to ensure the installation of such works in relation to the new accesses will occur prior to the occupation of the first dwelling on site. In addition, the Highway Authority has confirmed that the proposals have been discussed with the Warwickshire County Council Cycling Officer who supports the scheme, subject to an appropriate drop crossing for the existing footpath/cycle route. This will be addressed through highway legislation.

The Highway Authority have advised that under highway legislation further road safety audits will be required to support the technical audit of the proposed access arrangements and construction process. At the planning application stage they only assess the principle of an access at the proposed location being adequate in terms of safety and capacity which they have confirmed is acceptable.

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. They have looked at the accident data in the vicinity of the site and have stated that none of them can be attributed to layout, design or operation of the highway and are due to driver and road user error or other factors. 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.

Nevertheless, the applicants in discussion with the Highway Authority are now proposing an additional pedestrian crossing on the Ashlawn Road between Charter Road and Heath Way the details of which have been provided on an indicative plan. It is considered that this facility would benefit both the proposed development and the existing residents and school children in the area and would be an important contribution to the 'Safe Routes to School' on the Ashlawn Road. The technical specification of the crossing, including the exact location and width would be agreed via a planning condition. The Highway Authority has confirmed that they are happy with the principle of this additional crossing and that it would provide a betterment and improve opportunities for pedestrians crossing the Ashlawn Road, especially with regard to pupils walking as well as cyclists who want to access the off-road cycleway provision.

The Highway Authority have advised that no further traffic calming is required as various measures are already in-situ around Ashlawn School and a balance has to be struck between achieving an effective and efficiently operating highway network and the creation of a safe environment.

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 Zone 1 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. However, the Highway Authority has agreed with the developer that the provision of an additional pedestrian crossing on Ashlawn Road together with marking and give way signage for pedestrians/cyclists on the southern side of Ashlawn Road is acceptable and this has been conditioned accordingly. In addition, improvements to the bus stops on Fareham Avenue have been identified as part of the Travel Plan.

#### 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 Geophys.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 (including plans ref T14526 Figure 3.1 Rev C & Figure 3.2);

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 ref T14526 001 Rev D.

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.

CONDITION 24:

No development shall commence until full technical details, including bollards/barriers and additional give way markers and signage, of the proposed pedestrian/cycle route access, incorporating an emergency access, on to Ashlawn Road to the west of Charter Road, as depicted on the Site Location Plan ref BIR.4548\_14A and the Indicative Masterplan ref BIR.4548\_16 received by the Local Planning Authority on 22nd August 2014, has been submitted to and approved in writing by the Local Planning Authority. The details approved, including enhanced give-way markings and signage to the Ridgeway Farm access and Ashlawn School access, shall then be carried out prior to the first occupation of the first dwelling unless any variation to this timescale has been agreed in writing with the Local Planning Authority.

REASON:

In the interests of highway safety and to ensure such the provision of linkages that encourage alternative means of transport to the private car are done in a timely manner.

CONDITION 25:

No development shall commence unless and until a scheme detailing the provision of new pedestrian crossing facilities on Ashlawn Road (B4429), including precise location and width, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved scheme is required to be implemented in full prior to the first occupation of the first dwelling on site unless any variation to this timescale has been agreed in writing with the Local Planning Authority.

REASON:

In the interests of pedestrian 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.

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: R14/2257**

**Site address: Land Adjoining 14 The Locks, Hillmorton**

**Description: Erection of one detached dwelling and detached garage (re-submission of refused application R13/1791)**

**Case Officer Name & Number: Chris Kingham, 01788 533629**

**Background:**

An application for one detached dwelling and two semi-detached dwellings on the same application site as this current proposal has previously been refused by Committee in September 2014 (ref: R13/1791). The reason for refusal was as follows:

'The proposed development is considered to be an overdevelopment of the site which would have an adverse impact on the character of the Conservation Area and the wider streetscene. The buildings themselves are considered by virtue of their layout, size, massing and design to constitute a prominent and incongruous feature within the streetscene which does not either preserve or enhance the character of The Locks Conservation Area. The development is therefore contrary to the contents of Policies CS1 and CS16 of the Rugby Borough Core Strategy 2011, the Sustainable Design and Construction SPD 2012 and the NPPF, specifically Part 12'.

The applicant has subsequently re-considered the scheme and is now proposing to erect one three-bedroom detached dwelling and detached garage on the application site. It is consequently necessary to consider whether the development now proposed has overcome this reason for refusal.

**Site Description:**

The application site is located within Hillmorton Locks which is a small settlement located approximately two miles south-east of Rugby and is centred around the canal. This settlement has been designated as a Conservation Area and contains a relatively small number of buildings within a large open countryside setting. There are significant areas of open space, especially to the southeast, west and northwest. A historic drainage ditch is located immediately beyond the southeastern boundary of the application site. The buildings are generally sited in two clusters. There is a loose group to the south of the canal including the church, adjacent cottage, former public house and farm buildings. To the north of the canal is the larger, more concentrated group, centred on the industrial canal buildings with canal workers cottages sporadically sited to the north and east. However, it is important to note that the open space to the southeast forms part of the Rugby Radio Station Sustainable Urban Extension site which will result in significant changes to the character of this area over the coming years.

The application site itself is defined by post and rail fencing and takes the form of an open parcel of grass land used for grazing. It is accessed from the public highway of The Locks via a gated dropped kerb access point. The gradient of the land is such that it rises up from the highway and western boundary to the southeastern boundary.

The properties of 10 and 12 The Locks are located to the northwestern corner of the application site. These two storey properties are attached together to form an L-shape with no. 12 fronting onto The Locks and no. 10 fronting towards the canal. They are of a relatively simple design being finished with render painted white to the elevations and slate tiles to the

gable roofs. A number of windows to habitable rooms are located within the eastern elevations of these properties overlooking the application site. The rear gardens to these properties extend down the western boundary of the application site. The canal towpath and canal are located on land to the west of these properties.

The corner property of 9 The Locks is located to the north of the application site on the opposite side of the public highway. This property is a semi-detached two storey dwelling which is constructed from red brick and clay tiles to the gable roofs. It contains a greater level of architectural detailing including Gothic elements such as contrasting brick diapers and string courses. The relatively large garden is also reflective of its former status as a former foreman/manager's property and helps to ensure that this is seen as a landmark building. Windows to habitable rooms are located to the side (southern) elevation facing the application site.

A row of former canal workers terraced cottages (14, 18, 20, 22 The Locks) are located on a bend in the highway leading through the settlement. These cottages are located to the northeast of the application site and take the form of two-storey buildings finished in both brick and render painted white to the elevations. Slate tiles are used in the gable roofs over these cottages. Alterations and extensions to these properties over the years have eroded some of their original integrity and structure but they nonetheless make a positive contribution to the historical understanding of this area. Windows to habitable rooms are located to the front (western) elevations of these cottages.

#### **Relevant Planning History:**

R13/1791: Erection of no. 1 detached 4-bed dwelling with outside store and garage, together with no. 2 semi-detached dwellings and associated works. Refused 24/09/2014.

#### **Technical Consultation Responses:**

Building Control	No objection
Development Strategy	No objection
Inland Waterways	No objection
Canal and River Trust	No objection
WCC Ecology	No objection subject to a condition and advisory notes
WCC Highways	No objection subject to conditions and advisory notes
RBC Landscape Officer	No response
Severn Trent Water	No response

#### **Third Party Consultation Responses:**

Neighbours (6)      Objection

- Loss of light, overshadowing, loss of outlook and loss of privacy.
- Close proximity to 10 The Locks causing loss of light and outlook to kitchen and dining room.
- Double garage would be main view from kitchen window at 10 The Locks.
- Loss of privacy to reception room, bedroom and bathroom at 9 The Locks.

- Additional parking problems.
- Single track road already congested.
- Conservation Area with unique size and types of dwellings.
- Area should be conserved.
- Out of character in Conservation Area and would be harmful to and detract from this.
- Imposing.
- None of the other dwellings have a garage so garage would be out of keeping.
- Should be set back from road.
- Would set precedent for allowing future development.
- Development unnecessary - applicants could live in a new build property on former BT site.
- Application on site previously refused.
- Noise and disturbance.
- Impact on amenity, parking and traffic during construction.

Neighbours (5)            Support

- Dwelling well situated and traditional.
- Complements area.
- Good opportunity to utilise piece land in need of new purpose.
- Would complement six other detached properties in The Locks in size and style.
- Would not affect canal as would be scarcely visible from canal towpath.
- Closes access to field behind reducing chance of public access to The Locks from new development.
- Would enhance area.

**Relevant Planning Policies and Guidance:**

Core Strategy

CS1	Does not comply*	Development Strategy (*see report)
CS4	Complies	Rugby Radio Station Sustainable Urban Extension
CS15	Complies	Green Infrastructure Allocations
CS16	Complies	Sustainable Design

Saved Local Plan Policies

E6	Complies	Biodiversity
T5	Complies	Parking Facilities

## National Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## Guidance

Sustainable Design and Construction SPD (2012)

Planning Obligations SPD (2012)

Hillmorton Locks Conservation Area Appraisal (2010)

### **Assessment of Proposal:**

As required by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the proposed development shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011, Rugby Borough Local Plan Saved Policies 2009, The Warwickshire Waste Core Strategy 2013 and the Warwickshire Minerals and Waste Local Plans Saved Policies 2007.

The relevant policies of the Core Strategy are CS1 - Development Strategy, CS4 - Rugby Radio Station Sustainable Urban Extension, CS15 - Green Infrastructure Allocations and CS16 - Sustainable Design. The relevant policies of the saved Local Plan are E6 - Biodiversity and T5 - Parking Facilities. Policy CS16 allows for consideration of the Sustainable Design and Construction Supplementary Planning Document (SPD) 2012, Planning Obligations SPD (2012) and Hillmorton Locks Conservation Area Appraisal 2010.

Material considerations include: the National Planning Policy Framework (NPPF) 2012; National Planning Practice Guidance (NPPG); Appendix A of Circular 11/1995: The Use of Conditions in Planning Permissions; and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

The Council is in the process of preparing further Development Plan Documents (DPD) which will progressively replace the Rugby Borough Local Plan Saved Policies 2009. Consultation on the Development Strategy Consultation document for the Rugby Borough Local Plan DPD closed in July 2014. The Council currently expects to adopt this DPD by December 2016. However, as it has yet to be submitted for examination and so is subject to change, it has been afforded little weight as a material consideration.

### **Key Issues**

1. Sustainable Development
2. Principle of Development
3. Housing Need and Housing Land Supply
4. Conservation Area and Visual Amenity
5. Residential Amenity (Light, Aspect and Privacy)
6. Parking Provision, Highway Safety and Traffic Flows
7. Ecology
8. Archaeology
9. Conclusion

## **1. Sustainable Development**

The NPPF establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraphs 6 and 7). There is consequently a presumption in favour of applications for sustainable development (paragraphs 49 and 197). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraphs 14 and 187). An assessment of this application is therefore outlined below.

## **2. Principle of Development**

Policy CS1 of the Core Strategy outlines a settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the countryside which is classified as being the fifth out of six sequentially preferable locations for development. Paragraph 2.8 of the Core Strategy indicates that this is the most unsuitable location for development and will therefore only be permitted where national policy on countryside locations allows. It then clarifies that the only variation to this approach will be 'the exceptional delivery of housing to meet a specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting'.

Notwithstanding the countryside location, the application site falls within the boundaries of the Rugby Radio Station Sustainable Urban Extension (SUE). This SUE is designated by policy CS4 of the Core Strategy and defined on the Urban Proposals Map. This policy essentially sets out a range of land uses that any proposal for the site must deliver including between 5,000 and 6,200 new dwellings. The principle of residential development on the application site has therefore been established.

Further to the above, it is important to note that outline planning permission has been granted for a mixed use development, including up to 6,200 dwellings, on the designated SUE site (ref: R11/0699). The effect of this permission is such that the urban area of Rugby will effectively extend around the settlement of Hillmorton Locks over the coming years thus changing the character of the area from a countryside to urban location. In addition, the proposed development would not have a negative impact on the deliverability of the SUE site or the associated Green Infrastructure Allocations designated by policy CS15 of the Core Strategy.

Overall, it is recognised that the site's location outside of the urban area within the countryside is such that allowing housing here would technically be a departure from policy CS1. However, in this case the principle of allowing housing in this location has been established through the site's inclusion in the SUE as designated by policy CS4. Furthermore, the proposed development is such that this would be classified as a small scale in-fill development. In addition, the site is located within close proximity to the defined urban area of Rugby where there are a number of accessible shops, services, facilities and public transport. It is consequently considered that the proposed dwelling would not be located in an isolated unsustainable location despite falling within the countryside designation. The principle of development is therefore considered to be acceptable providing it is in accordance with the development plan in relation to the key issues at this site.

### **3. Housing Need and Housing Land Supply**

The NPPF sets out a need to significantly boost the supply of housing and therefore requires the Council to fully and objectively assess housing need across the housing market area in co-operation with neighbouring authorities (paragraphs 47, 157 and 159). There is also a requirement for the Council to identify a deliverable five year supply of housing land to meet this identified need (paragraph 47). However, to ensure choice and competition in the market for land, a 5% buffer is further required and this increases to 20% where there is a persistent under delivery of new homes.

It is within the context of the above that the Council has adopted a Core Strategy which includes Strategic Development Targets for new development. In relation to residential development, the Core Strategy sets out that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 with at least 9,800 accommodated within or adjacent to Rugby Town itself. This target equates to the development of 540 dwellings per year over the plan period. However, a Housing Land Supply Position statement published by the Council in September 2014 indicates that the number of dwellings erected within the Borough to date has failed to meet this target. It therefore calculates that the Council can only demonstrate a 4.13 year housing land supply with a shortfall of 558 dwellings.

The effect of the above is such that the Council does not have a five year supply of deliverable housing land to meet identified housing need. This is consequently a matter which in itself carries significant weight in favour of the application because it would improve the number of available homes in the Borough and thereby contribute towards resolving current housing land supply issues.

### **4. Conservation Area and Visual Amenity**

Policy CS16 of the Core Strategy sets out 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'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 17 and Chapter 7 of the NPPF are also relevant and set out the importance of good design in relation to new development.

Policy CS16 also sets out that 'New development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non – designated heritage assets and their settings'. In this respect, paragraph 7.6 of the Core Strategy and 3.2 of the Sustainable Design and Construction SPD requires consideration of how the proposal takes into account the Hillmorton Locks Conservation Area Appraisal 2010. The latter paragraph further sets out that development should complement or enhance the historic environment. Paragraph 17 and Chapter 12 of the NPPF are also relevant and outline the importance of preserving and enhancing heritage assets.

The application site is located within the defined boundaries of the Hillmorton Locks Conservation Area. There is consequently a need to maintain and manage change to this Area in a way that sustains, and where appropriate, enhances its significance. That significance is the value of the Conservation Area to this and for future generations because of its heritage interest, which may be archaeological, architectural, artistic or historic. In this respect the Hillmorton Locks Conservation Area Appraisal provides a detailed understanding of the significance of this location. It particularly highlights that this significance is primarily gained and understood by reference to its historical development following the construction

of the Oxford Canal. Indeed, the Conservation Area Appraisal describes how the majority of buildings within this location were built as a direct result of the canal during the nineteenth century. Historic industrial buildings are clustered around the canal whilst other buildings located around the settlement would have provided accommodation for workers involved with the canal. The historic nature of this area is translated into the built form of the workers accommodation. For example, the large buildings with high architectural detailing were occupied by the foremen/managers whilst the smaller cottages with relatively little detailing were occupied by the canal workers.

It is within the context of the above that it is apparent that the character, design, layout and appearance of buildings within the Conservation Area is highly varied with no uniform pattern of development. In a more immediate context the proposed dwelling would be seen against other residential properties along the public highway of The Locks. To the one side are the semi-detached properties of 10 and 12 The Locks which take the form of a large L-shape two storey building finished with render and gable roofs to the northwest. To the other northeastern side is a row of former canal workers terraced cottages (14, 18, 20, 22 The Locks) which are two storey in nature and finished with brick/render and gable roofs.

The proposed dwelling would be situated on land inbetween the properties described above and would take the form of a large two storey detached dwelling and single storey detached garage. The position of the dwelling on this plot is such that the main front elevation would be setback 6.60 metres from the grass verge of the public highway. Although this setback would be greater than that of the adjacent properties, it would not be out of keeping with the pattern of development in this area. Indeed, the setback would appropriately bridge the existing space inbetween the adjacent properties rather than encroaching upon and visually competing with these.

Aside from the layout, the proposed development has taken account of and sought to respond to the raised levels of the land on the application site. In this respect the plans indicate that there would be some clearance and levelling of the site to ensure that the proposed dwelling and land would be set at a level equivalent to the surrounding properties. The result is that the finished floor and eaves level of the proposed dwelling would sit inbetween the respective levels of the adjacent buildings of 12 and 14 The Locks. However, the ridge height of the proposed dwelling at 8.30 metres is such that this would be 1.70 metres and 0.80 metres higher than the adjacent properties of 12 and 14 The Locks respectively. Despite this, the difference in levels between the proposed dwelling and 14 The Locks is such that the height difference would be reduced. Indeed, when compared to 16 The Locks the ridge height would actually appear to be the same. On the contrary, the difference in levels between the proposed dwelling and 12 The Locks is such that the 1.70 metre height difference would be further exacerbated. Nonetheless, the extent to which this would appear prominent, intrusive and incongruous is considered to be low. This is because the proposed dwelling would have the character of a large detached property which would integrate well with the building hierarchy found in the Conservation Area. Indeed, the nature of this area is such that there are a number of different sized buildings with varying ridge heights adjacent to one another within this location. It is therefore considered that the proposed layout and height of the dwelling would not appear out of place and detrimental to visual amenities.

The Conservation Area Appraisal makes reference to the simple, functional need of dwellings in this location which have little or no embellishment. The detailed design and appearance of the proposed dwelling has therefore responded to this by drawing on inspiration from the character of the larger properties within the Conservation Area. In addition to the size and height of the proposed dwelling, the proposed front elevation would be symmetrical in appearance owing to the proposed central gable porch canopy with two large windows either side and three smaller windows to the first floor. The windows would

feature brick cills with curved headers in addition to transoms and mullions to the glazing. Further to this, a chimney would be located to the side elevation. Proposed material finishes include red bricks to the walls, plain clay tiles to the roof and painted timber walls and doors. The result of the proposed design and appearance is such that the dwelling would integrate well into the Conservation Area. Indeed, the proposal would particularly be reflective of the design and appearance of the large detached buildings of 3 and 24 The Locks. Nonetheless, the proposed use of plain clay tiles would not be acceptable given the use of slate tiles on the adjacent properties and surrounding area. A condition could therefore be imposed requiring this.

Aside from the above matters, the Appraisal does make reference to open space and the effect it has on the setting of the Conservation Area. Whilst this site is presently open, it is not mentioned specifically within the document. However, a map contained within the Appraisal shows this area as affording views out towards open countryside. In reality they are not open, wide ranging views of the countryside due to the level of the land located behind the site. In any event, the layout of the proposed dwelling would still allow views across the site towards the area beyond.

Overall, it is considered that the proposed dwelling would not appear overtly prominent, out of place or incongruous within the streetscene. Indeed, it is considered that the design, scale, massing, height, layout and materials (subject to a condition) of the proposed development would be in keeping with the neighbouring buildings and local area more generally. It is therefore considered that it would not have a detrimental impact on the visual amenities of the area. Furthermore, having weighed up all of the above aspects, it is deemed that the development does preserve the present character and setting of the Conservation Area and in certain respects enhance it by carrying through features and detailing which has been lost from some of the original dwellings. The development is therefore considered acceptable having regard to Policy CS16, Hillmorton Locks Conservation Area Appraisal 2010 and paragraph 17 and chapter 7 of the NPPF.

## **5. Residential Amenity (Light, Aspect and Privacy)**

Policy CS16 of the Core Strategy requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 3.2 of this SPD refers to Appendix B – Residential Extension Design Guide (REDG), which at paragraph 4, provides guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 17 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

### **Impact on 9 The Locks**

The side elevation of 9 The Locks contains a number of windows to habitable and non-habitable rooms which would face the front elevation of the proposed dwelling at a distance of 20 metres. The first floor windows within the proposed dwelling would also be located over 16 metres away from the private garden to this property. It is consequently considered that these distances are such that there would be no detrimental impact in respect of a loss of light, aspect and privacy to 9 The Locks.

### **Impact on 10 and 12 The Locks**

The properties of 10 and 12 The Locks are located to the northwestern corner of the application site. These two storey properties are attached together to form an L-shape with the effect that the rear elevation of no. 10 and the side elevation of no. 12 overlook the application site to the east.

The rear elevation of 10 The Locks contains three ground floor windows to a kitchen, dining room and study whilst the first floor contains one bathroom window. These windows would overlook the side (western) elevation of the proposed dwelling and garage which would have no windows. The closest of these windows to the proposed dwelling would be the ground floor kitchen window at a distance of 15 metres. The position of the proposed single storey detached garage is also such that it would only be visible at an angle to the right when looking out this window at a distance of between 8 and 10 metres. The central view from this window would be just past the front elevation of the garage. The distance between the kitchen window and proposed development is therefore considered to be acceptable. In any event, the kitchen also benefits from glazed patio doors to the southern elevation which give an additional light and aspect to the room. Views from the dining room and study would be over greater distances and would principally be beyond the front elevation of the proposed dwelling. It is consequently considered that the physical position of the proposed development when combined with these distances are such that there would be no detrimental impact in respect of a loss of light, aspect and privacy to 10 The Locks.

The proposed dwelling and garage would be set back at distance from the side (east) elevation of 12 The Locks. Indeed, views from the centre of the windows within this elevation would not be obstructed by the proposed development. The only view of the two storey dwelling would be at an oblique angle from the right of the window at a distance of over 17 metres. It is consequently considered that the physical position of the proposed development when combined with these distances are such that there would be no detrimental impact in respect of a loss of light, aspect and privacy to 12 The Locks.

Notwithstanding the above, it is important to note that the applicant is proposing to erect 1.20 metre high post and rail fences with 4 rails along the western boundary of the application site. The nature of this type of fencing with views through is considered to be such that a significant and detrimental loss of light and aspect to the windows in the rear and side elevation of 10 and 12 The Locks would not occur. However, a condition removing permitted development rights for boundary treatments along this western boundary would be appropriate to ensure that higher and/or close boarded fencing is not erected in this location in the future. An additional condition removing permitted development rights for extensions and outbuildings at the site is also required to ensure that the residential amenity of surrounding properties is not detrimentally harmed.

### **Impact on 14 The Locks**

The front elevation of 14 The Locks contains windows to a ground floor living room, ground floor bathroom extension and first floor bedroom. The proposed two storey dwelling would be set back from this property and at a near 90-degree angle. Nonetheless, there would be views of the proposed development when looking to the left out of the living room window at a distance of 11 to 20 metres. It is consequently considered that the physical position of the proposed development when combined with these distances are such that there would be no detrimental impact in respect of a loss of light, aspect and privacy to 14 The Locks.

## **Impact on Other Properties**

It is considered that there would be no detrimental impact on the residential amenity of the occupants of any other properties resulting from this proposal.

## **6. Parking Provision, Highway Safety and Traffic Flows**

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 32 of the NPPF additionally sets out the need to take account of whether a safe and suitable access to the site can be achieved for all people.

In relation to parking provision it is proposed that a total of 3 car parking spaces would be provided for the proposed dwelling. This would consequently comply with the Council's maximum parking standards outlined in the Planning Obligations SPD. The amount of parking proposed is therefore considered to be acceptable within this location. In addition, an on-site turning area is proposed for vehicles which would allow them to enter and exit the site in a forward gear. WCC Highways have consequently assessed the safety of this proposed arrangement and found it to be acceptable. They have further considered the suitability of the proposed access and commented that this complies with visibility standards. Their response is consequently one of no objection subject to conditions. In view of this it is considered that the proposal complies with Saved Local Plan Policy T5, the Planning Obligations SPD and paragraph 32 of the NPPF.

## **7. Ecology**

Policy E6 of the Saved Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

In relation to the above, a Preliminary Ecological Appraisal, Great Crested Newt Habitat Suitability Index Survey and Mitigation and Reptile Survey was submitted by the applicant in relation to the previously considered application in September 2014. The outcome of these reports was such that no protected species were identified on the site which was also considered to have a low habitat potential. WCC Ecology have subsequently reviewed this current application and reasoned that the findings of these previous reports are still valid. Subject to the suggested mitigation measures contained within the reports, they are satisfied that protected species would not be adversely affected by the development. It is therefore considered that the proposal would not have an adverse impact on protected species or their habitat having regard to Saved Policy E6 and paragraphs 109, 113, 114, 117 and 118 of the NPPF.

## **8. Archaeology**

In considering the previous application on the site it was noted that a canal feeder culvert runs along the rear boundary of the site. WCC Archaeology subsequently confirmed they had no objections to the proposed development because the culvert would not be affected by the development and there were no other archaeological records relating to the site. Based on this expert advice it is considered the proposal will not have an adverse impact on archaeology having regard to paragraph 139 of the NPPF.

## 9. Conclusion

In conclusion, it is considered that the proposed development would result in the provision of a detached dwelling on a currently underutilised area of land inbetween existing properties. This would consequently have a positive benefit in terms of helping to meet the significant housing need within the Borough. It has also been identified that the proposal would be acceptable in respect of the impact on the conservation area, visual amenity, residential amenity, parking provision, highway safety, traffic flows, ecology and archaeology subject to conditions. On balance, it is consequently reasonable to conclude that the proposed development would take the form of sustainable development which should be approved.

**Recommendation:** Approval Subject to Conditions

**Report prepared by:** Chris Kingham

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R14/2257

#### **DATE VALID**

27/02/2015

#### **ADDRESS OF DEVELOPMENT**

LAND ADJOINING 14

THE LOCKS

HILLMORTON

RUGBY

CV21 4PP

#### **APPLICANT/AGENT**

Rupert Rayson

Godfrey-Payton

25 High Street

Warwick

Warwickshire

CV34 4BB

On behalf of Mr and Mrs Iain Christie

#### **APPLICATION DESCRIPTION**

Erection of one detached dwelling and detached garage (re-submission of refused application R13/1791)

#### **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 approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Location Plan, Street Elevation & Section Plan	3882/6	27/02/2015
Block Plan	3882/4	27/02/2015
Proposed Front & Rear Elevations & Floor Plans	3882/5	27/02/2015
Proposed Side Elevations, Garage Elevations & Garage Floor Plan	3882/6	27/02/2015
Design and Access Statement	N/A	27/02/2015
Planning and Supporting Statement	N/A	27/02/2015

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:

No development shall commence unless and until full working drawings of the canopy porch and proposed windows have been submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 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 Conservation Area.

CONDITION 5:

No development shall commence unless and until full details (including elevations) of all proposed walls, fences and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION 6:

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

REASON:

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

CONDITION 7:

The development hereby permitted shall not commence until a detailed schedule of nesting bird, reptile and great crested newt mitigation measures (to include timing of works, supervision of clearance works, protection measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 8:

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

REASON:

To ensure the proper development of the site.

CONDITION 9:

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

REASON:

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

CONDITION 10:

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 11:

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 3.0 metres with a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a minimum distance of 6.0 metres from the near edge of the highway carriageway.

B) Visibility splays for vehicles having been provided with an 'x' distance of 2.0 metres and 'y' distances of 25 metres as measured from the centre of the access. No structure, erection, trees or shrubs exceeding 0.6 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.

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

REASON:

In the interest of highway safety.

CONDITION 12:

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

REASON:

In the interest of highway safety.

CONDITION 13:

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

REASON:

In the interest of highway safety.

CONDITION 14:

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 interest of highway safety.

CONDITION 15:

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

REASON:

In the interest of highway safety.

CONDITION 16:

The garage hereby approved shall not be used for any purpose other than ancillary to the residential use of the dwelling shown on the submitted plans.

REASON:

In the interest of residential amenity.

CONDITION 17:

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 Schedule 2 Part 1 or Part 2 of the Orders without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 18:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed to the side (western) boundary 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:

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 Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

#### INFORMATIVE 2:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. 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.

#### 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 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 4:

Condition numbers 11, 12 & 14 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 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 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.

INFORMATIVE 6:

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 7:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be downloaded at: [http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223) Alternatively, you can contact the Street Naming and Numbering Team for an application form at: [SpecialistSupport@rugby.gov.uk](mailto:SpecialistSupport@rugby.gov.uk) or by ringing 01788 533885.

**Reference number: R14/2048**

**Site address: The Evergreens, Wood Lane, Shilton, CV7 9LD**

**Description: Permanent permission application for use of land as a private gypsy and traveller site for 2 mobile homes, including stables and storage buildings (previous temporary permissions R12/0342 and R13/1494).**

**Case Officer Name & Number: Martin Needham (01788 533741)**

### **Description of proposal**

This application has been brought to the Planning Committee for determination following a request by Cllr Pacey-Day. A committee site visit was undertaken on the 27<sup>th</sup> January 2015.

Planning permission is sought for the use of the site on a permanent basis as a gypsy and traveller site for 2 mobile home pitches, including associated structures. The mobile homes are for the applicant and his family, which consists of a total of 8 members. The two mobile homes currently benefit from temporary permissions that run until 2017.

### **Description of site**

The site is located in the Green Belt near to the Western edge of Shilton. The site is set on lower ground than the adjacent highway, Wood Lane, and a hedge is present along the front boundary to provide some screening.

Along the West boundary of the site there is a barn style building that has been used as general storage. A stables building is located in the North corner of the site and a toilet block is also situated in the vicinity. From planning records, the former stables and toilet block had been in place since around 1996, and aerial photograph records show the storage buildings have been in situ prior to 2006. These buildings did not have a specific planning permission granted for them, however due to the length of time they have been in place (more than 4 years) they have become authorised.

To the West of the site beyond a line of trees and bank is the M69 motorway, and adjacent to the North (rear) and East boundaries is an existing traveller site that has been in situ since around 2003. The adjacent traveller site has 4 mobile homes and a large agricultural building, and is established by virtue of the length of time it has been there.

### **Relevant Planning History**

R89/1473/01297/P: Erection of building to provide equine pool and rehabilitation centre and siting of mobile home – Refused.

R96/0518/01297/P: Continuation of land for siting of mobile home for one gypsy family – Appeal allowed.

R96/0673/01297/P: Continuation of land for siting of mobile home for one gypsy family and retention of stables – Refused.

R02/0383/01287/P: Retention of mobile home and continuation of use of land as gypsy caravan site – Approved. Appeal to vary condition allowed.

R12/0342: Renewal of planning permission for siting of mobile home and continuation of use of land as gypsy caravan site (previous reference R02/0383/01297/P) – Approved.

R13/1494: Siting of additional mobile home (in association with use of land as gypsy and traveller site) – Approved.

### **Technical Consultation Responses**

Development Strategy	Comment	Lack of available sites carries significant weight in determining of application. Guidance note issued outlining need and considerations.
Environmental Services	Recommend conditions.	
WCC Highways	No objection.	
WCC Ecology	No objection	

### **Interested Party Responses**

Neighbours: No comments received

Shilton Parish Council – Objection. Site already has temporary permission until 2017

#### Rugby Borough Local Plan 2006 – Saved Policies:

RBLP GP2	Complies	Landscaping
RBLP E6	Complies	Biodiversity
RBLP T5	Complies	Parking facilities

#### Rugby Borough Core Strategy 2011:

Policy CS1	Development Strategy
Policy CS11	Transport & New Development
Policy CS16	Sustainable Design & Construction
Policy CS22	Sites for Gypsies, Travellers & Travelling Showpeople

Planning Policy for Traveller Sites 2012

National Planning Policy Framework 2012

Gypsy & Traveller Accommodation Assessment (GTAA) 2008

### **Assessment of Proposal**

The main issues concerning this application are principle of the development in this location and impact upon the Green Belt, visual and residential amenities and highway safety.

#### Gypsy status of family

The status of the applicant's family as gypsies has previously been accepted by the Planning Inspectorate and this Council. It is considered that they still fall within the definition of gypsies and travellers as described in Annex 1 of the Planning Policy for Traveller Sites (PPTS), 2012.

### Application background

The original temporary planning permission for the site was granted at appeal in 1996 on the basis of the special circumstances of the applicant, which involved the medical and educational needs of family members. A further temporary permission was granted in 2002 for a period of 10 years, which was renewed in 2012, again due to the special circumstances of the applicant. Due to an additional need for space for the family, which included an additional member following marriage of one of the sons, permission was granted for a second mobile home on the site in 2013. This was for a limited period to coincide with the expiration of the permission for the original home (in 2017).

### Policy background

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.

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.

The authority's most up to date evidence base for Gypsy and Traveller need is contained within Rugby Gypsy and Traveller Accommodation Assessment November 2014. The document highlights that for the period 2014/15 to 2018/19 that there is a need to allocate land for 24 pitches.

In terms of the progress of the development plan to allocate sites to meet the unmet need this document will not be adopted until November 2016.

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.

Policy CS1 of the Core Strategy 2011 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. Policy CS22 states that a site will be assessed on a sequential approach to its location having regard to need, the site's suitability, availability and viability. Sites within the urban area are preferred first, before main rural settlements, the countryside, and then the Green Belt. Only where national policy on Green Belt allows will development be permitted.

In addition, CS22 states that evidence should be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach;

- The site is cumulatively appropriate and proportionate in scale to the nearest settlements, local services and infrastructure,
- Vehicular access onto the site via the public highway is appropriate
- The site is capable of assimilation into the surroundings
- If screening is provided, suitable landscaping and planting will be provided and maintained by the developer; and
- 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.

Other policies relevant to this application relate to the need to safeguard visual and residential amenities, highway safety, biodiversity and landscaping.

#### Assessment of Location and site Characteristics

The site is located in the Green Belt near the edge of the Shilton Village boundary, separated from the settlement by a paddock and the access to the traveller site at the rear. Although separated, it is considered the site is reasonably well related to the settlement. Shilton is not a main rural settlement, although has some facilities including a village hall, church, pub, garage and designated open space all within walking distance. The settlement of Bulkington is a short drive away (less than 5 minutes), which has a variety of shops and services.

The site itself is bounded on all sides by existing development, with the M69 motorway to the West, the established traveller site to the North and East, and Wood Lane highway to the South. As such, the site is effectively contained by the surrounding land uses and could not expand further. The site does not feature prominently in the streetscene and is set on lower ground than the highway. There is a substantial presence of built development surrounding the site. The traveller site to the rear appears more prominently than the application site on the approach from the East along Wood Lane. From the West, the M69 motorway is an extensive man made feature that is clearly visible when travelling from this direction. The site is considered to comply with the siting criteria as specified in CS22.

There is a hedge along the front boundary that provides some screening for the site, although some gaps have become evident and parts appear tired, exposing the site in certain areas. It is considered appropriate to require a landscaping scheme to be submitted in the event of permission being granted, to ensure the planting can adequately reinforced where necessary in the interests of visual amenities.

It is noted that aside from the mobile homes, the other structures on the site are already lawful on a permanent basis and would remain if the site was vacated in the future. Thus the site would retain a significant amount of development even were it to be vacated. Due to the use of the buildings the land constitutes previously developed land.

Overall, the presence of the motorway, adjacent traveller site and other authorised structures on the application site results in an existing substantial impact on the Green Belt in this particular location. It is considered therefore that the presence of the mobile homes has a limited impact in comparison i.e. even should the homes be removed in the future, the overall remaining impact upon the Green Belt would be similar.

#### Availability of sites

There is an unmet need of Gypsy and Traveller sites in the borough. The authority is currently unaware of any available, viable and suitable alternative sites for the proposal which are outside the Green Belt. The weight attached to the lack of sites is significant.

Information provided with the application highlights that the Council has been unable to identify suitable land for Gypsy and Traveller sites and that 2/3 of the land within the borough is Green Belt. In addition, despite making his own searches, the applicant has been unable to locate an alternative site and there is also the problem that these would be unaffordable. It has also been highlighted that future allocation is also likely to be in Green Belt land.

There is not currently availability at the Council run site at Woodside Park. New pitches are being developed on this site however it is understood there is already a waiting list for these, and there is no guarantee that these would become available for the applicant as tenants are assessed on a need basis. Even if space became available at Woodside Caravan Park there still remains a need for additional Gypsy & Traveller pitches within the Borough. Therefore, whether the applicant is willing or unwilling to move to the Woodside Caravan Park site a need for additional pitches would remain.

The agent has commented that the applicant would find it unsuitable to move onto the site due to the animals under their care and space requirements.

#### Personal Circumstances of the applicant:

The applicant and his family have been on site for nearly 18 years, since the original permission in 1996. Information submitted with application describes how they have built strong local connections and the family is well established in the community. They attend

Christian meetings at Shilton village hall, are members of Ansty Social club, and are registered at a local doctors in Brinklow. The family shop locally and have friends in Shilton.

Medical information has been provided by the family's doctor, which details health issues of three of the family members. The doctor has confirmed the applicant has a disability that requires regular hospital treatment with a consultant. The applicant's wife, also has health problems and remains under regular review. The doctor advises that planning permission should be given to stay on the land, as any move or threat to do so would adversely affect their health and well-being.

The agent has commented that the stress of 3 temporary permissions has had an adverse effect on the health of the applicant's wife, and has highlighted an appeal decision where the uncertainty of living under temporary permissions was a material consideration in granting a permanent permission for a gypsy family.

Another member of the family has severe physical disability issues. A letter from the doctor has also been submitted which states that it is important he can access health care locally to ensure continuity in his difficult circumstances, and also that an enforced move would be to the detriment of his health.

The applicant has a Special Guardianship Order of a child age 11. A letter has been provided by Warwickshire County Council confirming they are supporting with home tuition as the child is unable to access mainstream education, and that he has a Statement of Special Educational Needs, and these needs have been complicated by frequent changes of home and school. WCC state, there has been considerable improvement since being with the family and that it would be detrimental for the child to experience further upheaval, and that they would like to support the applicant's wish to remain in their current home.

Another member of the family is a landscape gardener and has regular clients in Shilton and Bulkington. He is also member of a local sport and boxing club.

The applicant has 12 horses that are stabled close to the home, and also several dogs and cats and two Pygmy goats.

#### Other material considerations

The NPPF permits the erection of buildings in the Green Belt providing these are not materially larger than the ones they replace. It would be possible to justify the permanent siting of the mobile homes via the removal of the stables, storage structures and toilet block, which equate to a similar volume. Whilst this is not specifically proposed in the current application, it is nonetheless a reasonable fallback position that may be utilised and as such is given consideration.

WCC Highways have made no objection to the proposal and there is also sufficient space on site for adequate parking. Overall the proposal is considered acceptable in highway terms and parking.

The development would not give rise to significant residential amenity issues. Due to the screening present and existing visual impact of the other buildings on the site and traveller site to the rear, the visual impact of the development is considered acceptable.

Environmental Services have made no specific comment to the suitability of a permanent permission, although request that consideration is given to conditions relating to the occupancy of the site by the applicant's family, number of caravans on the site, sub division of the pitch, no trade or commercial activity, waste management, caravans siting and details of the septic tank.

A condition relating to the occupancy of the site by the applicant's family is considered suitable for inclusion, as the specific circumstances of the family form part of the overall justification for the proposal. The septic tank has been in situ since 1996, and it is not considered necessary to require details of this to be submitted, and if problems to arise this would be a matter that could be addressed via Environmental Health legislation. The siting of the homes and distances from boundaries would be covered however by the appropriate caravan licensing, and the mobile homes are generally in accordance with the requirements.

Due to being in the Green Belt and the type of development, it is necessary to consider if the proposal requires referral to the National Planning Casework unit. It is not considered however that the significance of the harm to the Green Belt is great enough to warrant the application to be referred to the National Planning Casework Unit for assessment.

### Summary of considerations

The site's proximity to the settlement of Shilton adds a degree of sustainability that is not present in many other areas of the Green Belt. This in itself does not justify the principle of the development in this location, however significant weight is also given to the site characteristics, in that it is bounded and contained by developments on all sides which in themselves have a substantial impact on the character and openness of the Green Belt. In addition the site would retain several buildings even if it were vacated. In comparison to the impact of the surrounding uses, and also with regard to the structures that may remain, the relative benefit to the Green Belt by removing the mobile homes is limited.

As stated, there is an unmet need of Gypsy and Traveller sites in the borough. At this moment in time, the authority is unaware of any available, viable and suitable alternative sites for the proposal which are outside the Green Belt. An unmet need of sites is not in itself sufficient to justify a grant of planning permission, although this is given significant weight in the determining of the application.

The personal and medical circumstances of the family are in themselves not considered sufficient to justify a grant of permanent planning permission, although nonetheless they support a need to be based locally and, to a degree, for certainty and long term accommodation. As such, these are also given weight.

In the event that permission would be refused, in accordance with the NPPF it would be possible to justify the permanent retention of the mobile homes via the removal of the existing authorised buildings on the site, as a case could be made that the homes would not have a materially greater impact than these. This is a reasonable and likely fallback position in the event of a refusal and as such some weight is also given to this.

Overall, it is considered that due to the site's location, physical characteristics, authorised development present and also with regard to the personal circumstances of the applicant's family, on balance the combination of all these factors is sufficient to amount to very special circumstances and that the development is acceptable in this particular instance, in accordance with policies CS1, CS16 and CS22 contained within the Core Strategy, and guidance contained within the NPPF and the PPTS. The proposal is otherwise considered acceptable in terms of its impacts upon visual and residential amenities, biodiversity and highway safety, and is in compliance with the other stated policies and guidance.

### **Recommendation**

The proposal is recommended for approval.

Report by: M Needham 9<sup>th</sup> April 2015

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/2048

### **DATE VALID**

10/12/2014

### **ADDRESS OF DEVELOPMENT**

THE EVERGREENS  
WOOD LANE  
SHILTON  
COVENTRY  
CV7 9LA

### **APPLICANT/AGENT**

Mr Alec Statham  
Garland Stud  
Bagworth Road  
Barlestone  
Nuneaton  
Warwickshire  
CV13 0JA  
On behalf of Mr Jimmy Jones

### **APPLICATION DESCRIPTION**

Permanent permission application for use of land as a private gypsy and traveller site for 2 mobile homes, including stables and storage buildings (previous temporary permissions R12/0342 and R13/1494).

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

#### CONDITION 1:

The use hereby permitted shall be carried on only by Mr Jones and/or Mrs Jones, their family as specified in the application details, and dependent children unless otherwise agreed in writing by the Local Planning Authority. Should their use of the site cease, all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed and the land laid out in accordance with a scheme of works and associated timeframes that have been submitted to and approved in writing by the Local Planning Authority prior to the cessation of their use of the site and thereafter retained.

#### REASON:

The site lies within the Green Belt where planning permission is not normally granted except where there are very special circumstances and in the interests of the amenities of the locality.

#### CONDITION 2:

This permission relates to the following plans and information:

Site Location Plan, Photographs, Floor Plan and Elevations (mobile home 2) received 22nd October 2014.

Mobile Home, Stables and Barn elevations received 7th April 2015.

Supporting Information received 6th February 2015, 13th February 2015 and 4th March 2015.

REASON:

For the avoidance of doubt.

CONDITION 3:

The use hereby permitted shall be for the stationing and residential occupation of no more than 2 mobile homes/caravans.

REASON:

The site lies within the Green Belt where planning permission is not normally granted except where there are very special circumstances and in the interests of the amenities of the locality.

CONDITION 4:

No trade, business or any form of commercial activity shall take place or be carried on at the site and no materials associated with such uses shall be stored on the site.

REASON:

In the interests of visual amenity and to ensure a satisfactory development.

CONDITION 5:

There shall be no parking, stationing or storage on the site of any vehicles in excess of 3.5 tonnes.

REASON:

In the interests of visual amenity and to ensure a satisfactory development.

CONDITION 6:

No external generators shall be used unless they are enclosed and sited in accordance with details submitted to and approved by in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 7:

The site shall not be subdivided.

REASON:

To ensure amenity facilities remain suitable and sufficient for the population of the site.

CONDITION 8:

A landscaping scheme shall be submitted in writing to the Local Planning Authority and shall be implemented no later than the first planting season following approval of this permission. 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.

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 is advised that there shall be no burning of waste on the site and that compliance with planning conditions does not necessarily prevent action from being taken by the Council or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

INFORMATIVE 2:

The applicant is advised that a minimum three metre separation distance between any caravan and boundary should apply.

INFORMATIVE 3:

The site may be subject to a caravan site licence as required under the Caravan site and control of Development act 1960. This licence will include conditions such as the distance between units and the boundary, number of facilities, electricity provision etc. Further details and an application form for a caravan site licence can be found from the council's website or from the public health and licensing team on (01788) 533882.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	22 April 2015
<b>Report Title</b>	Delegated Decisions –19.02.2015 to 02.04.2015
<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 – 22 April 2015**

**Delegated Decisions – From 19.02.2015 To 02.04.2015**

**Report of the Head of Planning and Culture**

**Recommendation**

The report be noted.

**1. BACKGROUND**

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

Name of Meeting: Planning Committee  
Date Of Meeting: 22.04.2015  
Subject Matter: Delegated Decisions – 19.02.2015 to 02.04.2015  
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.

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\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER  
DELEGATED POWERS FROM 19.02.2015 TO 02.04.2015

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R14/2278 Refused 20.02.2015</i>	The Poppies Mile Tree Lane Bulkington Coventry	Retrospective permission for the change of use of the mobile homes from traveller site to open residential
<i>R15/0102 Refused 02.03.2015</i>	50 Hardy Close Bilton Rugby	Retention of a 0.9m high fence
<i>R15/0108 Refused 06.03.2015</i>	Woodthorpe Church Walk Bilton Rugby	Full: Extension to form attached car port and store room and other alterations including a new conservatory, pitched roof over side extensions, extended canopy over front door and render to property
<i>R15/0137 Refused 13.03.2015</i>	Hollybank Farm Southam Road Leamington Hastings Rugby	Retention of a temporary agricultural worker's dwelling (renewal of planning permission R11/2330 for a temporary dwelling for an agricultural worker in connection with the operation at Hollybank Farm, dated 10 January 2012).
<i>R14/1566 Refused 13.03.2015</i>	Land at Park House Farm Little Lawford Lane Harborough Magna Rugby	Installation of a wind turbine with a hub height of 50m and maximum tip height of 78m with associated infrastructure to include an upgraded access track of approximately 120m length; crane pad; temporary laydown and assembly area; and substation
<i>R14/2165 Refused 16.03.2015</i>	The Olde Barn Farm Lane Easenhall Rugby	Replacement of a front boundary fence with a retaining wall.
<i>R14/2371 Advertisement Refusal 09.03.2015</i>	Land to the North-West of the junction of Newbold Road and Avon Mill Lane Rugby	Retention of a double-sided, pole mounted, non-illuminated sign at the entrance to Avon Mill Lane.

<i>R15/0161 Refusal of Listed Building Consent 26.02.2015</i>	24 Leicester Road Wolvey	LBC: To erect a fence along the western boundary to the front of the property using concrete posts and lap fencing panels. To a height of 1.85 meters.
<i>R15/0145 Refused 25.03.2015</i>	2 Woodside Rugby Road Binley Woods Coventry	Erection of a single storey rear extension
<i>R14/2358 Refused 31.03.2015</i>	147 Rugby Road Binley Woods Coventry	Erection of part single storey rear extension and part first floor rear and side extensions
<i>R15/0418 Refused 02.04.2015</i>	41 Newbold Road Rugby	Proposed change of use of existing shop (Class A1) with flat above to an estate agent (Class A2) with flat above
<b>Applications Approved</b>		
<i>R14/1721 Approved 19.02.2015</i>	115 Dunchurch Road Rugby	Erection of a new front porch and single storey rear extension including demolition of an existing garage.
<i>R15/0021 Approved 19.02.2015</i>	32 Faraday Road Rugby	Erection of first floor side and rear extension
<i>R14/1995 Approved 20.02.2015</i>	SP-engineering Hillmorton Yard The Locks Hillmorton Rugby	Siting of a portable building externally within the yard area.
<i>R15/0133 Approved 20.02.2015</i>	Pear Tree Cottage Main Street Brandon	Erection of a part two storey and part single storey side extension.
<i>R14/2350 Approved 20.02.2015</i>	60 Nelson Way Bilton Rugby	Change of use of building from Class A2 (office) to Class C3 (dwelling house) of the Town and Country Planning (Use Classes) Order 1987 as amended, and associated works.
<i>R14/1591 Approved 20.02.2015</i>	The Old Post Office Coventry Road Dunchurch	Erection of detached outbuilding for use as a home office

	Rugby	
<i>R14/2108 Approved 20.02.2015</i>	5 Lytham Road Rugby	Erection of a single storey side extension.
<i>R14/1458 Approved 20.02.2015</i>	Rugby Business Centre 21-23 Clifton Road Rugby	Retrospective changes to shop front including enclosing of porch area
<i>R14/1972 Approved 20.02.2015</i>	1 Foxwood Drive Binley Woods Coventry	Erection of single-storey rear extension, conversion of garage to additional room, extension of hardsurfaced parking area, proposed front porch, new pedestrian access, erection of boundary fence to enclose garden, external alterations.
<i>R14/1788 Approved 23.02.2015</i>	78 Percival Road Rugby	Retention of veranda and decking [ changes to previously approved development Ref R14/0771] dated 28/8/2014] and erection of new veranda to rear of existing property
<i>R14/2152 Approved 23.02.2015</i>	18 Steele Street New Bilton Rugby	Erection of single storey rear extension
<i>R15/0083 Approved 24.02.2015</i>	Moorbarn House School Lane Stretton-on-Dunsmore Rugby	Erection of a timber shed with log store to side
<i>R14/2303 Approved 25.02.2015</i>	Building rear of 31 Coventry Road Pailton Rugby	Change of use of building to residential with extensions to building and erection of detached garage building.
<i>R15/0162 Approved 26.02.2015</i>	17 Briars Close Long Lawford Rugby	Erection of two storey rear extension and single storey side extension
<i>R14/1934 Approved 26.02.2015</i>	Land adjacent to 1 Holly Grove Church Lawford Rugby	Erection of one pair of semi-detached 2 bedroom bungalows, together with a single detached double garage to serve both properties and associated works.
<i>R14/0911 Approved 26.02.2015</i>	91 Bilton Road Bilton Rugby	Erection of part two storey rear extension and part three storey side extension.

<i>R14/2305 Approved 27.02.2015</i>	Lower Ground Floor 36 Regent Place Rugby	Change of use of part of lower ground floor to Class B1 (production and delivery of sushi) of the Town and Country Planning (Use Classes) Order 1987 as amended.
<i>R15/0183 Approved 27.02.2015</i>	Thistle Farm 280 London Road Stretton-on-Dunsmore	Continuation of use of existing outbuilding as primary living accommodation whilst construction of the dwelling permitted under planning permission reference R12/1852 is completed.
<i>R15/0144 Approved 02.03.2015</i>	Little Kimble 13 Church Hill Stretton-on-Dunsmore	FULL: Single storey rear & side extension
<i>R14/0435 Approved 02.03.2015</i>	8 William Street Rugby	FULL: Erection of two storey rear extension
<i>R14/2326 Approved 02.03.2015</i>	Land to North of Brownsover Lane Brownsover Lane Brownsover Rugby	Proposed erection of vehicular access gates to serve water booster station
<i>R14/1837 Approved 03.03.2015</i>	The Mangers Manor Farm Barns Brooks Close Willoughby Rugby	Erection of two-storey rear extension, conversion of room to garage, external alterations and formation of access gates and piers. Change of use to increase extent of residential curtilage boundary and erection of fencing.
<i>R13/2220 Approved 04.03.2015</i>	The Timbers Mill Lane Burton Hastings Nuneaton	Amendment to previous conversion permission R99/0414 - Replacement of existing oak frame barn with new oak frame extension including single storey side extension and car port
<i>R15/0226 Approved 04.03.2015</i>	27 York Street New Bilton Rugby	Erection of a two storey side and single storey rear/side extension.
<i>R15/0217 Approved 06.03.2015</i>	Elliott's Field Retail Park Leicester Road Rugby	Demolition of the existing Pizza Hut restaurant and replacement with two new restaurant/café units (Class A3) on site east of main vehicular access and reconfiguration of adjacent car parking.
<i>R15/0208</i>	10 Newton Lane	Provision of a dropped Kerb

<i>Approved</i> 06.03.2015	Newton Rugby	
<i>R15/0283</i> <i>Approved</i> 06.03.2015	17 Malvern Avenue Hillmorton Rugby	Erection of single storey side and rear extensions
<i>R15/0116</i> <i>Approved</i> 06.03.2015	Garage rear of 52A Avenue Road New Bilton Rugby	Conversion of existing garage to form a one bedroom dwelling house, external alterations and associated car parking (amendment to approved planning permission R14/1064 dated 20/10/2014 to include alterations to the roof)
<i>R15/0219</i> <i>Approved</i> 09.03.2015	55 Plexfield Road Bilton Rugby	Proposed two storey and part single storey rear extension
<i>R14/2324</i> <i>Approved</i> 09.03.2015	2 The Cottage The Green Rugby Road Brandon Coventry	Proposed first floor rear extension
<i>R15/0313</i> <i>Approved</i> 10.03.2015	Jubilee Bungalow Burnthurst Lane Rugby	Amendment to previous application R13/2326 for detached bungalow - amendment includes additional single storey addition to bungalow
<i>R14/2014</i> <i>Approved</i> 10.03.2015	H M Prison Service H M Prison Service College Newbold Revel Road Stretton-under-Fosse Rugby	Extension to existing car parking area, to provide additional car parking, include new hardstanding, line marking, lighting and surface water drainage.
<i>R12/0411</i> <i>Approved</i> 12.03.2015	Frankton Manor Main Street Frankton Rugby	Formation of a wildlife lake
<i>R15/0062</i> <i>Approved</i> 12.03.2015	Barn Meadow Farm Calcutt Lane Broadwell Rugby	Retention of stable block and tack room
<i>R15/0340</i> <i>Approved</i> 12.03.2015	18 North Street Rugby	Display of 1no. Internally illuminated fascia signs and 1no. Internally illuminated projecting sign.
<i>R14/2372</i>	74 Wheatfield Road	Erection of a part two storey part first floor side

<i>Approved</i> 12.03.2015	Bilton Rugby	extension and car port.
<i>R15/0343</i> <i>Approved</i> 12.03.2015	11 Rugby Road Long Lawford	Proposed single storey side extension to the front of the property and a two storey side extension to the rear
<i>R15/0336</i> <i>Approved</i> 12.03.2015	1A Shepherd Street Marton	Replace existing timber casement windows with UPVC casement windows. Replace existing timber french door to Lounge to UPVC Window. Replace existing Dining room Window to UPVC french doors. Replace existing timber front door for composite door. Blocking up of existing side door.
<i>R14/1945</i> <i>Approved</i> 13.03.2015	Manor Barn Church Road Church Lawford Rugby	Removal of existing timber fence along the western boundary of the garden area and replacement with a wall and pedestrian gate at the same height of the existing fence
<i>R15/0231</i> <i>Approved</i> 13.03.2015	The Coach House Merttens Drive Rugby	Single storey lounge and study extension to rear and small addition to greenhouse
<i>R15/0293</i> <i>Approved</i> 13.03.2015	10 Hawthorn Close Rugby	Retention of hardstanding to front of property.
<i>R15/0355</i> <i>Approved</i> 16.03.2015	The Granary Hill Farm Draycote Road Bourton-on-Dunsmore Rugby	Waiver of Condition 8 of planning permission reference R07/0104/PLN, dated 09/03/07 (Conversion of the existing agricultural building to form a dwelling).
<i>R14/2238</i> <i>Approved</i> 16.03.2015	White House Farm 13 Main Street Willoughby Rugby	Conversion of Barn to a residential dwelling including a first floor extension and single storey additions
<i>R15/0091</i> <i>Approved</i> 17.03.2015	69 Temple Street Rugby	Erection of 4 No. three bed townhouses and 3 No. two bed flats with associated parking and amenity mews courtyard
<i>R15/0322</i> <i>Approved</i> 17.03.2015	59 Main Street Stretton under Fosse Rugby	Erection of a single storey rear extension.
<i>R15/0363</i>	Totterdown Cottage	Erection of a ground floor side & rear

<i>Approved 17.03.2015</i>	Ashlawn Road Rugby	extensions
<i>R15/0316 Approved 17.03.2015</i>	The Old Presbytery Main Street Rugby	Erection of a part first storey and a two storey rear extension.
<i>R14/1561 Approved 17.03.2015</i>	48 Sidney Road Rugby	Erection of a two storey side and a single storey rear extension
<i>R15/0242 Approved 18.03.2015</i>	Jaguar Land Rover Unit DC3 – Prologis Ryton Imperial Road Ryton on Dunsmore Rugby	External alterations within the curtilage of site, including the installation of a plant room and cabin
<i>R15/0367 Approved 18.03.2015</i>	The Sheiling Southam Road Toft Dunchurch	Two storey side extension
<i>R15/0362 Approved 18.03.2015</i>	The Old Police House Freeboard Lane Rugby	Erection of a single storey rear extension and a first floor side extension.
<i>R14/2205 Approved 19.03.2015</i>	The Carriage House Homestead Coventry Road Dunchurch Rugby	Replacement of all timber windows and doors with wood effect UPVC double glazed windows and doors
<i>R15/0374 Approved 19.03.2015</i>	38 Parkfield Road Newbold Rugby	Provision of a dropped kerb
<i>R15/0267 Approved 19.03.2015</i>	10 Church Road Rugby	Erection of a single storey rear extension to replace the existing sunroom and extension of the existing kitchen.
<i>R15/0032 Approved 19.03.2015</i>	1 Helmdon Close Rugby	Retrospective application for the conversion of existing integral garage to living accommodation
<i>R15/0023 Approved 19.03.2015</i>	40 Glebe Crescent New Bilton Rugby	Side and rear single storey extension

<i>R15/0382 Approved 23.03.2015</i>	1 Pantolf Place Rugby	Demolition of existing conservatory and erection of a single storey rear extension
<i>R15/0317 Approved 23.03.2015</i>	Wolvey Villa Farm Coventry Road Wolvey Hinckley	Retention of timber framed stable block for private equestrian use.
<i>R15/0379 Approved 24.03.2015</i>	1 Monarch Close Rugby	FULL: Replace existing wooden windows & doors with UPVC replacement windows.
<i>R15/0132 Approved 24.03.2015</i>	153 Townsend Lane Rugby	Full: Single storey and two storey rear extension
<i>R14/2356 Approved 25.03.2015</i>	Land Fronting and including part of A428 Crick Road Hillmorton Rugby	Construction of a junction on A428 to provide additional access into Key Phase 1 of the Rugby Radio Station development (Ref:R11/0699): including carriageway, verge, footway / cycleway and crossing, east bound and west bound bus stops, drainage and associated works.
<i>R15/0274 Approved 25.03.2015</i>	Churchover House School Street Churchover	Retention of a balcony to the first floor rear of the property
<i>R15/0375 Approved 26.03.2015</i>	36 Bluemels Drive Wolston Coventry	Erection of a single storey rear extension.
<i>R15/0419 Approved 26.03.2015</i>	Astrop House Main Street Rugby	Proposed two storey side extension
<i>R14/2289 Approved 27.03.2015</i>	2 Elder Close Bilton Rugby	Erection of single storey rear and side extension and retention of existing conservatory.
<i>R15/0085 Approved 30.03.2015</i>	25 Heather Road Coventry	Erection of single storey rear extension new pitched roof and new front canopy and porch
<i>R15/0196 Approved</i>	63 Wordsworth Road Rugby	Erection of single storey front and rear extensions

30.03.2015		
<i>R15/0130 Approved 31.03.2015</i>	23 Friars Close Binley Woods Coventry	Erection of two storey rear extension and single storey side extension
<i>R15/0457 Approved 01.04.2015</i>	64 Derwent Close Brownsover Rugby	Erection of a single storey side extension.
<i>R15/0437 Approved 01.04.2015</i>	Station House Bourton Lane Rugby	Two gable dormers to front and flat roof dormer to rear (in connection with loft conversion)
<i>R15/0449 Approved 01.04.2015</i>	7 Kingsley Avenue Hillmorton Rugby	Erection of a two storey side and rear extension with loft conversion (resubmission of planning permission R14/1689 dated 30 January 2015).
<i>R15/0300 Approved 01.04.2015</i>	48 Windsor Street Rugby	Subdivision of existing dwelling to form 2no. Flats.
<i>R15/0473 Approved 02.04.2015</i>	70 Beswick Gardens Bilton Rugby	Erection of a single storey timber outbuilding for use as a garden room.
<i>R15/0172 Approved 02.04.2015</i>	35 Church Road Shilton	Change of use of Church Meeting Rooms to a residential dwelling (Wavier of condition 3 of planning permission R14/0314 dated 02/04/2014 which required the occupancy of the dwelling to be restricted to a local person)
<b>Prior Approval Applications</b>		
<i>R15/0290 Prior Approval Not Required 12.03.2015</i>	Vodafone Crick Road Telecommunications Mast Crick Road Hillmorton Rugby	Prior approval application under Part 24 of the Town and Country Planning [General Permitted Development] Oder 1995 as amended for the upgrade of existing telecommunications base station comprising the removal of the existing 11.8 high column and replacement, with minor relocation with a 12.5 metre high column, 1 no additional equipment cabinet and ancillary works.
<i>R15/0285 Prior Approval Not</i>	Vodafone Telecommunications Mast	Prior Approval under Part 24 of the Town and Country Planning [ General Permitted

<i>Required</i> 13.03.2015	Vodafone Site Cell Ref 60636 Hollowell Way Brownsover Rugby	Development ] Oder 1995 as amended for the removal of the existing 13.8 metre mast and its replacement with a 15 metre mast, associated replacement radio equipment cabinet and development works ancillary thereto
<i>R15/0152</i> <i>Prior Approval</i> <i>Required and Refused</i> 13.03.2015	Home Farm Birdingbury Road Bourton on Dunsmore Rugby	Prior notification of intention to convert existing redundant agricultural building to form 2no. residential units.
<i>R15/0294</i> <i>Prior Approval Not</i> <i>Required</i> 13.03.2015	Vodafone Site 81821 School Street Hillmorton Rugby	Prior Approval application under Part 24 of the Town and Country Planning [General Permitted Development ] Oder 1995 as amended for the upgrade of existing telecommunication base station comprising the removal of the existing 11.8 metre mast and its replacement with a 12.5 m mast associated additional radio equipment cabinet and development works thereto
<i>R15/0305</i> <i>Prior Approval Not</i> <i>Required</i> 19.03.2015	Vodaphone Vodafone 81814 Streetworks Site St Georges Avenue Rugby	Prior Approval Application under Part 24 of the Town and Country Planning [ General Permitted Development ] Oder 1995 [as amended ] for the upgrade of the existing base station with the removal of the existing 12 m mast and its replacement with a 12.5 m mast, and associated additional radio equipment cabinet and development works ancillary thereto
<i>R15/0492</i> <i>Prior Approval Not</i> <i>Required</i> 19.03.2015	The Old Stables Watling Street 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 agricultural barn
<i>R15/0321</i> <i>Prior Approval</i> <i>required and granted</i> 23.03.2015	Tythe Platts Farm Penn Lane Wibtoft	PACU: Prior Notification of Intent to convert agricultural building to a residential unit
<i>R15/0302</i> <i>Prior Approval</i> <i>required and granted</i> 27.03.2015	Vodaphone Dunchurch Road Telecommunications Mast Dunchurch Road Rugby	Prior Approval application under Part 24 of the Town and Country Planning [ General Permitted Development ] Oder 1995 as amended for the upgrade of the existing base station for the removal of the existing 11.8 m mast and its replacement with a 12.5 m mast, two associated additional radio equipment cabinets and development works ancillary thereto

<i>R15/0326</i> <i>Prior Approval Not Required</i> <i>30.03.2015</i>	58 Cromwell Road Hillmorton Rugby	Prior approval for the erection of a 4.275 extension from the rear of the original dwelling and 2.7 m to the eaves and 3.9 m to highest point
<b>Listed Building Consents</b>		
<i>R15/0047</i> <i>Listed Building Consent</i> <i>17.03.2015</i>	Truly Scrumptious 60 The Square Dunchurch Rugby	Listed Building Consent for the retention of a display canopy
<i>R15/0275</i> <i>Listed Building Consent</i> <i>18.03.2015</i>	White House Farm 13 Main Street Willoughby Rugby	Listed Building Consent for the conversion and extension of the existing barn to form a new dwelling
<i>R15/0279</i> <i>Listed Building Consent</i> <i>01.04.2015</i>	Dunchurch Post Office and Stores Coventry Road Dunchurch Rugby	Internal and minor external alterations to upgrade the existing ground floor shop and convert the first floor to a one bed flat.
<i>R15/0425</i> <i>Listed Building Consent</i> <i>02.04.2015</i>	Stone Cottage Vicarage Lane Rugby	LBC: Detached Garage
<b>Advertisement Consents</b>		
<i>R14/2182</i> <i>Advertisement Consent</i> <i>27.02.2015</i>	Former Peugeot Factory Site B Prologis Park Ryton Imperial Road Oxford Road Ryton-On-Dunmore	Installation of five non-illuminated freestanding double-sided signs across site.
<i>R15/0320</i> <i>Advertisement Consent</i> <i>17.03.2015</i>	Truly Scrumptious 60 The Square Dunchurch Rugby	Advertisement Consent for the retention of a display canopy
<i>R15/0304</i> <i>Advertisement Consent</i> <i>19.03.2015</i>	UK Mail Prologis Ryton Hillman Way Oxford Road Ryton-on-Dunsmore	Installation of non-illuminated signage

<i>R15/0423 Advertisement Consent 30.03.2015</i>	188 Rugby Road Binley Woods	Retention of 3 no. Fascia signs, 3 no. Window Graphics, 1 no. Manifestation and 1 no. Post Sign
<b>Certificate of Lawful Use or Development</b>		
<i>R15/0312 Certificate of Lawful Use or Development 18.03.2015</i>	Fitzjohn Cottage Ashlawn Road Rugby	Certificate of Lawful Existing Development - Use of the property known as Fitzjohn Cottage as two separate dwellings.
<b>Agricultural Determinations</b>		
<i>R15/0598 Prior Notification of agriculture or forestry development Prior Approval Not Required 02.04.2015</i>	Heath's Barn Windmill Hill Oxford Road Marton	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 agricultural store
<b>Approval of Details/ Materials</b>		
<i>R13/0779 Approval of Details 20.02.2015</i>	Site adjacent to Brambles Barn Bilton Fields Farm Lane Rugby	Proposed change of use of barn to three residential dwellings, including partial demolition and rebuild, together with change of use of land to form gardens, bin storage, parking and access.
<i>R13/0124 Approval of Details 04.03.2015</i>	Warwickshire College Lower Hillmorton Road Hillmorton Rugby	Outline application for Class C3 residential development of up to 131 dwellings and provision of 0.4 hectare of land for the provision of a Class C2 Extra Care facility, with associated works and landscaping. All matters reserved except for access.
<i>R14/1133 Approval of Details 06.03.2015</i>	The Corn Dryer Flecknoe Station Road Flecknoe Rugby	Conversion of Corn Dryer to Dwelling House - Alterations to Approved Scheme Ref R13/0427
<i>R14/1400 Approval of Details 06.03.2015</i>	Technology Drive Zone C Phase 3 Technology Drive Rugby	Approval of reserved matters for the erection of 75 dwellings, including access, appearance, landscaping, layout, scale and associated works (phase III) pursuant to outline planning permission R06/0064/MAJP, dated 17 Sept

		2007
<i>R14/2261 Approval of Details 11.03.2015</i>	Fosse Motors Engineers Unit 1G The Wharf Industrial Estate The Wharf Stretton-under-Fosse Rugby	Extension to existing industrial building
<i>R13/0790 Approval of Details 11.03.2015</i>	Coton House Lutterworth Road Churchover Rugby	Listed Building Application for alterations and first floor extension of Coton House to form 4 dwellings
<i>R12/1052 Approval of Details 17.03.2015</i>	Caldecott Cottage 1 Park Road Rugby	Outline application with access, layout and scale for erection of building to provide 6 apartments.
<i>R12/0916 Approval of Details 18.03.2015</i>	Sheaf and Sickle Coventry Road Long Lawford Rugby	Change of use of Public House (use class A4) to Residential (use class C3) to create a single detached dwelling house
<i>R13/0096 Approval of Details 19.02.2015</i>	(Site for Cawston Community Centre) Land off Scholars Drive Cawston	Erection of building to be used for the purposes of a Community Centre (Class D2) together with associated car parking accommodation, cycle parking, landscaping, bin storage and drainage.
<i>R13/1375 Approval of Details 19.03.2015</i>	Land Rear Of 99 Grosvenor Road Rugby	Conversion of existing outbuilding to form a one bed dwelling.
<i>R11/0699 Approval of Details 25.03.2015</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.
<i>R14/1997 Approval of Details 01.04.2015</i>	Ivy Grange Bilton Rugby	Erection of 9 dwellings, together with car parking, roads, sewers and associated external works - substitution of house type on plot 1 approved under approved planning permission ref. R14/0510 dated 11th August 2014, together with amendments to the approved site layout.
<i>R12/1353 Approval of Details 02.04.2015</i>	Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<b><i>Approval of non-Material Changes</i></b>		
<i>R13/0968 Approval of non-Material Changes 19.03.2015</i>	237 Hillmorton Road Rugby	Erection of a first floor side and part two storey part single storey rear extension.

<i>R14/1253</i> Approval of non-Material Changes <i>19.03.2015</i>	Land North of Technology Drive Technology Drive Rugby	Approval of reserved matters for non-food bulky goods retail, relating to appearance, design, layout, scale and landscaping against outline application (R13/1612) for up to 9,964sq.m (gross internal area) including mezzanines of non-food, bulky goods retail with associated car parking, service areas and landscaping.
<i>R99/0719/05/8165/P</i> Approval of non-Material Changes <i>19.03.2015</i>	The Annexe Lilbourne Road Clifton-Upon-Dunsmore Rugby	Conversion of existing outbuildings to provide dwelling
<i>R11/0699</i> Approval of non-Material Changes <i>25.03.2015</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><i>Withdrawn/ De-registered</i></b>		

<i>R14/2007 Withdrawn 27.02.2015</i>	64 Derwent Close Brownsover Rugby	Single storey side extension
<i>R14/1741 Withdrawn 03.03.2015</i>	Land Adjacent to Brookside Cottage Hinckley Road Ansty	Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved).
<i>R14/2373 Withdrawn 09.03.2015</i>	Old Dairy, Coton House Lutterworth Road Churchover Rugby	Change of use of building with single and two storey extensions to form one dwelling, including erection of detached garage
<i>R14/2375 Withdrawn 09.03.2015</i>	Old Dairy, Coton House Lutterworth Road Churchover Rugby	Listed Building Application for the conversion and extension of building to form one dwelling
<i>R15/0504 Withdrawn 17.03.2015</i>	21 Pytchley Road Rugby	Proposed loft conversion to include the installation of 2 rear dormer and a side elevation window.
<i>R15/0337 Withdrawn 23.03.2015</i>	Garage site Freemantle Road Bilton Rugby	Erection of 6no. Lock-up garages and associated works.
<i>R14/2260 Withdrawn 24.03.2015</i>	The Barn Frankton Lane Rugby	Extension to residential dwelling (converted barn)