

7th August 2015

PLANNING COMMITTEE - 19TH AUGUST 2015

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 19th August 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 29th July 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. Planning Appeals Updates.
7. Delegated Decisions – 2nd July – 22nd July 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 2015/16 – 5) are attached.

Membership of the Committee:

Councillors Ms Robbins (Chairman), Mrs Avis, H Avis, Butlin, Cade, Gillias, Miss Lawrence, Lewis, Sandison, Mrs Simpson-Vince, Srivastava and Ms Watson-Merret

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). 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).

Planning Committee – 19 August 2015

Report of the Head of Planning and Recreation

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R15/1311	Land adj. to Brookside, Hinckley Road, Ansty Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved) (Resubmission of previously withdrawn application R14/1741 dated 03/03/15)	3
2	R15/1357	Glebe Farm Barn, Birdingbury Road, Bourton on Dunsmore, CV23 9RA Erection of a single storey extension	11

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
3	R13/2073	41 King Edward Road, Rugby Outline Permission for the conversion and partial demolition and rebuild of the existing sui generis buildings to 10no. Residential units including parking and other associated works. Landscaping is the only matter reserved.	16
4	R15/1265	30 Oberon Close, Rugby, CV22 6LZ External alterations to dwelling including external rendering and retention of single storey rear extension.	26

Reference number: R15/1311

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

Description: Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved) (Resubmission of previously withdrawn application R14/1741 dated 03/03/15)

Case Officer Name & Number: Nathan Lowde 01788 533725

Proposed Development

The application is made in outline with layout, scale, appearance and landscaping reserved for future determination. An illustrative site plan has been included, to indicate how the site could be developed to accommodate 4 no. Local Need Dwellings comprising of 2no. bungalows and 2no. houses. The description of development has been altered to that stated above as it more fully describes the proposed development. This is a resubmission of a previously withdrawn application ref: R14/1741

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

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

Site Description

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

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

Relevant Planning History

R14/1741	Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved)	withdrawn 03/03/2015
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Third Party Comments

Neighbours (39 householder letters of objection)

- Flood risk issues
- Detrimental to local wildlife
- Outside the village boundary within green belt
- Applicants father does not meet the local need criteria
- Set a precedent for further, similar development
- The Housing Needs Survey was commissioned by the applicant and as such cannot be impartial
- Not all properties are affordable
- Right of way runs through the site
- Does not comply with policy CS1 as it not exclusively affordable housing
- Impact upon character and appearance of the village and surrounding countryside
- Encouraging urban sprawl
- Other sites existing within the village boundary
- Development not needed
- Not supported by the majority of residents in Ansty
- Increase in traffic
- Ansty Park development is completely different to what is proposed
- Do against the fundament aims of the green belt and the purposes of including land within it

- Properties available in Ansty that are for sale and rent
- Will lead to further development linking the village to Walsgrave
- Alphabet Lodge is available for development
- No valid reason why green belt land should be used
- Does not meet the exceptions for building in the green belt
- Previous application was refused R07/1857/OP
- Not complaint with the Local Development Framework
- Housing needs survey has not been produced through engagement with, or led by the local community or the Borough Council.
- The development will be of no benefit to the village
- Increased traffic adjacent to a children's park
- Ansty Park was not built on greenfield land
- Limited bus service
- No shops or other facilities
- Money making exercise

Parish Council objection
There should be no development in the green belt

Technical Consultation Responses

All technical consultees were consulted as part of the previously application

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

Relevant planning policies/guidance

Core Strategy

CS1	Development Hierarchy
CS16	Sustainable Design
CS21	Rural Exceptions Sites

Saved Local Plan Policies

E6	Biodiversity
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Other material considerations

Ansty Local Housing Needs Survey 2014

National Policy

National Planning Policy Framework (NPPF)
Part 7 – Requiring good design

Assessment of Proposal

Principle of development

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seek to locate development sustainably within this hierarchy based on a sequential preference. CS1 states “It must be demonstrated that the most sustainable location are considered ahead of those further down the hierarchy. The application site is located within an area of Borough designed as green belt, and policy CS1 states that only where National Planning Policy allows will development be permitted. Within the supporting text of policy CS1 paragraph 2.7 states that in exceptional circumstances, affordable housing developments will be permitted through the application of Rural Exception Site Policy, on the edge of Local Needs Settlements in the Countryside or Green Belt where is can be demonstrated that there are no suitable sites within existing boundaries.

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

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

Paragraph 87 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 89 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. Such exceptions include limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate in the Green Belt. However, it is important to note that this section of the NPPF should not be read in isolation to other provisions contained within the NPPF, namely those provisions which seek to protect and conserve the intrinsic character and beauty of the countryside.

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

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

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

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

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

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

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

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

Within the report, in particular, it identified a need for 1 x 2 bed bungalow - open market purchase for a single person household, the need identified states the need to be closer to carer and need to change for physical reasons. Assumptions have been made by the applicant's agent within their Design and Access Statement, and through a number of third parties comments, that this need identified is the personal need of the applicant's father. Given that the applicant has not resided within the Village for 5 years, his father would not meet the local connection criteria outlined within policy CS20. However, this assumption, is incorrect, following discussions with Midlands Rural Housing (MRH), they have stated that the applicant has not had sight of the survey responses and that the person whom this need has been identified for, is not related to the applicant Mr Tayton.

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

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

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

As part of the previous application, the Parish Council commissioned a chartered surveyor who has concluded that there are 22 different sites within the village boundary that could accommodate the identified need.

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

The Housing Needs Survey identified a need for a 3 bed bungalow, open market purchase ref 41. A current 3 bed bungalow has recently been advertised for sale via The Ladycroft (<http://www.rightmove.co.uk/property-for-sale/property-48002494.html?premiumA=true> viewed on 31/07/2015). As such one of the proposed dwellings can be met through an existing property within the village boundary. Whilst the applicants' agent has stated that the price of this property which currently stands at £535,000 is considered excessive, the identified property within the Housing Needs Survey is stipulated for open market purchase, and there is no stipulation on cost bandings within the Housing Needs Survey, or the Council Housing Needs SPD. As such this property would fulfil one of the identified needs and we would consider this identified need can be met from an existing property within the settlement boundary.

It is therefore considered that one of the proposed properties can be met by existing housing stock within the village boundary. In addition to this, two of the remaining properties which consist of open market dwellings, it could be viable for these dwellings to be delivered individual, within the settlement boundary. However, without a single site being brought forward to accommodate all of the need it is likely that the affordable rental property would not be delivered. In order for the need

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

3. The development consists exclusively of affordable housing:

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

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

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

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

The openness of the green belt beyond Brookside Cottage is considered to be an important part of the character of the streetscene and accordingly the proposal is considered to be unacceptable and contrary to the requirements of criteria 4 of Policy CS21 and accordingly fails to comply with policies CS21, together with policy CS16 which seeks to ensure that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

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

Conclusion and Overall Balancing Exercise

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

the criteria outlined within policy CS21, and as such would constitute inappropriate development within the Green Belt.

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

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

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

Any development on the site would, however limited, impact upon the openness of the Green Belt. This is important because the essential characteristics of Green Belts are their openness and their permanence. The Government attaches great importance to Green Belts. As such the loss of openness has to be counted as a harmful effect of what is proposed. The harm identified to the open character of the area and the character of the streetscene along the Hinckley Road, adds further weight against the proposed development. The applicant's agent within the addendum Design and Access Statement states the impact upon openness is not well founded as in reality the dense tree screen in front of the site along Hinckley Road is to be retained. However, development that is screened from public view will still impact upon the openness of the Green Belt and would still conflict with the purposes of including land within it. This stance is also supported in a recent appeal decision (appeal ref: APP/E3715/D/10/2122279). As such screening in front of the site does not, in the opinion of the LPA, reduce the harm to the openness of the Green Belt which is considered significant, and the purposes of including land within it.

The applicant's agent with the addendum Design and Access Statement makes reference to Ansty Business Park and advances that development on this site massively, material impacts upon the openness of the green belt. However, although surrounded by Green Belt, Ansty Business Park itself is not within the West Midlands Green Belt and is a Major Investment Site and as such the two cases (and supporting policy frameworks) do not bear comparison.

The agent advances that the inability to demonstrate a 5 year land supply is a material consideration in support of granting planning permission for the proposed development within the green belt. The last published land supply statement was in the December 2013 Annual Monitoring Report. Since then the Council has undertaken monitoring for 2013/14 and as such has updated this position. The latest Council 5 Year Land Supply Statement was produced in September 2014. This is accompanied by commentary explaining and justifying the components that form the land supply anticipated to be built over the next five years. As detailed in this statement this process includes contacting all site representatives that form the five year land supply to ensure that the Council gains a robust position. This shows that the Council can only demonstrate 4.13 years land supply with a shortfall of 558 dwellings. With recent grants of planning permission, it is understood that the housing land supply position within the Borough has improved slightly, and the latest position is in the region of 4.4 years

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. In the case of the adopted Core Strategy, CS1, which would ordinarily be applied to directing the location of housing cannot be implemented. In such instances para 49 of the NPPF therefore requires that housing applications should be considered in the context of the presumption in favour of sustainable development. The agent advances that the proposal contributes a form of sustainable development and as such there is a presumption in favour of sustainable development. However, it has not been demonstrated that the proposal fulfils each of the roles set out within paragraph 7 of the NPPF, which are the dimensions to sustainable development and that the site is a sustainable location. As such the LPA are of the view that a case has not been made to support the notion that the proposal contributes a form of sustainable development. The LPA are therefore of the opinion that there is not a presumption in favour of sustainable development, in respect to the proposed development, taking into consideration the type of development proposed and its location.

Despite the inability of the Council to demonstrate a five year housing land supply, this is not considered to be a very special circumstance to override Green Belt policy. The NPPF is clear at paragraph 83 that Green Belt boundaries should only be altered in exceptional circumstances through the review of the Local Plan. Furthermore, the National Planning Practice Guidance makes clear that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt. The ministerial statement by Brandon Lewis states that the single issue of unmet need whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

Policy CS21 relating to rural exception sites and the NPPF does create a framework to allow the delivery of local needs housing where necessary and appropriate in the Green Belt but in this specific case, on this specific site, it has been judged that the proposal is unacceptable, given the identified harm to character and appearance of the area, and the openness of the Green Belt, which is significant. The identified harm would not be outweighed by the need identified. Policy CS21 at paragraph 9.18 stresses those development proposals that are out of scale and keeping with the character of the settlement are inappropriate and will be resisted. Furthermore, the LPA are of the opinion, taking into consideration the information submitted in support of the application, that there is not a presumption in favour of sustainable development, in respect to the proposed development, taking into consideration the type of development proposed and its location. In addition to this and as stated previously, the need identified, which consists of open market dwellings, would make it viable for these dwellings to be delivered individual, within the settlement boundary.

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

Other Matters

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

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

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

Recommendation

Refusal

APPLICATION NUMBER

R14/1741

DATE VALID

12/12/2014

ADDRESS OF DEVELOPMENT

LAND ADJACENT TO BROOKSIDE COTTAGE
HINCKLEY ROAD
ANSTY

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

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

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy Policies CS1, CS16, CS21
Ansty Housing Needs Survey 2014
National Planning Policy Framework

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

REASON FOR REFUSAL:

The site is located in the Green Belt where there is a presumption against inappropriate development. Paragraph 89 of the NPPF advice that the provision for limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate in the Green Belt. To avoid being classed as inappropriate in principle, the development in question has to accord with policy CS21 as set out within the Core Strategy. It is the opinion of the Local Planning Authority that the proposed development does not accord with policy CS21 and as such constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have a significant impact on the openness of the Green Belt. The proposal would further harm the character and appearance of the area. In the opinion of the Local Planning Authority, the harm identified is not outweighed by other material considerations which would justify the granting of planning permission for the proposed development. The proposed development is therefore contrary to policy CS1, CS16 and CS21 of the Rugby Borough Core Strategy 2011 and policies contained within the National Planning Policy Framework.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. However, for the reason stated, it is not possible to grant planning permission for the development proposed.

Reference number: R15/1357

Site address: Glebe Farm Barn, Birdingbury Road, Bourton on Dunsmore, CV23 9RA

Description: Erection of a single storey extension

Case Officer Name & Number: Joanne Orton – 01788 533549

Introduction

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a request has been received from a Borough Councillor.

Application Proposal

This application seeks full planning permission for the erection of a single storey extension to the rear of this detached dwelling. The proposed extension projects 8.3 metres further forward from the rear wall of the existing dwelling and would incorporate two velux windows within the roof space. The proposal seeks to provide a sun room and new entrance lobby into the main dwelling.

The Site and Surrounding Area

The dwelling comprises a former barn type building that was granted planning permission in 2004 for the conversion into a residential dwelling including the erection of a side extension. The property also benefits from a detached garage which was granted planning approval in 2009. The dwelling has an extensive plot which can be accessed from a long drive off Birdingbury Road. The site is defined by a 1 metre high hit and miss boundary fence whereas the residential curtilage has been defined with a wall approximately 1.5 metres in height.

Relevant Planning History

R04/1096 – Conversion of redundant barn to form a two storey residential dwelling with side extension – Approved – 17 February 2005

878 – Renewal of planning permission R04/1096 for the conversion of redundant barn to form a two storey residential dwelling with side extension – Approved – 14 May 2010

R09/0008 – Erection of a new timber framed garage (resubmission) – Approved – 18 February 2009

R12/0337 – Renewal of planning permission R09/0008 (Erection of a timber framed garage) – Approved – 27 March 2012

R15/0735 – Single storey rear extension – Refused – 03 June 2015

Technical Consultations

Warwickshire County Council (Ecology) have replied saying that as the existing roof is not being impacted, the proposals are not likely to impact any protected species. However if any scrub vegetation is proposed to be removed, a note to highlight the protected status of nesting birds is attached to any permission granted is recommended.

Third Party Consultations

No comments have been received from:

Bourton and Draycote Parish Council

A site notice has been posted and no letters of representation have been received.

Relevant Planning Policies and Guidance

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

Policy 7: Requiring Good Design

Policy 9: Protecting Green Belt Land

National Planning Policy Guidance (NPPG) 2014

Core Strategy 2011

Policy CS1: Development Strategy

Policy CS16: Sustainable Design

Saved Local Plan Policies 2011

Policy E6: Biodiversity

Supplementary Planning Documents

Sustainable Design and Construction 2012

Determining Considerations

The main considerations in the determination of this application are the principle of development, design and character and the impact the proposed extension has on the Green Belt, and the impact on neighbouring properties.

Principle of Development

The site is located within the Green Belt of Rugby Borough as defined in Policy CS1 of the Core Strategy. Therefore the proposal needs to be assessed against Policy 9 of the NPPF – Protecting Green Belt Land. The NPPF states that all development is considered inappropriate unless it falls within certain appropriate exceptions such as limited extension to existing dwellings provided that it does not result in disproportionate additions over and above the size of the original building.

The original barn conversion benefited from an area of 589.41 cubic metres. The property has been previously extended by way of a two storey side extension which represents an approximate 53%, 317.61 cubic metres, and increase from the original barn conversion. The proposed extension would consist of a single storey rear extension which has a combined volume of 141.88 cubic metres adding an additional 24% to the area of the original barn conversion. The proposed extensions, together with the previously approved extension, would result in an increase in volume over the original dwelling by approximately 77%.

In the opinion of the case officer the cumulative volume increase represents a disproportionate amount of extensions in relation to the original property and is not considered to be limited. Therefore the proposal is inappropriate development which is harmful to the essential characteristics of the Green Belt. Reference is made within the Planning Statement to previous buildings which have been removed from the site. However the volume of the building is calculated on those currently in situ within the application site and the property which has benefited from the conversion. In this instance under the previous 2004 planning approval. Therefore these previous buildings cannot be taken into account when calculating the area and through the removal are no longer available for consideration. No very special circumstances have been put forward by the applicant, which justify the inappropriate development.

As the application seeks planning permission for the extensions and alterations to an existing dwelling within the Green Belt resulting in a total increase of 77% this application is therefore considered to be contrary with Policy CS1 of the Core Strategy.

Design and Character/Impact on Openness

Policy CS16 of the Core Strategy seeks development which demonstrates high quality, inclusive and sustainable design which is of a scale, density and design that would not cause material harm to the qualities, character and amenity of the area. Similarly Policy 7 of the NPPF seeks proposals which are visually attractive as a result of good architecture, whereas Policy 9 limits extensions to those that are not above the size of the original building.

The proposal would be sited to the rear of the dwelling and would be sited approximately 220 metres away from Birdingbury Road and as such would not have an adverse impact on the street scene.

By virtue of the proposed extension projecting an additional 8.2 metres further forward from the rear elevation of the dwelling house it is considered that the proposed development would result in a reduction in the openness to a significant degree. In terms of the character and design of the proposed extension this has been done sympathetically and remains in keeping with the character and appearance of the existing dwelling and would therefore not have an adverse impact upon the visual amenity of the surrounding area.

Whilst there will be some reduction in the loss of openness within the countryside by virtue of the design and appearance of the proposed extensions which have been done sympathetically to remain in keeping with the existing property along with its positioning to the rear of the property it is considered that the proposal can be considered to be in accordance with Policy CS16 of the Core Strategy.

Impact on Residential Amenity

The proposed extensions would not have an adverse impact on any neighbouring amenities due to the separation distance between the proposal and neighbouring properties it is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Conclusion

The existing dwelling has already benefited from previous extensions and alterations within the Green Belt of 53% where it is considered that a 30% increase in floor area is considered to be acceptable. With the proposed addition of a single storey rear extension which would see a total increase in floor area of 77%. It is considered that the proposal would not result in any adverse impacts on the occupiers of neighbouring properties. However, by reason of the scale of the rear extension and previously implemented planning permission, it would result in an unacceptable form of development that would have a detrimental impact on the Green Belt. It is considered that the proposal would be contrary to Policy CS1 of the Core Strategy and Policy 9 of the National Planning Policy Framework and should be refused.

Report prepared by: Joanne Orton

REASON FOR REFUSAL:

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 the NPPF not to grant planning permission except in very special circumstances, for new buildings 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, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

It is considered that the proposed single storey rear extension will create a total increase in floor area in excess of 77%. Therefore the proposed extension constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on 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 an extension in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

DRAFT DECISION

APPLICATION NUMBER

R15/1357

DATE VALID

01/07/2015

ADDRESS OF DEVELOPMENT

Glebe Farm Barn
Birdingbury Road
Bourton-on-Dunsmore
CV23 9RA

APPLICANT/AGENT

Mr James Salmon
Sworders
The Gatehouse
Ware
Hertfordshire
SG11 2EB
On behalf of Mr Michael Chicken

APPLICATION DESCRIPTION

Erection of single storey extension

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

National Planning Policy Framework (2012)
Core Strategy (2011)
Saved Local Plan Policies (2011)
Supplementary Planning Document: Sustainable Design and Construction (2012)

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

REASON FOR REFUSAL:

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 the NPPF not to grant planning permission except in very special circumstances, for new buildings 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, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

It is considered that the proposed single storey rear extension would constitute a disproportionate addition to the dwelling house, taking into consideration previous extensions and as such would constitute inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on 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 an extension in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R13/2073

Site address: 41 King Edward Road, Rugby

Description: Outline Permission for the conversion and partial demolition and rebuild of the existing sui generis buildings to 10no. Residential units including parking and other associated works. Landscaping is the only matter reserved.

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee as the recommendation is against advice given from Warwickshire County Council Highway Department

Site Description

The proposed site is located within the urban area of Rugby in close proximity to the Town Centre. The subject site comprises a large building standing two storeys high which contains a Saleroom, Antiques Warehouse and partial first floor Residential Apartment. The site includes vehicle circulation, loading bay and car parking for around 4 vehicles to the south of the existing building.

King Edward Road runs to the east and on all other sides sit terraced residential properties. The area is predominately residential with these properties being mainly two-storey with some loft conversions.

Proposal Description

The proposal will see part of the existing building demolished and rebuilt with the other section of the building retained and converted to combine and form 10 residential units.

The section of the building to be retained and converted is that of the front section of the building which faces King Edward Road. This is the section of the building which holds the most character and architectural interest.

The section to be demolished consists of a two storey and single storey elements and will be replaced with a new extension to match in with the design of the building retained. The extension will be lower than the section of building it replaced but only by 0.3 metres and will be smaller in footprint.

The proposal will provide parking spaces within the site, 10 in total. Access to the site will utilise the existing access positioned between the side of the existing building and the neighbouring dwelling.

The conversion looks to utilise the existing openings with the first floor windows partially obscure glazed as a means to avoid overlooking. There will be in the introduction of some windows to the rear elevation which will again be obscure glazed and also roof lights into the roof plane

Relevant Planning History

R96/0738/2408/P – Use of existing building for sorting and storage, new showroom area and residential purposes – Approved 29/01/97

R99/0238/2408/P – Use of existing building for sorting and storage, new showroom area – Approved 14/07/99

R03/0399/2408/OP – Use of land for the erection of 5no. Terraced dwellings – Refused 18/06/03

R03/0637/2408/OP – Demolition of existing works and erection of 5 flats and 1 bungalow and associated parking and site works – Refused 20/08/03

Technical Consultation Responses

Environmental Services – No objection subject to conditions
Highway Department – Objection
Ecology – No objection

Third Party Responses

Neighbour – Objection

- 10 flats is far too much for the site and would be overcrowded
- Would increase the noise and disturbance from the site
- Would be favour of 2-3 quality dwellings or selling to a responsible housing association

Neighbour – Comment

- Regenerating the warehouse would be a positive thing for the road however care must be taken when considering the opportunity for parking
- Wouldn't like to see parking spilling out on to the road as it is already congested with parked cars.
- If approved parking of workers on site and the use of vehicles including cranes, delivery trucks etc. should not be on the street but on site during build.

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy
CS16 – Sustainable Design
CS17 – Reducing Carbon Emissions

Saved Local Plan Policies

E6 – Biodiversity
T5 – Parking

National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Assessment of Proposals

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

Principle of Development

Policy CS1, Development Strategy, states that the location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.

The site is located within the urban area of Rugby just outside of the Town Centre Boundary. The urban area of Rugby is allocated as the primary focus for meeting strategic growth targets within Policy CS1 and is second in the hierarchy. This development would see the redevelopment of a brownfield site which would contribute to the housing numbers of the Borough. The residential use is replacing would be a sui generis use so saved policy ED6, retention of employment land,

would be not applicable in this case. The area around the development site is predominately residential so the proposed use would replace a conflicting use with a use that would be more suited. Taking this into account the proposed development would in principle be acceptable in this location and would comply with policy CS1 of the Core Strategy 2011.

Character and Appearance

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

The partial conversion retains the most architecturally valuable elements of the existing buildings. As the building is unique in its form, particularly its subtly ornate frontage offices it is important to retain this due to the contribution it makes to both the street scene and maintaining local architectural quality. The section of building to be retained will utilise all existing openings and the only other additions would be in the form of roof lights and some obscure glazed windows to the rear.

The simple design of the new-build section would take cues from the site itself and this has been undertaken in such a manner as to be in sympathy with, reflect and enhance the location. The replacement structures draw on the form, scale; massing and appearance of that proposed to be demolished so would not appear to be overdeveloping the site in terms of the built form.

The new build section of this development would be well within the site so the front of the development within the street scene will remain as existing retaining the ornate frontage office.

Taking into account the above it is considered that the proposed development would comply with policy CS16 of the Core Strategy 2011 in terms of character and appearance.

Neighbouring Amenities

Policy CS16 continues to state that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The majority of the proposed development sits to the rear of residential gardens on King Edward Road, Manor Road and Holbrook Avenue. Whilst this kind of development in terms of its scale would usually be unacceptable so close to back gardens in terms of an overbearing impact the building currently exists and is being utilised for the development. The section being demolished and rebuilt will not exceed the height of the building it is replacing nor will it exceed its footprint. The new section will be slightly lower than that of the existing building so would result in an improvement upon neighbouring amenities albeit perhaps not to an extent where noticeable by the occupiers of the neighbours.

The existing building does have a residential apartment to the first floor however the windows to the building which look across the gardens of King Edward Road and Holbrook Avenue are blocked up so no overlooking is achieved. As you will note from the planning history there has been refusals of residential development on this land in the past and that was to do with the overlooking aspects of the development over the neighbouring gardens. This new development would unblock the windows at first floor level to allow light into the apartments however in order to avoid any conflict with the neighbouring gardens it has been proposed to obscure the lower part of the windows so that no views can be obtained. The high level aspect of the windows will remain clear glazed so to still provide the occupiers of the apartments with an element of outlook. The windows will remain obscure glazed throughout the life span of the building which will be conditioned to ensure that this is so. The development would introduce windows to the rear elevation to which at present do not exist however again these will be obscure glazed to ensure there are not views into the gardens on Manor Road.

The development would remove a saleroom and warehouse from the site which would in turn remove the HGV traffic and other associated noise and disturbance that goes with it. The proposed conversion and new build would have to adhere to building standards in terms of insulation both thermal and noise as they are apartments so would bring improvements to the noise omitted from the building. These improvements along with the removal of a commercial use would improve the amenities of the neighbouring properties.

Taking into account the above it is considered that the proposed development would comply with policy CS16 of the Core Strategy 2011 in terms of impact upon neighbouring amenities.

Highway Safety

The proposal would use the existing vehicular access from King Edward Road, a predominantly residential street with on-street car parking, which operates as a one-way street. The application site is located within the 'High Access Zone' as defined in the Local Planning Authority's Planning Obligations SPD. The proposal would incorporate 10 car parking spaces, which would be more than sufficient to meet the car parking standards set out in the SPD but would reduce the need to park upon the highway.

The Warwickshire County Council highway officer has assessed the proposal and indicated that "the access to the site is insufficiently wide to allow a vehicle exiting the site to pass a vehicle entering the site, and the Highway Authority therefore considers that this would lead to vehicles reversing into the highway to the detriment of highway safety. Whilst it is acknowledged that the access is existing, and was used by commercial vehicles, the Highway Authority considers that the proposed development would lead to an intensification of the use of this sub-standard vehicular access".

The Local Planning Authority understands the objection from the highway officer however is of the opinion that, on balance this development would not significantly affect highway safety due to the removal of the commercial traffic in the form of large HGV's and the fact that the road is a one way street.

Whilst the current use has now been largely relocated to the applicant's Paynes Lane, Rugby site the agent has highlighted that a license for two HGV's remains registered at the subject site. While the use may be in the process of being moved it is not by any means abandoned and as such the prospect of it being resurrected by this owner or a future owner should this application be refused is a notable fact.

The existing site in full use could generate a good deal of, what one might term, more problematic traffic with vans and large delivery and distribution vehicles accessing via what is a narrow road now extensively parked on both sides due to the lack of off-street parking in the vicinity. This would undoubtedly result in complex manoeuvres to access and exit the site, and, potentially, result in danger or at best delay to other road users. This combined with the smaller vehicles of staff and visitors.

The proposal removes the prospect of larger vehicles almost entirely. Occasional removals vehicles will no doubt visit but, in the main, the site will be accessed by motor cars, cycles and foot traffic and in reducing the footprint of the existing building there is scope to accommodate all of those vehicles on site and therefore off the public highway. If on the occasion a car had to reverse out of the access onto the highway as suggested by the highway officer they would only need to be aware of traffic from one direction as it is a one way street so reducing the possibility of accidents. So whilst there may be more trips to and from the development it is considered that the types of vehicles that would now use the site with more off street parking provided would benefit the area.

The Highway Officer suggested that in order to overcome this objection, "the proposal should be amended to incorporate a vehicular access of at least 5 metres width, for a distance of at least 7.5 metres from the public highway carriageway". The highway officer stated that "it is anticipated that

this would require the demolition or curtailment of the front dwelling unit". The dwelling unit to which he refers is the ornate frontage offices which provide the street scene with some interest so to lose this unit would be detrimental to the appearance of the development.

To conclude the Local Planning Authority on balance does not consider the proposed development to have significant impact upon highway safety.

Biodiversity

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

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

The application was accompanied by an initial bat survey of the buildings to which the Warwickshire County Council ecologist has assessed. The ecologist agrees with the findings which found no evidence of bats in the main roof void of the building and the inaccessible roof void was not considered to have any potential access points for bats into the void itself. The ecologist was also in agreement with the recommendations given within the report that the works are undertaken in the presence of a licenced bat worker. A condition will be attached to any approval ensuring that the works shall proceed in accordance with the detailed method statement for bats as set out in the bat report. Taking this into account it is considered that the proposal would comply with saved policy E6 of the Local Plan 2006.

Recommendation

Approve Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R13/2073

DATE VALID

23/04/2015

ADDRESS OF DEVELOPMENT

41 KING EDWARD ROAD
RUGBY
CV21 2TA

APPLICANT/AGENT

Mr George Burton
GB A&E Ltd
Ryton Organic Gardens
Wolston Lane
Ryton-On-Dunsmore
Coventry
Warwickshire
CV8 3LG
On behalf of Miss L Seaman

APPLICATION DESCRIPTION

Outline Permission for the conversion and partial demolition and rebuild of the existing sui generis buildings to 10no. residential units including parking and other associated works. Landscaping is the only matter reserved.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

REASON

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

CONDITION: 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 - Landscaping

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:

Drawing Nos. 4276/01 and 4276/04 received by the Local Planning Authority on the 23rd April 2015

Drawing Nos. 4276/02 Rev A and 4276/03 Rev B received by the Local Planning Authority on the 15th June 2015

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 development hereby permitted shall proceed in accordance with the detailed method statement for bats as set out in the document Bat Assessment Report prepared by Ecolocation and received by the Local Planning Authority on 23rd April 2015. The approved mitigation measures shall be implemented in full.

REASON:

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

CONDITION: 6

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION: 7

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

REASON:

In the interest of health and safety.

CONDITION: 8

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: 9

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

REASON:

In the interest of visual amenity

CONDITION: 10

Other than those shown on the approved plans no new windows/rooflights shall be formed in the proposed development unless otherwise agreed in writing by the Council.

REASON:

In the interest of residential amenity.

CONDITION: 11

The windows shaded grey on the approved plan and those indicated as obscure glazed on drawing no. 4276/03 Rev B shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 12

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan 4276/04 shall be provided before the occupation of the development hereby

permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION: 13

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

REASON:

In the interest of visual and residential amenity

CONDITION: 14

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

REASON:

In the interest of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

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

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

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

INFORMATIVE: 2

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to

September, so should work take place during this time period, then the site should ideally be checked for their presence before work commences.

INFORMATIVE: 3

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

Reference number: R15/1265

Site address: 30 Oberon Close, Rugby, CV22 6LZ

Description: External alterations to dwelling including external rendering and retention of single storey rear extension.

Case Officer Name & Number: Richard Holt – 01788 533687

This application is being reported to Planning Committee as the applicant's wife is a Council employee.

Description of Site

The property lies within a predominately residential area of single and two-storey semi-detached properties in the Rugby Urban Area as defined in the Rugby Borough Council Core Strategy, 2011. The vast majority of the two-storey properties are characterised by steeply pitched roofs and flat roofed front dormers facing Oberon Close. Oberon Close is a cul-de-sac which serves 46 properties and runs in a southerly direction off Cymbeline Way and overall is fairly level.

The existing house is constructed from a multi brown brick, dark grey/brown interlocking concrete roof tiles, small concrete plain hanging tiles to the dormers, white uPVC windows and white soffits, fascias and rain water goods. However, the white soffits have recently been changed to light coloured timber cladding and the fascias, rain water goods and windows have been changed to dark grey and black uPVC. However, the fascia to the front dormer window remains white. The property is set back from the road by approximately 6.5 metres and the area to the front is mainly hard landscaped.

The majority of the rear garden is lawn (although currently in a poor state owing to current building works) and gently slopes down in a westerly direction towards a mix of tall planting, including laurel, along the edge of the rear boundary of the site. A small timber shed/playhouse is located towards the bottom of the rear garden and a relatively tall cherry tree is located part way down the rear garden towards the boundary with No. 32 Oberon Close. Most of the boundaries in the rear garden are characterised by a mix of timber panel fencing which on the southern side, No. 32 Oberon Close, is approximately 1.8 metres high whilst on the northern side, No. 28 Oberon Close, is approximately 1.5 metres high. Nevertheless, it was noted on the southern boundary some fence panels were missing.

Description of Proposals

The proposal involves the retention of a single storey rear extension, the bulk of which has already been constructed. It also includes the entire external rendering of the block and brick work of the existing house and rear extension, apart from the chimney and chimneybreast, along with the provision of timber cladding to the extended rear dormer and soffits.

The rear extension is to provide a large kitchen/diner of which the majority of the construction works have been completed. This extension is built approximately 0.5 metres off the boundary with No. 32 Oberon Close and projects out from the rear wall of the existing property by approximately 4 metres. The rear extension is approximately 4.7 metres wide and rises to approximately 3.2 metres above ground level to the top of the parapet wall with a thin capping layer that runs around the top of the flat roofed extension. Owing to the design of the central roof lantern in the rear extension this will project above the roof parapet by around 0.4 metres.

The rear extension is currently constructed from breeze block above the blue brick base but will be finished in a stone or cream coloured render. The bi-fold doors in the extension's rear elevation and the roof lantern are of a dark grey uPVC to match the new fenestration recently installed elsewhere at the property, apart from the first floor side facing bathroom window. The stone/cream coloured render will also be applied across the remaining existing elevations of block and brick work as detailed above.

Details of external lighting missing;
 Limited information submitted with previous prior approval application, including plans;
 Previous concerns raised with Council ignored or insufficiently answered – 3 month delay in to investigations;
 Conflict with permitted development allowances now acknowledged by Council;
 Previous application should have gone before Planning Committee as Mrs Smith is a Council employee;
 Applicant has history of seeking retrospective permission for works (eg previous property, R13/0436);
 Works began in 2014;
 Been damage to neighbours property and failure to comply with Party Wall Act requirements;
 Applicant failing to comply with previous agreements with neighbour re building works, including hours of construction;
 Works been done sporadically, so difficult to adjust plans when disturbance likely to be at their worst;
 Noise and disruption to home;
 Been tirades of bad language and threats of physical violence;
 Acknowledge any purchaser of property was likely to alter it, but didn't expect whole character of house to be completely altered; &
 Application should be refused - would be unfair to allow development just because it has already been undertaken.

Relevant Planning Policies & Guidance

Rugby Borough Local Plan, 2006 (saved policies):

Policy E6	Complies	Biodiversity
Policy GP2	Complies	Landscaping

Rugby Borough Core Strategy, 2011:

Policy CS16	Complies	Sustainable Design
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Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012
 National Planning Practice Guidance, 2014

Assessment of Proposals

Prior approval was previously granted for a single storey rear extension to the property in 2014. However, during the construction process it was brought to the Local Planning Authority's attention that various aspects of the extension, along with other alterations to the property, did not fully accord with the details previously approved. As prior approval submissions need to be considered before any works commence on site, the applicant sought to regularise the anomalies by submitting a full householder planning application to which this report relates.

The main issues to assess with this proposal are the impact on neighbours and design.

Section 4 of the Sustainable Design & Construction Supplementary Planning Document (SDC SPD) focuses on the need to protect the amenity of neighbouring properties. Those properties most affected by the development are 28 & 32 Oberon Close and the aforementioned document states it is important to consider the effect an extension would have on the neighbouring properties and the surrounding area and that extensions should not cause any significant loss of light to habitable rooms or restrict sunlight to parts of neighbours gardens used for sitting in or recreation.

32 Oberon Close is the other half of the semi-detached house and thereby is physically attached to 30 Oberon Close. 32 Oberon Close lies to the south of the application site and will be the most affected property by the development. On the ground floor rear elevation of 32 Oberon Close there is a large window and a pair of fully length glazed patio doors both serving a combined lounge and dining room that runs along the entire length of the back of the house. The mid point of the window serving the lounge area lies approximately 2.3 metres from the side elevation of the rear extension at 30 Oberon Close. When the 45 degree line is taken from this point of the lounge window the extension will breach it and the extension then continues for approximately a further 1.9 metres beyond the intersection. Therefore, this window and the room it serves is subject to a degree of loss of light from the extension.

However, the SDC SPD states that the 45 degree guideline needs to be interpreted carefully and flexibly. It should also be noted that 45 degree line is for guidance purposes and not be cast in stone as all sites are different. 32 Oberon Close lies to the south of the extension so any loss of sunlight is extremely minimal to both inside and outside of the property. In addition, the window serving the lounge is not the only source of natural light reaching that part of the room as the lounge and dining room are joined together with no dividing wall. A pair of fully length glazed patio doors also receives light to the dining area which in turn spills into the lounge area. The mid point of the patio doors lie approximately 5.5 metres from the side of the extension at 30 Oberon Close and a 45 degree line from them is not breached by the extension. Therefore the amount of daylight which the lounge and dining areas receive has not been unduly affected by the extension to such a degree to warrant a reason for refusal based on the level of light the room still benefits from.

Consideration also needs to be given to the external garden area of 32 Oberon Close, particularly adjacent to the rear of the property. As detailed above, 30 Oberon Close is situated to the north of the garden area of 32 Oberon Close which results in the loss of sunlight being kept to a minimum. The site boundary between 30 & 32 Oberon Close adjacent to the rear extension has both a timber panel fence of approximately 1.8 metres high and a beech hedge which is slightly higher, although it was noted some of the fence panels were currently missing. The side wall of the rear extension can clearly be seen from 32 Oberon Close and owing to the parapet wall will project approximately 1.4 metres above the height of the existing fence panel. However, the extension is set off the boundary by approximately 0.5 metres and owing to it lying to the north and that the side facing wall will be finished in a stone/cream coloured render, it is not considered that on balance the extension has such an oppressive and overbearing impact to be significantly detrimental to the external residential amenity space enjoyed by the occupants of 32 Oberon Close. However, it is accepted that the breeze block wall should be rendered in a timely manner as the current treatment is not ideal and this can be addressed via a suitable condition.

28 Oberon Close lies to the north of 30 Oberon Close and is approximately 3 metres away from the side elevation of 30 Oberon Close as the properties are both separated by access paths to their rear gardens. On the rear elevation of 28 Oberon Close closest to the site boundary with 30 Oberon Close there are a pair of glazed patio doors at ground floor level. Based on their location and that the rear extension on the application site is set in approximately 1.5 metres from its northern gable elevation, the 45 degree guideline as detailed in the SDC SPD is not breached. Although there is a side facing ground floor window on the southern gable wall of 28 Oberon Close, this already looks directly on to the existing two-storey side gable elevation of 30 Oberon Close. On this basis, and owing to the single storey extension being stepped in from the northern elevation the impact on the residential amenity of 28 Oberon Close is not considered to be worsened to any significant degree owing to the existing relationship between the two properties.

On the basis of the above, it is considered that the proposed works would not adversely affect the residential amenity of adjacent properties and therefore the development would accord with Policy CS16, the SDC SPD and the NPPF.

Section 5 of the (SDC SPD) states that extensions must not dominate the existing building and should be sympathetic with and appear subservient to the original dwelling. It also refers to the need for materials and detailing of extensions/alterations to properties to be sympathetic to and

reflect those of the existing dwelling. This is reiterated in Section 7 of the National Planning Policy Framework (NPPF) which confirms high quality and inclusive design for all developments is required. However, the NPPF is also clear that decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative but also reinforce local distinctiveness.

Since the properties were originally built c1960s many have undergone changes to their external appearance. To the front elevation facing Oberon Close this includes the conversion of the garages to habitable rooms, the insertion of white uPVC windows in a variety of styles, the replacement of doors including garage doors in a mix of colours and styles, and the construction of flat and pitched roofed porches. To the rear of the properties many of the dwellings have had extensions, conservatories and extended the width of the roof dormers.

Parts of the rear of the property can be viewed from the public footpath running between Duncan Drive and Oberon Close although this primarily relates to the first floor extended dormer and associated cladding and the top section of the rear extension above the bi-fold doors. Owing to the design of the existing house with a low eaves line the flat roof of the rear extension connects to the house above the existing eaves level. Whilst this juncture initially appears rather cumbersome, it is apparent on other rear extensions of this style of house in the area in a variety of forms. Nevertheless, the single storey extension will appear subordinate to the rear of the two-storey property and even when viewed from the public footpath to the south, approximately 25 metres away, would not appear to dominant the existing property or appear visually intrusive from a public vantage point.

As part of the proposals the applicant intends to render the rear extension along with the brick and block work on the existing dwellinghouse. From the public footpath to the south only the top section of the rear extension above the bi-fold doors will be readily visible and this proportion of rendering to the dwelling is not considered to be harmful to the appearance of the rear extension. With regards to the rendering on the eastern (front) elevation of the property this would equate to a series of areas besides and beneath the ground floor window and between the garage door and front door. Whilst it is noted no other property has been rendered to its front elevation, these areas of render are small as the front elevations are dominated by the expanse of roof, doors and windows. Surrounding properties have a mix of treatments to their front elevations including brick, stone cladding, uPVC and painted timber and therefore, the degree of render is considered minimal and would not detract from the overall appearance of the property. The greatest expanse of render that will be judged to be more noticeable is the two storey side gable of the property facing the side of 28 Oberon Close. Initially when travelling along Oberon Close in a southerly direction the side facing gable of 30 Oberon Close is obscured by 28 Oberon Close as they are separated by only c3 metres so any render to the side would not be that apparent. However, when within close vicinity of the property the full extent of the gable is more noticeable and the expanse of render will be readily visible from the public domain. The area of render will be vertically split by retaining the northern chimney breast in the dark brown brick which to some extent will assist in breaking up the expanse of stone/cream coloured render.

The main form and bulk of the property remains intact and the application of render to the property is not an unusual treatment to a dwelling. Although it is accepted the property is semi-detached and it could be held that such a treatment may appear at odds with the other half of the semi as well as similar properties within the street, the extent of render is not considered to result in such a pronounced change that would have a detrimental impact on either the visual appearance of the property or overall streetscene. This is mainly aided by the domination of the roof, windows and doors on the front of the property and the limited wider views of the side elevation of the property.

The replacement of plain concrete hanging tiles to the rear dormer with lightly coloured horizontally laid timber cladding introduces a visually different type of material to the dwelling. However, it is considered that this represents a more modern look to the extended rear dormer which is complemented by the dark grey windows and black rain water goods that have replaced the previous white ones. Whilst it is noted concerns regarding this type of external material unbalances

the relationship between the other half of the semi detached dwelling, 32 Oberon Close, this change is not considered to be so visually harmful to warrant a reason for refusal and is judged to provide a contemporary fresh appearance that continues to retain the bulk, scale and form of the rear dormer that is comparable to other extended rear dormers in the area. The use of similar timber cladding to the soffits of the dwelling is tucked under the black fascias and is not considered to have a detrimental appearance on the property.

The applicant has indicated that it is not their intention at this stage to replace the tile hanging on the front dormer. However, by approving the timber cladding on the rear dormer this would enable the applicant at a future date to replace the tiles on the front dormer with timber cladding to match the rear dormer under their permitted development rights. The Government has been very clear that permitted development rights need to be simplified and not to represent a hurdle to property owners and therefore has introduced a series of changes over the last couple of years to enable individuals to do more to their properties without intervention from the Local Planning Authority. Therefore, it is not considered reasonable to withhold planning permission for the cladding of the rear dormer on the grounds that the applicant may choose at a later date to re-clad their front dormer, despite it being more visually prominent in the streetscene.

Changes to the colour of the rainwater goods, doors and windows on the property are considered to be permitted development and whilst this is more visually apparent in the streetscene compared to other properties, particularly their windows, which remain white rather than black, grey or brown, these changes are still judged to be sympathetic to the property and not harmful to the architectural style or distinctiveness of the dwellinghouse.

Overall the proposed works are not considered to conflict with Policy CS16, the SDC SPD and the NPPF.

It has been brought to the Council's attention that some of the window designs and the roof lantern installed do not fully correlate with those detailed on the submitted plans. These anomalies are minor and do not prejudice the overall principle of the works undertaken to date or subsequently intended with regards to this report's recommendation. However, for the avoidance of doubt the applicant has been advised to correct these errors and it is envisaged that an updated plan should be available by the time the application is presented to Planning Committee.

Policy CS16 requires that all development should consider sustainable drainage systems. The applicant has advised that surface water from the extension will go into a soakaway in the rear garden. This type of surface water drainage system in terms of sustainable drainage is preferred over underground tanks, surface water underground drains/pipes and ground level gravelled or porous pavior areas. Therefore, it is considered that the proposal would comply with this part of Policy CS16 and saved Policy GP2.

According to the Council's records an existing public foul gravity sewer runs through the rear of the site adjacent to the western elevation of the recently constructed extension. Severn Trent Water has been consulted and to date has not commented. Nevertheless, the applicant has advised the Local Planning Authority that Severn Trent has been made aware of their works and the necessary documentation has been completed. Ultimately, this is an issue between Severn Trent Water under the Water Industry Act 1991 & Water Act 2003 and is addressed by other legislation.

WCC Ecology do not object to the proposal but recommend a note is added highlighting the protected status of bats and breeding birds. The proposal will therefore comply with saved Policy E6. As the proposals relate to an existing dwelling which already has a mix of soft landscaping features in the rear garden, additional landscape measures are not considered necessary in the light of the scale of the overall development. Therefore, there would be no conflict with saved Policy GP2.

Concerns have also been raised by the neighbour regarding the Party Wall Act, damage to third party property, hours of construction, and actions and behaviour of the applicant. These are

matters that are dealt with by separate legislation and as the majority of the building works have now been completed it is not considered reasonable to impose a planning condition on hours of construction when separate legislation exists to deal with this matter. In addition, delays in enforcement proceedings, lack of plans at the prior approval stage and the requirement of prior approval applications to go to Planning Committee are matters that are outside the scope of this particular planning application being considered.

Overall, as detailed above, the proposal would comply with the policies of the Development Plan and the NPPF.

Recommendation

Approve, subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R15/1265

DATE VALID

02/07/2015

ADDRESS OF DEVELOPMENT

30 OBERON CLOSE
BILTON
RUGBY
CV22 6LZ

APPLICANT/AGENT

Mr M Smith
30 Oberon Close
Rugby
Warwickshire
CV22 6LZ

APPLICATION DESCRIPTION

External alterations to dwelling including external rendering and retention of single storey rear extension.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 19th August 2015.

REASON:

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

CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Plan ref 30 Oberon 1C Rev F received by the Local Planning Authority on 9th July 2015;
Plan ref 'Site & Block Plans' received by the Local Planning Authority on 22nd June 2015; &
Email from the applicant to the Local Planning Authority dated 13th July 2015 [08:40] re external render to front elevation and drainage.

REASON:

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

CONDITION 3:

Within six months from the date of this decision notice all the external elevations of the rear extension shall be rendered in a stone / cream colour.

REASON:

To re-address the injury to visual amenity that has occurred and to ensure the development has an acceptable external appearance in a timely manner.

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 bats and nesting birds are protected species and may be affected by the development. Should any evidence of bats, or their roosts, or nesting birds, be found during the works, development should cease immediately and contact be made with the Warwickshire County Council Ecology on tel. 01926 418060.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	19 th August 2015
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/01/2015 to 31/03/2015.

<i>Risk Management Implications</i>	There are no risk management implications arising from this report.
<i>Financial Implications</i>	Increases the scope for related costs claims within the Planning Appeals process.
<i>Environmental Implications</i>	There are no environmental implications arising from this report.
<i>Legal Implications</i>	Advice/support with regard to Cost Claims and any subsequent Costs awards.
<i>Equality and Diversity</i>	No new or existing policy or procedure has been recommended.
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted.
<i>Reasons for Recommendation</i>	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee – 19th August 2015

Planning Appeals Update

Report of the Head of Planning and Recreation

Recommendation

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

1.1 Appeals determined

During the last quarter from 1st of April to 30th of June a total of 10 planning appeals were determined, of which 1 were allowed, 8 were dismissed and 1 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 30th June there were 9 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 19th August 2015
Subject Matter: Planning Appeals
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st April 2015 - 30th June 2015

Application Ref No.	Location	Description	Appeal Type/Decision	Planning Inspectorate Appeal Ref No./LPA Decision
R14/1452	Hill Farm Rugby Road Princethorpe CV23 9PE	Retention of mobile home as living accommodation by a family member.	Written Reps Refusal 22/09/2014	APP/E3715/W/14/3000496 Dismissed 20.04.2015
R14/1642	Hill Farm Rugby Road Princethorpe CV23 9PE	Conversion of workshop and offices into a dwelling house including the provision of a pitched roof.	Written Reps Refusal 24/09/2014	APP/E3715/W/14/3000503 Dismissed 20.04.2015
ENF/2014/0567	41 Park Road CV21 2QU	Excavation of the land to form footings for the erection of an unauthorized extension	Written Reps Appeal against enforcement notice issued 08/10/2014	APP/E3715/C/14/3000253 Dismissed 29.04.2015
R13/1791	Land Adjoining 14 The Locks Hillmorton Rugby CV21 4PP	Erection of no. 1 detached 4-bed dwelling with outside store and garage, together with no. 2 semi-detached dwellings and associated works	Written Reps Refusal 24/09/2014	APP/E3715/W/15/3009067 Withdrawn 06.05.2015
R14/2127	5 Easenhall Road Harborough Magna Rugby CV23 0HU	Erection of two-storey rear extension and side facing windows to dwelling	Householder Appeals Service Refusal 04/12/2014	APP/E3715/D/15/3008388 Dismissed 01.06.2015
R14/2128	6 Easenhall Road Harborough Magna Rugby CV23 0HU	Erection of two-storey rear extension and side facing windows to dwelling	Householder Appeals Service Refusal 04/12/2014	APP/E3715/D/15/3008800 Dismissed 01.06.2015

Application Ref No.	Location	Description	Appeal Type/Decision	Planning Inspectorate Appeal Ref No./LPA Decision
R14/2283	276 Rugby Road Binley Woods Coventry CV2 2BD	Erection of two storey front extension and alterations to front elevation of existing dwelling	Householder Appeals Service Refusal 30/12/2014	APP/E3715/D/15/3005777 Allowed 10.06.2015
R14/2295	267 Hillmorton Road Rugby Warwickshire CV22 5BH	Full: Partial Demolition of Bungalow and Construction of two storey dwelling	Householder Appeals Service Refusal 02/02/2015	APP/E3715/D/15/3010462 Dismissed 10.06.2015
R14/2122	Land Adjacent to The Highlands Rugby Road Brandon CV8 3GJ	Erection of a new detached dwelling and associated access (Amended scheme that reduces the overall height of the dwelling by 200mm from a previously refused proposal under planning reference number R12/0894 refused 25th July 2012 for the erection of a new detached dwelling and associated access)	Written Reps Refusal 11/12/2014	APP/E3715/W/15/3002806 Dismissed 18.06.2015
ENF/2014/0391	36 Charles Lakin Close Shilton Coventry CV7 9LB	Large structure erected in rear garden that requires pp	Written Reps Appeal against enforcement notice issued 28/08/2014	APP/E3715/C/14/2226203 Enforcement Notice Upheld and Planning Permission Refused 25.06.2015

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30 June 2015

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Land at Cestersover Farm Lutterworth Road Churchover CV23 0QP	A wind farm comprising 4 no. wind turbines of up to 126.5m tip height. The proposed development also includes a single, permanent free-standing meteorological mast (80m), a temporary communications mast (10m), a sub-station compound containing a control building, electricity transformers, underground cabling, drainage improvements, channel crossings associated with a series of on-site tracks and turning heads, two site entrances with site access upgrades, 2 no. temporary construction compound, assist crane hard standings, and two temporary guyed meteorological/power performance masts (80m), with each wind turbine having a micro-siting tolerance of up to 50m.	Nathan Lowde R12/2009 APP/E3715/A/14/2227479	Committee Refusal 23/04/2014	Public Inquiry (Starts at 02/09/2015) (Decision to be taken by the Secretary of State)
Land Rear of 17 Westgate Road Rugby CV21 3UD	Erection of a detached three-bed dwelling with associated integral garage, parking, access and landscaping.	Richard Redford R14/0879 APP/E3715/W/15/3005998	Delegated Refusal 15/01/2015	Written Reps
The Poppies Mile Tree Lane Bulkington Coventry CV2 1NT	Retrospective permission for the change of use of the mobile homes from traveller site to open residential	Richard Redford R14/2278 APP/E3715/W/15/3028959	Committee Refusal 20/02/2015	Hearing

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Dundykes Draycote Road Draycote CV23 9RB	Erection of single storey annexe	Chris Kingham R15/0404 APP/E3715/D/15/3033501	Delegated Refusal 08/04/2015	Hearing
119 Lytham Road Rugby CV22 7PH	Erection of a pair of semi-detached dwellings	Jo Orton R13/2049 APP/E3715/W/15/3016540	Delegated Refusal 13/10/2014	Householder Appeals Service
50 Hardy Close Bilton Rugby CV22 7JA	Retention of a 0.9m high fence	Brian Slater R15/0102 APP/E3715/W/15/3049250	Delegated Refusal 02/03/2015	Written Reps
Gable End Green Lane Wibtoft Lutterworth LE17 5BB	Erection of a first floor side extension.	Chris Davies R14/2193 APP/E3715/D/15/3017351	Delegated Refusal 18/02/2015	Householder Appeals Service
Hollybank Farm Southam Road Leamington Hastings Rugby CV23 8AA	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).	Chris Davies R15/0137 APP/E3715/W/15/3095234	Delegated Refusal 13/03/2015	Hearing
Willow Lodge Hayway Lane Broadwell CV23 8HH	Retrospective application for the erection of a log store shed in the location of a previous LPG fuel store area	Ruari McKee R15/0509 APP/E3715/D/15/3127890	Delegated Refusal 08/04/2015	Written Reps

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	19 August 2015
Report Title	Delegated Decisions – 2 July 2015 to 22 July 2015
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Dan McGahey 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A
Environmental Implications	N/A
Legal Implications	N/A

Equality and Diversity

N/A

Options

N/A

Recommendation

The Report be noted

***Reasons for
Recommendation***

To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 19 August 2015

Delegated Decisions – from 2 July 2015 to 22 July 2015

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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: 19 August 2015
Subject Matter: Delegated Decisions – 2 July 2015 to 22 July 2015
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 2 JULY 2015 TO 22 JULY 2015

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R15/1239 Refused 14.07.2015</i>	Garfields 6 Brook View Dunchurch	Extensions and alterations to dwelling.
<i>R15/1211 Refused 17.07.2015</i>	20 Manor Estate Wolston	Erection of shed (retrospective)
<i>R15/1079 Refused 20.07.2015</i>	Church Cottage 1 Oxford Road Princethorpe Rugby	Provision of a dropped kerb
Applications Approved		
<i>R12/1947 Approved 22.06.2015</i>	Grange Farm Cottage Coventry Road Cawston Rugby	Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.
<i>R15/1113 Approved 03.07.2015</i>	102 Hillmorton Road Rugby	Erection of a single storey rear extension
<i>R15/1158 Approved 03.07.2015</i>	Lang Hills Southam Road Toft Rugby	Erection of two single storey side extensions. (Resubmission of previously approved extant planning permission R12/1412, approved 24/08/2012)
<i>R15/1165 Approved 03.07.2015</i>	P T Engineers Limited 38 Somers Road New Bilton Rugby	Enclosure of the existing undercroft to create an enclosed storage area
<i>R15/0931 Approved 03.07.2015</i>	Beechwood Draycote Road Rugby	FULL: Proposed single storey extension to the side of the dwelling house.

<i>R15/1080 Approved 03.07.2015</i>	15 Southam Road Toft Rugby	Demolition of existing and erection of a replacement single storey extension
<i>R15/0992 Approved 06.07.2015</i>	Pioneer Farm Stockton Road Birdingbury Rugby	Demolition of an existing dwelling and associated curtilage buildings and the erection of a replacement dwelling, new stable block with accompanying exercise paddock and siting of a temporary mobile home for the duration of the proposed construction works
<i>R15/0798 Approved 06.07.2015</i>	Grange Farm Biggin Hall Lane Thurlaston Rugby	Change of use of a stable block to a residential annexe in association with Grange Farm
<i>R15/1181 Approved 07.07.2015</i>	67 Monks Road Binley Woods	Erection of single storey rear extension and front canopy roof
<i>R15/1185 Approved 07.07.2015</i>	54 St Margarets Avenue Wolston Coventry	Erection of single storey rear extension
<i>R15/1207 Approved 07.07.2015</i>	Drumleigh Coventry Road Cawston Rugby	Single storey rear conservatory
<i>R15/1188 Approved 07.07.2015</i>	377 Newbold Road Rugby	Single storey front extension and garage conversion
<i>R15/0687 Approved 07.07.2015</i>	8 Steeping Road Long Lawford Rugby	Erection of single storey front and rear extensions, including a canopy link to main dwelling and conversion of outbuilding to an ancillary annex to the main dwelling.
<i>R15/1213 Approved 08.07.2015</i>	29 Norman Ashman Coppice Binley Woods	Erection of new porch to the front of the dwelling.

<i>R15/0259 Approved 09.07.2015</i>	3 Woodlands Road Coventry	Erection of a new 3 bedroom detached dwelling house together with formation of new vehicular access
<i>R15/1225 Approved 09.07.2015</i>	28 Dunchurch Hall Rugby	Insertion of first floor side facing window. (Resubmission of previously approved planning permission R11/2338 approved 10/01/2012).
<i>R15/1224 Approved 09.07.2015</i>	14 South Road Rugby	Single storey garage with flat roof to extend existing garage
<i>R15/1231 Approved 10.07.2015</i>	58 Deerings Road Hillmorton Rugby	Erection of two storey side and rear extension with single storey rear extension
<i>R15/1228 Approved 10.07.2015</i>	27 Ilmer Close Brownsover Rugby	Erection of two storey side extension and single storey rear extension
<i>R15/1229 Approved 10.07.2015</i>	29 Lammas Court Wolston	Single storey front extension and 2 storey extension to rear.
<i>R15/0616 Approved 13.07.2015</i>	Elysian Fields Southam Road Hill Leamington Hastings	Erection of a permanent equestrian workers dwelling together with associated works.
<i>R15/1031 Approved 13.07.2015</i>	19 Livingstone Avenue Long Lawford Rugby	Erection of a first floor rear extension and a mono-pitched roof over part of the existing single storey rear extension.
<i>R15/1183 Approved 14.07.2015</i>	95 Lower Hillmorton Road Rugby	Erection of single storey side and rear extension
<i>R15/1059 Approved 15.07.2015</i>	Barnaby Brockhurst Lane Monks Kirby Rugby	Erection of detached garage with implement store provision of cellar and external access stairs
<i>R15/1227 Approved 15.07.2015</i>	17 Orchid Way Brownsover Rugby	Erection of boundary fence (retrospective)

<i>R15/1118 Approved 15.07.2015</i>	Stables Main Street Withybrook	Erection of stables, tack/feed room with storage and tractor shed.
<i>R15/1058 Approved 15.07.2015</i>	11 Heather Road Binley Woods	Remodelling of existing property to include the erection of a two storey front extension with dormer window and raising the ridge height of the roof for the conversion of the existing gable roof to a hip and gable roof.
<i>R15/1056 Approved 16.07.2015</i>	Wolvey House Farm Wolds Lane Wolvey	Full: Erection of a wooden stable block & construction of a menage.
<i>R15/0787 Approved 16.07.2015</i>	7 Market Place Rugby	Change of use of first floor and second floor to form 10 residential apartments together with external alterations.
<i>R15/1029 Approved 17.07.2015</i>	9 Beech Drive Rugby	Demolition of existing garage and erection of triple garage with hobby room and ancillary accommodation to the residential dwelling.
<i>R15/1101 Approved 17.07.2015</i>	Clean Burner Technologies LTD 6A Roman Way Newbold Rugby	Change of use of unit to B8 storage including external alterations.
<i>R15/1020 Approved 20.07.2015</i>	Tallow Cottage The Crescent Rugby	Extensions and alterations to dwelling.
<i>R15/0432 Approved 20.07.2015</i>	3 Pytchley Road Rugby	Retrospective application for a single storey rear extension
<i>R15/1244 Approved 20.07.2015</i>	Next Unit 1 Elliotts Field Shopping Park Leicester Road Rugby	Erection of a fenced compound and goods-in canopy to the rear of the unit.

<i>R14/0755 Approved 21.07.2015</i>	Sunnycrest Rugby Road Princethorpe Rugby	Extensions and alterations to the existing dwelling house including the demolition of three outbuildings/structures, erection of new gate and wall to the front entrance and landscaping works across the site.
<i>R15/1241 Approved 21.07.2015</i>	212 Hillmorton Road Rugby	Erection of single and two storey rear extensions
<i>Prior Approval Applications</i>		
<i>R15/1121 Prior Approval Required and Granted 02.07.2015</i>	Webb Ellis Industrial Estate Units 1-2 and 4-13 Woodside Park Rugby	Conversion of four office blocks to 67 self-contained apartments with existing 106 parking spaces to be retained
<i>R15/1221 Prior Approval Not Required 09.07.2015</i>	20 Frewen Road Cawston Rugby	Prior Approval application for the erection of a single storey rear extension projecting 3.5 metres from the original rear elevation of the dwelling, 3.5 metres in width, 2.175 metres to the eaves with a maximum height to the ridge of 3.048 metres.
<i>R15/1253 Prior Approval Not Required 15.07.2015</i>	67 Percival Road Rugby	Prior approval for a 5m rear extension to existing property
<i>R15/1259 Prior Approval Not Required 15.07.2015</i>	The Bungalow Noon Hill Farm Grove Road Ansty Coventry	Prior approval for an 8 metre extension to rear of existing garage
<i>R15/1245 Prior Approval Not Required 15.07.2015</i>	The Bungalow Noon Hill Farm Grove Road Ansty Coventry	PAX 8 metre rear extension off the back of the existing house

Prior Notification		
<i>R15/1220 Prior Notification of agriculture or forestry development 17.06.2015</i>	High House Farm Broadwell Road Rugby	Erection of an agricultural building.
Listed Building Consents		
<i>R15/1191 Listed Building Consent 17.07.2015</i>	Winton Cottage 5 Coventry Road Pailton Rugby	Partial demolition of front wall, and use of differing paviments (amendments to R14/2208, approved 06/05/15).
Advertisement Consents		
<i>R15/1148 Advertisement Refusal 02.07.2015</i>	41 Newbold Road Rugby	Advertisement consent for a banner on a 1.38m fence and a hoarding on the flank wall (retrospective)
<i>R15/1098 Advertisement Consent 08.07.2015</i>	Clean Burner Technologies LTD 6A Roman Way Newbold Rugby	Erection of four advertisements
<i>R15/1057 Advertisement Consent 17.07.2015</i>	Nandos Unit 16 Elliotts Field Shopping Park Leicester Road Rugby	Advertisement Consent for the installation of 3no. Fascia Signs and 1no. Internally Illuminated Menu Box
<i>R15/1204 Advertisement Consent 20.07.2015</i>	Natwest Bank 9-10 North Street Rugby	Advertisement Consent for 3 internal opaque vinyl signs and 1 internally suspended chevron sign
Approval of Details/ Materials		
<i>R15/0638 Approval of Details 02.07.2015</i>	Rugby School The James Pavilion The Close Barby Road Rugby	Proposed modifications to the 'James Pavilion' building comprising demolition of existing toilet and wall enclosing yard area, 2 storey rear extension to provide washrooms to changing rooms and first floor store room.

<i>R15/0371 Approval of Reserved Matters 14.07.2015</i>	Land Adjacent Coton House Lutterworth Road Churchover Rugby	Application for Reserved Matters for 38 dwellings relating to appearance, landscaping and scale (Phase 2) against hybrid planning application R12/1353 that included outline planning permission for the provision of a new estate village comprising of the provision of 60 dwellings.
<i>R13/2031 Approval of Details 15.07.2015</i>	Manor Farm Draycote Road Draycote Rugby	Conversion of redundant agricultural buildings to 3 dwellings and alterations to existing agricultural building including cladding, roller shutter door and solar panels.
<i>R14/2324 Approval of Details 21.07.2015</i>	2 The Cottage The Green Rugby Road Brandon	Proposed first floor rear extension
<i>R15/0480 Approval of Details 21.07.2015</i>	The Heathfield 10 Bilton Lane Dunchurch	Demolition of existing dwelling and erection of a 4 bedroom detached dwelling with integral garage
<i>Withdrawn/ De-registered</i>		
<i>R14/1722 Withdrawn 01.07.2015</i>	Woodcroft Engineering Rugby Road Brandon Rugby	Outline permission with access, layout, appearance and scale for the demolition of existing disused car showroom and engineering works and subsequent erection of 9 six-bed detached dwellings with associated garages.