

28<sup>th</sup> March 2011

## **PLANNING COMMITTEE - 6<sup>TH</sup> APRIL 2011**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 6<sup>th</sup> April 2011 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas  
Executive Director

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

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

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

#### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the meeting held on 14<sup>th</sup> March 2011.
2. Apologies.  
To receive apologies for absence from the meeting.
3. Declarations of Interest.  
To receive declarations of –
  - (a) personal interests as defined by the Council's Code of Conduct for Councillors;
  - (b) prejudicial interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Statistics of Planning Applications – March 2010 to February 2011.
7. Delegated Decisions – 4<sup>th</sup> March to 24<sup>th</sup> March 2011.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2010/11 – 15) are attached.

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

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

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

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

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

**RUGBY BOROUGH COUNCIL  
PLANNING COMMITTEE – 6<sup>TH</sup> APRIL 2011  
REPORT OF THE HEAD OF PLANNING AND CULTURE  
APPLICATIONS FOR CONSIDERATION**

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

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

**RECOMMENDATION**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R10/2298	Top Park, Top Road, Barnacle, Coventry  The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010).	4
	R11/0485	Land Adjacent to opposite 242 Dunchurch Road, Rugby. CV22 6HS.  Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.	21
	R10/2195	Land at Field Cottage, Thurlaston, Rugby  Erection of a detached bungalow with amended access and improvement works, including demolition of existing summer house	24

### Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
	R11/0003	Brandon Marsh Nature Reserve, Brandon, Rugby  Engineering Operation to create a new reed bed habitat and recontouring of land	33

R11/0226	Linden Tree Bungalow, Warwick Road, Wolston  Description: Erection of single storey extensions to the side and rear and alterations to the roof, including accommodation in roof space.	43
R11/0244	Former Works Site, Willow Lane, Rugby  Demolition of existing workshops and erection of 5 new residential dwellings	47
R11/0491	Land between Crick Road and Chamberlain Road, Rugby. CV21 4EU.  Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.	57
R11/0504	Land to the east of 94 Coton Road, Rugby. CV21 4LN.  Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.	62
R11/0471	Land Adjacent to 1A St. Georges Avenue, Rugby. CV22 6DZ.  Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.	66

**Reference number: R10/2298**

**Site address: Top Park, Top Road, Barnacle, Coventry**

**Description: The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)**

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

### **Description of Proposals**

The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)

The application site is occupied by 13 families (25 households) this is an increase from the previous appeal where the site comprised of 10 families (23 households). Individuals who reside on site now equate to 85 individuals. All of the site residents as stated by the agent are English Romany Gypsies. Of those individuals listed on the original appeal decision 41 remain on site and 34 have moved off. As shown in the Design and Access Statement the number of individual who were not included on the 2008 appeal decision totals 39, and now occupy the site as residents and therefore in breach of conditions attached to that consent.

Plots 1-3 consists of 23 individuals and 9 separate households. They are applying for up to 13 caravans, of which 3 are static mobile homes

Plots 4-5 consists of 10 individuals and 3 separate households. They are applying for up to 6 caravans, of which one is a static mobile home

Plots 6 consists of 5 individuals and 2 separate households. They are applying for up to 2 caravans of which one is a static mobile home

Plots 7-8 consists 16 individuals and 4 separate households. They are applying for up to 8 caravans of which 2 are static mobile homes (Although within the D&A Statement is states 12, an email from the agent on the 9<sup>th</sup> March confirms that the number is 8 and not 12)

Plot 9 consists of 8 individuals and 2 separate households. They are applying for up to 4 caravans of which one is a static mobile home

Plot 10 consists of 19 individuals and 5 separate households. The are applying for up to 8 caravans of which 2 are static mobile homes.

The appeal decision restricted the stationing of caravans to 37 caravans (with no more than 10 shall be static caravans). This was amended by application R08/1837/VARI which increased the number of caravans to 41 (with no more than 11 shall be static caravans). The number of caravans for consideration is 41 with 10 static caravans.

Within the "Designing Gypsy and Traveller Sites: Good Practice Guidance" as published in 2008 within paragraph 7.12 it specifies that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan..." This standard is reinforced by the 2008 Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) which found (paragraph 6.44 and footnote 14 on page 35) that the average size of a residential pitch on a Gypsy and Traveller site was 1.7 caravans. This later figure was based on assessment over the whole GTAA area across a five year period and is therefore considered relatively robust. Considering the information submitted by

the applicants in the context of this evidence, the proposal includes 50 caravans which could reasonably be interpreted as between 25 and 29 separate pitches. The Design and Access Statement for the current application makes clear that there are 25 separate distinct elements of family groups which appears to reinforce this assessment. For the purposes of determining this application this site should be considered to constitute 25 residential pitches.

### **Description of Site**

The application site is located outside of the defined settlement boundary of Barnacle located approximately 0.8km to the north west of the village of Barnacle within the West Midlands Green Belt. The site is about 1.6km to the south west of Bulkington and about 2km to the north east of the urban edge of Coventry.

The application site comprises of 0.8ha which is subdivided into six sections and 10 plots.

The sections themselves are separated by fencing but plots 1, 2 & 3, 4 & 5 and 7 & 8 have been combined. All of these sections have been surfaced in whole or part with a mixture of rolled aggregate, stones or road scalping.

### **Relevant planning history**

Use of land as a residential caravan site for 10 gypsy families – refused 10.06.03 appeal against planning permission and enforcement notices dismissed 20<sup>th</sup> February 2004 but period for compliance with notices extended to 20<sup>th</sup> August 2005 (use) and 20<sup>th</sup> October 2005 (operational Development).

Continuation of use of land as a residential caravan site for 10 gypsy families and retention of ancillary operational development for a temporary two year period – refused on 19.10.05 period of compliance of enforcement notices extended to 20<sup>th</sup> August 2006 and 20<sup>th</sup> October 2006.

R06/0743/PLN (Appeal ref: APP/E3715/A/06/2030623) Continuation of use of land as a residential caravan site for 10no. gypsy families and retention of ancillary operational development - refused on 6th July 2006 Allowed on appeal 18<sup>th</sup> January 2008.

R08/1837/VARI Retention of use of land and ancillary operational development as a residential caravan site for 10 gypsy families - Variation of condition 3 of the appeal decision ref No. APP/E3715/A/06/2030623 dated 18th January 2008 to allow additional accommodation. Approved 10<sup>th</sup> February 2010.

R09/0691/VARI Retention of use of land and ancillary operational development as a residential caravan site for 10 gypsy families-variation of condition 2 of the appeal decision ref no. APP/E3715/A/06/2030623 dated Jan 2008 to change occupation of plot 4 & 5. Approved 23<sup>rd</sup> September 2009.

R10/0959 The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks. – Withdrawn 26/11/2010

### **Relevant policies and guidance**

S3	conflicts	Rural settlement hierarchy
GP1	conflicts	Appearance & design of development
GP2	conflicts	Landscaping

GP3	conflicts	Protection of residential amenity
E1	conflicts	Development in the countryside
E2	conflicts	Green Belt
E5	conflicts	Landscape and settlement character
T1	conflicts	Integrated and sustainable transport strategy
T3	complies	Access & highway layout
T5	complies	Parking Facilities
H13	conflicts	Gypsy sites

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPG 13 Transport
- PPG18 Enforcing Planning Control
- Circular 1/2006 'Planning for Gypsy's and Travellers'
- Circular 11/95 Use of conditions in planning permission
- South Staffordshire & North Warwickshire Gypsy & Traveller Accommodation Assessment.
- The 'Designing Gypsy and Traveller Site 'Good Practice Guide' 2008
- The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople.

The Secretary of State has announced an intension to revoke Circular 01/2006, but no timetable has yet been given nor any indication of what the guidance would be replaced with. As such until such time that the Circular is revoked it is still a material consideration.

## Emerging Policy

Rugby Borough Submission Core Strategy, CS24: Sites for Gypsies, Travellers and Travelling Showpeople, January 2010

### Third party comments

Neighbour(s) 306 Objections

- Inappropriate development within the Green Belt and contrary to policies which seek to control development within the Green Belt.
- Contrary to local and national policies
- Increase in traffic along Top Road and through the village of Barnacle and surrounding areas
- The increase in traffic with no footpath and street lighting along Top Road would have a significant impact upon pedestrian safety.
- Insufficient amenities and services within Barnacle
- The amenities in Barnacle and Bulkington can not support the large number of people that these developments bring.
- No Public transport services in area
- The parking of vehicles on the site would add to the harm to the visual amenity
- The proposed application would have an cumulative impact of gypsy and traveller sites within the vicinity, in particular Barnacle, given the size of the settlement
- The development is visible form a number of public vantage points and directions including along the Coventry Way. The low-lying aspect of the development means that it is visible form all approaches and an eyesore
- The development would have a significant impact upon the open, rural landscape
- Out of keeping with the surrounding countryside
- Would have a negative visual impact upon the landscape



- Change of use of land from rural to residential
- The development has resulted in the loss of natural hedges being replaced by fencing
- Inadequate sewage has resulted in contamination of the soil.
- Increase in anti-social behaviour.
- Inadequate sanitary, sewage and drainage on site
- A number of individuals listed within this application were not listed within the conditions of the previous 2008 appeal decision. Existing residents listed on the 2008 appeal has since moved off and found alternative accommodation, and other have moved on.
- Increase in the number of occupants on the site to that number approved in the previous 2008 appeal decision
- On the application forms it indicated an increase of 28 dwellings to the already over crowded site.
- The application would increase the number of caravans by 9 and static caravans by 3
- The rural aspect of the surrounding countryside is gradually being eroded away
- Concerns over the environmental impact of the development as a result of the loss of natural habitats
- The development causes significant light pollution at night and more noise pollution
- Alternative pitches at Woodside Caravan Park in Ryton-on-Dunsmore have been offered to the occupants but refused.
- Attempts to screen the development with wooden fencing or similar would have a detrimental effect on the area.
- Lack of clarity in the number of pitches
- The occupants have failed to integrate themselves within the existing settled community.
- The erection of six amenity buildings would increase the negative impact
- Inadequate storage and collection of waste and recyclable waste
- A temporary permission of 4 years is too long and if any recommendation for approval is made this should be for 12-18 months to give effect to the 2012 site allocation
- The land is prone to flooding
- The site is currently overcrowded presenting health and safety risks
- Top Road is a narrow country lane which is not able to support residential development
- Approval would set a precedent in the area
- Concealed entrance to Top Park and well illuminated
- Significant surface water run-off from Top Park tends to overwhelm the ditches

Cllr Des O'Brian (Councillor for Bulkington) The development is inappropriate within the Green Belt

Two letters of support have been supplied by the agent from local business women in support of the development.

#### Shilton Parish Council Objection

- Inappropriate development within the green belt.
- No special circumstances exist
- Unsuitable location for a gypsy/traveller site.
- There are no community facilities within Baranckle.
- Top Road is unlit with no footpath making it unsuitable for children to walk along it getting to and from their school in Bulkington
- Over-concentration of gypsy/traveller sites within the vicinity
- The development is uncharacteristic to the open rural area.
- A number of individuals listed within this application were not listed within the conditions of the original appeal decision
- Increased flooding risk
- The site does not have sufficient means for the collection and removal of sewage

- Temporary planning permission of no greater than 12 months should be considered, providing adequate time for the applicant to identify alternative locations for a site more closely aligned with Rugby Borough Councils policies identified with the core strategy.

## Comments on Additional Information received

### Technical consultation responses

Env. Health	Objection	<p>The applicant has not furnished any details of the dimensions of each plot or the site specific to the planning application, therefore it is not possible to ascertain each plot or the site is big enough to take the number of caravans/ mobile homes requested permission for. Until the dimensions are provided It will not be possible to determine if there is the necessary 6 meters separation distance from each caravan and 3 meters from a boundary to prevent the spread of fire under the Caravan site licensing modal standards.</p> <p>Plans outlining the amenity block indicate only 1 wc per block. This would be unacceptable for the number of people on each site. The current guidance for new gypsy sites suggests that each pitch should have its own amenity block. There is no definition of pitch but is commonly held to mean caravans for each nuclear family. That means for instance that there should be at least 9 amenity blocks on the site for plot 1 to 3. Within each amenity block there should be suitable and sufficient WCs and wash hand basins as well as bath/shower facilities. The precise internal composition and mix of facilities should be agreed as part of the caravan site licence. The current plans given appear to indicate that the number of wcs for each plot is inadequate. All the toilet provisions should be linked up to an adequate sewage system of suitable capacity such as the one shown with the application. It should be ensured that this is used correctly and maintained as per the manufacturers instructions.</p>
Env. Agency	No objection	<p>As the site lies within Flood Zone 1 and is less than 1ha in size, this proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application</p>
WCC Highways	No objection	
Severn Trent Waters	No objection	
Warks Fire and Rescue	No objection	<p>Subject to a condition requiring water supplies for firefighting purposes and emergency access.</p>

## Assessment of proposal

### Main issues

- The effect of the development on the openness of the Green Belt and the purpose of including land within it.
- The effect of the development on the rural character of the area
- The extent to which the development addresses accessibility and promotes social inclusion, equality and community cohesion.
- The weight to be attached to considerations put forward to support the development, including the general need for gypsy and traveller site in the Borough and the surrounding area and also whether the proposal can be justified in the context of an identified need for gypsy and traveller sites within the Borough of Rugby.
- If very special circumstances exist to outweigh the harm of the development by inappropriateness, and any other harm.

### Principle of development

#### Green Belt

The site is located in the countryside in the Green Belt. PPG 2 – ‘Green Belts’ and Local Plan ‘saved’ policy E2 apply. Para 1.4 of Planning Policy Guidance Note 2 (PPG2) states the most important attribute of Green Belts is their openness and Para 1.6 refers to the use of land within Green Belts and the objectives sought. Para 3.1 refers to a general presumption against inappropriate development within Green Belts and such development should not be approved, except in very special circumstances. Para 3.2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Para 3.15 states the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which might be visually detrimental by reason of their siting, materials or design.

The proposed development does not fall within any of the categories that are defined as acceptable within the Green Belt such as agriculture and forestry or small scale buildings essential for outdoor sport and outdoor recreation and therefore would be considered inappropriate. According to PPG2: Green Belt new gypsy and traveller’s sites in the Green Belt are considered by definition to be inappropriate that is, by definition, harmful to the Green Belt. PPG2 paragraph 3.2 states that inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. In determining the application the onus is on the applicant to justify whether such circumstances exist in this instance. The key determinants of this will be the need for additional gypsy family accommodation, availability of alternative sites and the associated personal circumstances of the applicants.

The impact on the Green Belt is a key factor in the determination of the planning application for a permanent site. In the previous appeal decision it was stated that this was a key consideration and the Inspector concluded that the site did indeed have a significant impact on the visual amenity and landscape. It is considered this adverse impact has not improved since the appeal decision. Indeed, due to the additional caravans and occupants of the site, the impact has increased.

The stationing of caravans on the application site, together with the associated ancillary buildings both existing and proposed, fencing and vehicular parking, reduces the openness of

the site to a significant extent. Consequently openness is severely prejudiced and is certainly not maintained. In addition the development is in fundamental conflict with a number of the purposes of including land in the Green Belt. The development, therefore, represents inappropriate development, harmful to this part of the Green Belt and in conflict with policies to protect the Green Belt.

### Visual amenity

The development consists of 41 caravans of which up to 10 would be static caravans. The entire application site has been hard-surfaced with a variety of material including, aggregate and tarmac. Plots have been formed and boundaries demarcated with fences, both between plots and along frontages. On the plots there are a variety of caravans and structures, together with associated domestic paraphernalia which includes timber sheds, as well as vehicle parking which would inevitably continue to be a feature. There is little planting or vegetation around the site. The proposed amenity blocks would be substantial structures measuring 6m by 4m with pitched roofs to 3.9m in height. Each would comprise a utility/store, laundry/amenity area and bathroom.

The development of this land as a gypsy caravan site has had a profound effect on the character and appearance of the local area. The development both existing and proposed has and will materially change the character and appearance of the site and area, suburbanising the area and introducing built development and features not characteristic of the open, rural area, and will have a material and harmful impact on views. The limited site boundary treatments means that the existing development is a significant feature in the locality and will continue to have such an impact due to the intensification of development on site. The presence of the caravans on the site is apparent from several points in the surrounding area. When approaching the site from Barnacle along Top Road the upper parts of the caravans can be seen above the hedgerows that bound the fields in the area. On the approach along Coventry Road from Bulkington, they are visible across the fields before the junction with Top Road and would continue to be. From the footpath (Coventry Way - National Trail) which runs behind the application site to the south of the site which is elevated above the application site, the visual impact of the development is significant. Given that the application site can be viewed from several vantage points it is considered that the proposed development with the increased number of caravans and amenity blocks represents a significant intrusion into the countryside, which causes substantial harm to the openness of the Green Belt, its visual amenity and character of the area. It is not considered that a comprehensive landscaping scheme would overcome the significant harm that this development creates to the visual amenity and openness of the area.

The site is relatively exposed in this open landscape, and the presence of the existing development is extremely damaging to the character and appearance of the countryside and visual amenities of this part of the Green Belt. Increasing the number of occupants and amenity buildings on the site will consolidate and significantly add to the existing adverse impact. In terms of landscape, the development is undoubtedly inappropriate in the context of the natural landscape character of the locality, due to the introduction of built development which adversely changes the rural character of the area. This is contrary to Local Plan policies GP1, GP2 and E5 which seeks to ensure that development respect the landscape characteristics of the area, and does not detract from local amenity.

It is also considered that to allow a further temporary permission would be damaging to the character and appearance of the countryside and the visual amenities of this part of the Green Belt, by continuing and adding to the harm found by the previous Inspector.

Prior to the development of this site into a residential caravan site the site was a grassed field. This field in its undeveloped state would have been an attractive and valued part of the local scene. The use of the site as a residential caravan site represents an intrusion into this area of semi-rural landscape and seriously detracts from its appearance. It is not considered that additional planting of appropriate indigenous species would help to lessen the site's considerable impact, particularly during the winter months.

Within the previous appeal decision for the site the Inspector considered that the visual impact of the development is a matter which should be given considerable weight, that remains the position, and now carries greater weight as the number of vehicles/caravans, occupants, and amenity buildings is materially greater and adds to the visual impact of what is already there.

Any further temporary permission for 4 years as indicated by the agent within the Design and Access statement would still mean that the visual harm that has been caused by this development would continue for a significant period of time to come.

#### Need and Alternative Site

The 2004 Housing Act and Circular 01/2006 reintroduced a duty on local authorities to assess and provide for gypsy and traveller accommodation needs. Assessment should be through a Gypsy and Traveller Accommodation Assessment. The Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008 assessed the level of need for pitches for Rugby Borough. The GTAA identified a need of 48 pitches (on top of the 66) in the Borough by 2012 and a further 46 pitches beyond, making a total of 94 pitches by 2026. The evidence base set out in the GTAA that supports the target provision is up to date and this demonstrates that there is still a clear unmet need for additional gypsy and traveller pitches in the Borough. Policy CS24 of the proposed core strategy proposes criteria that will be used to allocate sites (through the G&T site allocation DPD) and to judge planning applications. The G&T DPD will be the subject of public consultation towards the end of 2012 with adoption in May 2014 – this is a delay in relation to the published timetable caused by the Core Strategy delay.

The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople was considered and approved by the West Midlands Regional Assembly on 17<sup>th</sup> March 2010. This document revises the Local Authority allocation of additional residential pitches for gypsies and travellers 2007-2017. It is now considered that Rugby Borough should allocate an additional 42 pitches and 5 transit sites during 2007-2017. This revised figure will be filtered in to the Local Planning Authority's Gypsy & Traveller Site Allocations Development Plan Document in due course. In July 2010 the Government wrote to planning authorities announcing the revocation of the Regional Strategy with immediate effect, however following a recent High Court judgement and a further letter of the 10 November 2010 the RSS has been re-established as part of the development plan. As such the RSS is still a material consideration.

Between 2007-2012 within the Borough, temporary planning permission has been granted for 11 pitches and permanent planning permission for 6 pitches (these figures exclude the application site). In addition to this phase 1 of Woodside Park has been completed providing 12 fully furnished family pitches. This demonstrates that the council is actively addressing the need.

Based on the figures from the GTAA and RSS the present situation regarding the lack of any new site allocations, it is apparent that there is both an immediate and longer term need to find sites.

Council is currently consulting on the Core Strategy Hearing Changes, which include alterations to CS24. Policy CS24 has been amended through this process and with input from the Inspector the Council does not expect this policy approach to change on adoption of the Core Strategy. Subsequently the Council places considerable weight on CS24, incorporating these changes.

Policy CS24 states that sites will be assessed on a sequential approach to its location having regard to need (as identified in the GTAA or local assessment), and the site's suitability, availability and viability, in the following order of preference:

- The site is within or adjacent to the boundary of an urban area
- The site is within or adjacent to the settlement boundary of a Main Rural Settlement
- The site is within the Countryside
- The site is within the Green Belt

Evidence should be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach. If the site is located within the Green Belt which is the case in this instance the applicant must demonstrate that all reasonable alternatives in the sequential approach above have been explored. The agent has only considered Woodside Park within their Design and Access Statement stating that Woodside Park is full to capacity and would not accommodate all the residents. However, no search has been undertaken of other gypsy and traveller site within the locality such as the availability of pitches at Little Orchard, Shilton Lane, which is an authorised private gypsy site for 13 pitches.

Criteria 3 of saved policy H13 and Circular 01/2006 also states that the applicant should demonstrate that there are no suitable alternative locations before considering sites within the Green Belt. It is important to note that approximately two thirds of the Borough of Rugby is designated Green Belt and that the remaining area of countryside offers very limited potential for the location of development reliant on the availability of local services. The Council is not currently aware of any suitable alternative sites for Gypsy and Traveller pitches outside of the Green Belt and there is a significant shortage of suitable and available gypsy sites in the area at present, which could provide an alternative location for the applicant to reside on. This was borne out by the findings of the Planning Inspector in the recent planning appeal at Sunrise Park (next to Woodside and also within the Green Belt) which was allowed principally due to the level of unmet need in the Borough and lack of suitable alternative sites.

In the previous appeal for the application site the Inspectorate concluded that a temporary planning permission for 2½ years would ensure there is sufficient time for Woodside Park to be upgraded. Since the appeal decision Phase 1 of Woodside Park has been completed and on the 4<sup>th</sup> March 2009 letters were hand delivered to occupants of the application site informing them that 12 new fully serviced family pitches at Woodside Park are due to become available from the end of April 2009 and that they may wish to consider applying for one of those pitches. As such, the Council has actively sort to find alternative pitches for the occupants on the site. It is understood that none of the occupants have applied for pitches at Woodside Park. There are currently 5 undeveloped pitches which the Council would be willing to sell to families to develop. As set out within the Woodside Park Allocation Policy June 2009 weighting is given to applicants that are, or at risk of homelessness, have health care needs, child welfare requirements and local connections to Rugby.

The supporting statement submitted with the application refers to the need to consider the 25 households as a single cohesive group. The supporting statement also makes reference to the occupants cultural preference and tendency to live in extended family groups. However, the identify of occupiers is not a land use characteristic. In addition to this since the previous appeal decision various occupants have since moved off the site and new occupants have

moved on. Therefore, as many of the families have not arrived together and do not travel together limited weight should be attached to the need of the occupants to be considered as a single cohesive group.

Since the appeal decision the Council has actively sought to find alternative accommodation for the occupants, however, the fact that the occupants have not made applications to be considered for a pitch on Woodside Park is clear evidence that the occupants have not actively sought to find alternative accommodation. As such the development is not within the spirit and purpose of emerging policy CS24 which seeks to ensure that all reasonable alternatives have been explored.

PPG18: Enforcing Planning Control paragraph 10 states that it is not the LPA's responsibility to seek out and suggest to the owner or occupier of land on which unauthorised development has taken place an alternative site. There is no evidence of any search by the appellants for site before moving to Top Park, nor has any subsequent search been carried out on their behalf.

Policy CS24 states that the requirements to deliver pitches will be through a Gypsy and Traveller Site Allocation Development Plan Document (DPD). The Gypsy and Traveller Site Allocation DPD will identify and allocate specific residential (permanent) and transit sites within the Borough for Gypsies and Travellers accommodation needs. The Council intend to request sites for consideration for allocation within the DPD. This applicant seeks to consider the application site as a permanent residential caravan site. However, as mentioned above the Gypsy and Traveller Site Allocation DPD will identify and allocate specific residential (permanent) and transit sites within the Borough for Gypsies and Travellers accommodation needs. In addition to this, the applicants have not put the site forward as a site for consideration for allocation within the DPD. The site has been occupied by unauthorised development. This is no reason to say that the need within the Borough should be met where the unauthorised development happens to be. Such an approach would encourage further unauthorised development.

This development, which is subject to this application, seeks to subvert this proper plan-led approach.

Local Plan policy H13 states that permanent gypsy sites will only be permitted where all the following criteria is met:

1. There is significant unmet need for further provision within the Borough which cannot be met from sustainable alternative sites; and
2. The site would have convenient access to schools, medical facilities, public service routes and other service; and
3. The proposed site is outside the Green Belt and would not cause harm to the character of the area or adversely effect any neighbouring properties or activities; and
4. Appropriate facilities are provided to meet the requirements of people living on the site.

In respect to criteria 1, as stated above there is an unmet need for further provisions within the borough, whilst alternative accommodation is available it is limited and would not be able to accommodate all the occupants on the site. As the development is within 2km of Bulkington where range of facilities and services, including primary schools, medical services and shops exist, the development complies with criteria 2. As mentioned above the development is located within the green belt and is considered to have a significant impact upon the character

of the area, and whilst it would not impact upon neighbouring properties on balance it is not considered that the development accords with criteria 3. Objections have been raised by Environmental Health with regard to on-site facilities and as such criteria 4 has not been met.

### Special Circumstances

Para 3.2 of PPG2 specifically states it is for the applicant to show why permission should be granted when a development is judged to be inappropriate and by definition harmful to the Green Belt. This paragraph continues by stating very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the Development Plan is determinative unless material considerations indicate otherwise and it is a matter for the Planning Authority to give appropriate weight to each material consideration. Policy E2 of the Local Plan reiterates PPG2 especially with regard to demonstrating very special circumstances.

Gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsies and travellers and poor health and education.

A settled base would facilitate access to medical facilities and school. The personal circumstances submitted in support of this application include

- 8 of the children on site attend schools within Bulkington and Wolvey (ages ranging from 5-9)
- Various occupants with include Mr Charles Calladine, Ms Kathleen Calladine, Leonard Price and his wife, Ronald and Rita Vinden and Thomas Varey have health problems for which they are seeking medical attention from there General Practitioner within Bulkington or at Walsgrave Hospital.
- 13 families have children under 16.

Without a settled base it will be difficult to achieve continuity in education and to ensure that necessary access to healthcare facilities is available for all of the households. Over a third of school age children (seven) do not attend school and receive home education. While refusal of planning permission and the applicants having to move off the site, there would be disruption to schooling its appears from the evidence submitted that some children do not attend schooling. As such the educational requirements are constrained to a limited number of families on site.

Concerning health matters, some of the health issues stated such as diabetes and epilepsy do not appear significantly out of the ordinary. Whilst regular health care facilities is undoubtedly a significant benefit to them, there is no evidence to suggest that only a site in Rugby Borough or in the Green Belt could enable them to received health care.

In summary there are various educational and health factors that add to special circumstances in favour of the development. However, not all families on the site have demonstrated either educational or health reasons for remaining on the site and whilst some families appear to demonstrate local connections in terms of health and education, there are also a number of households for which no local connections have been demonstrated. As such taking into consideration the special circumstances of occupants collectively, it is considered that limited special circumstances exist.

As stated above, there is a significant level of unmet need in the Borough for additional sites for gypsies and travellers, which was clearly identified by the Inspector in the recent Sunrise



Park (Ryton) planning appeal decision. It is unlikely that any future sites will be identified and allocated before the GTAA DPD is anticipated to be adopted in 2014. This unmet need is a strong material planning consideration in this case and until such time as the DPD is adopted, it is not considered that there are any suitable alternative sites for the development. This view was also taken by the Inspector in coming to his decision to allow the Sunrise Park appeal at Ryton.

Whilst taking into account the special circumstances it does not justify the need to reside at this site given the detrimental impact of the development on the openness, visual amenity and rural character of the area would be unacceptable. The proposals are therefore contrary to policies E1, E2, E5 and GP1 of the Local Plan.

### Sustainability

Local Plan policy T1 seeks to achieve sustainable development by locating it where reliance on the private car is minimised through a good range of alternative transport options – specifically public transport, cycling and walking. Policy T1 recognises that development, which relies primarily on the private car, will be environmentally and socially unsustainable. For this reason it is important to encourage development to be accessible by a range of transport modes. The propensity to use walking and/or cycling to access local services is primarily influenced by the quality and distance of the walking/cycling routes. In this case residents of the application site would be obliged to walk along extensive lengths of a narrow country lane which is unlit with no footpath, and without the benefit of overlooking/natural surveillance by adjacent properties. This combined with the 2km walk to Bulkington is not environmentally conducive to walking and cycling and is likely to mean car use would dominate. This would be contrary to normal policy on this issue. However, Circular 01/2006 advocates a wide and more flexible approach to sustainability in the case of gypsy caravan sites, which include taking account of additional considerations including creating and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. Notwithstanding the advice in paragraph 64 of Circular 1/06, the proposed development is not located where easy access can be gained by a choice in the means of transport to/from local services, facilities and employment. The development is, therefore, contrary to Policy T1 and H13 of the Rugby Local Plan 2006.

### Impact upon the Existing Local Community

Circular 01/2006 requires that consideration should be given to the promoting of peaceful and integrated co-existence between the site and local community.

In the 'Communities and Local Government Designing Gypsy and Traveller Sites Good Practice Guide', there are several recommendations regarding good access to facilities and interaction with other members of communities to ensure social cohesion and reduce community tensions.

*“Selecting the right location for a site is a key element in supporting good community relations and maximising its success. As with any other form of housing, poorly located sites, with no easy access to major roads or public transport services, will have a detrimental effect on the ability of residents to:*

*Seek or retain employment.*

- *Attend school, further education or training.*
- *Obtain access to health services and shopping facilities.*

*Easy access to local services, and to social contact with other residents in the community, should help deal with the myths and stereotypes which can cause community tension and instead encourage a greater sense of community with shared interests.”*

The site is located close to Barnacle which is defined as a local needs settlement, where there are limited community services. These limited services prohibits the social contact between the two communities making it increasing difficult for the two communities to co-exist due to the fact that such facilities and services which facilitate interaction do not exist in Barnacle. The effects of which are likely to increase community tensions. This is exacerbated by the location of the site being isolated from the existing community, such an isolated countryside location, lacks the potential for any social integration or community cohesion.

Local residents have expressed considerable concern about the effects of the application site on the existing community, and reference has been made in the representations received to incidents of anti-social behaviour. However, there is no substantive evidence to link the allegations of anti-social behaviour to the appellants, and whilst such activities are a source of considerable worry and apprehension for residents the resolution and prosecution of such matters is the responsibility of the appropriate authorities rather than the planning system. Although this does illustrate the tension that exists between the two communities and the absence of a sense of community with shared interests between the residents of the application site and the wider local community.

In PPS1: Delivering Sustainable Development it states that the government is committed to developing, strong vibrant and sustainable communities and to promoting community cohesion in both urban and rural area. The development would represent an undesirable form of development on an isolated site located a significant distance from existing services and facilities within any settlement and therefore lacking community cohesion and social integration with any existing community.

As a local authority, under our obligations from Section 17 of the Crime and Disorder Act 1998, the impact on crime and disorder of all decisions made should be considered, and therefore this planning application is not supported on the basis that it is likely to increase community tensions and therefore crime and disorder.

Reference has also been made by third parties to the number of existing gypsy sites within the locality. Indeed ten of the seventeen gypsy sites within the borough exist within the parishes of Shilton and Bulkington. Around the Bulkington and Shilton there currently exists, six permanent site totalling 19 pitches, one site approved by Certificate of Lawful Use totalling 3 pitches, one site on temporary planning permission totalling 1 pitch, and one unauthorised/tolerate site totalling two pitches. As such there already exist on significant number of permanent gypsy and traveller sites around and to grant permission of any further sites would result in a concentration and consolidation of sites within the green belt area, thereby intensifying the harm to openness, visual amenity and character of area.

#### Amenity of on-site Residents

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' represents best practice in the design of gypsy sites. Paragraph 4.38 recommends the inclusion of a communal recreation

area for children of all ages where suitable provisions are not available within walking distance on a safe route or using public transport. Communal recreation areas play a vital role in promoting healthy living and preventing illness, and in the social development of children of all ages through play. It is not considered that such facilities are in a reasonable walking distance from the site and as such there is a need to provide on-site facilities. There currently exists 26 children resident on the site, the layout and design of the site fails to offer any communal recreation area for these children.

Paragraph 4.47 of this good practice guide advises that to facilitate fire safety it is essential that every trailer, caravan or park home must be no less than 6 metres from any other trailer, caravan or park home that is occupied separately. Given that number of caravans proposed on plot 1-3 and similarly plots 7-8 and plot 10 it would not be possible to the distance to be achieved to ensure fire safety is achievable.

For the number of caravans proposed the distances as specified within the 'Designing Gypsy and Traveller Sites' would be unachievable which would give rise to fire safety implications and issues of overcrowding. In light of this it is considered that the proposed development would impact adversely upon the amenities of the residents on the application site and as such contrary to Local Plan Policy GP3, by providing unsatisfactory living conditions on site.

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' paragraph 7.17 states that it is essential for an amenity building to be provided on each pitch. As mentioned previously it is reasonable to interpret that there will be between 25 separate pitches, and as such each pitch would require an amenity building. The six proposed would not provide sufficient facilities to meet the needs of those on site. This reflects the objections of environmental health in that the number of amenity buildings proposed is unacceptable for the number of people on each site.

### Temporary Planning Permission

Paragraphs 45 & 46 of Circular 01/2006 refer to the granting of temporary planning permission particularly when it is expected that the planning circumstances could have potentially changed by the end of the temporary period. In considering the granting of temporary planning permission consideration is given as to whether material considerations exist including personal circumstances to justify on balance a recommendation of temporary planning permission in addition to the level of harm that the development adds to the Green Belt and visual amenity.

Circular 11/95 states that temporary planning permission may be justified when it is expected that planning circumstances will change in a particular way at the end of the temporary period. However Circular 11/95 also states that the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one, and that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission. As such the harm that the development causes to the Green Belt, to visual amenity and the existing local community, is unacceptable, even on a temporary basis. It is considered that this harm cannot be adequately mitigated by conditions and as such in line with Circular 11/95 the only course open is to refuse permission. The development has been in existence for a period of 8 years and any further temporary permission would hinder the Council's attempt to restore land in this area to its former condition.

The applicants have breached the conditions of the temporary permission by permitting additional occupants to use the site for residential purposes in breach of conditions attached to the temporary permission and reasonably imposed by the Inspectorate, which demonstrates the difficulty in restricting a temporary permission to specific individuals in order to limit the number of caravans on site, to reduce the impact.

### Human Rights

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

### **Recommendation.**

### **Refusal and for Enforcement Action to commence**

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R10/0959

### **DATE VALID**

30/06/2010

### **ADDRESS OF DEVELOPMENT**

TOP PARK  
TOP ROAD  
Barnacle  
COVENTRY  
CV7 9FS

### **APPLICANT/AGENT**

Mr Phillip Brown  
Phillip Brown Associates  
74 Park Road  
Rugby  
Warwickshire  
CV21 2QX

### **APPLICATION DESCRIPTION**

The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks

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

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

S3, GP1, GP2, GP3, E1, E2, E5, H13, T1 and T3

Emerging Policy CS24

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPG 13 Transport

PPG18 Enforcing Planning Control

Circular 01/2006 'Planning for Gypsy's and Travellers'  
Circular 11/95 Use of conditions in planning permission

South Staffordshire & North Warwickshire Gypsy & Traveller Accommodation Assessment.

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' 2008

The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople

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

#### REASON FOR REFUSAL: 1

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

The proposed development does not fall within any of the categories which are normally acceptable in the Green Belt and as such, constitutes inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a residential caravan site as the development represents inappropriate development according to the prevailing policies. It is considered that the development fails to preserve the openness and character of the Green Belt and harms its visual amenity. The proposed development is therefore contrary to Policies E2 and H13 of the Rugby Borough Local Plan 2006.

#### REASON FOR REFUSAL: 2

The residential caravan site, combined with the level of Gypsy and Traveller development and encampments in relatively close proximity, would result in a consolidation of sites within the green belt area, thereby intensifying the harm to openness, visual amenity and character of area. This is contrary to Policies GP1, GP2, E1, E2, E5 and H13.

#### REASON FOR REFUSAL: 3

The development would have a harmful impact on the rural character and appearance of this location by introducing substantial built development and other features, together with associated activity that would be contrary to policies E1, E5, GP1 and GP2 of the Rugby Borough Local Plan 2006.

#### REASON FOR REFUSAL: 4

Notwithstanding the advice in paragraph 64 of Circular 1/2006, the proposed development is not located where easy access can be gained by a choice in the means of transport to/from local services, facilities and employment. The development is not sustainable and therefore, contrary to Policy T1 and H13 of the Rugby Local Plan 2006.

#### REASON FOR REFUSAL: 5

The site is located close to Barnacle which is defined as a local needs settlement, where there are limited community services. The lack of services and facilities within Barnacle prohibits community cohesion and social integration with the existing settled community. This is contrary to PPS1:

Delivering Sustainable Development which seeks to promoting community cohesion in both urban and rural area.

REASON FOR REFUSAL: 6

For the number of caravans proposed the distances as specified within the 'Designing Gypsy and Traveller Sites' 'Best Practice Guide' 2008 would be unachievable which would give raise to fire safety implications and issues of overcrowding. It is considered that the development would impact adversely upon the amenities of the residents on the application site and as such conflict with Local Plan Policy GP3, by providing unsatisfactory living conditions on site.

**Reference number:**

R11/0485

**Site address:**

Land Adjacent to opposite 242 Dunchurch Road, Rugby. CV22 6HS.

**Description :**

Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688

**Relevant decisions**

None.

**Technical Consultations**

Environmental Health

-No objections.

WCC Highways

-No response to date – exp 7/4/11.

**Third Party Consultations**

Neighbours – 3 objections received –

Mast will have adverse visual effects and possible side effects of having a mast so close to residential dwellings. Rugby is full of poles, signs, masts everywhere. Mast would severely damage the character of area. Bearing in mind how seriously the Government takes health and safety, the Council would be foolish to ignore health issue. This type of equipment is relatively new to the environment. Only after passing of time can we expect an intelligent scientific view. These installations are of considerable height and although monopole, are unsightly and impose a bigger impact than the description in the planning notice is able to indicate.

**Other relevant information**

This prior approval application is being brought before you for a decision at the request of Councillor Jerry Roodhouse, in order to comply with the Councils delegation agreement the Head of Planning and culture considers the application should be determined by Committee.

The proposed telecom mast and 1 No. associated equipment cabinet with the meter pillar are to be sited on land to the land east of the front garden of No.242 Dunchurch Road, adjacent to the existing wooden bench and the bus stop.

The immediate vicinity consists predominantly of residential properties with the closest residential property being 242 Dunchurch Road. The distance to the front elevation of the main body of this property is approximately 40 metres from the proposed monopole mast and is similar distance from the flats on Rokeby Court across the road.

The proposed telecom mast is slim line and is 11.8 metres high from ground level accommodating 6 antennae, which will provide 02 and Vodafone with coverage in the surrounding area. All the antennae are contained within a smooth circular sheath. The associated equipment cabinet is a Cornerstone Vulcan cabinet that measure approximately 1.898 metres in length, 798 mm in width and is 1.648 metres in height and are green in colour.

Additionally, there is a Alifabs meter pillar which is to be sited immediately adjacent to one of the equipment cabinets. The meter pillar measures 379mm in length, 171 mm in depth and is 872 mm in height and is green in colour.

The applicants have stated that the proposal is required in order to increase 2G and 3G network capacity within this part of the Rugby Urban Area. Furthermore, the applicants have stated that they have considered and rejected several other sites including:

- Orson Leys, – rejected as close to Rokeby Court causing signal blocking, restricted adopted land on which to locate, and access difficulties.
- Roof top of 1-4 and 7-12 Rokeby Court – No build solutions on pitched roof and too low to provide effective network coverage.
- Roof Top of Abbeyfield House, Dunchurch Road – rejected as buildings too low to provide effective coverage.

### **Planning Policy Guidance**

RBLP Policy GP1 Conflicts Design and appearance of development  
RBLP Policy GP3 Complies Protection of amenity  
PPG 8 – Telecommunications – Conflicts - Detrimental to Character and Appearance of Area

### **Determining Considerations**

The proposed telecom mast and 1 No. associated equipment cabinet with the meter pillar are to be sited on land immediately in front of the front boundary of No.242 Dunchurch Road, adjacent to a wooden bench and a bus stop and is located within the Rugby Urban Area.

Dunchurch Road is characterised by predominantly low-density residential development set back from the highway edge. A service road serving properties to the east of the application site runs parallel to Dunchurch Road and is separated from the wide highway verge by a row of mature trees. On the opposite side of the road the properties are also served by a service road set at the back of a highway verge. There is existing street furniture within the vicinity consisting of 10 meter high lighting columns, telegraph poles and various other highway sign posts.

In considering a prior approval application the only issues which can be considered are the siting and appearance of the mast. A few residents near to the development have also raised the health impact of the mast as a basis for their objections, though the perceived health risks may be of concern for residents in the vicinity of the proposed mast, government advice contained within PPG 8 states that as long as an ICNIRP certificate is provided by the applicant it should not be necessary for the Local Planning Authority to further consider the health implications of the mast. The applicant has provided such a certificate with the application and the proposal therefore complies with the guidance in PPG 8.

The mast is proposed to be sited on a raised part of Dunchurch Road, which is a main gateway to the Rugby Town Centre and although other street furniture such as 10 metre high lamp posts exist in the vicinity it is considered that by virtue of the design and appearance of the mast and due to its siting within the street scene, represents a form of development which



is detrimental to the visual amenities of the locality and detracts from the appearance of a main gateway approach to the town.

Views of the mast from the properties to the west of the application site will be limited by the presence of the trees at the back of the highway verge. The properties on the eastern side of Dunchurch Road will see the mast quite visibly as there is limited screening from adjacent to Rokeby Court. It is therefore considered that the mast will represent a visual intrusion to the occupiers of flats at Rokeby Court.

In conclusion, the mast, by virtue of its siting and appearance within the street scene, represents a form of development which is detrimental to the character and appearance of the locality and conflicts with GP1 and PPG8 which seek to ensure that all development is sympathetic to its surroundings and that telecommunications development is sited in the most suitable location.

### **Recommendation**

The proposed mast requires prior approval and that this should be refused on the grounds of inappropriate siting and appearance.

### **PRIOR APPROVAL NOTIFICATION:**

#### **Prior approval required and refused**

Notice is hereby given that the Borough Council, in pursuance of its powers under the above Act and Order require the formal submission of details of the siting and appearance of the proposed development to be subject of prior approval. Prior approval is refused for the submitted details.

### **REASON FOR REFUSAL:**

1) The proposed telecommunications mast and ancillary equipment is sited within the highway verge adjacent to No. 242 Dunchurch Road. Due to the prominent siting of the mast and equipment within a main gateway approach to Rugby town centre and its relationship with nearby planting and street furniture the mast and equipment, in the opinion of the Local Planning Authority, would result in a prominent and incongruous form of development and would be detrimental of the visual amenities of the area. The proposal is therefore contrary to Policy GP1 of the Rugby Borough Local Plan and PPG 8 policy guidance on design and appearance of telecommunication development which specifically seek to ensure that all new development is sympathetic to the scale and character of its surroundings.

**Reference number: R10 -2195**

**Site address: Land at Field Cottage, Thurlaston, Rugby**

**Description: Erection of a detached bungalow with amended access and improvement works, including demolition of existing summer house**

**Brian Slater 3624**

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**Authorised Use**

Residential

**Relevant decisions**

Planning permission was granted for the erection of two storey side and rear extensions on 7th July 1976

Appeal made under section 78 of the Town and Country Planning Act 1990 against the failure to give notice within the prescribed period on an application for planning permission to demolish an existing summer house and erection of one bungalow. Appeal dismissed 8<sup>th</sup> July 2010.

**Technical Consultations**

Head of Engineering and Works No objection Highway “build out” and realigning would provide sufficient visibility to comply with agreed standards

WCC [Rights of Way] No objection subject that the public footpath R337 remains open and available for public at all times.

WCC [Ecology] No objection subject to a condition requiring the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be demolished.

Natural England No comments

**Third Party Consultation**

*Neighbours [2] Object Concerns to widen footpath outside of “Beaconsfield” Victorian setts, which edge this pavement and are continuous along No 120 Main Street are retained / improvement in visibility with the wider pavement will be fairly minimal/Increase in traffic due to the residents of a very small bungalow cannot justify what is in effect the narrowing of Main Street / Church Walk can hardly be described as a road and can just accommodate the residents cars and the refuse lorry [once a week] / Unsafe for children who play in this area /Alternative means of access should be considered.*

Parish Council Object Current planning application is largely unchanged from the earlier one in 2009 that failed on two grounds; Mrs Baumbers needs were not considered to be sufficiently established; and the difficulty of access from Church Walk into Main Street due to poor visibility of traffic from the right./ Access via Church Walk is essentially the same as the 2009 applicant with a slight increase in the road way exit safety splay outside of the property “Beaconsfield” although this does not improve visibility for drivers entering the village./ The main obstruction to vision from Church Walk onto Main Street is from hedges in Church Walk and Main Street./The narrowness of Church Walk is still an issue/Access should be moved to

alongside the eastern side of Field Cottage then it would give direct access across the paddock to Church Lane.

### **Site description and the surroundings**

The application site is within the village of Thurlaston, a Local Needs Settlement and the vehicular access that forms part of the proposed development is within the Conservation Area.

The application site comprises an L shaped parcel of land forming part of the rear garden of a pair of semi detached cottages known as "Field Cottages" which stand at the eastern end of Church Walk, Thurlaston. A summer house measuring 6.8 metres by 4.9 metres is positioned close to the northern boundary of the site and a greenhouse stands at the eastern side of the site.

Church Walk is a cul-de-sac which serves houses along its length including on the north side of the road numbers 1-3 and to the south "Welcome Lodge", "Malt Kiln" and "Church Walk House". To the north and west of the application site is further residential development at Beech Drive and 3 Church Walk. The eastern boundary of the site follows the line of the rear boundary of houses in Beech Drive and is marked by a fence. To the north of the site are nos. 4 and 5, Beech Drive which stand 14 and 19 metres respectively from the common boundary with the application site. These properties are large detached modern dwelling houses. To the west is the rear garden of No 3, Church Walk and to the east is a grass paddock. The area is well landscaped with mature trees and vegetation.

Field Cottages are situated in line with nos. 2 and 3, Church Walk to the west and there is a gap of approximately 9 metres between the buildings. The land is level and is enclosed by a 1.8 metres high close boarded fencing. No 3 has a side facing window in the ground floor side gable elevation that serves a habitable room. The area outside of this gable elevation is used for vehicle parking and a tall conifer hedgerow is formed along the frontage of the site with Church Walk.

Field cottages are divided into two properties. The pair of houses are not identical pair; the left hand of the two houses provides roughly twice the floor space of the right hand house. The left hand of the two houses comprises a three bedroom two storey property with a lounge, dining room, kitchen, utility and wc on the ground floor with three bedrooms and bathroom on the first floor. There is a double garage attached to the left hand side of the house.

The house measures externally 10 metres by 12 metres. The right hand house measures externally 6 metres x 10 metres. The ground floor provides a kitchen, utility, wc dining room and conservatory on the ground floor with a lounge and bedroom on the first floor. There are gardens to the rear of both houses and these were originally some 25 metres deep although recent subdivision has reduced these in length to 12 metres.

### **The application**

The current application is for the "Erection of a detached bungalow with amended access and improvements works including demolition of existing summer house" This is a resubmission following an appeal that was dismissed on 8<sup>th</sup> July 2010. The appeal was dismissed on two grounds, highway safety due to visibility at the junction of Church Walk and Main Street and insufficient information to demonstrate the need for the dwelling. The applicant has provided plans of the existing junction and proposed improvements thereto together with a report into the suitability of adapting the present accommodation and a letter from George and Co. Chartered Surveyors regarding the availability of bungalows in Thurlaston. In addition the applicant has provided a confidential medical report from her GP.

### **Planning policy guidance**

RBLP Policy S3	Conflicts	Rural settlement hierarchy
RBLP Policy S4	Conflicts	Windfall development
RBLP Policy GP 1	Complies	Appearance and design of development
RBLP Policy GP3	Complies	Protection of amenities
RBLP Policy GP 16	Conflicts	Parish plans
RBLP Policy T3	Complies	Access and highway layout
RBLP Policy T5	Complies	Parking facilities
RBLP Policy H 14	Conflicts	Housing developments outside Rugby Urban Area
RBLP Policy E 6	Complies	Biodiversity

PPS 1 Delivering Sustainable Development  
PPS 5 Planning for Historic Environment  
PPS 9 Biodiversity and Geological Conservation  
PPG 17 Planning for Open Space Sport and Recreation

Rugby Borough Council Local Development Framework [Affordable housing supplementary planning document June 2009]

Thurlaston Housing Needs Survey November 2011

Thurlaston Village Design Statement

### **Determining Considerations**

#### Design and Appearance

Policy GP 1 relates to design and appearance and requires, amongst other things, that developments be compatible with the scale and form of the existing building and surrounding area in addition to the scale, massing, form, orientation materials, design and appearance fitting in with the existing building and wider area.

Paragraph 33 of PPS 1 [Delivering Sustainable Development] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity.

The site comprises part of the side and rear garden of Field Cottage and Field Cottage Annexe. It lies within a residential area that consists predominantly of detached and semi detached dwellings. The proposed bungalow would be larger than the summer house it would replace, but would still be a modest structure. There is a mix of housing in the village in terms of age, size and style of dwellings and there is significant infill development, along with dwellings in back land locations. A bungalow in this setting would not appear out of keeping with the pattern of development in the area and it would be seen against the backdrop of other dwellings in views from the public footpath that leads to the nearby countryside. The bungalow would be integrated within the settlement and be consistent and compatible with its scale and form.

This matter was also not raised as an issue of concern by the Inspector in the previous appeal.

Therefore the proposal will comply with policy GP 1 of the Rugby Borough Local Plan 2006 and the requirements of National Planning Policy in PPS 1 [Delivering Sustainable Development]

### Protection of Amenity

Policy G P3 relating to the protection of amenity states that permission will not be granted for developments that, amongst other factors, result in overlooking and loss of both privacy and light.

In this case the proposal by virtue of its siting, size and design will not result in harm to the occupiers of neighbouring properties. The proposal is single storey 5 metres in height and not significantly greater than the height of the existing summer house. It will not result in an overbearing form of development. In addition the proposed dwelling will not result in overlooking. A kitchen window and door together with two obscure glazed windows serving a bathroom and en suite bathroom are positioned in the rear [north elevation]. This elevation faces onto an existing 1.8 metres in height close boarded fence. The south facing windows include a study, bedroom, living room and hallway door and an obscured glazed window serving wc. These windows also face onto a 1.8 metre in height close boarded fence and prevent direct overlooking into the existing garden of "Field Cottage" and "Field Cottage Annexe"

The proposed vehicular access will be formed between the outside wall [northwest] of the garage attached to "Field Cottage" and the adjacent cottage No 3 Church Walk. A habitable room window is formed in the side elevation of this adjacent property. Currently the area at the side of this garage is used as a vehicle hard standing therefore the impact on the amenities of a vehicular drive would not be significantly greater than the existing vehicular hard standing.

Given the siting and size of the proposed bungalow, the proposal will not significantly affect the living conditions of neighbours by reason of impaired privacy, adverse visual impact, or noise and disturbance. The provisions of Policy GP 3 have therefore been met and also guidance contained in national planning policy in PPS 1 [Delivering Sustainable Development].

### Local Needs

The site lies within a Local Needs Settlement in the rural area as defined in Local Plan Policy S3. This policy, which is based on sustainability considerations, states that development to meet identified local needs will normally be permitted. Local Plan Policy H14 states that proposals within Local Needs Settlements would only be permitted where it is demonstrated that they meet an identified local need. Local Plan Policy S 4 has a similar provision for windfall development. The supporting text in the Local Plan refers to Parish Plans and local needs surveys, but adds that in the absence of a Parish Appraisal applications will be considered in the light of all submitted evidence. There is no Parish Plan in this case, but Thurlaston Parish Council has produced a housing needs survey, dated November 2010, which mentions that there is no local housing need. This is a material consideration in accordance with the provisions of Local Plan Policy GP 16, which refers to the views of a community expressed in Parish Plans and their equivalent.

These provisions are carried forward in the Councils Affordable Housing Supplementary Planning Document 2009 [SPD], which adds that in Local Needs Settlements, whether or not a Parish Plan has been prepared, development will only be permitted where it meets an identified and clearly demonstrated local need. This includes specialised types of housing for local people. There must be a proven need for the dwelling, including whether present accommodation can be converted.

The applicant would comply with relevant local connections requirements. In addition the applicant has provided evidence to suggest that there are no alternative dwellings in the village which could meet her requirements. In a letter dated 29<sup>th</sup> September 2010 George and Company [Chartered Surveyors] mentioned that they had carried out research into the

availability of properties within the Thurlaston village. Only 3 properties were available on the market at the time of the research .One was reported to be under offer and all 3 were two storey family / executive houses. Currently only one property is available, a two storey semi detached cottage. Furthermore the research also revealed that there have not been any bungalows sold within the village for at least 5 years and that bungalows within Thurlaston village are larger style 4/5 bedroom homes. The options available for existing residents seeking to down size within the village are very limited.

The SPD notes that a need might relate to a property that cannot be modified or adapted by personal mobility aids to satisfy the living requirements of a person who is in this case understood to be disabled based on the information supplied. It adds that proof of infirmity and disablement will need to be evidenced by written confirmation from the occupiers GP. The applicant has submitted a confidential medical report from her Doctor, dated 1st September 2010 which amounts to the proof of infirmity and disablement required for the purpose of applying the Councils SPD.

The applicant also mentions that the existing accommodation that she owns [Field Cottage and Field Cottage Annexe] cannot be adapted to meet her needs. A report has been submitted with the application to investigate the feasibility of converting "Field Cottages". The basis of the report is as follows-

"Field Cottages" comprise a pair of semi detached houses situated at the end of Church Walk. The pair of houses are not an identical pair, the left hand of the two houses "Field Cottage" provides roughly twice the floor space of the right hand house "Field Cottage Annexe". See above text for an overview of both properties.

This applicant has advised that the left hand side of two properties [Field Cottage] is large enough to convert to single storey accommodation but the costs of doing so would be very high given the need to relocate the staircase, move internal walls and provide a ground floor bathroom. Furthermore it is not feasible to leave the first floor unoccupied and unheated.

The right hand property [Field Cottage Annexe] has a ground floor area of 60 sq m [80 sq m including the conservatory]. The conservatory is unsuited for use as a bedroom lounge or dining room as it lacks independent heating and does not have good thermal insulation. The report mentions that whilst it would be physically possible to extend the building to provide single storey accommodation there is a question of what use the first floor could be put to. The first floor is too small to convert to a self contained flat.

The report concludes that in practical terms the existing accommodation within Mrs Baubers control cannot be realistically adapted to provide ground floor accommodation only.

The Councils Building Control Officer has carried out an independent survey of both of these properties to establish whether they can be adapted to meet her needs. He has mentioned that whilst a chair lift could be used in the left hand unit [Field Cottage] a chair lift would not be practical in the right hand unit [Field Cottage Annexe]. However both units can be adapted .This would entail disruption to both properties with the right hand unit [Field Cottage Annexe] taking over the existing kitchen of the left hand unit [Field Cottage] and then creating a new kitchen from the existing utility / wc/ boiler room in Field Cottage. Sound insulation works would be required to the floor of the bedroom over the new ground floor bedroom in Field Cottage Annexe. Estimated cost of this work would be around £10-15,000

The applicants report mentions that the first floor of the right hand unit might be redundant thus proving costly to heat. The Councils Building Control officer in his report mentions that this side

of the building is fairly modern construction and can be insulated relatively cheaply and with thermostatic radiator valves fitted to upstairs radiators the heat loss can be minimised, The cost of this would be approximately £500

Adaption of the left hand unit could be achieved by converting half of the existing double garage to a bedroom with en suite facilities costing a maximum of around £5000

The applicant has responded to this survey by the Councils Building Control Surveyor and has mentioned that she was not invited to participate in the Thurlaston Housing Needs Survey Questionnaires though would have been sent to all households in the village for them to respond accordingly.

Mrs Baumber is currently renting a two storey cottage at Mill Cottages, Mill Lane Thurlaston. Her existing properties at Field Cottage and Field Cottage Annexe are currently rented out to tenants.

The applicant has agreed that the work can be carried out but it would be very expensive in view of the amount of work involved. Nevertheless the applicant has not quantified the cost of the works. In addition the applicant has also mentioned that both properties would need to be vacated whilst the work is being carried out resulting from loss of income to Mrs Baumber who relies on the rent from the properties to supplement her pension.

In addition to the loss of income when building works are in progress this arrangement would affect the capital value of both properties, given the creation of a flying freehold to the bedroom in the left hand unit. These issues, while being of concern to the applicant, are not proper planning considerations in this instance.

The applicant has also mentioned that the internal arrangement supplied by the Councils Building Control officer is undesirable and further internal re arrangement will necessitate additional costs.

These costs need to be judged against the costs of building a new bungalow in the garden. Whilst building costs of a new bungalow would be around 80,000 [approximately] the costs of re-furbishment is likely to be considerably cheaper.

Mrs Baumber is currently renting a property and she has advised that whilst this has a better internal layout to meet her needs it still involves access to the bedroom by a staircase which she finds increasingly difficult to use. In this case the Local Planning Authority would suggest that a chair lift is fitted.

The issue of local needs was one of the principal reasons that the previous application was dismissed on appeal. Here the Inspector was of the opinion that from the evidence provided that he was unable to determine that suitable adaption of the existing premises would not be feasible.

Although further evidence on adapting this property has now been submitted by the applicant, as outlined in the report above it is considered that properties within the village and owned by the applicant could be adapted to meet the applicants particular housing need.

In view of the circumstance the proposal will not comply with policies S3, S4, GP 16 and H 14 of the Rugby Borough Local Plan 2006

### Highways

The application site is accessed from Church Walk, which joins Main Street at a T junction. Main Street is the only road into and out of the village. The previous development was dismissed on appeal because the visibility at this junction is substandard and the proposed development would have an unacceptable adverse effect on highway safety. The current application proposes to widen the pavement of Main Street which will improve visibility to meet current standards. The site plan incorporates Church Walk and part of Main Street. The extended red edge includes part of Main Street which would accommodate the extension of the pavement in order to improve visibility to the north on exit from Church Walk.

The Highway Engineer is satisfied that by constructing a footway “build out” and realigning the road markings at the junction of Church Walk and Main Street as shown on the submitted drawings would be sufficient to improve visibility at this point to comply with the visibility splays necessary [2.0 metres x 32 metres]. However the applicant will need to enter into an agreement under section 278 of the Highway Act 1980 before any improvement works are commenced with any alterations being incorporated into the design. This will need to take account of the design of the “build out” of the footway. In addition the applicant will need to provide an independent stage 2 safety audit.

The site plan also depicts a landscaped access drive close to the side elevation of the adjoining dwelling at 3 Church Walk. There is sufficient space to accommodate a vehicular access in this position

Therefore the proposals will Policy T 3 of the Rugby Borough Local Plan 2006

Policy T5 concerns parking facilities. In this case the proposed development provides 2 parking spaces with a turning head for a two bedroom bungalow. The Borough Councils Parking Standards require a maximum of 1.5 spaces for a 1-2 bed unit in a low access zone. The proposed development will therefore comply with policy T 5 of the Rugby Borough Local Plan 2006.

### Other Matters

The application site does not contain trees protected by a tree preservation order and the site is not within a Conservation Area. There are a number of trees on the site. The scheme would necessitate the removal of some trees which are not particularly prominent in the local area and are only partially visible from Church Walk and Beech Drive. These trees can be replaced with similar species in a suitable position within the boundary of the property. Those to be retained would need to be safeguarded during construction by protective barriers in accordance with the requirements of BS 5387: 2005 [trees in relation to construction]. Therefore the proposed development will comply with Policy E 6 of the Rugby Borough Local Plan 2006 and the requirements of National Planning Policy in PPS 9 [Biodiversity and Geological Conservation].

The County Ecologist considers that this proposal has a small potential to impact on protected species as the existing building [“Summer House”] will be subject to demolition. He has mentioned that bats will frequently use the roof structure of buildings as summer roost, maternity locations and occasionally as hibernations sites. The habitat surrounding the current building would appear to be low to medium quality and the linear connectivity is poor, the building is possibly subject to reduced levels of disturbance. There are also numerous other buildings in the area that may offer suitable provisions for roosting bats.

Therefore subject to a qualified bat worker being appointed by the applicant to supervise all destructive works to the roof of the building to be demolished and Natural England to be



consulted and work to cease if evidence of bats are found. This can be dealt with via a planning condition. Therefore subject to these requirements the proposed development will comply with National Planning Guidance in PPS 9 [Biodiversity and Geological Conservation].

Part of public footpath reference R337 is formed in front of the existing properties Field Cottage and Field Cottage Annexe and extends into the proposed means of access. The Warwickshire County Council [Rights of Way] have commented on the application and raise no objection subject that the public footpath remains open and available at all times. Therefore the proposal will comply with National Planning Guidance in PPG 17 [Planning for Open Space, Sport and Recreation]

The vehicular access into the application site is within the Thurlaston Conservation Area. As mentioned in the above paragraphs the current visibility at the junction of Main Street with Church Walk is substandard and the current application proposes to widen the pavement of Main Street marginally to improve visibility. Whilst the full design of the build out of the footway has not been agreed by the Local Planning Authority in consultation with the Highway Authority, it is considered that the build out is very minor in terms of impact on the visual amenities of the locality and the character of the Conservation Area. The realigned footway will need to match existing surface materials and the edging with reclaimed matching setts. Therefore the proposed alignment will have a neutral effect on the character and appearance of the Conservation Area and subject to satisfactory materials the proposal will comply with National Planning Policy PPS 9 [Planning for Historic Environment]

**Recommendation**

Planning permission be refused

**Prepared by**

BRIAN SLATER

**DRAFT DECISION**

**APPLICATION NUMBER**

R10/2195

**DATE VALID**

13/12/2010

**ADDRESS OF DEVELOPMENT**

LAND AT FIELD COTTAGE  
CHURCH WALK  
THURLASTON  
CV23 9JX

**APPLICANT/AGENT**

Laurence Wilbraham  
Wilbraham Associates Limited  
18a Regent Place  
Rugby  
Warwickshire  
CV21 2PN  
On behalf of Mrs D Baumber

**APPLICATION DESCRIPTION**

Erection of a detached bungalow with amended access and improvement works , including demolition of existing summer house

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

### REASON FOR REFUSAL 1:

The site lies within Thurlaston which is identified as a Local Needs Settlement in the rural area as defined in policy S3 of the Rugby Borough Local Plan 2006. This policy states that housing development to meet an identified local housing need will normally be permitted. Policies S4 and H14 of the Rugby Borough Local Plan 2006 also states that housing development would only be permitted where it is demonstrated that it would meet an identified local housing need. Thurlaston do not have a Parish Plan but the Parish Council has produced a housing needs survey dated November 2010 which identifies that there is no local housing need in the village. The existence of a housing need survey is a material consideration in accordance with the provisions of policy GP 16 of the Rugby Borough Local Plan 2006 which refers to the views expressed in Parish Plans and their equivalent.

In the opinion of the Local Planning Authority local need for the proposed development has not been clearly demonstrated in this particular case in that it is considered that existing accommodation currently owned in the village by the applicant could be adapted to meet the applicant's specific housing need. The proposal is therefore contrary to policies S3, S4, H 14 and GP 16 of the Rugby Borough Local Plan 2006.

### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

S3, S4, GP1, GP 3, GP 16, T 3, T 5, H14, E 6, PPS 1, PPS 9 and PPG 17

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

**Reference number: R11/0003**

**Site address: Brandon Marsh Nature Reserve, Brandon, Rugby**

**Description: Engineering Operation to create a new reed bed habitat and recontouring of land**

**Brian Slater 3624**

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**Authorised Use**

Nature Reserve

**Relevant decisions**

Conversion of and extension to existing building to provide visitor Interpretation centre and Trust Headquarters and provision of parking Approved 16.10.1991

Erection of two storey building and use as headquarters office and visitors reception area. Approved 3.3.1992

Erection of two storey and single storey buildings and use of existing barns to provide new visitors centre, education facilities and site wardens accommodation and provision of additional car parking Approved 4.9.1996

Use of existing wet grassland to create a new 8 hectare reed bed. Approved 14.8.1998

Erection of wind pump to supply water to existing reed bed from pools on site. Approved 11.8.1999

Use of the existing wet grassland for creation of new reed bed Approved 28.10.2005

**Technical Consultations**

**Natural England** Support the proposed development subject to the proposal being carried out in strict accordance with the details of the application. Furthermore Natural England has no objection to the proposed development in respect of legally protected species as they consider that they are not likely to be adversely affected by the proposal.

**Environment Agency** No objection subject to a condition of the permission requiring that the development be carried out in accordance with the approved construction environmental plan dated March 2011 and associated drawings and mitigation measures within the Flood Risk Assessment.

**Coventry Airport** No objection to the proposed development. There has been consultation between Warwickshire Wildlife Trust and Coventry Airport Limited and such consultations will continue throughout project phase 3

**Forestry Commission** No comments received however as part of the pre application stage the commission were consulted and considered that the biodiversity benefits brought about by the reed bed project would outweigh the existing value of the willow trees and subsequently granted the felling licence.

**WCC Ecology** No objection subject to amendments to the Construction Environmental Management Plan to include a reptile survey to be carried out during the summer to get up to date records on the presence of reptiles. In addition satisfied with results of great crested newt survey carried out in March 2011 subject to an informative note.

**Councils Tree Officer** No Objection

**Archaeology** No objection subject to a condition

### **Third Party Consultation**

*Neighbours Brandon Wood Golf Course have raised concerns that the new water bodies proposed at the southern end of the nature reserve might increase saturation levels on the golf course particularly affecting holes 9 and 10*

### **Parish Council**

No comments received

### **Site description and the surroundings**

*Brandon Nature Reserve is situated in open countryside and within the West Midlands Green Belt. The site was formerly part of a wider area for sand and gravel extraction for over 35 years up to 1989. Conservation management commenced in 1967 and continues to date.*

The site consists of a complex mosaic of habitat types containing all wetland stages from open water to willow carr as well as several grassland and woodland types. The site is based around 10 main areas of open water with a total area of around 15 hectares. Vegetation types present include reed and sedge beds, willow carr, woodland, dry and damp grassland.

The application site is situated on the south west perimeter of the nature reserve with Brandon Wood Golf Course occupying and enveloping the immediate adjacent land whilst Lafarge cement processing works is situated to the North West of the application site and adjacent to the main Brandon Marsh visitor centre.

There are no residential properties in the immediate area and the northern extent of the village of Ryton-on-Dunsmore is situated approximately 600 metres to the west of the application site.

### **The application**

Brandon Marsh Site of Special Scientific Interest [SSSI] Nature Reserve is classified as such due its reed bed habitat Local Biodiversity Action Plan-LBAP habitat and associated wetland bird species.

The purpose of the application is to create a 4 hectare reed bed on land where a willow wood is becoming established. The proposal involves tree felling of which a Forestry Commission Felling licence has been obtained and excavating over 20,000 cubic metres of materials to develop a wet reed bed which will be linked by narrow wet channels of deeper water suitable for fish. The whole project area will be lowered by 40 cm down to clay soil layer and then within that area 17 small pools [the biggest approximately 20 x 20 metres] will be created with interlinking channels dug. These pools and channels will be variable in depth and grading but a maximum of 1.5 metres deep. The project will not create large expanses of open water similar to the pools elsewhere on the site .This will mean that there will be no net increase in

migratory flock species such as geese and ducks that would pose an increased threat to local air traffic.

The spoil will be carted to a spoil area located out of the flood plain which will be roughly spread and levelled to a height of no more than two metres. The area selected currently forms a hollow in the surrounding landscape due to the spoil tipped as part of earlier project. The spoil area will raise this hollow to the same level as the surrounding landscape, and will be allowed to naturally re-colonise with tree species to form a natural screen from the golf course. A small amount of spoil will also be tipped on the existing bund [created during the gravel extraction].

The golf course boundary is higher than ground level in some parts of the nature reserve and spoil was tipped in this area up to the height of that level in 2005 [during phase 11]. What remains now is an undulating terrain which generally falls away as you walk away from the golf course on to the nature reserve. The spoil from this operation will be used to bring this area up to a uniform level but will crucially not form a significant mound or hill. The surrounding vegetation will be left bordering the golf course to screen the area and top soil will be removed at the start of the operation and replaced at the end to allow for re-colonisation of the existing seedbed when tipping is finished. This will speed up the colonisation process by vegetation and reduce the time in which the spoil area is bare earth. Crucially this area of the site lies outside of the flood plain and therefore the deposition of soil will have no impact on the site flood plain capacity.

The application is phase 3 of the project. Phases 1 and 11 were completed in 1998 and 2005 by excavating fairly deep into land. Three separate areas were formed and the introduced reeds have grown and spread well in all areas with sufficient water being retained throughout the year in the excavations as well as between excavations in some parts. A good range of breeding and non breeding have occurred in the new reed areas.

The current proposal will add to the existing areas and be of significant enough size to allow small numbers of bittern [Biodiversity Action Plan B.A.P. species] and marsh harrier to breed. The habitat will also greatly enhance the suitability of the site for other BAP species such as otter, water vole and snipe.

### **Planning policy guidance**

RBLP Policy GP 1 Complies Appearance and design of development  
RBLP Policy GP3 Complies Protection of amenities  
RBLP Policy E 2 Complies The Green Belt  
RBLP Policy E 5 Complies Landscape and settlement character  
RBLP Policy E6 Complies Biodiversity  
RBLP Policy T13 Complies Airport flight paths

PPS 1 Delivering Sustainable Development  
PPG 2 Green Belt  
PPS 5 Planning for the Historic Environment  
PPS 9 Biodiversity and Geological Conservation  
PPPS 25 Development and Flood Risk

### **Determining Considerations**

The site is located in the Green Belt where there is a general presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the

Development Plan and having regard to guidance contained in PPG2 'Green Belt' not to grant planning permission except in very special circumstances, for new buildings or changes of use other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it,

Policy GP 1 relates to design and appearance and requires, amongst other things, that developments be compatible with the scale and form of the surrounding and wider area whilst policy E5 of the local plan mentions that all development proposals should respect and, where possible enhance the quality and character of the area.

Paragraph 33 of PPS 1 [Delivering Sustainable Development] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity.

The purpose of the application is to create a 4 hectare reed bed on land currently comprising of a mixture of poor rough grassland and scattered scrub. Part of the application site was previously dominated by crack willow woodland which has been felled as part of the nature reserve management plan. The works as described above is essentially an engineering operation to maximise the biodiversity of the wider nature reserve, whilst protecting species and habitats of value that are currently present and is appropriate development that will preserve the openness of the Green Belt.

The topographical works will link comfortably with the surrounding landscape and will enhance the natural environment of this nature reserve and will encourage greater awareness and appreciation in all aspects of nature conservation and the environment. Therefore the proposed development will comply with policies E 2, E5 and GP1 of the Rugby Borough Local Plan 2006 and National Planning Policies in PPS 1[Delivering Sustainable Development] and PPG 2 [Green Belts].

Policy G P3 relating to the protection of amenity states that permission will not be granted for developments that, amongst other factors, result in loss of amenity to neighbouring residents.

The wider Brandon Nature Reserve is in a rural location with the nearest residential properties situated approximately 600 metres to the west of the application site at Ryton on Dunsmore whilst the adjacent land is Brandon Wood Golf Course with its contiguous boundaries to the south, west and east of the nature reserve. In this context the impact of the phase 3 development is negligible on the amenities of persons living at Ryton and the users of the golf course. Extensive scrub removal has already been carried out particularly along the periphery of the site with the golf course as part of the management plan; this mainly took the form of crack willow and hawthorn removal. However a screen of trees has been left around the perimeter of the site to shield the golf course and minimise the visual impact whilst the development is being undertaken.

In response to concerns raised by Brandon Wood Golf Course the applicant has mentioned that it is noted that that the golf course currently experiences problems with periods of saturation especially during the winter. Whilst the existing problem are unrelated to the proposals Brandon Wood Golf course is keen to ensure that further enhancements of the nature reserve do not add to the current water logging problem.

The planned work will not raise the level of the water table at Newlands and the management of the water levels on the reserve will not change from the long established present approach /situation. The Environment Agency would not allow the trust to increase the water level by

raising the flood bank due to the potential 1 in 100 year flood waters not being able to enter the site. As a result the project aims to lower the ground levels to expose the existing ground water so the head pressure from the Newlands to holes 9 and 10 will be no greater than at present as there will be no additional water on site. No extra water input is being installed and all the pools will be filled from natural rain water and spring fed water. When the water levels get above the existing levels it will be transferred away by overflow pipes to existing pools within the site.

As a result of the concerns expressed by Brandon Wood Golf Course, the trust will undertake the restoration works as follows-

- The overflow from the new reed bed pools will be either upgraded from a 300mm pipe as outlined as present] to a 450-500 diameter or alternatively a second 300mm over flow pipe added at a different point, out falling back into the existing pools away from the golf course boundary.
- The Trust will ensure that the spoil heap created as part of the project is profiled to ensure that it meets the guidelines outlined in the planning application and that is graded away from the golf course to ensure that any water flows back towards the centre of the nature reserve. Top soil will be removed in advance of the works before being reapplied at the end to encourage faster colonisation by vegetation, minimising the visual impact from the golf course.
- The Trust is committed to maintaining the water control structures currently present and those due to be installed as part of Newlands phase 3 to ensure that during periods of excessive water build up through precipitation the water is channelled away from the golf course.

The Environment Agency has been informed of these mitigation measures and do not raise any additional points to those already mentioned in the original consultation.

The provisions of policy GP 3 have therefore been met and also guidance contained in National Planning Guidance in PPS 1 [Delivering Sustainable Development].

Policy E6 of the Local plan states that 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 where necessary supporting habitats. As part of the submission an Environmental Management Plan was undertaken taking into account protected species and habitats.

National Planning Policy PPS 9 [Biodiversity and Geological Conservation] mentions that where a proposed development on land within an SSSI is likely to have an adverse effect on an SSSI planning permission should not normally be granted. Where an adverse effect on the sites notified special interest features is likely, an exception should only be made where the benefits of the development, at the site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest. Furthermore it also mentions that many individual species are statutory protected under a range of legislative provision and planning authorities should ensure that these species are protected from the adverse effects of development.

The current habitat composition of rough grassland and scrub mosaic could potentially be used by reptiles. Surveys on site have revealed the presence of grass snakes elsewhere at Brandon Marsh and it is possible that they may use this area, although their presence has never been recorded. In view of known great crested newt presence at Brandon Marsh a survey has been carried out no evidence of great crested newts were found in the ponds.

Badgers are also found in the nature reserve but no setts are located within or immediately adjacent to the application site. In addition the trust has also found otters in various parts of the reserve but not in the application area. Water voles have not been recorded on the site for a number of decades whilst the confirmed presence of mink at the site also means the water voles are unlikely.

Within Brandon Marsh generally there are a number of pools which provide suitable feeding grounds for bats. In addition elsewhere on the nature reserve there are suitable bat roosting sites in both artificial and natural settings. The tree work that is being carried out as part of the management plan prior to excavation is being undertaken by a contractor who has a bat licence and all crack willow to be felled are checked for the presence of bats before work commences.

In addition Birds are a major significance at Brandon Marsh with 236 different species recorded to date. No work will be undertaken during the breeding season. Whilst there will be some short term adverse impacts on some bird species and a habitats, as a scheme whose aim is to substantially enhance the biodiversity of the nature reserve , the overall effect will be positive with some beneficial effects being seen very quickly after completion of the work.

Mitigation measures to protect species and habitats are specifically included in the applicants Construction Environmental Plan [CEMP] dated March 2011 submitted as part of the application.

In terms of plants there will be no loss of the SSSI habitat and no indirect effects of hydrology changes .The new network of ditches may enable better management of the hydrology of the SSSI in the future.

No trees and hedges will be affected by the phase 3 project .Some crack willow trees have been felled in line with the management plan and in consultation with the Forestry Commission and the Borough Council tree officer, both of whom are in favour of their removal on the grounds of the net increase of biodiversity.

The County Ecologist has no objection subject to amendments to the Construction Environmental Management Plan to include a reptile survey to be carried out during the summer to get up to date records on the presence of reptiles. The County Ecologist is also satisfied with results of great crested newt survey carried out in March 2011 subject to an informative note on the planning permission Furthermore Natural England support the proposed development subject to the proposal being carried out in strict accordance with the details of the application. Furthermore Natural England has no objection to the proposed development in respect of legally protected species as they consider that they are not likely to be adversely affected by the proposal

Therefore the proposed development will comply with policy E6 of the Rugby Borough Local Plan 2006 and National Planning Policy PPS 9 [Biodiversity and Geological Conservation].



Policy T13 of the local plan mentions that the Council will safeguard the Coventry airport flight path in accordance with the requirements of the civil aviation authority. There are no airports in the Borough. However, the approach flight paths to Coventry Airport cross the Borough.

In order to reduce the potential for bird strike during the project the applicant consulted with Coventry Airport. It was highlighted that although the reed bed habitat itself would not attract increased levels of migratory birds there were potential issues that needed to be taken into account. A large number of water bodies in the area attract flocks of wetland birds which move between them. Brandon Marsh itself has a number of large pools which provide a different habitat to that proposed in this application and therefore attract different species. However during the excavation phase the newly scraped area of vegetation will reveal exposed soil and therefore potentially attract birds from pools elsewhere at Brandon Marsh. To minimise risk and the potential bird movement the Trust will install bird scaring devices and use human patrols to reduce the movement of birds as recommended by Coventry Airport staff. In addition to this noise and movement of the vehicles will go some way to acting as a deterrent. The contractors will not soil strip in areas where this is not necessary to minimise the potential area of bare ground.

Coventry Airport Limited has commented on the application and raised no objection to the proposed development as detailed in the application. They have also mentioned that there has been consultation between Warwickshire Wildlife Trust and Coventry Airport Limited and such consultation will continue throughout project phase 3. Therefore the proposed development will comply with policy T13 of the Rugby Borough Local Plan 2006.

National Planning Policy 25 relates to Development and Flood Risk .The development is situated within a flood plain. As part of the pre-application consultation the Trust consulted with the Environment Agency to ensure that the phase 3 project had no adverse impact on the flood plain .The proposal does not increase the risk of flooding in the surrounding area. The aim of the scheme is to increase the Biodiversity action plan priority of wetland habitats. As a result the scheme is to increase the water held within the nature reserve in the winter so that it can be used to keep habitats wetter in the spring and summer. The project area will be primarily fed by ground water, but the reed bed mosaic habitat will retain water for longer, holding it back from the river and reducing the impact of flooding during peak flow times. There will be no deposition of new material in the floodplain as the spoil created as part of the works is being carted to an area of the site not in the floodplain boundary.

The Environment Agency has commented on the proposed development and has mentioned that having had prior discussions regarding the proposal they concur that the flood risk has been assessed satisfactorily and are satisfied that the operation will not increase the flood risk elsewhere or reduce the area of the floodplain. Therefore the Environment Agency has no objection to the proposals on the basis that the development is carried out strictly in accordance with the approved Construction Environmental Management Plan. [Flood risk assessment]

In addition the Environment Agency have mentioned that all spoil should be located outside of the flood plain and the repair to the existing bund identified as spoil area A in the submitted drawings shall not raise to crest levels above that of the adjacent area and there shall be no other raising of levels within the flood plain.

Therefore the proposed development will comply with National Planning Policy in PPS 25 [Development and Flood Risk].

The proposed development lies within an area of significant archaeological potential. Archaeological field work to the south of the site in the 1990s recovered archaeological finds dating from the Palaeolithic through to the Iron Age [Warwickshire Historic Environment Record [MWA6402, MWA 6403 MW 6404] and identified settlements dating to the later Bronze Age and Iron Age [MWA 3691]. Further field work to the north of the site has also identified further Iron Age settlement [MWA1836] an Anglo Saxon settlement [MWA 5653] and further Neolithic or Bronze Age flint artefacts [MW4271].

Whilst there is potential for the proposed ground works to disturb archaeological deposits associated with the utilisation of the area from prehistoric periods onwards the County Archaeologist does not object to the principle of development subject to a condition requiring the applicant or their agents or successors in title, to undertake the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Therefore the proposed development will comply with National Planning Policy in PPS 5 [Planning for the historic Environment].

### **Recommendation**

That planning permission be granted subject to conditions.

### **Prepared by**

BRIAN SLATER

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R11/0003

#### **DATE VALID**

31/01/2011

#### **ADDRESS OF DEVELOPMENT**

BRANDON MARSH NATURE RESERVE  
BRANDON LANE  
COVENTRY  
CV3 3GW

#### **APPLICANT/AGENT**

Mr Ian Jelley  
Warwickshire Wildlife Trust  
Brandon Marsh Nature Centre  
Brandon Lane  
Coventry  
CV33GW

#### **APPLICATION DESCRIPTION**

Engineering operation to create a new reedbed habitat and recontouring of land.

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

##### CONDITION 1:

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

##### REASON:

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

##### CONDITION 2:

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

Newlands Phase 111 [Reedbed Development]-Construction Environmental Plan [CEMP] dated March 2011[Revised Version 2]

Plan at 1:200 [Characteristics of pool using 20x20 as example and section A/A]

Newlands Phase 3 project showing cross section A-A, B-B, C-C, D-D and levels

Newlands Phase 3 Cross section A-A [1.500 Vertical and Horizontal ],Cross Section B-B [1.500 Vertical and Horizontal], Cross Section C-C [1.500 Vertical and Horizontal],Longitudinal section D-D [1.1000 Horizontal /1.200 Vertical]

Newlands Phase 3.Site plan edged in red indicating new channels and pools 1-17 and Spoil Area B and Area A [Repairs to existing bund]

Newlands Phase 3 [spoil tip area] Plan of existing and ground levels at scale 1.1000 and 1.500 [vertical and horizontal]

**REASON:**

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

**CONDITION 3 :**

The development permitted by this permission shall only be carried out in accordance with the approved Construction Environmental Management Plan [ CEMP ] dated March 2011-Revised version 2 and associated drawings. Any alteration to this plan should be discussed and approved in writing by the Local Planning Authority prior to commencement of alteration. In addition the following mitigation measures as detailed within the Flood Risk Assessment shall be carried out.

All spoil should be located outside of the floodplain as stated in section 6.5 of the above report.

The repair to the existing bund identified as spoil area A in the submitted drawings shall not raise crest levels above that of the adjacent area.

There shall be no other raising of levels within the floodplain.

**REASON:**

To ensure that protected species are not harmed by the development and to prevent the increased risk of flooding to third party land and ensure no loss of floodplain

**CONDITION 4:**

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

**REASON:**

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

**REASON FOR APPROVAL:**

The works will maximise the biodiversity of the wider nature reserve whilst protecting species and habitats of value that are currently present and is appropriate development that will preserve the openness of the Green Belt.The topographical works will link well with the surrounding landscape and will enhance the natural environment of this nature reserve and will comply with policies E 2, E 5 and GP 1 of the Rugby Borough Local Plan 2006 and National Planning Guidance in PPS 1[Delivering Sustainable Development] and PPG 2[ Green Belts].The impact of the phase 3 development will not impact on the amenities of persons living nearby or users of the adjacent golf course and will therefore

comply with policy GP 3 of the Rugby Borough Local Plan 2006. The proposed reed bed development will not attract increased levels of migratory birds and measures will be taken by WWT in consultation with Coventry Airport to safeguard the flight path to the airport. Therefore the works will comply with policy T13 of the Rugby Borough Local Plan 2006. The proposed works are situated outside of the flood plain and the mitigation measures contained in the Construction Environmental Management Plan will prevent flood risk and therefore will comply with PPS 25 [Development and Flood Risk]. Whilst there will be some minor short term adverse impact on species and habitats the proposed works will substantially enhance the biodiversity of the nature reserve and therefore the proposed development will comply with policy E 6 of the Rugby Borough Local Plan 2006 and PPS 9 [Biodiversity and Geological Conservation]

#### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 GP3 E 2 E 5 E 6 T13 PPS 1 PPG 2 PPS 9 PPS 25

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

#### INFORMATIVE 1:

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

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

#### INFORMATIVE 2:

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

#### INFORMATIVE 3:

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

#### INFORMATIVE 4 :

In view of known great crested newt presence at Brandon Marsh but no evidence near to the application site care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed, Great Crested Newts and their habitat [aquatic and terrestrial area] are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

**Reference number: R11/0226**

**Site address: Linden Tree Bungalow, Warwick Road, Wolston**

**Description: Erection of single storey extensions to the side and rear and alterations to the roof, including accommodation in roof space.**

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

### **Site Description**

The site comprises a small detached bungalow set within a street scene which consists predominately of detached bungalows of various sizes and roof heights. The properties are all set back from the road with long driveways and front gardens.

Linden Tree Bungalow is a small two bedroom hipped roof bungalow with a flat roof garage attached to the side and an existing single storey flat roof projection to the rear. The property has a large curtilage however the majority of this is situated within the Green Belt.

The bungalow is set back beyond the neighbouring bungalow Alneka and extends back the length of the neighbouring rear garden. There are no habitable side facing windows to this neighbouring bungalow however there are two large windows to the rear elevation serving a lounge and bedroom. The flat roof garage of Linden Tree Bungalow lies between the dwelling and the boundary with Alneka.

The other neighbouring bungalow Three Gates is set forwards of Linden Tree Bungalow although not as far as Alneka. This dwelling has a small extension to the rear which brings the dwelling almost in line with the application house.

This application has been brought forward to committee as the applicant Mr Holt works for the Council.

### **Proposal Description**

The proposal is for the erection of a single storey extension to the side and rear of the bungalow and alterations to the roof to allow for accommodation in the roof space.

The proposed side extension to the dwelling will replace that of the existing veranda. The extension will project out 1.4 metres and will have a hipped roof to match that of the existing.

The single storey rear extension will project out approximately 3.5 metres and will level off the rear of the dwelling by projecting in line with the existing flat roof rear projection. A gable roof will be formed above the single storey extension which would include an increased ridge height of the roof and the utilisation of the roof space for further accommodation. The gable ended extension will have windows both at ground floor and first floor enabling views out over the garden land and Green Belt beyond.

A smaller hipped roof will cover the remaining section of the existing flat roof rear projection which will again match that of the existing dwelling. The existing flat roofed garage will remain unchanged.

### **Relevant Planning History**

None

### **Consultation Responses**

Ecology -

### Third Party Consultation Responses

Neighbours – No comments received

Parish Council – No objections

### Relevant Local Plan Policies and Guidance

GP1 – Appearance and Design of Development	Complies
GP3 – Protection of Amenity	Complies
H8 – Residential Extensions	Complies

Residential Extension Design Guide SPD

PPS1 – Delivering Sustainable Development

### Assessment of Proposals

The determining issues to take into account in this case are the impact on the character and appearance of the area, the impact on the neighbouring amenities and biodiversity.

The proposed extensions and roof alterations to Linden Tree Bungalow would change the appearance of the dwelling however the impact on the street scene would not be significant due to the varied character of the street and also due to the dwellings being set back away from the highway with heavily vegetated frontages helping to screen the dwellings. The only alterations to be seen from the public domain would be that of the side extension which would improve the appearance of the property with its hipped roof to match that of the existing. Taking the above into account it is considered that the proposed extensions and alterations would comply with policy GP1 of the Local Plan and also the guidance contained within PPS1.

As the neighbouring properties are set forwards to that of Linden Tree Bungalow the proposed rear extension, increase in roof height and formation of a gable to the rear would have some impact on the neighbouring amenities but to what extent?

Linden Tree Bungalow is set back approximately 5.5 metres from Three Gates but is separated from the neighbouring boundary by the vehicular access leading to the land beyond (also in the ownership of the applicant). The neighbouring bungalow itself is set away from the boundary so creating generous spacing between both dwellings. When adopting the 45 degree code from the neighbouring windows, as set out in the Residential Extension Design Guide SPD, the proposed extension does not conflict due to the separation distance therefore reducing the impact had upon the neighbouring amenities. It was noted on the site visit that the neighbouring bungalow has a canopy covering the area in front of windows which would further reduce any impact that the proposed extensions would have in terms of loss of light. Taking the above into account it is considered that there would minimal impact on the amenities of Three Gates therefore complying with policies GP3 and H8 of the Local Plan.

Linden Tree Bungalow is set back approximately 11.5 metres from the other neighbouring bungalow Alneka, however the main dwelling is separated from the boundary with the neighbour by the existing flat roof garage which is also set away from the boundary by a metre. When adopting the 45 degree code from the rear habitable room window the line breaches the corner of the existing garage, which is to remain unchanged, and also part the proposed gable ended section of the extension. Where the line breaches the gable end of the new extension the height of the roof would stand at 4.5 metres and would be approximately 14 metres away from the window. It's this distance between the neighbouring windows and the new expanse of roof which would significantly reduce the impact on the amenities and with the main roof and small hipped roof sloping away from the neighbouring boundary the impact would be further reduced. Linden Tree Bungalow is positioned to the North East of Alneka so the proposals would only impact on the early morning sun reaching the amenity space and rooms of the neighbours. Throughout the rest of the day the rear of the property would receive direct sunlight so therefore the impact on loss of light would be minimal. The new gable end would project out to the rear

of the house and affect the views from the kitchen window and the garden across towards Linden Tree Bungalow however as there is no right to a view so this would not be a consideration. Taking into account the above it is considered that the impact the proposals have upon the neighbours at Alneka due to the distances between the extensions and neighbouring dwelling and the orientation are not significant enough to warrant refusal therefore comply with policies GP3 and H8 of the Local Plan.

A bat survey has been submitted as part of the application and it was concluded that there were no signs of bats found within the roof space of the dwelling. This survey has been assessed by the Warwick County Council ecology department and has been found to be acceptable. Taking the surveys findings into account it is considered that the proposed development would have minimal impact on biodiversity there complying with policy E6 of the Local Plan.

### **Recommendation**

Approve Subject to Conditions

#### **APPLICATION NUMBER**

R11/0226

#### **DATE VALID**

16/02/2011

#### **ADDRESS OF DEVELOPMENT**

LINDEN TREE BUNGALOW  
WARWICK ROAD  
WOLSTON  
COVENTRY  
CV8 3GZ

#### **APPLICANT/AGENT**

Mr Richard Holt  
Linden Tree Bungalow  
Warwick Road  
Wolston  
Coventry  
Warwickshire  
CV8 3GZ

#### **APPLICATION DESCRIPTION**

Erection of single storey extensions to the side and rear and alterations to the roof, including accommodation in roof space.

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

##### **CONDITION: 1**

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

##### **REASON:**

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

##### **CONDITION: 2**

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Council on 16th February 2011 and on plan No. 418-3 Revision C received by the Council on 16th February 2011

##### **REASON:**

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

### **CONDITION: 3**

The development shall not be carried out other than in accordance with the plans No. 418-1 Rev A and 418-3 Rev C received by the Council on 16th February 2011.

### **REASON:**

For the avoidance of doubt.

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

GP1, GP3 and H8 of the Local Plan, Residential Extension Design Guide SPD and PPS1

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

### **REASON FOR APPROVAL:**

The proposed extensions will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policies GP1, GP3, and H8 of the Rugby Borough Local Plan 2006.

### **INFORMATIVE: 1**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

### **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**

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



**Reference number: R11/0244**

**Site address: Former Works Site, Willow Lane, Rugby**

**Description: Demolition of existing workshops and erection of 5 new residential dwellings**

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

### **Site Description**

The proposed site is situated on Willow Lane, an un-adopted road within the urban area of Rugby. Willow Lane is accessed off Hillmorton Road and is used to gain access to the rear of the dwellings on Hillmorton Road and also to access another three dwellings, to which two have been recently developed. There has been permission recently approved for another three dwellings to be positioned to the opposite side of Willow Lane than that of the proposed site.

The site comprises of a large industrial brick built building which is split into two units, with an open frontage yard access on to Willow Lane. The existing building consists of a one and half storey double pitched gable ended building which covers approximately 60 % of the site. The building runs almost the full length of the neighbouring garden at Elm Cottage which is located to the end of Willow Lane and can also be accessed from Haslam Close.

The site borders two neighbouring boundaries to the east of the site, that of the new development, Willowbrook House and also a large area of garden land owned by 74 Hillmorton Road. Another un-adopted access road runs to the rear of the site which supports vehicular access to the rear of the properties on Cromwell Road.

This application has been brought forward before committee due to the significant community interest that has been received.

### **Proposal Description**

The proposed development is to demolish the existing industrial units and to erect 5 dwellings with associated garages in a mews style development. There will be two dwellings fronting Willow Lane which will replicate that of the neighbouring development with a central access into the mews court to the other three dwellings located to the rear. The three rear dwellings will be in a coach house style development.

The two dwellings to the front of the site will be 4 bedroom properties and will both be of an L shape with a two storey projection to the rear. They will sit where the open yard exists at present. The two dwellings will be in line with that of the neighbouring house Willowbrook House and will not project beyond however will be set forwards of that of Elm Cottage.

The three dwellings to the rear will be set back approximately 23 metres into the site allowing for the mews court, rear gardens, access/manoeuvrability space and also garages and parking to be sited between the dwellings to the front and rear. The rear dwellings will be 3 bedroom properties and form one block of development in a coach house style. It will have a main hipped roof with central gable features to the front and rear and will sit where the industrial units are located.

There will be three garages to the development positioned behind the two front dwellings and positioned on opposite sides of the site to each other. The single garage located against the boundary with Elm Cottage will have a small gable roof standing at a height of 3.6 metres. The double garage located against the boundary with Willow Brook House will have a low hipped roof standing a maximum of 3.4 metres in height.

## Relevant Planning History

Site – No relevant history

Surrounding Developments – R05/0785/03745/OP – Outline app for erection of 2 no. residential units and alterations to the access – Approved 18/11/05 (Land Adjoining Site)

R07/0045/PACA - Erection of 2no detached dwellings, 2no detached garages with room over and associated alterations to Willow Lane – Approved 03/05/2007 (Land Adjoining Site)

R08/0605/PLN - Erection of 2no. dwellings including garages, and erection of a building comprising a studio, garages and a store to serve No.56 Hillmorton Road – Approved 06/06/2008 (Land Opposite the site)

R10/0849 – Outline application for erection of single dwelling, including details of access (via Willow Lane) & layout and detached garages to serve proposed dwelling & Willow House – Refused 02/08/2010 and dismissed at appeal – 25/02/11 (Land directly opposite the site)

## Technical Consultation Responses

Environmental Services – No objections subject to conditions

WCC Highways – No objection subject to conditions

WCC Ecology – No objections subject to informatives

Warwickshire Fire Service – awaiting comments

Police Liaison Architect – No objections

## Third Party Responses

Neighbours (15) – Objections Will significantly increase the traffic onto Willow Lane which already has difficult access onto Hillmorton Road; Loss of light and privacy to windows; garage would impact on sunlight and concerned about car noise and fumes near to garden; the upkeep of road is at residents cost and increased traffic would impact on this; construction process creates potential hazards; utilising the foul drainage in the access track to rear of Cromwell Road will result in disturbance; the rear dwellings will overlook property venting enjoyment of amenity space; height of dwellings would result in loss of light to rear garden; the rear access track would need to be broken into to make connection with drainage; Loss of light, amenity and privacy to garden area; current views would be affected; use of the access track behind Crowell Road would damage already fragile surface; increasing traffic on Willow Lane is highly dangerous to pedestrians; open aspect would be lost from the area; little amenity space for the new occupiers; will alter the character of the area; no true visitor spaces indicated where are they going to park; increase noise and traffic pollution; no access should be given to the rear access road; the drain to the rear does not exist.

After Amended Plans

Neighbours (4) – Objections Still concerned about the loss of light created by both the dwellings and the garages; the road is not wide enough to have two cars pass and development would make it too congested; create an invasion of privacy and loss of light to neighbours; the open aspect of the area will be lost; the drain to the rear does not exist and ripping up access track which is used by refuse lorries would cause major disruption; garden sizes for the new developments aren't big enough and would lead to children playing on the streets; access to property would be obstructed and will not be able to use a car trailer to and from house; restricted vision on access of Hillmorton Road.

## Relevant Local Plan Policies and Guidance

S1	Urban Development Priorities	Complies
S4	Windfall Developments	Complies
GP1	Appearance and Design of Development	Complies
GP3	Protection of Amenity	Complies
E6	Biodiversity	Complies
T3	Access and Highway Layout	Complies
T5	Parking Facilities	Complies
ED6	Retention of other Employment Land	Complies

PPS1 Delivering Sustainable Development

PPS3 Housing

## Assessment of Proposals

The determining issues to take into account in this case are the principle of the development within this area and the principle of replacing employment land, the impact on the character and appearance of the area, the impact on the neighbouring amenities and the impact on highway safety and biodiversity.

### Principle of Development

Policy S1, Urban Development Priorities, states that in controlling development and allocating land for further development in the area locations would be prioritised with previously developed land within Rugby urban area given 1<sup>st</sup> priority. The proposed site with the industrial units upon it would be classed as a previously developed land within the urban area of Rugby Area so the principle of development on this land would be acceptable in terms of land allocation complying with policy S1 of the Local Plan.

Policy ED6, Retention of other Employment Land, states that planning permission will not be granted for development that would result in the loss of buildings or land that in, or were last in employment uses (Use Class B), with the exception of those sites that have been allocated for development under other policies contained within the Local Plan. As the site has not been allocated for development in the local plan it would have to be demonstrated that there is no reasonable prospect of employment use continuing, resuming or being attracted to the site or that the continued use for employment purposes would cause demonstrable harm to the environment or local amenity. The agent has carried out a commercial property search which provides an up to date listing of all properties available within Rugby. The report highlights a total of 43 units across a whole range of scales and rental values with the space available as low as £2.50/square foot, which indicates an oversupply of available commercial floorspace to which the majority of sites are located in designated industrial estates with suitable infrastructure and access. The agent states that this particular commercial use is not consistent with the general residential area within which it sits and suggests that the workshops are a non-conforming use and suffer from substandard commercial access. Whilst the units are at present under used with only one half of the unit in use, there has been complainants regarding noise over the last couple of years regarding from local residents to the Environmental Services department of the council. Taking the complainants into consideration if the units were to be fully in use the impact on the neighbouring amenities and access would be significantly increased therefore causing harm to the local amenity. Whilst there is no evidence that shows no reasonable prospect of employment use continuing, resuming or being attracted to the site the applicant has highlighted many other sites within industrial estates in Rugby that would be more suitable to that of the current site by means of infrastructure and access which could prove more beneficial to the business that exists. Taking the above into account it is considered that the loss of the employment land to residential development would remove a use that creates harm to the predominately residential local amenity and with there being a surplus of other more suitable vacant industrial units elsewhere in Rugby that the proposed development would comply with policy ED6 of the Local Plan.

## Character and Appearance

Policy GP1 states that planning permission will only be granted for development, which safeguards or creates an attractive, interesting and, where appropriate, a varied and diverse environment. The application site is located towards the end of Willow Lane close to the link with Haswell Close. Willow Lane provides a pedestrian link to Hillmorton Road from Haswell Close and also provides vehicular access to newly built properties and the rear gardens of properties fronting Hillmorton Road. The newly built properties are two storey dwellings fronting Willow Lane with a coach house style garage block to the rear. There are to be another three buildings built on the opposite side of Willow Lane again built close to the lane. The proposed site will have two dwellings fronting the lane similar to that of the neighbouring development with a central access leading to the mews court and a coach house style block of three houses to the rear. Although the area when viewed from Hillmorton Road and Cromwell Road may appear to be characterised by tall semi detached dwellings with long back gardens, the developments along Willow Lane alters this. The new dwellings and proposed new dwellings approved, front onto Willow Lane to which the new development would replicate. The mews court style development with the coach house style development to the rear of the site would appear similar to that of the neighbouring development albeit in a larger scale. There has been piecemeal developments along Willow Lane which have altered the appearance of the area and due to these it would be unreasonable to request a more comprehensive scheme to include the large area of garden land to the side, plus the fact that this would lead to more pressures on the access and impact more so on the neighbouring amenities. The proposed development makes effective and efficient use of the land and taking into consideration the coverage of the site by the industrial units it would not appear over developed. Taking into account the above it is considered that the proposed development would have minimal impact on the character and appearance of the area complying with policy GP1 of the Local Plan.

## Neighbouring Amenities

Policy GP3 states that planning permission will not be granted for development if there would be an unacceptable impact adverse impact on amenity in an area, including the amenities of persons occupying other premises or the development itself. The impact on the neighbouring amenities to a certain extent would be improved by the proposed development as it would remove the commercial element from site and with it all the noise, general disturbance and large commercial vehicles that accompany such a use. However the new proposed development would bring with it other elements which could impact on the neighbouring amenities. The two dwellings to the front of the site will be located in line with the neighbouring house Willow Brook House but situated forward of that of Elm Cottage. There are side facing windows located in both neighbouring properties facing towards the new dwellings however the side facing windows to Willow Brook House are secondary windows to the rooms that they serve and although the new house will be only a metre away from the window the impact would be minimal due to the status of the windows. The side facing windows to Elm Cottage appear to be secondary windows however the new dwelling will be positioned approximately 5 metres away and to the North of the windows so minimising impact on the windows in terms of loss of light. The distance between the two properties would also reduce the impact of the step in building lines.

The existing industrial building runs the full length of the garden of Elm Cottage and also the amenity space of 74 Hillmorton Road and stands at one and half storeys in height. Whilst the new coach house building to the rear of the site would be higher than that of the existing building it would be of half the depth so would remove the built form along the boundary opening it up to improve the aspect of the neighbours. The new development will be set away from each boundary either side by a metre and will measure 4.3 metres to the eaves before rising away from the boundaries to a maximum height of 8.5 metres. The impact upon the garden area in terms loss of light to Elm Cottage would be minimal due the new development being located to the North of the garden. The impact on large amenity space of 74 Hillmorton Road would be more significant however due to the size of the amenity space that exists it is considered that the loss of light to the garden would be a small area to that what exists and with the roof being hipped the impact would be reduced. The detached garages to serve the development would be sited close to the boundaries with both Elm Cottage and Willow Brook House. The garage located against the boundary with Elm Cottage will be a single garage and of a height of a 3.5 metres. The positioning of the garage will be in close proximity to that of the neighbouring out building and as it

is located to the North of the garden the impact in terms of loss of light would be minimal. The other double garage located against the boundary with Willow Brook House is now proposed to have a low pitched hipped roof rising away from the boundary. The garage will be positioned on lower level land to that of the neighbouring garden so the eaves of the garage will be lower than that of the neighbouring boundary fence reducing its impact.

The addition of dwellings to this site will introduce windows and therefore the issue of overlooking and loss of privacy. The windows to the front of the dwellings will not over look any properties to the front and will only look from the rear towards the coach house development. The distance between these windows is approximately 21 metres which is an adequate distance between habitable facing windows to retain privacy. The windows to the rear and side of the coach house development will overlook the gardens of the neighbouring residents however the side facing windows serve non habitable rooms in the form of a bathroom and landing and can be obscure glazed so removing any vantage points over the amenity space. The rear windows of the coach house would be approximately 20 metres away from the bottom of the gardens of the Cromwell Road dwellings which have long gardens themselves. This distance between the bottom of the amenity space and habitable room windows at first floor level would be adequate to retain privacy.

There have been comments regarding the lack of amenity spaces provided for the dwellings, however comparing these to the amenity space of the neighbouring development they are similar in size. The site does benefit from being located within close vicinity to a large public open space to which the occupiers can take advantage of, however it is felt that the amenity space for this size of building and location would be adequate for the occupiers. Taking into account the above it is considered that the proposed development would have minimal impact on the neighbouring amenities and would therefore comply with policy GP3 of the Local Plan.

#### Access and Highway Safety

The objections of the neighbouring residents have focused around the narrow width of the lane and the congestion that the 5 dwellings would bring to the lane. As the development is not being located in an open space and is replacing an existing industrial use, the difference in traffic generated would have to be considered to make a fair assumption of the general or potential use of the lane in its present situation to that of the proposed. With the use of the TRICS database a comparison can be given between that of the industrial traffic generation and the proposed residential. An industrial use of the site would be considered to generate 13-17 trips per 100sqm so with a gross floor area of 468sqm there could be 61-80 trips per day. A residential use is considered to generate 8-10 trips/dwelling/day, which with 5 dwelling would therefore equate to 40-50 trips a day. It is clear from this that the 5 residential dwellings would reduce the number of trips that could exist from the industrial units improving the situation. The existing units are not fully operational so at present the traffic generation would be less however the units could be filled if they were to remain, so therefore there will not be a significant intensification of the lane to warrant refusal. The Warwickshire County Council have no concerns regarding the access out on to the Hillmorton Road from Willow Lane and with there being adequate turning facilities for vehicles within the site and at the end of the lane there are no further issues with regards to access. The proposed development proposes 2 parking spaces per unit clear of the main highway Willow Lane, which would comply with parking standards of the Local Plan. Taking into account the existing use on site and the comments from the highway department it is considered that the proposed development would have minimal impact on access and highway safety therefore complying with policies T3 and T5 of the Local Plan.

#### Biodiversity

As part of the submission an ecology survey was submitted which investigated for signs of wildlife on site and the potential impact the development would have upon the biodiversity of the area. This was sent to the Warwickshire County Council Ecology department who had no objections to the findings therefore it is considered the development would not impact on the biodiversity of the area complying with policy E6 of the Local Plan. As part of the consultation process Environmental Services were consulted as it is removing an industrial use from the site and a contaminative report has been requested if the application is approved.

## Other Considerations

With regards to the comments relating to the drainage in the rear access track or the lack of it, it has been confirmed by the agent that this is where the existing industrial units foul drainage runs into and then out into the public drainage further down the access. As this has been confirmed and clearly shown on the plan the information submitted is sufficient for planning purposes. The drainage of the site would be dealt with via the building control stage of the process so would be assessed in more detail at this stage.

## **Recommendation**

Approve Subject to Conditions

### **APPLICATION NUMBER**

R11/0244

### **DATE VALID**

08/02/2011

### **ADDRESS OF DEVELOPMENT**

FORMER WORKS SITE

WILLOW LANE

RUGBY

CV22 5LX

### **APPLICANT/AGENT**

Richard Palmer

Hb Architects

The Triforium

17 Warwick Street

Rugby

Warwickshire

CV21 3DH

On behalf of Mr Mark Bernhard

## **APPLICATION DESCRIPTION**

Demolition of existing workshops and erection of 5 new residential dwellings

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

### **CONDITION: 1**

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

### **REASON:**

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

### **CONDITION: 2**

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: 3**

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

**REASON:**

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

**CONDITION: 4**

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

**REASON:**

To ensure the proper development of the site.

**CONDITION: 5**

No development shall commence unless and until a full intrusive Phase II contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk to the site users, buildings and environment when the site is developed. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of health and safety.

**CONDITION: 6**

Other than those shown on the approved plans no new windows shall be formed in the side elevations of the proposed dwellings unless otherwise agreed in writing by the Council.

**REASON:**

In the interest of residential amenity.

**CONDITION: 7**

The windows to be formed in the first floor side elevation of the dwellings on plot 3 and 5 shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**CONDITION: 8**

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

**REASON:**

In the interest of highway safety.

**CONDITION: 9**

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

**REASON:**

In the interests of public and highway safety.

**CONDITION: 10**

The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.

**REASON:**

In the interest of sustainability.

**CONDITION: 11**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E, F and G of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION: 12**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting that order, the garages serving plots [specify] shall not be converted to living accommodation.

**REASON:**

In the interest of highway safety.

**CONDITION: 13**

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

**REASON:**

In the interest of visual amenity.



**CONDITION: 14**

The development shall not be carried out other than in accordance with the amended plans 66:10:12E, R66:10:13A, R66:10:15C and R66:10:17 received by the Council on 18th March 2011

**REASON:**

For the avoidance of doubt.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

S1, S4, GP1, GP3, E6, T3, T5 and ED6 of the Local Plan

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

**REASON FOR APPROVAL:**

The principle of development in this urban area location would be acceptable and by replacing employment land of this nature would improve the local amenity of the area in accordance with policies S1, S4 and ED6 of Rugby Borough Local Plan 2006. The proposed development will be in keeping with the character of the area and neighbouring developments along Willow Lane and will not adversely impact on the residential amenity of neighbouring properties in accordance with policies GP1 and GP3 of Rugby Borough Local Plan 2006. The use of the access would be acceptable, highway safety would not be affected and sufficient parking would be provided complying with policies T3 and T5. The reports accompanying the application have indicated that no harm will be had upon any protected species therefore the biodiversity of the area will be protected complying with E6 of Rugby Borough Local Plan 2006

**INFORMATIVE: 1**

The workshops are located 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

**INFORMATIVE: 2**

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

**INFORMATIVE: 3**

The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that bats are a dynamic species and the findings of the Protected Species Survey carried out in September 2010 can only be considered reliable for a 12 month period. If the demolition of the buildings is delayed beyond September 2011 then a repeat building inspection will be necessary. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species

#### **INFORMATIVE: 4**

Bat populations have declined dramatically in recent years due to loss of roost sites as a result of development and loss of flight lines and foraging areas. Consequently bats are now afforded European protected species status. Consideration should be given to the provision of suitable bat boxes/access tiles within the new build in order to increase opportunities for wildlife. Further advice and information can be obtained from WCC Ecological Services or the Bat Conservation Trust at [http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)

#### **INFORMATIVE: 5**

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

#### **INFORMATIVE: 6**

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

#### **INFORMATIVE: 7**

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to Warwickshire County Council's Rugby Area Team Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

#### **INFORMATIVE: 8**

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

#### **INFORMATIVE: 9**

The developer is required to contribute £50 per dwelling for sustainable welcome packs and to promote sustainable travel in the local area. For further information regarding sustainability welcome packs contact Nicola Small, Sustainable Project Officer on 01926 412105.

**Reference number:**

R11/0491

**Site address:**

Land between Crick Road and Chamberlain Road, Rugby. CV21 4EU.

**Description :**

Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688

**Relevant decisions**

None.

**Technical Consultations**

Environmental Health

-No objections.

WCC Highways

-No response to date – exp 7/4/11.

**Third Party Consultations**

Neighbours – 1 objection received –

There is no need for mast as there are already three in Hillmorton. Mast will be an eyesore and is out of character with surrounding area, and will de-value properties.

Cllr Kathryn Lawrence

-

Siting of mast detracts from village green ethos. Imposes yet more street furniture in a residential area, imposes industrial landscape in village area, is far too close to the primary school.

**Other relevant information**

This prior approval application is being brought before you for a decision at the request of Councillor Jerry Roodhouse, in order to comply with the Councils delegation agreement the Head of Planning and culture considers the application should be determined by Committee.

The proposed telecom mast and 1 No. associated equipment cabinet with the meter pillar are to be sited on land between Crick Road/High Street and Chamberlain Road adjacent to existing hedge row, approximately 20 metres to the west of the path way that leads from Crick Road to Chamberlain Road.

The immediate vicinity consists a mixture of detached and semi-detached dwellings along Crick Road and semi-detached dwellings along Chamberlain Road. The nearest dwellings to the proposed mast are approximately 35 metres from the mast, both on Crick Road and Chamberlain Road.

The proposed telecom mast is slim line and is 11.8 metres high from ground level accommodating 6 antennae, which will provide 02 and Vodafone with coverage in the

surrounding area. All the antennae are contained within a smooth circular sheath. The associated equipment cabinet is a Cornerstone Vulcan cabinet that measure approximately 1.898 metres in length, 798 mm in width and is 1.648 metres in height and are green in colour.

Additionally, there is a Alifabs meter pillar which is to be sited immediately adjacent to one of the equipment cabinets. The meter pillar measures 379mm in length, 171 mm in depth and is 872 mm in height and is green in colour.

The applicants have stated that the proposal is required in order to increase 2G and 3G network capacity within this part of the Rugby Urban Area. Furthermore, the applicants have stated that they have considered and rejected several other sites including:

- Watts Lane – rejected due to inferior access than proposed site.
- High Street, opposite the Bell Pub – Difficult access and potential underground services.
- High Street, opposite Croft Salon - rejected as having difficult access and potential underground services.
- Roof top of Red Lion Pub and Manor Hotel – No realistic design solutions.

In addition to the above consideration was given to the land to the north of the dwellings on Chamberlain Road, adjacent to the existing sub station. However, this was dismissed due to the fact that this land is owned by Rugby Borough Council and was rejected as the Council were not willing to deal with the Applicants.

Furthermore, the applicants have submitted photographs super imposing the proposed mast and an alternative design of a mast as a telegraph pole for information purposes. The telegraph pole would be at least 2 metres higher and in the opinion of the case officer WOULD be more prominent and overbearing within the street scene.

### **Planning Policy Guidance**

RBLP Policy GP1	Complies	Design and appearance of development
RBLP Policy GP3	Complies	Protection of amenity
PPG 8 - Telecommunications		

### **Determining Considerations**

This is an application for determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom mast with associated apparatus consisting of 1 No. Cornerstone Spitfire equipment cabinet and an Aliifabs meter pillar.

This is an application for the determination as to whether prior approval is required for the proposal and is not an application for planning permission. Therefore, the only issues that can be considered as part of this application are siting and appearance.

The proposal for the mast and associated equipment have been submitted under the Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order

1995, as amended, and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

The proposal satisfies the criteria of part 24 of the GPDO 1995, and therefore the main issues concerning this application are whether the siting and appearance of the proposed mast are acceptable. The associated works can be considered as 'development ancillary to radio equipment housing' as described in Part 24 and are therefore also permitted subject to siting and appearance considerations.

Planning Policy Guidance Note 8: Telecommunications (PPG 8) sets the Government's policy for the planning of telecommunications development. PPG 8 encourages local planning authorities to respond positively to telecommunications proposals while protecting the environment from visual intrusion. It further advises that it is likely that concerns will centre particularly on the type of mast and its resultant impact. In particular its height together with any ancillary development and the scope for landscaping and screening are important considerations. In seeking to arrive at the best solution for an individual site, Local Planning Authority's and operators should consider the use of sympathetic design to minimise the impact on the environment.

Although Crick Road may be considered to be a main gateway to the town centre from the Hillmorton Area and that the mast would be visible from the road and considered fairly prominent, due to the existing street furniture consisting of street lighting columns that are predominantly 10 metres in height along the verge immediately adjacent to Crick Road/High Street area, in addition to tall telegraph poles and some element of tall trees providing screening along the road and a tree immediately behind the proposed mast, it is considered that the masts being limited in height of 11.8 metres and its design being slim line that the mast will not have an sufficient adverse detrimental impact upon the visual amenities of the locality or the amenities of the occupiers of the nearby properties to warrant a refusal.

The ancillary additional equipment cabinets would be visible from the road, however, due to its size and location it is not considered that this would be demonstrably harmful to the visual amenities of the locality.

There is much public concern concerning the possible adverse health impacts of telecommunication development. However consideration of this application should follow the advice given in PPG8. Paragraph 98 states: ".it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

In the supporting information the applicants have stated that their radio base stations are designed and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Additionally, they have stated that their base stations operate at low power and emit low levels of radio frequency fields and when measured, field strengths are typically hundreds to thousands of times lower than the precautionary ICNIRP general public guidelines.

Furthermore, they have highlighted amongst other publications, that a study by the World Health Organisation in 2006 (fact sheet No.304) concluded that "considering the very low exposure levels and research results collected to date, there is no convincing scientific

evidence that weak RF signals from base stations and wireless networks cause adverse health effects”

The requisite ICNIRP certificate has been submitted with this application which confirms that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment have established that when evidence is submitted to confirm that an installation falls within the ICNIRP guidelines, that a perception of fear or concerns about health issues do not provide justification for a Council to refuse an application. Additionally, Environmental Health Department have raised no objections to the proposal as it complies with the ICNIRP guidelines.

A letter of objection has been received from a local resident raising concerns regarding the effect on property values and the impact on the views from their properties. Whilst these issues may be of concern to residents these issues are not planning issues and are not material considerations in determining the application.

Therefore, the proposed monopole mast is considered an acceptable installation in this urban residential area, where the appearance of a slimline monopole would not detract from the character of the area. The siting and design of the proposed development will ensure that there is no adverse impact on the character and appearance of the locality and the general street scene, and the mast sharing will help reduce the need for more masts in the area.

Furthermore, the proximity of dwellings to the proposed mast is not a planning issue provided that the application includes an ICNIRP Declaration regarding emissions, which this application does, and that the installation satisfies normal planning considerations regarding the siting and appearance of development and therefore complies with policies GP1 and GP3 of the Rugby Borough Local Plan.

### **Recommendation**

The proposed mast does not require a full planning application, and therefore it is recommended that prior approval is given for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

### **PRIOR APPROVAL NOTIFICATION :**

#### **Prior approval not required**

Notice is hereby given that the Borough Council, in pursuance of its powers under the above Act and Order does not require the formal submission of details of the siting and appearance of the proposed development referred to in the following schedule to be subject of prior approval.

#### **INFORMATIVE 1:**

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

#### **INFORMATIVE 2:**

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and

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

**Reference number:**

R11/0504

**Site address:**

Land to the east of 94 Coton Road, Rugby. CV21 4LN.

**Description :**

Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688

**Relevant decisions**

None.

**Technical Consultations**

Environmental Health

-No objections.

WCC Highways

-No response to date – exp 7/4/11.

**Third Party Consultations**

Neighbours – 1 objection received –

There are already Vodafone and 02 masts in the area and do not understand why more are needed.

**Other relevant information**

This prior approval application is being brought before you for a decision at the request of Councillor Jerry Roodhouse, in order to comply with the Councils delegation agreement the Head of Planning and culture considers the application should be determined by Committee.

The proposed telecom mast and 1 No. associated equipment cabinet with the meter pillar are to be sited on east of 94 Coton Road, on the public highway land opposite the T junction of The Kent and Brindley Road.

No. 94 Coton Road, is a two storey building with a flat roofed extension to its side fronting The Kent. The premises has permission for a chiropractic clinic and a residential flat to the ground floor and 2 flats to the first floor.

The general surrounding area consists of pre-dominantly residential dwellings and the mast will be circa 15 metres from the nearest residential dwelling, being the ground floor flat at 94 Coton Road.

There is existing street furniture within the locality consisting of 10 metre high lamp posts and tall telegraph poles as well numerous tall trees that would provide some screening along School Street and the Kent.

The proposed telecom mast is slim line and is 11.8 metres high from ground level accommodating 6 antennae, which will provide 02 and Vodafone with coverage in the surrounding area. All the antennae are contained within a smooth circular sheath. The associated equipment cabinet is a Cornerstone Vulcan cabinet that measure approximately 1.898 metres in length, 798 mm in width and is 1.648 metres in height and are green in colour.



Additionally, there is a Alifabs meter pillar which is to be sited immediately adjacent to one of the equipment cabinets. The meter pillar measures 379mm in length, 171 mm in depth and is 872 mm in height and is green in colour.

The applicants have stated that the proposal is required in order to increase 2G and 3G network capacity within this part of the Rugby Urban Area.

### **Planning Policy Guidance**

RBLP Policy GP1	Complies	Design and appearance of development
RBLP Policy GP3	Complies	Protection of amenity
PPG 8 - Telecommunications		

### **Determining Considerations**

This is an application for determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom mast with associated apparatus consisting of 1 No. Cornerstone Spitfire equipment cabinet and an Aliifabs meter pillar.

This is an application for the determination as to whether prior approval is required for the proposal and is not an application for planning permission. Therefore, the only issues that can be considered as part of this application are siting and appearance.

The proposal for the mast and associated equipment have been submitted under the Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

The proposal satisfies the criteria of part 24 of the GPDO 1995, and therefore the main issues concerning this application are whether the siting and appearance of the proposed mast are acceptable. The associated works can be considered as 'development ancillary to radio equipment housing' as described in Part 24 and are therefore also permitted subject to siting and appearance considerations.

Planning Policy Guidance Note 8: Telecommunications (PPG 8) sets the Government's policy for the planning of telecommunications development. PPG 8 encourages local planning authorities to respond positively to telecommunications proposals while protecting the environment from visual intrusion. It further advises that it is likely that concerns will centre particularly on the type of mast and its resultant impact. In particular its height together with any ancillary development and the scope for landscaping and screening are important considerations. In seeking to arrive at the best solution for an individual site, Local Planning Authority's and operators should consider the use of sympathetic design to minimise the impact on the environment.

Although the mast is within a predominantly residential area and it would be visible from the road, due to the existing street furniture consisting of street lighting columns that are predominantly 10 metres in height along the verge immediately adjacent to the Kent and School Street and the tall trees along the street and due the masts being limited in height of 11.8 metres and its design being slim line it is considered that the mast will not have an sufficient adverse detrimental impact upon the visual amenities of the locality or the amenities of the occupiers of the nearby properties to warrant a refusal.

The ancillary additional equipment cabinets would be visible from the road, however, due to its size and location it is not considered that this would be demonstrably harmful to the visual amenities of the locality.

There is much public concern concerning the possible adverse health impacts of telecommunication development. However consideration of this application should follow the advice given in PPG8. Paragraph 98 states: “.it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.”

In the supporting information the applicants have stated that their radio base stations are designed and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Additionally, they have stated that their base stations operate at low power and emit low levels of radio frequency fields and when measured, field strengths are typically hundreds to thousands of times lower than the precautionary ICNIRP general public guidelines.

Furthermore, they have highlighted amongst other publications, that a study by the World Health Organisation in 2006 (fact sheet No.304) concluded that “considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that weak RF signals from base stations and wireless networks cause adverse health effects”

The requisite ICNIRP certificate has been submitted with this application which confirms that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment have established that when evidence is submitted to confirm that an installation falls within the ICNIRP guidelines, that a perception of fear or concerns about health issues do not provide justification for a Council to refuse an application. Additionally, Environmental Health Department have raised no objections to the proposal as it complies with the ICNIRP guidelines.

Therefore, the proposed monopole mast is considered an acceptable installation in this urban residential area, where the appearance of a slimline monopole would not detract from the character of the area. The siting and design of the proposed development will ensure that there is no adverse impact on the character and appearance of the locality and the general street scene, and the mast sharing will help reduce the need for more masts in the area.

Furthermore, the proximity of dwellings to the proposed mast is not a planning issue provided that the application includes an ICNIRP Declaration regarding emissions, which this application does, and that the installation satisfies normal planning considerations regarding the siting and appearance of development and therefore complies with policies GP1 and GP3 of the Rugby Borough Local Plan.

### **Recommendation**

The proposed mast does not require a full planning application, and therefore it is recommended that prior approval is given for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

## **PRIOR APPROVAL NOTIFICATION :**

### Prior approval not required

Notice is hereby given that the Borough Council, in pursuance of its powers under the above Act and Order does not require the formal submission of details of the siting and appearance of the proposed development referred to in the following schedule to be subject of prior approval.

The proposed development is subject to the conditions and limitations set under Class A, Part 24 of Schedule 2 of the Order.

The development shall be begun no later than 5 years from the date of this decision.

### INFORMATIVES:

#### INFORMATIVE 1:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

#### INFORMATIVE 2:

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

**Reference number:**

R11/0471

**Site address:**

Land Adjacent to 1A St. Georges Avenue, Rugby. CV22 6DZ.

**Description :**

Determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom monopole mast and provision of a 1No. associated equipment cabinet and a metre pillar.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688

**Relevant decisions**

None.

**Technical Consultations**

Environmental Health

-No objections.

WCC Highways

-No objections subject to informatives.

**Third Party Consultations**

Neighbours – 2 objections received –

Mast will be a blot on the landscape of this area. Mast will be an eyesore and destroy the character, is out of character with surrounding area, youths will climb the mast and will lead to injury.

**Other relevant information**

This prior approval application is being brought before you for a decision at the request of Councillor Jerry Roodhouse, in order to comply with the Councils delegation agreement the Head of Planning and culture considers the application should be determined by Committee.

The proposed telecom mast and 1 No. associated equipment cabinet with the meter pillar are to be sited on land to the north of 1A St. Georges Avenue, adjacent to the side elevation of the single storey rear extension of the Kingsway Premier Store.

The immediate vicinity consists predominantly of a mixture of residential and commercial properties with the closest residential property being 1A St. Georges Avenue. The distance to the front elevation of the main body of this property is approximately 30 metres from the proposed monopole mast.

The proposed telecom mast is slim line and is 11.8 metres high from ground level accommodating 6 antennae, which will provide 02 and Vodafone with coverage in the surrounding area. All the antennae are contained within a smooth circular sheath. The associated equipment cabinet is a Cornerstone Vulcan cabinet that measure approximately 1.898 metres in length, 798 mm in width and is 1.648 metres in height and are green in colour.

Additionally, there is a Alifabs meter pillar which is to be sited immediately adjacent to one of the equipment cabinets. The meter pillar measures 379mm in length, 171 mm in depth and is 872 mm in height and is green in colour.

The applicants have stated that the proposal is required in order to increase 2G and 3G network capacity within this part of the Rugby Urban Area. Furthermore, the applicants have stated that they have considered and rejected several other sites including:

- Kingsway – rejected due to restricted available space on adopted land.
- Dunchurch Road – surrounding high trees will result in higher pole structure.
- The Griffin Pub – rejected as building does not offer suitable options for design and build of scheme.

### **Planning Policy Guidance**

RBLP Policy GP1	Complies	Design and appearance of development
RBLP Policy GP3	Complies	Protection of amenity
PPG 8 - Telecommunications		

### **Determining Considerations**

This is an application for determination as to whether prior approval is required for the installation of a 11.8m high slim line telecom mast with associated apparatus consisting of 1 No. Cornerstone Spitfire equipment cabinet and an Aliifabs meter pillar.

This is an application for the determination as to whether prior approval is required for the proposal and is not an application for planning permission. Therefore, the only issues that can be considered as part of this application are siting and appearance.

The proposal for the mast and associated equipment have been submitted under the Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

The proposal satisfies the criteria of part 24 of the GPDO 1995, and therefore the main issues concerning this application are whether the siting and appearance of the proposed mast are acceptable. The associated works can be considered as 'development ancillary to radio equipment housing' as described in Part 24 and are therefore also permitted subject to siting and appearance considerations.

Planning Policy Guidance Note 8: Telecommunications (PPG 8) sets the Government's policy for the planning of telecommunications development. PPG 8 encourages local planning authorities to respond positively to telecommunications proposals while protecting the environment from visual intrusion. It further advises that it is likely that concerns will centre particularly on the type of mast and its resultant impact. In particular its height together with any ancillary development and the scope for landscaping and screening are important considerations. In seeking to arrive at the best solution for an individual site, Local Planning Authority's and operators should consider the use of sympathetic design to minimise the impact on the environment.

Amended plans were received relocating the mast by some 100 mm in order to avoid disturbance to existing underground cables. It was not considered that the amendment warranted the need to re-consult.

Although visible from the road, due to the existing street furniture consisting of street lighting columns that are predominantly 10 metres in height along the Kingsway and Dunchurch Road

Area, it is considered that due to the limited height of the mast being 11.8 metres high and its design being slim line and the fact that the area to the west of the site consists of open space with numerous tall trees, it is considered that the mast will not have an excessive adverse detrimental impact upon the visual amenities of the locality or the amenities of the occupiers of the nearby properties.

The ancillary additional equipment cabinets would be visible from the road, however, due to its size and location it is not considered that this would be demonstrably harmful to the visual amenities of the locality.

There is much public concern concerning the possible adverse health impacts of telecommunication development. However consideration of this application should follow the advice given in PPG8. Paragraph 98 states: “.it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.”

In the supporting information the applicants have stated that their radio base stations are designed and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Additionally, they have stated that their base stations operate at low power and emit low levels of radio frequency fields and when measured, field strengths are typically hundreds to thousands of times lower than the precautionary ICNIRP general public guidelines.

Furthermore, they have highlighted amongst other publications, that a study by the World Health Organisation in 2006 (fact sheet No.304) concluded that “considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that weak RF signals from base stations and wireless networks cause adverse health effects”

The requisite ICNIRP certificate has been submitted with this application which confirms that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment have established that when evidence is submitted to confirm that an installation falls within the ICNIRP guidelines, that a perception of fear or concerns about health issues do not provide justification for a Council to refuse an application. Additionally, Environmental Health Department have raised no objections to the proposal as it complies with the ICNIRP guidelines.

Therefore, the proposed monopole mast is considered an acceptable installation in this urban residential area, where the appearance of a slimline monopole would not detract from the character of the area. The siting and design of the proposed development will ensure that there is no adverse impact on the character and appearance of the locality and the general street scene, and the mast sharing will help reduce the need for more masts in the area.

Furthermore, the proximity of dwellings to the proposed mast is not a planning issue provided that the application includes an ICNIRP Declaration regarding emissions, which this application does, and that the installation satisfies normal planning considerations regarding the siting and appearance of development and therefore complies with policies GP1 and GP3 of the Rugby Borough Local Plan.

## **Recommendation**

The proposed mast does not require a full planning application, and therefore it is recommended that prior approval is given for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

## **PRIOR APPROVAL NOTIFICATION :**

### Prior approval not required

Notice is hereby given that the Borough Council, in pursuance of its powers under the above Act and Order does not require the formal submission of details of the siting and appearance of the proposed development referred to in the following schedule to be subject of prior approval.

The proposed development is subject to the conditions and limitations set under Class A, Part 24 of Schedule 2 of the Order.

The development shall be begun no later than 5 years from the date of this decision.

### INFORMATIVES:

#### INFORMATIVE 1:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

#### INFORMATIVE 2:

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





**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	6 <sup>th</sup> April 2011
<b>Report Title</b>	Statistics for Planning Applications – March 2010 – February 2011
<b>Portfolio</b>	Economy, Development and Culture
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	N/A
<b>Contact Officer</b>	Ross Middleton
<b>Report Subject to Call-in</b>	N/A
<b>Report En-Bloc</b>	N/A
<b>Forward Plan</b>	N/A
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report provides statistics for decisions on planning applications in relation to BVP1 log.
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	N/A

***Environmental Implications*** N/A

***Legal Implications*** N/A

***Equality and Diversity*** N/A

***Options*** N/A

***Recommendation*** The report be noted.

***Reasons for  
Recommendation***

**Rugby Borough Council**

**Planning Committee – 6th April 2011**

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

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

**Recommendation**

The report be noted

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

See Appendices 2, 3 and 4

Name of Meeting: Planning Committee

Date Of Meeting: 6<sup>th</sup> April 2011

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

Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

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

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

\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

## RUGBY BOROUGH COUNCIL

Planning Committee – 6<sup>th</sup> April 2011

## Report of the Head of Planning and Culture

## Statistics for Planning Applications March 2010 – February 2011

Statistics for planning applications for the period March 2010 – February 2010

	B/F	Received	Determined	Outstanding
March 2010	248	48	58	238
April 2010	238	70	45	263
May 2010	263	23	69	217
June 2010	217	36	64	189
July 2010	189	76	86	179
August 2010	179	47	96	130
September 2010	130	99	96	133
October 2010	133	33	91	75
November 2010	75	72	71	76
December 2010	76	69	58	87
January 2011	87	58	59	86
<b>February 2011</b>	<b>86</b>	<b>67</b>	<b>67</b>	<b>86</b>
<b>Monthly Average</b>	<b>160</b>	<b>58</b>	<b>72</b>	<b>N/A</b>

### 1.1 RECOMMENDATION

The report be noted.

## RUGBY BOROUGH COUNCIL

Planning Committee – 6<sup>th</sup> April 2011

## Report of The Head of Planning and Culture

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

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

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

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

### 1.1 RECOMMENDATION

The report be noted

## RUGBY BOROUGH COUNCIL

Planning Committee –6<sup>th</sup> April 2011

Report of The Head of Planning and Culture

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

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

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

Month	Applications Determined	Minor Applications Determined Within 8 Weeks	% Of Minor Applications Determined Within 8 Weeks
March 2010	18	7	38.9%
April 2010	18	6	33.3%
May 2010	23	6	26.0%
June 2010	18	8	44.4%
July 2010	28	7	25%
August 2010	28	7	25%
September 2010	35	16	46%
October 2010	26	18	69%
November 2010	26	19	73%
December 2010	54	18	33%
January 2011	45	28	61%
<b>February 2011</b>	<b>19</b>	<b>14</b>	<b>74%</b>
<b>Monthly Average</b>	<b>28</b>	<b>18</b>	<b>64%</b>

### 1.1 RECOMMENDATION

The report be noted.

## RUGBY BOROUGH COUNCIL

Planning Committee – 6<sup>th</sup> April 2011

Report of The Head of Planning and Culture

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

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

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

Month	Applications Determined	Other Applications Determined Within 8 Weeks	% of Other Applications Determined Within 8 Weeks
March 2010	39	18	46.2%
April 2010	21	7	33.3%
May 2010	46	14	35.0%
June 2010	44	10	22.7%
July 2010	47	19	40.4%
August 2010	53	21	39%
September 2010	59	35	59.3%
October 2010	63	53	84.1%
November 2010	43	36	84%
December 2010	38	33	87%
January 2011	30	27	90%
<b>February 2011</b>	47	34	72%
<b>Monthly Average</b>	<b>44</b>	<b>26</b>	<b>59%</b>

## 1.1 RECOMMENDATION

The report be noted.



**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	06.04.2011
<b>Report Title</b>	Delegated Decisions – 04.03.2011 to 24.03.2011
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Paul Varnish 3774
<b>Report Subject to Call-in</b>	Y
<b>Report En-Bloc</b>	N
<b>Forward Plan</b>	N
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Deputy Chief Executive under delegated powers
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	N/A

***Environmental Implications*** N/A

***Legal Implications*** N/A

***Equality and Diversity*** N/A

***Options*** N/A

***Recommendation*** The Report be noted

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

**Rugby Borough Council**

**Planning Committee – 06.04.2011**

**Delegated Decisions – From 04.03.2011 To 24/03/2011**

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

**Recommendation**

The report be noted

**1. BACKGROUND**

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

Name of Meeting: Planning Committee  
Date Of Meeting: 06.04.2011  
Subject Matter: Delegated Decisions – 04.03.2011 to  
24.03.2011  
Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

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

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

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\* Exempt information is contained in the following documents:

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

(\*Delete if not applicable)

DECISIONS TAKEN BY THE DIRECTOR OF TECHNICAL SERVICES UNDER  
DELEGATED POWERS FROM 04.03.2011 TO 24.03.2011

**A. APPLICATIONS – DELEGATED**

**Applications  
Refused**

R11/0238 Refused 04.03.2011	Riddys Yard Kings Newnham Lane Bretford	Erection of additional garaging and storage
R10/0500 Refused 14.03.2011	Land East side of Overstone Road Overstone Road Withybrook	Erection of dwelling
R11/0147 Refused 15.03.2011	The Old Dairy Main Street Thurlaston	Proposed extension to vehicle store
R11/0180 Refused 16.03.2011	78 Clifton Road Rugby CV21 3QT	Erection of a detached dwelling to side of existing property
R10/1954 Refused 24.03.2011	21 Mill Road Rugby CV21 1BB	Renewal of planning permission R07/0746/MAJP for a further 3 years (Demolition of existing dwelling and erection of 2 No 1 bed apartments and 9 No 2 bed apartments)

**Applications  
Approved**

R11/0252 Approved 04.03.2011	Sunrise School Street Rugby	Variation of Condition 16 of Planning Permission R10/1239 dated 7th September 2010 to allow insertion of roof lights and provision of retaining wall.
R10/1775 Approved 07.03.2011	Manor Cottage Southam Road Kites Hardwick Rugby	Removal of Existing Garages to be Replaced with 4 Respite Holiday Units and Associated Works
R11/0284 Approved 09.03.2011	6 Swedish Houses Birdingbury Road Hill Rugby	Retention of pitched roof over single storey rear extension approved under reference R10/0392 dated 18 May 2010.
R10/2053 Approved 09.03.2011	Woodside House Church Walk Bilton	Erection of a timber framed triple garage to the rear and the provision of new entrance gates and masonry piers to the front.
R11/0257 Approved	Land South of mill Lane Burton Hastings	Application for permanent retention of stables (original temporary approval)

09.03.2011	Nuneaton	R99/0737/06634/P)
R07/2020/PLN Approved 09.03.2011	Bungalow Farm Smeaton Lane Stretton-Under-Fosse	Re-surfacing and extension of existing and proposed farm track.
R11/0276 Approved 09.03.2011	20 Wordsworth Road Rugby	Proposed front porch and cloakroom extension to existing dwelling and external alterations
R10/2253 Approved 09.03.2011	Longstons Newton Road Clifton-Upon-Dunsmore	Erection of steel frame for installation of solar panels onto agricultural building
R11/0281 Approved 09.03.2011	Land Rear of 24 David Road Bilton	Erection of a dwelling (Renewal of planning permission R07/2095/PLN dated 14th April 2008)
R11/0080 Approved 10.03.2011	Campden Back Lane Harborough Magna	Conversion of integral garage into ancillary living accommodation
R11/0288 Approved 10.03.2011	4 Warren Road Rugby	Two storey rear extension and alterations to entrance porch
R11/0235 Approved 10.03.2011	Land at Windmill Farm Cottage Windmill Lane Dunchurch	Retention and continuation of use of existing stable building as an ancillary residential outbuilding.
R11/0086 Approved 11.03.2011	Newbold On Avon RFC Parkfield Road Newbold	Erection of a raised decking area and minor alterations to the rear elevation of the clubhouse.
R10/2136 Approved 11.03.2011	Gem Tool Hire & Sales Ltd 8 Lawford Lane Bilton	Retrospective change of use of the ground floor of the building from B8 (storage) to a mixed use class to include storage (Use Class B8) and a trade counter (Use Class A1), including external alteration to the building and the existing access and associated parking
R11/0222 Approved 11.03.2011	125 Heather Road Binley Woods Coventry	Planning permission to raise height of roof to create a two storey dwelling together with 2, two-storey extensions to the rear and associated external alterations
R11/0290 Approved 14.03.2011	3 Peat Close Rugby CV22 6SA	Single storey, side and rear extension to detached domestic dwelling.
R11/0266 Approved 14.03.2011	14 Crick Road Hillmorton Rugby	Erection of Garage (Retrospective)
R10/1422 Approved 14.03.2011	Hayway Cottage Hayway Lane Broadwell	Erection of a two storey side extension, new pitched roof over existing two storey rear projection and new detached garage

<i>R11/0215 Approved 14.03.2011</i>	10 Avondale Road Brandon Coventry	Erection of domestic outbuilding/workshop in rear garden
<i>R10/1882 Approved 14.03.2011</i>	Rear of: 69 Hillmorton Road Rugby	Conversion of existing storage area to 2No. Apartments.
<i>R11/0310 Approved 14.03.2011</i>	44 Fisher Avenue Rugby	Erection of rear conservatory
<i>R11/0214 Approved 16.03.2011</i>	13 Ecton Leys Rugby	Erection of a two storey side extension
<i>R10/0364 Approved 16.03.2011</i>	Rear of 43 Manor Road Rugby	Erection of 3 apartments, associated works, parking spaces and landscaping.
<i>R10/2334 Approved 17.03.2011</i>	The Willows Pilgrim Lane Newton	Conversion of integral garage and car port to living accommodation
<i>R10/2202 Approved 17.03.2011</i>	Homestead Farm Coventry Road Rugby	Replacement of existing single storey stable block with double garage.
<i>R10/1075 Approved 18.03.2011</i>	7 Overslade Lane Bilton Rugby	Erection of a detached double garage and re-siting of vehicle access
<i>R11/0338 Approved 21.03.2011</i>	29 Lindale Rugby	Provision of ramped access and erection of a single storey rear extension
<i>R11/0174 Approved 21.03.2011</i>	10 Draycote Rugby	Erection of open fronted double garage
<i>R11/0367 Approved 22.03.2011</i>	181 Townsend Lane Long Lawford Rugby	Erection of a single storey rear extension to create ancillary accommodation
<i>R10/1980 Approved 22.03.2011</i>	21 Saxon Close Cawston Rugby	Erection of a single storey extension to front and side of dwelling
<i>R11/0335 Approved 23.03.2011</i>	3 Windmill Cottages Windmill Lane Dunchurch	Single storey rear extension
<i>R11/0358 Approved 23.03.2011</i>	Orchard Barn Copston Lane Lutterworth	Change of use of land to retain three mobile units to house pigeons
<i>R11/0031</i>	The Lodge Willoughby	Erection of a replacement dwelling with a

Approved 23.03.2011	House Moor Lane Rugby	detached garage
R11/0379 Approved 23.03.2011	17a School Street Wolston Coventry	Single storey side and front extension and retention of rear conservatory
<b>Listed Building Consents</b>		
R11/0295 Approved 18.03.2011	Castle Farm Castle Lane Woolscott	Listed Building Consent for Minor Modifications and External Elevational Treatment to include New Doors and Windows, Block up Existing Doorway and Creation of New Doorways within the Coachhouse
<b>Conservation Area Consents</b>		
<b>Advertisement Consents</b>		
R10/1058 Approved 22.03.2011	Old Station Yard Oxford Road Marton	Erection of Advertisement Hoarding
<b>Certificate of Lawful Use or Development</b>		
R11/0278 Approved 08.03.2011	The Bungalow Noon Hill Farm Grove Road Ansty	Application for lawful development certificate for the continued use of dwelling without complying with condition 8 (agricultural occupancy) of R89/1807/16520/P
<b>Agricultural Determinations</b>		
<b>Telecommunications Determinations</b>		
R10/2207 General Permitted Development 23.03.2011	65 Somers Road New Bilton Rugby	Determination as to whether prior approval is required for the installation of a 13.8m high slimline telecom monopole mast and provision of a 1No. new associated equipment cabinet.
<b>County Council Consultations/Matters</b>		
<b>Approval of Details/Materials</b>		
R09/0972/MAJP Approval of Details 04.03.2011	Land East of Calvestone Road Calvestone Road Rugby	Outline application with all matters reserved for the development of up to 145 dwellings.
R10/0953	8–16 Crick Road	The erection of 4 No. apartments and 15 No.



<i>Approval of non-material changes</i> 14.03.2011	Hillmorton Rugby	detached / semi-detached dwellings together with associated garaging, parking facilities and site works.
<i>R08/0834/PLN</i> <i>Approval of Details</i> 21.03.2011	Kestral Filling Station (BP) Corporation Street Rugby	Creation of a new petrol filling station with a canopy over, erection of a new sales building and associated access and parking (re-submission).
<i>E2E 294</i> <i>Approval of Details</i> 18.03.2011	Land north of Back Lane Long Lawford	Erection of 108 dwellings with associated highway works, internal roads, footpaths & cycleways, noise bund, earthworks, drainage & landscaping.
<i>R09/0035/MEIA</i> <i>Approval of Details</i> 18.03.2011	Ansty Park, Land East of the A46 (Coventry Eastern Bypass) and South of the M6, Ansty.	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
<i>R04/0444/10894/P</i> <i>Approval of Details</i> 23.03.2011	20 Livingstone Avenue Long Lawford Rugby	Erection of detached dwelling.
<i>R10/1109</i> <i>Approval of Details</i> 23.03.2011	Former Skoda Garage 339 Hillmorton Road Rugby	Change of use of premises for the purposes of a local convenience store (Use Class A1) and a separate non -food retail shop (Use Class A1)
<b><i>Withdrawn/ De-registered</i></b>		
<i>R11/0381</i> <i>Withdrawn Application</i> 15.03.2011	Goodrest Cottage Rugby Road Brandon	Retrospective Consent for removal of cement render from external brickwork. Listed Building Consent for replacement front windows and a revised front porch.
<i>R11/0399</i> <i>Withdrawn Application</i> 18.03.2011	Corner of Leigh Road and Haynes Way Rugby	Determination as to whether prior approval is required for the installation of a 13.8m high slimline telecom monopole mast and provision of a 2No. new associated equipment cabinets and a metre pillar

***Disposed of  
Applications***

