

7<sup>th</sup> March 2011

## **PLANNING COMMITTEE - 16<sup>TH</sup> MARCH 2011**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 16<sup>th</sup> March 2011 in the Council Chamber, Town Hall, Rugby.

### **Site Visits**

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

3.30pm St. Joseph's Convent, Brockhurst Lane, Monks Kirby  
4.00pm Field View, Main Street, Withybrook  
4.30pm Rear of 43 Manor Road, Rugby.

Andrew Gabbitas  
Executive Director

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

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

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

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the meeting held on 23<sup>rd</sup> February 2011.
2. Apologies.  
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

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

6. Statistics of Planning Applications – February 2010 to January 2011.

7. Delegated Decisions – 11<sup>th</sup> February 2011 to 3<sup>rd</sup> March 2011.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2010/11 – 14) are attached.

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

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

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

***If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic and Scrutiny Services Officer (Team Leader) (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.*

**RUGBY BOROUGH COUNCIL  
PLANNING COMMITTEE - 16<sup>TH</sup> MARCH 2011  
REPORT OF THE HEAD OF PLANNING AND CULTURE  
APPLICATIONS FOR CONSIDERATION**

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Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (gold pages).

**RECOMMENDATION**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for Refusal

<b>Item</b>	<b>Application Ref Number</b>	<b>Location Site and Description</b>	<b>Page number</b>
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2	E2E 68	St. Joseph's Convent, Brockhurst Lane, Monks Kirby Change of use to shop, café, takeaway and cookery school, with associated food preparation/processing areas. Use of former playground as car park. Installation of 2 rooflights to south eastern elevation	9

### Recommendations for Approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location Site and Description</b>	<b>Page number</b>
3	R10/0364	Rear of 43 Manor Road, Rugby, CV21 2SZ Erection of 3 apartments, associated works, parking spaces and landscaping.	16

**Reference number: R10/1408**

**Site address: Field View, Main Street, Withybrook**

**Description: Demolition of existing building(s) and construction of a dwelling.**

**Officer: Richard Redford  
Ext 3635**

**The Proposal**

Planning permission is sought for the demolition of a group of existing outbuildings and the erection of a detached dwelling with first floor accommodation being provided in the roof space. The proposal includes the provision of an integral double garage. Submitted with the application is a comprehensive Design & Access Statement that includes letters of support as well as Doctors letters and an assessment of the existing dwelling in terms of its inability to be altered to provide for their health requirements. Also submitted are cross sections showing proposed finished ground floor levels in relation to the adjacent stream / brook, a parking provision statement and a Protected Species (Bat and Bird) Report. A Flood Risk Assessment has also been provided.

The applicant and agent have been requested to reduce the size of the proposal with the applicant responding that they wish the application to be determined in accordance with the plans submitted.

**Relevant decisions**

R09/0982/PLN          Erection of a detached dwelling including Refused 20.01.2010 demolition of existing outbuildings and associated works.

**Technical Consultations**

Environment Agency Assessment has	Object	On the grounds that whilst a Flood Risk been submitted there is no Sequential and Exceptions Test as well as issues with regards to some of the contents of the FRA provided.
Highway Authority.	No objections	Subject to conditions and informatives
Environmental Health.	No objections	Request informatives
Warwickshire County Ecology Unit	No objections	Request conditions and informatives
Warwickshire County Archaeology Team	No objections	Request a condition
Street Scene	No objections	Request to see a copy of the Flood Risk Assessment and details pertaining to the design of the bridge across the watercourse

### **Third Party Consultations**

Parish Council	Support	
Neighbours (1)	Support	On the grounds of the applicants play an important part of village life; are more important than bats, owls or swallows who may temporarily inhabit the outbuildings; would tidy up this area; and improve the street scene.

### **Other relevant information**

Councillor Warwick has requested that the application be determined by the Planning Committee and gives his support to the application on the grounds that the proposal would tidy up this entrance location to the village of Withybrook whilst also resulting in an improved street scene.

The site is located in the village of Withybrook. In the Local Plan Withybrook does not have a defined settlement boundary and is located within the West Midlands Green Belt. Withybrook does not currently have a Local Housing Need Survey.

The site is occupied by a detached 2-storey dwelling with a number of detached outbuildings adjacent to the brook. It is proposed that these detached outbuildings be demolished to make way for the proposal. Access to the site is currently via a private road off Main Street that runs parallel to the brook between it and the residential property known as Streamside. Residential properties exist on 2 sides of the site with agricultural land – currently being used for pasture purposes – existing on the remaining 2 sides.

This application is a re-submission of the previous application for the erection of a detached dwelling including demolition of existing buildings and associated work that was refused for 4 reasons. The first reason related to the sites location in the Green Belt with no very special circumstance existing to justify what is classed as inappropriate development. The second reason related to the location of the proposal in close proximity to Field View, the donor property, which would result in unacceptable levels of over-looking and loss of amenity on the rear garden of the proposed dwelling. The 3<sup>rd</sup> reason pertained to the sites location within Flood Zone 3 with a Flood Risk Assessment not having been submitted as part of the application. The fourth and final refusal reason relates to the non-provision of a bat survey required given the existence of bats in the locality with the buildings to be demolished capable of providing suitable roost sites.

### **Planning Policy Guidance**

RBLP Policy S3	Conflicts	Rural Settlement Hierarchy
RBLP Policy GP1	Conflicts	Design & Appearance Of Developments
RBLP Policy GP3	Conflicts	Protection Of Amenities
RBLP Policy E2	Conflicts	Green Belts
RBLP Policy T3	Complies	Access & Highway Layout
RBLP Policy T5	Complies	Parking Facilities

Planning Policy Guidance Note 2, "Green Belts".

Planning Policy Statement 3, "Housing".

Planning Policy Statement 9, "Biodiversity & Geological Conservation".

Planning Policy Statement 25, "Development & Flood Risk".

### **Determining Considerations**

The sites location at the edge of Withybrook, a settlement that does not have a defined boundary, and in the green belt means that in terms of the provisions of policy S3 of the Local Plan the proposal needs to be assessed in respect of other policies including local plan policy E2 and national guidance within PPG Note 2 on Green Belts as well as PPS3 on Housing.

Local Plan policy E2 is reflective of PPG2, Green Belt, provisions in that all development is considered inappropriate unless falling within certain appropriate instances (such as where it relates to agriculture) or very special circumstances exist. Whilst PPG2 makes provision for infilling and limited development it indicates that settlements where these are appropriate should have their settlement boundaries defined in insets in the Local Plan. Given that Withybrook does not have a defined settlement and is therefore located in the green belt the provision of a new dwelling or dwellings, either by new build or demolition of existing outbuildings, is inappropriate unless very special circumstances have been shown.

Recent changes to the contents of PPS3 has seen the definition of previously developed land altered so that residential gardens, land within a residential curtilage including buildings, and agricultural buildings are defined as being green field land. The area where the proposed dwelling is to be sited is currently partly occupied by a proportion of the existing buildings to be demolished whilst the rest of it is currently an area of drive and planting. Therefore the site falls within the definition of green field land as detailed in PPS3, Housing, where there is a presumption that all development be directed to previously developed land in the first instance and where the use of green field land is appropriate it should be in the appropriate locations – most namely within larger urban areas such as the Rugby Urban Area over green belt locations.

The Design & Access Statement submitted with the application details in Section 11 their justification for the proposed development and revolves around the existing health problems that the applicants have and the increased difficulty of manoeuvring items such as stairs. It also indicates that they consider the existing property is unable to be suitably adapted to meet their needs and to this end have included details in the form of an appendix to support this statement. Section 12 of this statement deals with planning policies with Section 13 providing the agents discussion on the proposal in terms of its acceptability. Section 13 puts forward various arguments including ones relating to the fact the applicants have lived in the village for over 30 years showing a clear connection with it so should be granted their wish to remain living in the village, the fact the site constitutes previously developed land and that the proposal will result in an improved appearance than is currently the case.

Whilst all of this information and the arguments put forward are noted and the removal of the outbuildings on the site would improve the appearance, it is considered that none of the arguments put forward are, individually or collectively, sufficient enough to be considered very special circumstances. As such it conflicts with the requirements of policies E2 and S3 of the Rugby Borough Local Plan as well as the provisions of PPG Note 2 on Green Belts and PPS3 on Housing.

Policy GP1 deals with the design and appearance of developments requiring, amongst other things, that they be of an appropriate design, appearance, scale, massing and height whilst not impacting on amenities of neighbouring sites or future occupants of developments for which permission is being sought. The proposal is for a 3-bed dormer bungalow with the main bedroom being located on the ground floor.

Whilst its design and appearance are similar to other dwellings in the settlement, the scale, massing and proportions of the proposal are too great. Plans of the existing buildings which the proposal would replace have been provided with calculations of their overall volume totalling 375 cubic metres whilst figures on the plans state their volume is 411 cubic metres and in the Design & Access Statement they are quoted as having a volume of 561 cubic metres. The proposed dwelling has a volume of 784 cubic metres which is significantly larger than the volumes of the buildings it would replace irrespective of which figure is taken as being correct. Even if the principle of the development was acceptable and not contrary to policy E2 of the Local Plan as well as PPG2, the volume proposed represents a significant increase on the existing group of buildings they seek to replace resulting in the proposal having a scale, massing and proportion that is wholly inappropriate and emphasise the building being greater than the existing dwelling the applicants are looking to move out of. By virtue of the scale, massing and proportions being this excessive it serves to have an adverse impact on design and appearance with, in this instance, the size of the dwellings making the design and appearance on entry / exit from the village being very prominent to the detriment of its character. As such it conflicts with the requirements of policy GP1.

Policy GP3 requires developments have no adverse impacts on amenity and in this instance there will be principal room windows serving Field View, the applicants current 2-storey property, 14m from the proposed site boundary between it and the proposed dwelling. This proximity to the site boundary is, on balance, considered appropriate and would not allow for unacceptable levels of overlooking or loss of privacy in the rear garden. As such the proposal complies with the requirements of policy GP3.

In terms of the proposed access arrangements to the site, the submitted plans show a new structure over the brook directly into the proposed site from Main Street with the existing access continuing to serve the properties known as Field View and Streamside. The Highway Authority has no objections to the proposal subject to conditions and informatives being attached to any approval. As such the proposal complies with the requirements of policy T3.

The proposal includes an integral double garage as well as an area to the front of the site that will provide an additional parking space if required whilst also ensuring sufficient turning area is provided. As a 3-bed dwelling is proposed a maximum of 3 on-site parking spaces and as such the proposal complies with the requirements of policy T5 of the local plan.

Part of the site is located within the Environment Agency designated Flood Zone 3. The omission of a Flood Risk Assessment formed the 3<sup>rd</sup> refusal reason on the previously refused application. The Environment Agency initially objected to the proposal on the grounds that a Flood Risk Assessment was required but had not been submitted as part of the application. A Flood Risk Assessment was subsequently carried out and submitted on behalf of the applicant by their agent and assessed by the Environment Agency who maintained their objection for 2 reasons; firstly relating to the absence of a Sequential or Exceptions Test undertaken by the Local Planning Authority and secondly numerous errors and inconsistencies in the submitted Flood Risk Assessment. A sequential test for housing within the Borough highlights that there are significant numbers of appropriate locations outside of the green belt for housing purposes. A discussion with the Environment Agency to this effect confirmed that even if the errors and inconsistencies in the flood risk assessment were resolved the sequential tests objection would not be overcome. Furthermore they indicated that even if the dwelling were re-positioned within the application site so as to be outside the flood zone, the use of the proposed or existing



access through the flood zone would mean an objection would still be made. As such the proposal conflicts with the requirements of Planning Policy Statement 25, Planning & Flood Risk.

The 4<sup>th</sup> refusal reason of the original application related to the omission of a pre-determinative bat survey that was required given the suitability of the buildings to be demolished for bat purposes. As part of this current application a Protected Species (Bat and Bird) Report was submitted that has been assessed by Warwickshire County Council Ecology Team who have commented no objections subject to conditions and informatives. Given that the report provided has served to overcome the ecological reason for refusal on the original application the proposal is therefore considered to comply with the provisions of PPS9.

### **Recommendations**

Recommend refusal for the following reasons.

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R10/1408

#### **DATE VALID**

05/07/2010

#### **ADDRESS OF DEVELOPMENT**

FIELDVIEW  
MAIN STREET  
WITHYBROOK  
COVENTRY  
CV7 9LT

#### **APPLICANT/AGENT**

Mr Jeremy Burt  
Jjb Chartered Architects Ltd  
Bishop Crewe House  
North Street  
Daventry  
Northamptonshire  
NN11 4GH  
On behalf of Mr Ernest Rixon

### **APPLICATION DESCRIPTION**

Demolition of existing building(s) and construction of a dwelling

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

#### REASON FOR REFUSAL 1:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in PPG2 "Green Belts" not to grant planning permission except in very special circumstances, for new buildings or changes to the use other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, and for the limited extension, alteration or replacement of existing dwellings.

The proposed development does not fall within any of the categories which are normally acceptable in the Green Belt and as such, constitutes inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt. In the opinion of the Local Planning

Authority, there are no special circumstances, which would justify the granting of planning permission for the erection of a detached dwelling including demolition of existing buildings and associated works in the face of a strong presumption against inappropriate development derived from the prevailing policies and it is considered that the development fails to preserve the openness and character of the Green Belt. The proposed development is therefore contrary to Policy E2 of the Rugby Borough Local Plan 2006.

**REASON FOR REFUSAL 2;**

Notwithstanding the inappropriate nature of the development within the Green Belt the Local Planning Authority considers that the scale, massing and proportions of the proposed development are unduly excessive and out of keeping with the locality to the detriment of the character and appearance of Withybrook as well as the open nature of the West Midlands Green Belt contrary to the provisions of policy GP1 of the Rugby Borough Local Plan 2006.

**REASON FOR REFUSAL 3;**

The site is located within Flood Zone 3 where in accordance with the provisions of PPS25 a Flood Risk Assessment as well as a Sequential Test are required. Whilst a Flood Risk Assessment has been submitted, it contains a number of inaccuracies and discrepancies which fail to establish that the application site can satisfactorily be developed in accordance with PPS25 guideline, whilst the Sequential Test has identified that there are numerous sequentially preferable sites capable of development for residential purposes outside of both Flood Zone 3 and the Green Belt. The proposal therefore conflicts with the requirements and guidance contained within PPS25, Development & Flood Risk.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

S3, GP1, GP3, E2, T3 and T5

PPG2, Green Belt

PPS3, Housing

PPS9, Biodiversity & Geological Conservation

PPS25, Development & Flood Risk

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

**Reference number: E2E 68**

**Site address: St. Joseph's Convent, Brockhurst Lane, Monks Kirby**

**Description: Change of use to shop, café, takeaway and cookery school, with associated food preparation/processing areas. Use of former playground as car park. Installation of 2 rooflights to south eastern elevation**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

### **Description of site**

This application relates to part of St. Joseph's Convent, Monks Kirby, this is located within the Monks Kirby Conservation Area. The site was previously used as a school, chapel and convent and has been vacant for some years since the school closed in the mid-late 1990's.

This application relates to parts of the building that were used as stores, garages and kitchens. These form an L-shape adjacent to Brockhurst Lane. These are predominantly single storey, built of red brick with grey roof tiles. The elevation facing Brockhurst Lane has 2 windows formed of glass blocks and no other openings. There are garage doors, windows and entrance doors facing into the courtyard formed by the former school buildings.

There is a vehicle entrance to the north of the building, this leads into the former playground/courtyard area. There is a brick wall on the frontage of the site.

### **Description of proposals**

This application is for the change of use of the former garages and store to a combined shop, café and takeaway which will on some occasions be used as a cookery school. Other former stores and other ancillary part of the building will be changed to a bakery and food preparation areas including a kitchen to provide meals for users of the other part of the site.

The proposals also include the addition of 2 rooflights to the former store, looking into the site and will include new entrances and doors inside the existing timber garage doors.

### **Other relevant information**

When the application was initially submitted it was proposed to use the former school buildings as a children's centre/nursery. Due to changing circumstances this is not currently proposed.

However, the former school and chapel fall within use class D1 – Non-residential institutions planning permission would not be required to open these parts of the site for D1 uses, including as a nursery.

Councillor Gillias requested that this application be the subject of a Committee site visit.

### **Third party comments**

Bill Oler (Former MP)                      Objection

There is a similar outlet in the village, support points raised by residents regarding the proposals being contrary to the Parish Plan where residents indicated they did not want unnecessary change.

Monks Kirby Parish Council      Objection

Support local enterprise and reuse of buildings, however the application in its present form has too many problematic areas, have concerns regarding traffic, access and visibility, hours and car parking, any changes to the wall should be in keeping with the Parish Plan, need clarification of proposed use and current designation of each part of the building, any consent should be restricted to the applicants.

#### Neighbours (30)      Objection

- Information regarding operation of businesses is vague and does not reflect what residents have been told.
- Do not see how the site can accommodate all the proposed uses.
- There is no need for the facility, there is a farm shop, pubs serving food and take-aways nearby.
- The Post Office and village shop closed due to lack of support.
- Shop will not be viable. Villagers do not expect facilities close by and shop elsewhere.
- Site is in Conservation Area and is one of the largest buildings in the village.
- Development would affect character of this quiet village and have an urbanising or industrialising effect, a rural business would be more appropriate.
- Development is contrary to the Parish Plan.
- Site should remain in use for religious activities.
- Site could be converted to residential units, allowing affordable homes to be provided and existing residents to downsize.
- Applicants rent a property in the village, this is used for the business 7 days a week and is untidy, cars are parked in the bus stop and gates left open on the pavement.
- Understood applicants advised that villagers were in favour of the development, do not believe this is the case, residents and the Parish Council were not consulted prior to application.
- Applicants have advised they will not operate all the hours applied for, however these would allow future expansion.
- Proposals will divide the community.
- Properties will be devalued.
- Could set a precedent for other uses in the future, permission should be tied to the applicant not the site.
- There is currently a problem with school traffic, including school buses, leading to disruption and danger to drivers and pedestrians, proposals would lead to increased traffic including delivery vehicles and customers would come from outside the area. School has adopted an unofficial one way system to try and cope with volumes of traffic.
- On street parking near the school is a problem at peak hours, the road is narrow and access for farm traffic and other large vehicles is difficult, even if off street parking was provided the access could be restricted by parked vehicles.
- School coaches damage kerbstones, footpaths and gardens.
- Visibility from the access is insufficient.
- Not enough parking is proposed.
- Noise and exhaust fumes will affect adjacent residents.
- Until substantial off road parking facilities are provided no commercial development that would add to the parking problems should be allowed.
- Functions at the churches, school or hall result in parked cars blocking access, including for emergency vehicles.
- There is currently an issue with joy riders in the country lanes.
- Activity at the site will lead to noise, disturbance and smells, particularly as the bakery will operate from 2am and shop/café will open until 11pm and evening classes are proposed, site is surrounded by family homes.
- Proposals are to operate 7 days a week including Bank Holidays, this is not acceptable. Hours should be controlled.

- Loss of privacy for local residents.
- Believe site would not be a small scale café it would be an industrial food processing unit, should be located on a trading estate.
- Believe applicants would supply food to supermarkets if they could, this would increase impact of development.
- People running the business will try to maximise the activity and this would increase the impact.
- Possible pest control issues.
- Take away would increase litter in the area and attract more people, possibly gangs, to the village further increasing traffic.
- If the takeaway offered a delivery service this would increase late night traffic.
- Believe takeaway would sell pizza, they have held pizza nights at existing premises.
- Proposed traffic, shared entrance and car park for the shop etc would put children using the nursery at risk. Would also be a security issue and may contravene Child Protection Regulations.
- Residents have not been consulted about proposed nursery. Parish Plan states few residents would like extra childcare provision. There is already pre-school provision at other villages such as Brinklow and a kids club at the school.
- Proposed nursery would also lead to problems with traffic and parking. Vehicles parking at the back would cross playground and be very close to adjacent property.
- Site was last used as a school 12 years ago, nursery will have more staff, maybe 20-25, up to 80 children, longer hours and may be open in holidays and weekends, it may use parts of the building that were not part of the school.

Petition signed by 86 residents (objection)

Concern that residents were not consulted prior to application, Council's consultation occurred during the holiday period, level of investment discussed by the applicants is high for a community shop, proposal has divided the community.

Neighbours (3) Support

- Building is important in the street scene and needs a new function.
- A community use would be very suitable, village is losing facilities and this would reverse the trend, Believe café, bakery and nursery will be popular with villagers and people with children at the school.
- Café will provide a meeting place.
- Although there is a traffic and parking problem this must be resolved between the school and the village, do not consider the proposal will add to the problem and this should not prevent further economic or community development
- Convent already has parking facilities.
- Due to the hours proposed conditions would be required to prevent noise or light pollution

#### Technical consultation responses

Highway Authority	Objection	Access width & visibility splays are inadequate
Environmental Health	No objection	Subject to conditions
WCC Archaeology	No comment	
WCC Ecology	No objection	Subject to condition

#### Relevant policies and guidance

TCR7	Complies	Local shops and community services
TCR8	Complies	Retention of local shops and community services
GP1	Complies	Appearance and design of development
GP3	Complies	Protection of amenity
GP6	Conflicts	Safeguarding development potential
GP16	Complies	Parish Plans

E6	Complies	Biodiversity
T3	Conflicts	Access and highway layout
T5	Complies	Parking facilities

A Village Design Statement for Monks Kirby - 1999  
Monks Kirby Parish Plan - 2006  
PPS5 – Planning for the Historic Environment

### **Key issues and assessment**

The key issues to assess in relation to this application are whether the principle of the proposed development is acceptable and whether there would be any adverse impact in terms of visual amenity, the Conservation Area, neighbouring properties, car parking and highway safety.

As detailed above the parts of the building that are subject of this application were previously stores, garages and other buildings ancillary to the overall use of the site as a school (a community facility) and convent. Policy TCR8 of the Local Plan relates to community facilities and states that applications that result in the loss of community facilities will not usually be permitted. Although this application is for the change of use of part of the existing school building the proposal includes a shop and café which would serve the community and policy TCR8 is therefore complied with.

Policy TCR7 relates to the provision of new shops and services and states that these will only be permitted within settlements, close to residential areas, when they can be accessed by a range of transport methods, when the scale of the development relates to its function and the development would not adversely affect the viability of any retail centre.

The application site is located within Monks Kirby village, close to the school and residential areas. It is considered that the site could be easily accessed by local residents, including on foot and by cycle, there is also bus service to Monks Kirby Village.

The floor area of the proposed shop, café and takeaway is 46 square metres, it is considered that this is an appropriate level of provision for a shop that would predominantly serve the local community. There are no existing or proposed retail centres in the locality.

It is considered that the criteria contained within policy TCR7 are complied with.

Policy TCR7 goes on to state that new takeaways will only be permitted in existing groups of shops and that they should not exceed 50% of the uses within that group. The proposed shop will sell a small amount of hot food, mostly freshly made ready meals and hot drinks. As the hot food element is only part of the proposals, and as there are no existing groups of shops within Monks Kirby, it is therefore considered that the principle of this part of the development is acceptable in accordance with this policy.

In terms of visual amenity the only external changes proposed are the addition of 2 rooflights facing into the courtyard. These will not be visible from outside the site and will not have an adverse impact in terms of visual amenity. It is therefore considered that policy GP1 is complied with.

Local residents have raised concerns regarding the potential for the proposals to lead to problems of noise and odours. Environmental Health raised similar concerns, particularly in relation to the bakery element of the proposals. The applicants have provided detailed information regarding the bakery process and explained that most

work is carried out by hand. The only mechanical equipment used is a mechanical mixer and the oven and details of these have been provided to Environmental Health. In addition as the bakery is small scale Environmental Health have advised that no mechanical extraction equipment is required. This additional information has overcome concerns raised by Environmental Health in relation to noise and odour, subject to a condition regarding operating hours.

Residents have also raised concerns regarding possible disturbance from customer and delivery vehicles. The applicants have advised that deliveries to the bakery will be carried out once a month and that most bread will be sold within the shop. In addition a lot of the products sold will be made and prepared on the premises. Given the small size of the proposed shop there will be a limited range resulting in very few deliveries and it being likely that most customers will be from the local area. It is therefore considered that the proposals will not increase traffic to such a level that would adversely affect neighbouring residents.

Conditions could also be used to limit the opening hours of the shop and restrict late night opening to a specified number of occasions per month. It is therefore considered the proposals will not adversely impact on neighbouring residents and policy GP3 is complied with.

WCC Ecology initially objected to the application on the basis that a pre-determinative bat survey was required. This was carried out and evidence of bats was found in parts of the building, but not the area subject of this application. Following receipt of this survey the County Ecologist has no objection to the proposals, subject to a further survey being carried out prior to the commencement of development and mitigation measures being put in place if necessary. Subject to this condition the proposals comply with policy E6, Biodiversity.

The proposal is to use the area between the proposed shop and chapel building as a parking area for the proposals. A shop in this location would require a maximum of 4 car parking spaces and these could be provided within this area. This is therefore in accordance with policy T5.

However, this area could lawfully be used for parking in association with a D1 use of the site. Therefore the proposals could result in an intensification of the use of the access which is substandard and does not provide suitable pedestrian or vehicular visibility splays. The Highway Authority, Warwickshire County Council, objected to the proposals on this basis. This would therefore be detrimental to highway safety and contrary to policy T3 of the Local Plan.

Policy GP6 states that development would not be permitted which would prevent the development potential of other land being realised. It is considered that the proposal to occupy a small part of the existing buildings may prevent future proposals to reuse the site as a whole. In addition, as detailed above, proposals that increase the use of the existing substandard access would not be acceptable. If the reuse of the whole site were proposed it may be necessary to make improvements to the existing access, which could include alterations to the existing wall and the store building. If this building were occupied by the proposed uses this could prevent alterations to the access and could make the reuse of the whole site unacceptable. Approval of the current application could, therefore, prejudice the reuse of the site as a whole, contrary to policy GP6.

Monks Kirby has a Parish Plan (March 2006) and a Village Design Statement (June 1999). The village design statement recommends that building work that requires the demolition of pre-twentieth century brickwork should be avoided. As detailed above

the only physical alterations to the building are the insertion of 2 rooflights facing into the courtyard and the existing brickwork is retained.

At the time of the Parish Plan the shop in Monks Kirby was operating and 99% of respondents advised they utilised local retail outlets. This plan also states that positive aspects of heritage and the environment should be protected, as detailed above the proposals retain the existing convent buildings and are considered acceptable in relation to conservation. The Parish Plan also includes concerns regarding problems of speed of traffic and car parking in the village but did not make specific recommendations regarding these matters. It is therefore considered that the proposals are in accordance with these documents and policy GP16 is complied with.

The site is located within the Conservation Area. Guidance contained within PPS5 – Planning for the Historic Environment states there should be a presumption in favour of the conservation of designated heritage assets, such as buildings within Conservation Areas. The building is currently vacant and the proposed development proposes to reuse and retain the existing building, this is considered acceptable in relation to PPS5.

The County Archaeologist advised that they have no comment to make in relation to archaeology, the proposals therefore comply with guidance contained within PPS5 regarding archaeology.

#### **Recommendation**

Refusal

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

68

#### **DATE VALID**

12<sup>th</sup> August 2009

#### **ADDRESS OF DEVELOPMENT**

Part of St. Joseph's Convent  
Brockhurst Lane  
Monks Kirby  
CV23 0RA

#### **APPLICANT/AGENT**

Mrs. S. Chambers  
The Old School House  
Brockhurst Lane  
Monks Kirby  
CV23 0RA

#### **APPLICATION DESCRIPTION**

Change of use to shop, café, takeaway and cookery school, with associated food preparation/processing areas. Use of former playground as car park. Installation of 2 rooflights to south eastern elevation.

#### **REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES**

##### REASON FOR REFUSAL: 1

The proposed development, in association with the lawful uses of the site, would result in the intensification of the use of the access which does not have suitable pedestrian or vehicular visibility splays. This would be detrimental to highway safety and contrary to policy T3 of the Rugby Borough Local Plan 2006.



**REASON FOR REFUSAL: 2**

The proposed development could prevent the reuse of the site as a whole, by virtue of occupying part of the existing buildings and preventing alterations or improvements to the site access, contrary to policy GP6 of the Rugby Borough Local Plan which seeks to ensure that development does not prejudice the comprehensive development of a larger site.

**INFORMATIVE:**

This decision relates to the following plans and documents: Application Form received by the Council on 12<sup>th</sup> August 2009; Site Plan – Plan 1, Ground Floor Plan – Plan 2 & Planning Submission – 16 December 2009 received by the Council on 21<sup>st</sup> January 2010.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

TCR7, TCR8, GP1, GP3, GP6, GP16, E6, T3 & T5.

A Village Design Statement for Monks Kirby - 1999

Monks Kirby Parish Plan - 2006

PPS5 – Planning for the Historic Environment

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

**Reference number: R10/0364**

**Site address: Rear of 43 Manor Road, Rugby, CV21 2SZ**

**Description: Erection of 3 apartments, associated works, parking spaces and landscaping.**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

Councillor Kirby requested that this be reported to Committee and a Committee site visit be carried out.

### **Description of site**

This application relates to land to the rear of 43 Manor Road, this property has been converted into 4 flats and the application site is the car park area for these flats. This is accessed from King Edward Road, which is a one-way street. The existing flats have lounge, kitchen and bathroom windows looking towards the site.

The site is around 0.3-0.5m higher than King Edward Road and there is a low wall on the site frontage. There is an access path to Northlands School to the side of the site. To the other side of this 40 King Edward Road has a ground floor kitchen window which faces the site, there is also a door and an obscure glazed ground floor window.

The adjacent property, 41 Manor Road, is around 0.5m lower than the site. There is a wall of around 0.6m on this boundary. This property has rear facing ground and first floor windows in a rear projection.

The majority of properties in the area are traditional terraced properties with bay windows which are built of red brick with grey roof tiles (pan tiles or plain). 43 Manor Road itself has been pebbledashed and some other properties have been rendered, painted or pebbledashed.

Number 43 Manor Road is a modern apartment building which includes accommodation within the roof space.

### **Description of proposals**

This application is for the erection of a detached building accommodating 3 one-bedroom apartments. The building has the appearance of a two storey property with an additional flat is accommodated within the roof space. This flat will be served by dormer windows with pitched roofs to the front elevation and a gable feature in the rear projection.

The property will have a bay window at ground floor and the application form specifies it will be built of red brick and grey tiles, however no materials samples have been provided at this stage.

The proposals include 3 car parking spaces and a landscaped garden area around the building. This will be at a lower level than the building itself.

Bin and cycle storage will be accommodated in a paved area to the rear of the building.

### **Third party comments**

#### Original plans

##### Neighbours (3)                      Objection

- proposals will have detrimental impact on neighbours' enjoyment of properties,
- loss of light to rear gardens, only receive sunlight in the afternoon and this will be blocked,
- proposed tree planting will lead to further loss of light and may damage wall and foundations,
- loss of privacy, will be overlooked by bedroom and bathroom windows,
- over bearing and over intensive development,
- potential noise pollution,
- proposals only provide 3 car parking spaces for 7 flats, believe this is contrary to parking standards,
- parking is already an issue in the area and people park on double yellow lines,
- access into proposed parking spaces appears tight
- vehicles reversing off the site would be a risk to school children and other pedestrians,
- bins left on pavement would force people into the road which would be dangerous,
- an on-street parking bay will be removed,
- no cycle parking is proposed,
- development not in keeping with the area, there are few 3 storey developments,
- boundary wall is to be reduced in height, children could run onto the road,
- proposals are contrary to covenants on the deeds,
- similar developments nearby have been refused,
- plan does not show sufficient bin storage,
- no need for more homes this close to the cattle market site.

##### Neighbours (1)                      Support

- car park is currently misused by local residents and visitors
- people gather in the car park and this leads to anti-social behaviour
- bin has been set alight in the past
- landscaping will improve character of the area
- have no concerns in relation to loss of privacy

#### Amended plans

##### Neighbours (1)                      Objection

- amendments to not overcome objections to the proposals,
- loss of light in rear garden,
- have spent money landscaping the garden and use it frequently,
- development is un-neighbourly and over-bearing,
- no need for more housing,
- area has changed from a family area to rented properties whose owners do not care for the area,
- obscure glazed windows could be opened leading to loss of privacy,
- applicant has advised no more than 2 cars use the parking area, this is incorrect,
- 1 proposed space has been promised to an existing resident of a flat at 43 Manor Road,
- on street parking space will be lost,
- will become more difficult for residents to park near their homes,
- people need to have cars even if no parking is available,
- Council generate revenue from residents parking.

### Technical consultee responses

WCC Ecology	Comments	Welcome tree & shrub planting, recommend use of native species
WCC Highways	No objection	To amended plans, subject to conditions & informatives
Severn Trent	No objection	Subject to condition
Environmental Health	No objection	Subject to conditions
Landscape Officer	Comments	Suggest additional planting

### Relevant policies and guidance

S1	Complies	Urban development priorities
S2	Complies	Release of development land
S4	Complies	Windfall developments
GP1	Complies	Appearance and design of development
GP2	Complies	Landscaping
GP3	Complies	Protection of amenity
T3	Complies	Access and highway layout
T5	Complies	Parking facilities
PPS1:	Delivering Sustainable Development	
PPS3:	Housing	
Residential Design Guide 2005		

### Relevant planning history

R86/1826	Conversion of house/shop (43 Manor Road) to 4 flats	Approved
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### Assessment of proposals

The issues to assess in relation to this application are whether the principle of the proposed development is acceptable in this location and whether the proposed development will have any adverse impact in terms of visual amenity, impact on neighbouring properties, highway safety and car parking.

Policy S1 set out the order that sites within the borough should be developed with the first priority being previously developed land within the urban area followed by Greenfield land within the urban area. Policy S2 states that land will be released for development within priority order and policy S4 states that windfall developments will be allowed where policies S1 and S2 are complied with.

Guidance received from Forward Planning states that in order to provide a 5 year housing land supply, as required by PPS3, sites in the urban area (1<sup>st</sup> and 2<sup>nd</sup> priority locations) will be required. The principle of residential development on this site is therefore acceptable in accordance with policies S1, S2 and S4.

The proposed building has been designed to reflect neighbouring properties and the surrounding area. The proposals include a bay window at ground floor and windows with vertical emphasis as found on nearby traditional properties. There are also properties with similar dormer window features nearby. The applicant has advised that the building will be red brick with grey roof tiles, no material samples have been provided at this stage and the applicant has advised they would be happy for this to be controlled by condition. Subject to this condition it is considered that the design of the proposed building is acceptable and in keeping with the character of the area and that policy GP1 is complied with.

The plans initially submitted showed the wall adjacent to the school access being reduced in height and neighbours commented that this could lead to safety issues, the applicant has amended the plans and no longer proposes any alterations to this

wall. No alterations are proposed to the boundary wall with 41 Manor Road and a 600mm wall is proposed on the site frontage. It is considered that the proposed boundary treatments are acceptable and are in keeping with the character of the area.

The submitted plans show areas of landscaping around the property. This includes shrubs on the site frontage, gravel areas to the front, grass to the rear and trees adjacent to the boundary with 41 Manor Road. WCC Ecology commented that native species should be used and the Council's Landscape Officer commented on the application and requested additional planting, this has been included in the amended plans and it is considered the proposals comply with policy GP2.

In relation to the impact on neighbouring properties it is not considered that the properties on the opposite side of Manor Road or King Edward Road will be adversely affected by the development as these will be at least 16m from the proposed building.

The adjacent house, number 40 King Edward Road has a side facing ground floor window that will look towards the rear projection of the proposed building. The building will be around 5.25m from this window, however due to the position and angle of the proposed building this property will retain views and outlook to the rear of the proposed building. It is therefore considered that the impact in terms of loss of light will not be so significant as to warrant a recommendation of refusal.

The adjacent house, 41 Manor Road, is around 0.5m lower than the application site. However, the floor level of the proposed building will be at a lower level than the existing site at a similar level to 41's rear garden. Number 41 is set at right angles to the application site, there is currently a boundary wall around 0.6m between the site and number 41's rear garden. The building is proposed to the west of number 41 and this will result in some loss of light to this property. At the closest point the proposed building will be around 3.5m from the rear garden of number 41. However, the proposed building will be stepped with some parts of the building up to 7m from the rear garden of number 41. This stepped building form will reduce the impact on this property and it is considered that the impact in relation to loss of light or enclosure to the rear garden is not so significant as to warrant a recommendation of refusal.

Number 41 Manor Road has rear facing windows within a two storey rear projection, these appear to serve a kitchen at ground floor and a bedroom at first floor. The 45 degree guideline, contained within the Residential Design Guide, is infringed from these rear windows. However, this is at a distance of around 10.5m from the ground floor window and around 11.2m from the first floor window. It is therefore considered, on balance, that the impact in terms of sense of enclosure or loss of light to these windows is not so significant as to warrant a recommendation of refusal.

In relation to privacy the applicant has commented that number 41's rear garden can currently be viewed from the existing car park, which is publicly accessible and that this currently affects the privacy of this property. The application proposes windows in the rear elevation serving bathrooms and bedrooms. These bedroom windows will be around 4m from the rear garden of number 41. It is not considered that the ground floor window will have an adverse impact on number 41 due to the proposed floor level of the building and the existing boundary wall. However, the first and second floor windows would afford views of number 41 and the rear garden and the adjacent properties. The applicant has advised that these would be angled away from the neighbours, however, it is considered these could result in overlooking. It is considered that a condition could be attached to any consent to require these

bedroom windows, and the bathroom windows to be obscure glazed. Subject to this condition it is considered that the impact in relation to privacy is acceptable.

Although bedrooms are habitable rooms these are not occupied for long periods of time except for sleeping, it is therefore considered that having obscure glazed bedroom windows will not have an adverse impact on the amenity of future occupiers.

The proposed building will also have an impact on other properties such as 39 Manor Road. However, these will be further from the site than number 41 and it is considered the impact on these properties is acceptable.

It is therefore considered, on balance, that the impact on the amenity of neighbouring residents is not so significant as to warrant a recommendation of refusal and that policy GP3 is complied with.

WCC Highways commented on the application and initially raised objection based on the design of the parking proposed and the lack of cycle parking. An amended plan has been proposed which makes changes to the parking layout and provides cycle parking. WCC Highways have advised they have no objection to the proposal, subject to conditions and informatives and it is considered that policy T3 is complied with.

The application site relates to the car parking area for the existing 4 flats at 43 Manor Road. The proposals will reduce the area of parking available and propose a total of 3 spaces for the existing and proposed flats, 7 flats in total.

When planning permission was initially granted for the conversion of 43 Manor Road this was subject to a condition that required the parking area to be provided and retained. However, this consent was granted in 1987 and local and national policy and guidance have changed since this approval and the proposals must be assessed in relation to current policy. The Council's car parking standards, contained within the 2006 Local Plan, require a maximum of 0.75 spaces per 1 bedroom apartment in this location within the high access area close to the town centre, bus routes and railway station. The proposal to provide 3 spaces for 7 units results in 0.43 spaces per dwelling and this is in accordance with the Council's adopted standards.

WCC Highways commented on the level of parking and advised that whilst the proposals would lead to increased competition for on street parking this is not necessarily a highway safety issue.

The applicant has shown 4 cycle parking spaces to the rear of the building and has also advised that 1 or 2 cycles could be accommodated under the stairs, this provision is considered acceptable and policy T5 is complied with.

### **Recommendation**

Approval, subject to conditions and informatives

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R10/0364

### **DATE VALID**

08/02/2011

### **ADDRESS OF DEVELOPMENT**

REAR OF 43 MANOR ROAD  
RUGBY  
CV21 2SZ

### **APPLICANT/AGENT**

Mr. I. Gidley  
Ig Estates Ltd  
1 Thornton Close  
Crick  
Northamptonshire  
NN6 7GE

### **APPLICATION DESCRIPTION**

Erection of 3 apartments, associated works, parking spaces and landscaping.

### **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 following plans: 1:1250 Site Plan & Layout received by the Council on 8th February 2011 and the amended Layout, Plans & Elevations - ROC\502\PD\001A received on 2nd March 2011.

#### 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

Full details of the siting, design and materials of the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided, in accordance with the approved details before the first occupation of any flat.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION: 5**

No development shall commence unless and until details of the design and materials to be used in the dwarf wall 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 first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

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

**CONDITION: 7**

The bedroom and bathroom windows to be formed in the rear elevation of the proposed development shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**CONDITION: 8**

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

**REASON:**

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

**CONDITION: 9**

No development shall commence unless and until an air quality assessment 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: 10**

No development shall commence unless and until a contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk (to the site users, buildings and environment) when the site is developed.



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

**REASON:**

In the interest of health and safety.

**CONDITION: 11**

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: 12**

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

- a) A minimum width of 3.0 metres with a gradient not steeper than 1 in 10, and hard surfaced in a bound material.
- b) Visibility splays for pedestrians have been provided with an 'x' distance of 2.0 metres and 'y' distances of 2.0 metres as measured from the edges 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: 13**

The development hereby permitted shall not be occupied until all parts of existing accesses to King Edward Road (D3195), not included in the proposed means of access, have been permanently closed and the highway features, (including the kerblines) have been reinstated in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interest of highway safety.

**CONDITION: 14**

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

**REASON:**

In the interest of highway safety.

**CONDITION: 15**

The development hereby permitted shall not be occupied until the following offsite improvement works to the existing highway have been carried out in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority:- Alterations to remark the parking bay adjacent to parking space three to provide an entrance 'H' marking across the extent of the dropped crossing outside the double yellow lines.

**REASON:**

In the interest of highway safety.

**REASON FOR APPROVAL:**

The site is within the urban area of Rugby where the principle of the development accords with policies S1, S2 & S4 of the Rugby Borough Local Plan 2006. The proposal provides satisfactory access and parking and is considered to be in keeping with existing development in the area and would have an acceptable relationship with neighbouring dwellings in terms of residential amenity the proposal therefore accords with policies T3, T5, GP1 & GP3 of the Rugby Borough Local Plan 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

S1, S2, S4, GP1, GP2, GP3, T3, T5.

PPS1: Delivering Sustainable Development

PPS3: Housing

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

**INFORMATIVE: 1**

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

**INFORMATIVE: 2**

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (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: 3**

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

**INFORMATIVE: 4**

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

**INFORMATIVE: 5**

The proposed works cannot be carried out without obstruction of King Edward Road (D3195). Any delivery lasting longer than 10 minutes would therefore require the parking bays to be suspended and the appropriate fees paid. The Developer would need to contact Rugby Borough Councils Parking Services Section on 01788 533729 for further details.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	16 <sup>th</sup> March 2011
<b>Report Title</b>	Statistics for Planning Applications – February 2010 – January 2011
<b>Portfolio</b>	Economy, Development and Culture
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	N/A
<b>Contact Officer</b>	Ross Middleton
<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 provides statistics for decisions on planning applications in relation to BVP1 log.
<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***

**Rugby Borough Council**

**Planning Committee – 16th March 2011**

**Statistics for Planning Applications –  
February 2010 – January 2011**

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

**Recommendation**

The report be noted

This report shows the planning statistics as they have always been reported at Appendix 1 with the exception of the percentage of the applications determined in 8 weeks being removed and also the new format in line with the government's current development control targets for determining planning applications as specified in the best value performance indicator BVP1 157a, 157b and 157c.

See Appendices 2, 3 and 4

Name of Meeting: Planning Committee

Date Of Meeting: 16<sup>th</sup> March 2011

Subject Matter: Stats. for Planning Applications –  
February 2010 – January 2011

Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

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

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

\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

**RUGBY BOROUGH COUNCIL**

**Planning Committee – 16<sup>th</sup> March 2011**

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

**Statistics for Planning Applications February 2010 – January 2011**

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Statistics for planning applications for the period February 2010 – January 2011

	B/F	Received	Determined	Outstanding
February 2010	263	43	58	248
March 2010	248	48	58	238
April 2010	238	70	45	263
May 2010	263	23	69	217
June 2010	217	36	64	189
July 2010	189	76	86	179
August 2010	179	47	96	130
September 2010	130	99	96	133
October 2010	133	33	91	75
<b>November 2010</b>	<b>75</b>	<b>72</b>	<b>71</b>	<b>76</b>
<b>December 2010</b>	<b>76</b>	<b>69</b>	<b>58</b>	<b>87</b>
<b>January 2011</b>	<b>87</b>	<b>58</b>	<b>59</b>	<b>86</b>
<b>Monthly Average</b>	<b>175</b>	<b>56</b>	<b>71</b>	<b>N/A</b>

### 1.1 RECOMMENDATION

The report be noted.



## RUGBY BOROUGH COUNCIL

Planning Committee – 16<sup>th</sup> March 2011

## Report of The Head of Planning and Culture

## Statistics for Major Planning Applications (Major) – BVP1 157a

The Government's development control target for Major applications is 60% in thirteen weeks.

Statistics for planning applications for the period February 2010 – January 2011

Month	Applications Determined	Major Applications Determined Within 13 Weeks	% Of Major Applications Determined Within 13 Weeks
February 2010	0	0	N/A
March 2010	1	0	N/A
April 2010	4	4	100%
May 2010	0	0	N/A
June 2010	2	0	0.0%
July 2010	1	0	0.0%
August 2010	4	0	0.0%
September 2010	1	0	0.0%
October 2010	2	0	0.0%
<b>November 2010</b>	<b>2</b>	<b>0</b>	<b>0.0%</b>
<b>December 2010</b>	<b>2</b>	<b>0</b>	<b>0.0%</b>
<b>January 2011</b>	<b>1</b>	<b>0</b>	<b>0.0%</b>

### 1.1 RECOMMENDATION

The report be noted

## RUGBY BOROUGH COUNCIL

Planning Committee –16<sup>th</sup> March 2011

## Report of The Head of Planning and Culture

## Statistics for Minor Planning Applications (Minor) BVP1 157b

The Government's development control targets for Minor applications is 65% in eight weeks.

Statistics for planning applications for the period February 2010 – January 2011

Month	Applications Determined	Minor Applications Determined Within 8 Weeks	% Of Minor Applications Determined Within 8 Weeks
February 2010	14	7	50.0%
March 2010	18	7	38.9%
April 2010	18	6	33.3%
May 2010	23	6	26.0%
June 2010	18	8	44.4%
July 2010	28	7	25%
August 2010	28	7	25%
September 2010	35	16	46%
October 2010	26	18	69%
<b>November 2010</b>	<b>26</b>	<b>19</b>	<b>73%</b>
<b>December 2010</b>	<b>54</b>	<b>18</b>	<b>33%</b>
<b>January 2011</b>	<b>45</b>	<b>28</b>	<b>61%</b>
<b>Monthly Average</b>	<b>27</b>	<b>12</b>	<b>44%</b>

### 1.1 RECOMMENDATION

The report be noted.

## RUGBY BOROUGH COUNCIL

Planning Committee – 16<sup>th</sup> March 2011

Report of The Head of Planning and Culture

## Statistics for Other Planning Applications (Other) BVP1 157c

The Government's development control targets for Other applications is 80% in eight weeks.

Statistics for planning applications for the period February 2010 – January 2011

Month	Applications Determined	Other Applications Determined Within 8 Weeks	% of Other Applications Determined Within 8 Weeks
February 2010	41	20	48.8%
March 2010	39	18	46.2%
April 2010	21	7	33.3%
May 2010	46	14	35.0%
June 2010	44	10	22.7%
July 2010	47	19	40.4%
August 2010	53	21	39%
September 2010	59	35	59.3%
October 2010	63	53	84.1%
<b>November 2010</b>	<b>43</b>	<b>36</b>	<b>84%</b>
<b>December 2010</b>	<b>38</b>	<b>33</b>	<b>87%</b>
<b>January 2011</b>	<b>30</b>	<b>27</b>	<b>90%</b>
<b>Monthly Average</b>	<b>44</b>	<b>24</b>	<b>55%</b>

### 1.1 RECOMMENDATION

The report be noted.

**AGENDA MANAGEMENT SHEET**

<b><i>Name of Meeting</i></b>	Planning Committee
<b><i>Date of Meeting</i></b>	16 <sup>th</sup> March 2011
<b><i>Report Title</i></b>	Delegated Decisions – 11 <sup>th</sup> February 2011 to 3 <sup>rd</sup> March 2011
<b><i>Portfolio</i></b>	N/A
<b><i>Ward Relevance</i></b>	All
<b><i>Prior Consultation</i></b>	None
<b><i>Contact Officer</i></b>	Maureen Buckland x 3774
<b><i>Report Subject to Call-in</i></b>	Y
<b><i>Report En-Bloc</i></b>	N
<b><i>Forward Plan</i></b>	N
<b><i>Corporate Priorities</i></b>	N/A
<b><i>Statutory/Policy Background</i></b>	Planning and Local Government Legislation
<b><i>Summary</i></b>	The report lists the decisions taken by the Deputy Chief Executive under delegated powers
<b><i>Risk Management Implications</i></b>	N/A
<b><i>Financial Implications</i></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 – 16<sup>th</sup> March 2011**

**Delegated Decisions – 11<sup>th</sup> February 2011 to 3<sup>rd</sup> March 2011**

**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: 16<sup>th</sup> March 2011  
Subject Matter: Delegated Decisions – 11<sup>th</sup> February 2011 to  
3<sup>rd</sup> March 2011  
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 DIRECTOR OF TECHNICAL SERVICES UNDER  
DELEGATED POWERS FROM 11.02.2011 TO 03.03.2011

**A. APPLICATIONS – DELEGATED**

**Applications  
Refused**

R10/1868 Refused 01.03.2011	2 Lower Road Barnacle Coventry	Extensions and alterations to bungalow to create two storey dwelling and use of roof space
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**Applications  
Approved**

R11/0035 Approved 11.02.2011	20 Furrow Close Rugby	Conversion of integral garage to living accommodation
R10/2315 Approved 11.02.2011	2 Manor Farm Cottages Woolscott Rugby	Conversion and extension of detached double garage to form a granny annexe and erection of a new detached double garage
R10/2313 Approved 11.02.2010	Land adjacent to The Almshouses Brockhurst Lane Monks Kirby	Erection of a new dwelling house (resubmission of previously refused planning application R10/1325 dated 08.09.2010)
R11/0008 Approved 14.02.2011	Land rear of 37 Bilton Road Rugby	Erection of new 2 bed dwelling as replacement for existing dilapidated building
R11/0047 Approved 14.02.2011	218 Lawford Road Rugby	Change of use from A1 (Retail) to dog grooming salon (Sui Generis)
R10/02248 Approved 14.02.2011	Arcadia Coventry Road Dunchurch	Retrospective change of use of part of residential garage / workshop to dog grooming salon
R11/0026 Approved 15.02.2011	Stretton Fields Farm Hydes Lane Stretton Baskerville	Retrospective change of use of agricultural buildings to stables and associated storage
R11/0004 Approved 15.02.2011	Milethorn Farm Leicester Road Hinckley	Erection of steel framed agricultural building
R10/1878 Approved 15.02.2011	102 Ashlawn Road Rugby	Two storey and single storey extensions to the front, side and rear
R11/0133 Approved 16.02.2011	79 Fareham Avenue Hillmorton Rugby	First floor rear extension



<i>R11/0093 Approved 16.02.2011</i>	Land adj. A426 Southam Road Leamington Hastings	Retention of stables and vehicular access (resubmission of a previously approved planning permission R99/0500/00947/P for erection of stables and construction of new vehicular access granted 08.09.1999)
<i>R10/0349 Approved 17.02.2011</i>	Old Marton Glebe Farm Stockton Road Birdingbury Rugby	Erection of single storey extensions, a porch to the north west elevation, a door and porch to the north east elevation and extension to the detached garage
<i>R11/0139 Approved 17.02.2011</i>	15 Morson Crescent Rugby	Variation of Condition 3 of planning permission R10/1030 (to allow amendment to previously approved extension)
<i>R10/1875 Approved 18.02.2011</i>	22 Waring Way Rugby	Installation of solar PV panels to front roof slope
<i>R111/0161 Approved 18.02.2011</i>	5 Penny Lane Rugby	Proposed rear conservatory
<i>R10/2112 Approved 21.02.2011</i>	6 Brookside Rugby	Erection of single storey side extension
<i>R10/2071 Approved 21.02.2011</i>	16 Rowan Drove Bilton Rugby	Single storey rear extension to form office and games room
<i>R10/2126 Approved 22.02.2011</i>	5 Benches Furlong Rugby	Single storey rear extension
<i>R11/0173 Approved 22.02.2011</i>	Milethorn Farm Leicester Road Hinckley	Erection of a ground level storage tank
<i>R11/0118 Approved 22.02.2011</i>	78 Court Leet Binley Woods Coventry	Erection of a single storey rear extension
<i>R11/0053 Approved 22.02.2011</i>	Noonhill Cottage Grove Road Coventry	Provision of a manege
<i>R11/0182 Approved 23.02.2011</i>	Casnel 4 Park Walk Rugby	Erection of a rear conservatory and a greenhouse
<i>R11/0027 Approved 24.02.2011</i>	8 Harrison Close Hillmorton Rugby	Extension to garage
<i>R10/1946 Approved 01.03.2011</i>	31 Albert Street Rugby	Provision of parking area with associated works including new boundary walls and railings

<i>R11/0140 Approved 01.03.2011</i>	63 Percival Road Rugby	Demolition of existing detached garage and the erection of a new detached garage
<i>R11/0155 Approved 01.03.2011</i>	8 Hampden Way Bilton Rugby	Change of use of garage to form acupuncture treatment room
<i>R10/1758 Approved 02.03.2011</i>	59 Albert Street Rugby	Use of outside area to rear for café seating and dining and erection of outbuilding and boundary wall
<i>R11/0043 Approved 02.03.2011</i>	Beechwood Draycote Rugby	Erection of a two storey detached outbuilding to be used as garage, gym and garden room
<i>R11/0247 Approved 03.03.2011</i>	7 Cockerills Meadow Hillmorton Rugby	Erection of a single storey front extension
<i>R11/0202 Approved 03.03.2011</i>	The Cottage Wolston Grange Rugby	Erection of a rear single storey extension and a first floor extension

**Listed Building Consents**

<i>R10/2115 Approved 11.02.2011</i>	Rugby School Chapel and adjacent School Grounds Lawrence Sheriff Street Rugby	Installation of replacement internal lighting, new power and data and plaster repairs and redecoration works to ceilings to the Chapel, together with proposed new external lighting to the Chapel and adjacent buildings
<i>R11/0130 Approved 24.02.2011</i>	Land rear of 60 The Square Dunchurch Rugby	Listed Building Consent for the conversion of a garage and store to a dwelling
<i>R11/0150 Approved 28.01.2011</i>	Newnham Hall Farm Barns Kings Newnham Road Kings Newnham	Listed Building Consent for the demolition of the Pole Barn

**Advertisement Consents**

<i>R10/2263 Approved 23.02.2011</i>	J Sainsburys 385 Dunchurch Road Rugby	Advertisement consent for 1 canopy sign, 2 shop fascia signs, 3 fuel grade signs and 12 pump signs
<i>R10/1264 Approved 28.02.2011</i>	Courtyard Entranceway Rear of 2 Daventry Road Dunchurch Rugby	Erection of 2 x wooden framed panel signs and 3 x hand made wooden signs

**Approval of Details/  
Materials**

<i>R10/0122</i> <i>Approval of details</i> <i>16.02.2011</i>	Land off Tee Tong Road Back Lane Long Lawford Rugby	Discharge of Condition 2 – Materials
<i>R10/1345</i> <i>Approval of details</i> <i>17.02.2011</i>	Tree Tops Shilton Lane Shilton	Discharge of Condition 3 – Materials
<i>R10/2154</i> <i>Approval of details</i> <i>17.02.2011</i>	The Manor House Southam Road Kites Hardwick Rugby	Discharge of Condition 2 – Materials; Condition 3 – Window details
<i>R10/2155</i> <i>Approval of details</i> <i>17.02.2011</i>	The Manor House Southam Road Kites Hardwick Rugby	Discharge of Condition 2 – Schedule of Works
<i>R10/1109</i> <i>Approval of non- material changes</i> <i>24.02.2011</i>	Former Skoda Garage 339 Hillmorton Road Rugby	Change of use of premises for the purposes of a local convenience store (Use Class A1) and a separate non-food retail shop (Use Class A1)
<i>R07/2092/MAJP</i> <i>Approval of non- material changes</i> <i>02.03.2011</i>	Former Peugeot Works Site A Oxford Road Ryton on Dunsmore	Amendments to emergency access on to Oxford Road, Ryton on Dunsmore (including radi and gates)

**Withdrawn/  
De-registered**

<i>R10/1120</i> <i>Withdrawn</i> <i>09.02.2011</i>	Rear of No. 1 Lutterworth Road, Pailton Rugby	Change of use of redundant undertakers premises into a dwelling including improvements to the vehicular access
<i>R10/2068</i> <i>Withdrawn</i> <i>15.02.2011</i>	Boughton Leigh House Brownsover Road Rugby	Change of use from B1 Office to D1 Place of Worship.
<i>R11/0010</i> <i>Withdrawn</i> <i>23.02.2011</i>	1 Cottage Leap Rugby	Change of use of industrial unit to form a trade counter for plumbing and building supplies, formation of new entrance and associated external alterations