

20th November 2015

PLANNING COMMITTEE - 2ND DECEMBER 2015

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 2nd December 2015 in the Council Chamber, Town Hall, Rugby.

Site Visit

A site visit will be held at the following time and location.

3.00pm 28 and 28a Stanley Road, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 11th November 2015.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

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

6. Delegated Decisions – 15th October 2015 – 4th November 2015.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2015/16 – 10) are attached.

Membership of the Committee:

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

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

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.
The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website (www.rugby.gov.uk/speakingatplanning).*

Planning Committee – 2nd December 2015

Report of the Head of Planning and Recreation

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R14/1658	Land east of Newton Lane, Newton, Rugby Outline planning permission for up to 40 dwelling house, together with the creation of a new vehicular access, and provision of play area and amenity space together with associated works (all matters with the exception of access reserved).	3
2	R15/1375	28 and 28A Stanley Road, Rugby Outline Planning Permission for the erection of up to 5 no. dwellings with vehicular access and associated works (Appearance and landscaping are the only matters reserved).	28
3	R15/1896	Pioneer Farm, Stockton Road, Birdingbury Erection of an indoor ménage to replace the approved stable block and exercise paddock.	50
4	R15/1789	128 Hollowell Way, Brownsover, Rugby Change of use of existing unit from Class A1 (retail) to Class A5 (hot food take-away) of the Town and Country Planning (Use Classes) Order 2010.	60
5	R15/2095	42 Lime Tree Avenue, Bilton, Rugby, CV22 7QT Erection of detached double car port to front elevation.	66
6	R15/2067	156 Oxford Street, Rugby, CV21 3LY Change of use of existing pharmacy (use class A1) to residential dwelling (use class C3) to include the conversion of the ground floor to form a studio flat.	71
7	R15/2312	Town Hall, Evreux Way, Rugby, CV21 2RR. Certificate of lawfulness for the proposed development of solar panels to roof of the Town Hall.	77
8	R15/1000	Victoria House, 50 Albert Street, Rugby Temporary change of use from car sales forecourt, car workshop and car sales office (use class sui generis) to offices with associated car parking, storage and distribution (Use Class B1a) for a period of 3 years.	82

Reference number: R14/1658

Site address: Land east of Newton Lane, Newton, Rugby

Description: Outline planning permission for up to 40 dwelling house, together with the creation of a new vehicular access, and provision of play area and amenity space together with associated works (all matters with the exception of access reserved)

Case Officer Name & Number: Nathan Lowde 01788 533725

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

Description of Proposed

This is an outline application for the use of land for residential development. An illustrative masterplan has been submitted, which provides guidance on how the site could be developed to accommodate up to 40 dwelling houses, together with the provision of play area and amenity space.

All matters are reserved for consideration at a later stage apart from access. Proposals to access the site include the formation of a "T-Junction" which will include a 5.5m wide access road from the Newton Lane with a 1.8m pedestrian footpath either side which would link into the existing footways on Newton Lane.

The indicative masterplan shows the majority of existing trees and hedging will be retained across the site, apart from a small section of hedgerow which would be removed to form the access into the site. The proposed amenity space equates to 0.58ha and would include an equipped area of play (0.04 ha) a balancing pond (0.07ha) and a wildlife pond (0.001ha). The indicative masterplan shows how additional landscaping could be incorporated into the site. The submitted Design and Access Statement envisages that a range of styles of properties could be provided on site ranging from 2-bed to 5-bed, including affordable housing.

The application is accompanied with a Statement of Community Involvement which sets out how the applicant undertook pre-application consultation with the local community. The pre-application consultation took the form of a public exhibition event which was attended by approximately 110 people.

Description of Site

The site is located to the north of the existing settlement of Newton on the eastern side of Newton Lane, to the north-east of the Rugby Urban Edge (approximately 3.5km (2 miles) from the town centre edge) and lies within the open countryside. The site is irregular in shape and equates to approximately 2.4 hectares which comprises of flat agricultural land, currently used for the grazing of horses. The existing field is relatively open with established hedging around the edges interspersed with trees including some mature trees. The exception to this is the northern boundary in with a post rail fence runs along this boundary. The application site is bounded to the east by more agricultural land, and is bounded to the south by The Leys and the residential properties which this road serves. To the north of the site are the Newton picnic site and the Great Central Walk which is designed as a Local Nature Area (LNR) known as Ashlawn Cutting LNR. The Great Central Walk starts from the Newton Picnic Site to the Oxford Canal just to the side of Brownsover where it stops, providing a pedestrian and cycle access to the Rugby Urban Area. To the east of the site is the Bridleway (ref: R106) which starts at Main Street and terminates along the Newton Lane. Further public Rights of Ways to the east of the site include R106a which terminates alongside Europark, Watling Street (A5). Immediately to the southwest corner of the site is

Development Strategy no objection

The site is sustainably located. As such a planning balance must be undertaken in the context of paragraph 7 of the NPPF, to determine whether any adverse impacts of approving the above application would significantly and demonstrably outweigh the benefits.

Environment Agency no objection

WCC Flood Risk Management Team no objection

Subject to conditions relating a detailed surface water drainage scheme for the site

WCC Highway Authority no objection

Subject to conditions relating to the site access being implemented in accordance with details submitted, submission of a Speed Management Plan, closure of existing access. Requirement for financial contributions Sustainable Travel Pack and off-site highway works to reduce the speed of traffic using road C84 Newton Lane

RBC Environmental Services no objection

Subject to conditions relating to the submission of a Phase II contamination land investigation, dust mitigation report, noise mitigation,

Severn Trent Water no objection

Subject to conditions relating to the submission of drainage plans

RBC Landscape Officer comments

The Landscape and Visual Appraisal submitted is considered acceptable.

RBC Tree Officer no objection subject to condition relating the submission of a arboricultural method statement/tree protection plan,

WCC Ecology Unit no objection subject to a condition relating to a Landscape and Ecological Management Plan, Construction and Environmental Management Plan further bat survey, and great crested newt surveys,

WCC Wildlife Trust no objection

Relevant planning policies/guidance

Rugby Borough Core Strategy, 2011

CS1 Development Strategy

CS2 Parish Plans

CS10 Developer Contributions

CS11 Transport and New Development

CS16 Sustainable Design

CS17 Reducing Carbon Emissions

CS19 Affordable Housing

Rugby Borough Local Plan, 2006 – Saved policies

GP2 Landscaping

E6 Biodiversity

T5 Parking facilities

H12 Open space provision in residential developments in the rural area

LR1 Open space standards

National Policy and Guidance

National Planning Policy Framework (NPPF)

Rural Housing Planning Practice Guidance

Assessment of proposal

1. Principle

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

The National Planning Policy Framework (NPPF) paragraph 49 states where an authority is unable to demonstrate a five-year year supply of housing, relevant policies for the supply of housing should not be considered up-to-date. The authority is currently able to only demonstrate 4.13 years of supply. As such, the NPPF is the policy context for the proposal.

Where a council cannot demonstrate a five-year housing land supply, NPPF paragraph 14 sets out a presumption in favour of sustainable development, stating permission should be granted for proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted. The NPPF is clear that policies 18 to 21 taken as a whole constitute the Government's view of what sustainable development is and a balance must be weighed against the proposal in question.

Amongst the core planning principles set out in paragraph 17 of the NPPF states that decision taking should: *take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.*

The NPPF advises that transport policies have an important role to play in facilitating sustainable development, and contributing to wider sustainability and health objectives. Paragraph 29 states that the transport system needs to be balanced in favour of sustainable transport modes, "giving people a real choice about how they travel." However, it goes on to

recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The application site is off Newton Lane, on the edge of the village of Newton, which is designated as a Local Needs Settlement. Once complete the development will comprise of up to 40 homes with associated play and amenity green space. The application site is sited within a location where local services and facilities including shops, places of employment, education etc. are within a short commute from the site. Brownsover is approximately within 2km (1.4miles) from the application site which offers a range of services such as primary schools and a local district centre. Coton Park is approximately 1.5km-1.7km from the site and offers employment and a local district centre. Clifton is a main rural settlement and offers a number of key local facilities within 2km-2.5km from the site.

This location is currently served by a bus stop on the nearby The Leys. It is understood that the existing bus service (service x44) which provides 8 services during school term time is to be revised and as from the 16th November 2015 will no longer be serving Newton. As a result Warwickshire County Council have confirmed that the existing Stagecoach bus service (service x9) which currently operates between Clifton and Rugby would be extended to include Newton and commence operation on the 14th November 2015. The service will offer four services in the day Monday – Saturday during school term time. However, it is understood that this revised bus service is on a temporary basis for an initial period of 6 months, as the operator Stagecoach intends to consider options for the wider No.9 service in late 2016 which would preclude this extension to Newton. The suspension of this service has frustrated residents who rely upon it to commute to and from work (see letter within Your Views Rugby Advertiser November 12, 2015). Through consultation with Warwickshire County Council, the applicant has agreed to a significant financial contribution over a five year period towards the provision of a bus service to include a minimum of a peak journey and an off peak shopping journey. Whilst matters such as timetabling and frequency of service, and the longevity of it after this five year period, are outside the control of the planning system, the key consideration, and the thrust of the guidance contained in the NPPF, is that a choice be made available, so that local services and facilities can be accessed by more sustainable methods of transport.

Newton is currently served by a daily school bus service (no. 623) which operates from Clifton to Avon Valley School, stopping in Newton and four various stops in Brownsover before terminating at Avon Valley School. Therefore the travel to local educational facilities can be undertaken sustainably. Matters such as the availability of this service during inclement weather i.e. snow and ice are outside of the control of the planning system, and not constrained to rural areas, the key consideration, and the thrust of the guidance contained in the NPPF, is that a choice be made available, so that educational facilities can be accessed by more sustainable methods of transport.

The site is located immediately adjacent to a good footpath and bridle network and the Great Central Walk cycle route into Brownsover and Coton Park. These, again, offers an accessible alternative to the private car. Whilst it is accepted that the lack of natural surveillance and artificial lighting along the Great Central Walk and parts of Newton Road may be a deterrent for some potential users, particularly in hours of darkness, its presence, nevertheless is likely to encourage more sustainable forms of travel than the private car.

In undertaking their planning balance the applicant acknowledges that the site will be dependent upon the private car. Whilst, it is accepted that there is likely to be some reliance on a private motor vehicle, it is likely that such journeys would be a short commute given the close proximity to key services and facilities.

On this basis the proposal complies with NPPF Core Principle to *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*. It is considered all the services and facilities necessary to meet the needs of future residents would be accessible from the application site either on foot, by bicycle or by bus. As a consequence, the location of the site could not reasonably be considered likely to be the cause of any over-reliance by future occupiers on the use of private motor vehicles. In this respect, the location of the site can be considered to be accessible and therefore sustainable.

In addition, NPPF paragraph 34 states that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The paragraph however states that this needs to take account of policies set out elsewhere in the NPPF, particularly in rural areas.

The NPPF and the Rural Housing Planning Practice Guidance explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas [paragraph 29 and 34]. That is not, of course, reason in itself to focus all new development on the urban areas, because the “sustainability” of putting development in a particular location is about much more than just the accessibility of that location. The question of whether or not a particular proposal constitutes “sustainable development” is therefore not simply a matter of location, and the accessibility of it, it involves the consideration of the different dimensions to sustainable development which includes social, economic and environmental dimensions [NPPF paragraph 7]. These factors will be considered as part of the overall planning balancing exercise to be undertaken.

2. Highways and parking:

Proposals to access the site include the formation of a “T-Junction” which will include a 5.5m wide access road from the Newton Lane with a 1.8m pedestrian footpath either side which would link into the existing footways on Newton Lane. The proposal would include provisions to reduce the speed of vehicles travelling on Newton Lane and it is envisaged that this would include an extension of the existing 30mph zone, the provision of a ‘buffer’ 40mph zone and a reduction of the existing 60mph zone between Newton and the A5 to 50mph. The conclusions of the applicants Transport Statement conclude that the proposed development would not have a detrimental impact on the operation of the local highway network, and would not give rise to any highway capacity or safety issues at local junctions.

Warwickshire County Council Highways have assessed the proposal and have raised no objection to the proposed development subject to conditions, together with a financial obligation towards Sustainable Travel Packs and implementation of off-site highway works.

As this is an outline application only an indicative layout has been received. However, the accompanying Design and Access Statement identifies that parking will be provided in accordance with the Council’s standards, with allowance, as appropriate, for visitor parking. Reference is also made to cycle space provisions as well. Within the accompanying Design and Access Statement it sets out that the envisaged layout of the development would ensure that vehicle do not dominate the streetscene, and this would be achieved through careful detailing in terms of building line setback, frontage and plot design, orientation and landscaping treatment. The indicative masterplan shows how such a design concept can be achieved.

Overall, subject to conditions and informatives, the proposed development is considered to comply with polices CS11 and CS16 and the NPPF, specifically paragraph 32 contained within it.

3. Landscaping, Visual Impact & Character of Area:

Landscape Character

The site lies within the High Cross Plateau, Open Plateau, as detailed within the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers it to be remote, large-scale, open, rolling plateau dissected by broad valleys, characterised, for the most part, by wide views and a strong impression of “emptiness” and space. This is reinforced by an absence of roads and settlements, with sparse populated hamlets and isolated manor farmsteads prevailing. Field patterns is generally medium to large in scale but often poorly defined and tends to be relatively minor in the landscape, as the eye is naturally drawn to the skylines rather than to foreground views.

Site and Immediate Context

The site comprises a single pasture field bounded by Newton Lane to the west, The Leys residential development to the south and pastoral agricultural land to the north and east. The eastern and western boundaries are bounded by existing thick, unmaintained hedgerows with interspersed hedgerow trees, whilst the southern boundary to The Leys consists of existing individual trees. The northern boundary comprises new post and rail fencing beyond which the recently constructed car park at Newton Picnic Site is located. Some hedgerow trees remain on this boundary.

Applicant Landscape and Visual Appraisal (LVA)

The applicants have undertaken and Landscape and Visual Appraisal (LVA) and the conclusions reached by this appraisal concluded that the site is generally well contained in landscape and visual terms by the built form of Newton, surrounding vegetation and undulating topography that is characteristic of the area. Visual effects are constrained to only short to medium distance receptors and effects reduce with viewing distance. Overall the proposed development would be readily assimilated into the receiving landscape and would not give rise to unacceptable landscape and visual harm.

Assessment

Whilst the revised indicative masterplan illustrates how the site could be developed with 40 units across the site, the development of this open field with built development will undoubtedly alter the landscape character and visual appearance of the area, with the greatest effect being the change to the character and appearance of the site itself. This impact, as acknowledged by the applicants LVA, would bring localised changes, however, the changes would not introduce elements that are out of character but rather a new arrangement of elements that are in the context of the site. The effects of the development would represent a fundamental change in the character for the site (major), and a less marked effect for the context (moderate) which already contains many characteristics/features that the development proposes. Existing landscaping, together with the topography of the land and Newton Village assist in providing a degree of visual containment of the site and reduce views into the site from the surrounding area. As a result only short to medium distance views are possible from a narrow range of directions. This visual containment would be reinforced with a robust landscaping scheme as shown on the illustrative masterplan particularly along the northern boundary of the site.

The proposed layout of the development as shown on the illustrative Master Plan shows a continuation of the dwelling along The Leys and this will result in the development to some extent being seen in relationship with the existing built form in the immediate area. In addition, it is likely that the development would be read as forming part of Newton rather than as just an isolated area of built form protruding into the open countryside. This juxtaposition is key when looking at releasing sites to help address the Borough Council's lack of 5 year housing land supply. Whilst landscaping of the actual site will be dealt with as a reserved matter, the subsequent management of existing and proposed landscaping will be key. The Council's Landscape Officer has raised no objections to the proposed scheme.

It should be noted that the illustrative master plan is indicative only. However, the LPA would be keen for the development to be laid out in such a manner as shown on this masterplan, and any major deviation from it would be of concern. A condition would be attached to any permission to ensure that that regard is given to the illustrative master plan.

4. Trees

An arboricultural report has been prepared which identified a total of 6 individual trees and 2 hedgerows on or adjacent to the site. This includes 1 ash tree which is considered to be of a U grade (unsuitable for retention), 1 Pedunculate Oak which is graded as Category A (tree of particularly high value), and 3 Category C (trees of low quality trees). The report concludes that all trees will be retained, with an unavoidable loss of a short section of low quality hedge to facilitate the access into the development.

The illustrative masterplan has been amended to show good spatial integration between proposed buildings and the Category A tree, meaning both should be able to co-exist post development with minimal or no direct impact.

5. Sustainable Design & Construction (inc drainage):

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

Policy CS16 states that sustainable drainage systems (SUDs) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDs are also referred to in saved policy GP2. The submitted Flood Risk Assessment (FRA) indicates the underlying ground to be of low / poor permeability which may be unsuitable for infiltration systems as a primary means of surface water disposal. The applicants have indicated the use of permeable pavements, swales, 'Smart' sponge to be considered to provide water quality benefits prior to the discharge of surface water to ground or watercourses, and a balancing pond will be provided within the proposed amenity area. These types of features are generally acknowledged to be preferred methods of surface water drainage and the site is considered large enough to accommodate such water bodies as shown on the indicative plan. However, the FRA stipulates that site specific ground investigation works will take place at a later stage which will help inform appropriate site drainage design and the applicability of various SUDs techniques.

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

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

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

The agents have stated that energy efficient measures and low carbon technologies along with water conservation measures will be incorporated where possible into the dwellings and further details will be provided at the detailed design stage. As this application is in an outline format it is considered that both these matters could be addressed by condition at this stage.

6. Ecology (including Green Infrastructure Network Policy CS17):

The application site is located within the Green Infrastructure Network, owing to its close proximity to the Ashlawn Cutting LNR. An Ecological Appraisal and Habitat Suitability Index Assessment for the site have been undertaken and accompany the submitted application. The site assessment concludes that the site is heavily grazed, species-poor, semi-improved grassland with a short sward length and that habitats on site were considered to be of low ecological value. The assessment concludes a low likelihood presence of amphibians, bat roosting within the site and immediately surrounding area, badger presence, reptiles, nesting birds, brown hare, harvest mice and polecats.

Following initial comments of concern from WCC Ecology and Warwickshire Wildlife Trust a Biodiversity Impact Assessment has been submitted and has shown a net gain in Biodiversity, achieved by:

- Undertaking a Botanical Assessment which confirmed that the grassland is actually 'improved' pasture rather than 'semi-improved' as originally suggested.
- Amending the illustrative masterplan to include:
 - The recommended 10m buffer zone along the northern boundary.
 - Tree and hedgerow planting along the northern boundary.
 - A 1m buffer adjacent to residential properties along the western boundary.
 - A buffer zone of 1m outside of domestic gardens along the eastern boundary.
 - Native planting along the western hedgerow.
 - Creation of a wildlife pond.

Following the submission of this assessment both Warwickshire Wildlife Trust and WCC Ecology have raised no objection subject to conditions. The Council's Parks and Open Space Team have raised no objection to the inclusion of a wildlife pond within the amenity space as indicated on the illustrative plan.

The illustrative Masterplan shows that a 10m buffer zone between the site and the Ashlawn Cutting LNR can be incorporated within the site. This is considered acceptable and as such the proposal would not have an adverse impact upon the Green Infrastructure Network. Given that the proposal would seek an overall net gain in Biodiversity it has the potential to enhance the GI network in accordance with policy CS17.

7. Archaeology:

The proposed development lies within an area of significant archaeological potential. An archaeological desk-top assessment has been produced for the site. The recommendation of this report indicates that further archaeological investigations are required and such investigations can be secured via planning condition. The applicants have also commissioned a Geophysical Survey of the application site, in response to concerns raised by WCC Archaeology. The conclusions of this survey did not identify any anomalies of archaeological origin.

Whilst WCC Archaeology considers that the site lies within an area of significant archaeological potential, they do not object to the principle of development provided further archaeological work is undertaken which can be conditioned.

8. Air Quality:

The site is located within an area identified within the Council's Planning Obligation SPD as an Air Quality Management Area. These areas are considered to experience elevated pollutant concentrations. As such, an Air Quality Assessment was required in order to determine baseline conditions and assess location suitability for the proposed end-use. Air quality conditions at the site have therefore been quantified and location suitability for residential use has been assessed. The applicants Air Quality Report concludes that the site is considered suitable for residential usage in regards to air quality and mitigation measures are not required to protect future users from elevated pollution levels. The Council's Environmental Services support the findings of the assessment undertaken.

9. Flood Risk & Hydrology:

A Flood Risk Assessment (FRA) was submitted with the application and identifies the site as being in Flood Zone1 and is not at risk of fluvial flooding in storm events up to 1 in 1000 years. The assessment considers flooding from other sources such as pluvial, sewerage, groundwater and artificial water bodies has been assessed as a low risk to the development. The applicant confirms that surface water discharge will be to the public sewers in Newton Lane, 200m south of the site.

The Environment Agency concluded that controlled waters at this site are of low environmental sensitivity and the risk of significant contamination being present at the site is low.

10. Ground Contamination:

A desk top study to determine potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site has been undertaken. This concluded that the likely risk is considered low and only further basic investigation and assessment is required to identify soil strength and bearing capacity; and ground gas monitoring.

The Council's Environmental Services have concluded that the report is generally supported and request conditions attached relating to the submission of a Phase II contaminated land investigation including ground gas monitoring and asbestos screening for the proposed development.

11. Agricultural Land Classification:

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

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

The applicants have undertaken a desktop survey of the site and found the agricultural grading to be of Grade 4 (poor) quality.

12. Affordable Housing:

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

The applicants are proposing that 40% of all total dwellings on site (16 dwellings) would be affordable housing. The applicants have stated that the affordable housing tenure would be in line with the Council's Housing Needs SPD which states a tenure split of social rented 75% and intermediate affordable housing 25%.

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

13. Open Space Provisions:

Saved Policy LR1 in conjunction with the Planning Obligations Supplementary Planning Document seeks the provision of good quality and accessible open space and indoor & outdoor sports facilities, particularly in association with residential schemes. The illustrative masterplan submitted with this application, shows the provision of a LEAP (Local Equipped Area of Play) which will be positioned to towards the southern boundary of the application site, with a pedestrian link into The Leys. Its location would ensure that it is accessible to all and integrated well within the village. This LEAP would be 0.04ha which the Council's Park and Open Space team consider is an appropriate size for a LEAP. In addition to this the scheme also includes the provision of 0.78ha of amenity green space, including, equipped play, structural landscape, habitat creation and attenuation basin.

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

A contribution towards the maintenance of the open space would be sort as part of the S106 agreement. This only applies should the applicant/developer chose do not maintain the open space themselves.

14. Planning Obligations:

Policy CS10 and the Planning Obligations Supplementary Planning Document states that financial contributions may be sought to mitigate against the impacts of a development. Guidance contained within Circular 05/05 Planning Obligations and the Community Infrastructure Levy Regulations state that in order for obligations to be taken into account they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; &
- Fairly and reasonably relates in scale and kind to the development.

If the contribution requests do not comply with these criteria it is not considered that the contribution can be required by the Council. As such the contributions requested by the Parish Council as detailed below are not considered to comply with the criteria outlined above.

Parish Council requested financial contributions towards:

a) The adjacent picnic site and butterfly area.

There is not a deficiency in the area in terms natural and semi natural greenspace where such contributions would fall within and as such a contribution towards this is not necessary to make the development acceptable in planning terms.

b) The Village Hall

No justification has been given to the contributions required and what projects such money would go towards. In addition to this given the scale of development such contributions may not be justified and may compromise other contributions that would benefit the village i.e. the open space, amenity green space and provision of a bus service.

c) Appropriate improvements to St Thomas Cross Road junction

WCC Highways have not sought it necessary to seek any financial contributions to undertake improvements to this junction in order that the proposed development is acceptable

d) Enhancement of the bus stops in the village, including provision of additional shelters

Such contributions would be requested by WCC Infrastructure Team. No requests for contributions have been received by the WCC Infrastructure Team.

Warwickshire County Council Education Authority has provided a data that indicates that a financial contribution is needed for (i) early years education towards internal remodelling works to aid an increase in nursery teaching space at Boughton Leigh Infant school; (ii) primary provision towards increasing shared teaching areas at Boughton Leigh Infant School and Boughton Leigh Junior School, (iii) Secondary Provision towards Technology classroom sufficiency at Avon Valley School to increase capacity and aid an increase in the Pupil Admission Number and (iv) Special Education Needs (SEN) Secondary towards SEN teaching facilities at The Avon Valley School

Warwickshire County Council Highways have also required financial contributions towards the implementation of off-site highway works to reduce the speed of traffic using road C84 Newton Lane, and Sustainable Travel Packs.

A contribution would also be sought towards the provision of a bus service to serve Newton over a five year period.

15. Planning Balance

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

In terms of the economic dimension, the NPPF places significant weight on the need to support economic growth through the planning system, and the government has made clear its view that house building plays an important role in promoting economic growth. The NPPF does not, however, identify a straightforward correlation between the construction of houses and ensuing economic growth. Rather, in describing the “economic role” that is to be played by the planning system, paragraph 7 identifies the need to identify and coordinate development requirements, including the provision of infrastructure.

The applicant, within the Planning Statement that accompanies this application, has outlined what they consider to be the economic benefits of the scheme. These benefits include the delivery of a greater choice of high quality homes, including affordable ones, to the area; the creation of 60 temporary construction jobs, including the opportunities to provide young people with apprenticeships and training; the support of local business and services in the area; and the generation of additional funds to the Local Authority through Council Tax and New Homes Bonuses. In respect of the latter, having regard to recent appeal decisions, limited weight should be given to the potential benefits of Council Tax receipts and the New Homes Bonus. Furthermore, local services, albeit limited in Newton, would be supported by the additional residents and participation in community and social events could be increased, together with the provision of an area of open space to serve the local community. Whilst local services are limited within Newton, paragraph 55 of the Framework notes that development in one village may support services in a village nearby, as would be the case in respect to the surrounding villages/local centres notably Clifton-upon-Dunsmore, Brownsover and Coton. There would be no significant economic downside to the proposals.

The provision of new housing, a 40% provision for affordable housing, together with the provision of an on-site LEAP and green amenity space, which is a much need amenity in this area, would provide substantial social benefits. The financial contribution towards the provision of a bus service to serve Newton for a period of five years would have a positive social benefit. The financial contributions toward education which will be directed towards local schools are also considered to be promoting positive social benefits. Whilst third parties have expressed concerns about the increase in the size of the village that would result from this development, there is no firm evidence that the proposal would harm social cohesion.

With regard to the environmental dimension, it is recognised that the development is unlikely to have a prominent environmental role. That said it is recognised that the proposed development would seek to achieve a net gain in biodiversity, whilst retaining existing hedges and trees within and around the site and ensuring that there would be no harm caused to the existing Green Infrastructure Network through the creation of a landscape buffer zone. It is also recognised that the scheme would include the provision of SUDS and energy efficient housing stock. The financial contribution towards the provision of a bus service to serve Newton for a period of five years would have positive environmental benefits. A further environmental benefit that would be promoted by the scheme is through the provision of the proposed area of open space to serve the village which would reduce the need for existing and future residents to travel outside of the village to access such facilities. These are considered to be positive environmental benefits promoted by the scheme.

One of the other core principles of the NPPF is *recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*. As the proposal will be within open countryside, there will inevitably be some loss of the greenfield land and the openness with it. The loss of rural views across the site from The Leys, the harm to the character and appearance of the site, and development on a greenfield site would inevitably result in a degree of environmental harm and would count against the scheme. The weight to these harms would be tempered by the proposed landscaping, the provision of public open space, and the degree of visual containment of the site.

It is acknowledged that there would be some reliance upon the use of the private car to a certain degree, but not entirely having regard to the local footpaths and bridlepaths, the Great Central Walk, the existing school bus service and the proposed provision of a general bus service, the presence of which promotes/encourages more sustainable forms of travel than the private car. The NPPF and the Practice Guidance acknowledge a need for rural housing and accepts that transport solutions will vary between urban and rural areas. In that sense, the NPPF does not seek to prevent car use but requires a balanced approach, depending on the context and scale of development proposed. The likely usage of private cars does not, of itself, render the development unsustainable, but consideration needs to be given to the proximity of the site to key services and facilities and the choice of sustainable modes of travel to access these services and facilities. The close proximity of Newton to surrounding villages i.e. Clifton-upon-Dunsmore, and subareas of Rugby i.e. Brownsover and local centres such as Coton, would result in most car journeys being short. Taking this into consideration together with the different sustainable modes of transport being promoted, the degree of environmental harm resulting from the dependency of the private car would not be sufficient to significantly and demonstrably outweigh the economic and social benefits of the scheme, together with the positive environmental benefits advanced.

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

With reference to the bullet points above the proposal would seek to provide a widening choice of high quality homes in the area, whilst also improving the conditions in which people live and take leisure through the provision of an on-site LEAP and green amenity space.

The proposal would seek to achieve a net-gain in biodiversity, and the provision of a bus service would improve the conditions in which people travel.

In conclusion, it is considered, that the proposed development would contribute a form of sustainable development as defined by the NPPF, for which significant weight is attached to it. Moreover, further weight is given to the contribution the development would bring to meeting the Council's 5 year land supply shortage. As the applicant is placing an element of weight for the acceptability of their proposal on the Council's lack of housing land supply, the Local Planning Authority is anxious that any approval does then subsequently result in commencement of a development in a timely manner which can contribute to housing need in the Borough. On this basis, and in agreement with the applicant, it is considered reasonable to reduce the time for the submission of reserved matters and commencement of development.

Overall and on balance the proposed development is judged to be sustainable in terms of the NPPF and the benefits of the scheme as outlined above are considered sufficient to outweigh the harms identified.

Recommendation:

Approval subject to a S106 agreement

DRAFT DECISION

APPLICATION NUMBER

R14/1658

DATE VALID

19/06/2015

ADDRESS OF DEVELOPMENT

LAND EAST OF
NEWTON LANE
NEWTON
CV23 0EA

APPLICANT/AGENT

Oliver Taylor
Strutt & Parker
269 Banbury Road
Oxford
OX2 7LL
On behalf of Wigley Land (Newton) Ltd, c/o
agent

APPLICATION DESCRIPTION

Outline planning permission for up to 40 dwelling house, together with the creation of a new vehicular access, and provision of play area and amenity space together with associated works (all matters with the exception of access reserved)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.

REASON

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

CONDITION 2:

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

REASON:

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

CONDITION 3:

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance &
- d - Landscaping (including hard and soft and any ponds)

REASON:

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

CONDITION 4:

Prior to the submission of Reserved Matters detailed in Condition 3:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, including trial trenching, across this site shall be submitted to the Local Planning Authority prior to, or concurrently with, the Reserved Matters submission
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. The development shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

REASON:

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

CONDITION 5:

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:

Site Location Plan edged red

Amended Illustrative Masterplan 6636-L-03 rev H received by the Local Planning Authority on Site Location Plan edged red 18/09/2015

Amended Proposed Access Plan Dwg No 21340_02_020_01 received by the Local Planning Authority on 12/08/2015

Design and Access Statement Rev D received by the Local Planning Authority on 26/08/2015

Landscape and Visual Appraisal dated August 2015 received by the Local Planning Authority on 26/08/2015

Tree Survey & Arboricultural Impact Assessment prepared by Midland Forestry dated 07/09/2015 received by the Local Planning Authority on 07/09/2015

The Botanical Assessment received by the Local Planning Authority on 18/09/2015

Statement of Community Involvement May 2015

Transport Statement – June 2015

Noise Report date 27th April 2015

Ground Contamination Report 12/06/2015

Flood Risk Assessment ref: M41137/FRA001 dated March 2015

Landscape and Visual Appraisal dated August 2015

REASON:

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

CONDITION 6:

The details submitted in relation to Condition 3 above shall have regard to the illustrative masterplan 6636-L-03 rev H received by the Local Planning Authority on 18/09/2015 .

REASON:

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

CONDITION 7:

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 8:

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

REASON:

In the interest of visual and residential amenities.

CONDITION 9:

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

REASON:

To ensure the proper development of the site.

CONDITION 10:

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

REASON:

To ensure sustainable design and construction.

CONDITION 11:

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

REASON:

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

CONDITION 12:

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local

Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION 13:

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

REASON:

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

CONDITION 14:

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

REASON:

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

CONDITION 15:

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

REASON:

In the interests of fire safety.

CONDITION 16:

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

(a) An investigation and risk as

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

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

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION 17:

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

REASON:

In the interest of health and safety.

CONDITION 18:

The development shall not be commenced until the site access junction and associated pedestrian facilities have been constructed in accordance with drawing number 21340_02_020_01 Revision C, including provision of visibility splays where indicated. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interest of Highway Safety

CONDITION 19:

The development shall not be commenced until details of a speed management plan to reduce the speed of vehicles traveling on Newton Lane have been approved in writing by the local Planning Authority in consultation with the Highway Authority.

REASON

In the interest of highway safety

CONDITION 20:

The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interest of highway safety

CONDITION 21:

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

REASON:

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

CONDITION 22:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertake detailed infiltration testing in accordance with the BRE365 guidance to determine whether an infiltration type drainage strategy is appropriate for the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 0.8 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

CONDITION: 23

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, pond management, grassland sward management, hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog fencing, wildlife-friendly kerbs). Such approved measures shall thereafter be implemented in full.

REASON:

To ensure a net biodiversity gain in accordance with NPPF.

CONDITION: 24

The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected species, appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site and protection of ecologically sensitive sites during development works. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 25

The development hereby permitted, including tree works, shall not commence until further bat survey of the ash tree identified in Biodiversity Impact Assessment (Just Ecology, September 2015 v4) , to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 26

The development hereby permitted, including site clearance work, shall not commence until great crested newt surveys of the ponds, at an appropriate time of year, has been carried out in accordance with the standard guidelines and a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details and monitoring) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 27

No works shall take place until an arboricultural method statement/tree protection plan (BS5837:2012 - Trees in relation design demolition and construction: Recommendations) for the protection of all of the retained trees/hedges on site has been agreed in writing with the Local Planning Authority.

REASON:

To protect adjacent trees during the construction phase.

CONDITION: 28

No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted,

together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

REASON:

To maintain and enhance continuity of tree cover.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This development is subject to a s106 legal agreement.

INFORMATIVE 2:

Noise Reduction Via Good Design Principals

The applicant should take care to minimise the potential of noise impact from the external noise environment on future occupiers via careful design of the site/building layout. Consideration should be given to the appropriate positioning of living rooms, bedrooms and gardens with respect to the most noise sensitive plots. Significantly reduced noise impact for individual plots can then be achieved.

Construction & Vibration – Best Practice

The applicant is advised to give due regard to the advice contained in BS5228:2008 'Noise and vibration control on construction and open sites'.

This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
- Eradicate offensive behaviour and language from construction sites
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN

Tel 0800 783 1423

www.considerateconstructors.co.uk

INFORMATIVE 3:

It is recommended that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guiding principles for land contamination (link above) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to our advice on the www.gov.uk website for more information.

INFORMATIVE 4:

TRANSPORT

Condition which require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before

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

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

INFORMATIVE 5:

SUSTAINABLE DRAINAGE

The Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

Reference number: R15/1375

Site address: 28 and 28A Stanley Road, Rugby

Description: Outline Planning Permission for the erection of up to 5No. Dwellings with vehicular access and associated works. Appearance and landscaping are the only matters reserved

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee due to the significant community interest in the application and the successful request for a site visit by Councillor New and Roodhouse.

Site Description

The properties 28 and 28a Stanley Road are located within the urban area of Rugby. Stanley Road runs north from Hillmorton Road and runs into Westgate Road before adjoining Langton Road.

The site comprises part of the large gardens of nos. 28 and 28A located on the east side of Stanley Road. The site abuts residential properties on all sides, albeit those to the west are separated by the highway.

The site and the adjoining gardens are well landscaped with a variety of different trees, shrubs and plants typical of gardens of this size.

Proposal Description

The proposal is for the erection of 5 dwellings with vehicular access and associated works. This permission seeks approval for the principle of the development along with the access, layout and scale. The appearance of the dwellings (window positions, fenestrations details etc...) and landscaping will be determined via reserved matters.

Access to the site will be gained off Stanley Road and will run between the existing dwelling houses 28 and 28a Stanley Road.

The proposed layout will place two dwellings (plots 1 and 5), which are now proposed to be single storey bungalows, to the front section of the site either side of the access which will continue on its central route to three dwellings (plots 2, 3 and 4) spanning the width of the site. Plots 2 and 4 which are sited next to the boundary with the neighbouring gardens of 26 and 30 Stanley Road are proposed to be 1 ½ storey dwellings with plot 3 a two storey dwelling. Originally all 5 dwellings were proposed to be two storey dwellings however amendments have been submitted following negotiations.

The height of the bungalows (plot 1 and 5) has been indicated as 2.7 metres to the eaves and 6.15 metres to the ridge. The height of the 1 ½ storey dwellings (plots 2 and 4) has been indicated at 3.5 metres to the eaves closest to the neighbouring boundary and 7.25 metres to the ridge.

The proposal will involve the demolition of a number of existing outbuildings and also the removal of a number of trees within the site.

As part of the proposals put forward there are to be a number of alterations made to the side elevations of the existing dwellings 28 and 28a such as windows blocked up and rendered and high level windows replacing larger windows.

The original submission includes an ecological survey. During the planning process amended plans were received altering the scale of the properties and after a request a combined tree survey and sun path study was submitted.

Relevant Planning History

R03/0078/04323/OP – Erection of a bungalow and double garage – Refused 03/04/03

R04/1256/04323/OP – Outline Permission for the erection of two bungalows and provision of associated access – Refused 15/01/05 – Appeal Dismissed 19/08/05

Technical Consultation Responses

Environmental Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

WCC Highways – No objections subject to conditions

WCC Ecology – No objections subject to conditions

Severn Trent – No comment received to date

Warwickshire Fire Service – No comment received to date

Third Party Responses

Comments received to original submission

Neighbours – Objections – 23 Letters and 1 Petition (117 Signatures)

- Stanley Road is very narrow and relatively quiet but there is parking problems existing. An additional five dwellings will mean even more parking problems.
- Previous schemes for this site have been unsuccessful in the past and this proposal now is even larger
- There are a large amount of trees to the rear of 28a, 28 and 30 Stanley Road and would not like to see these compromised by the new development. An accurate tree survey is required.
- The ecological report is for the site and site alone and doesn't include our garden to which we believe there are protected species within the pond and surrounding land.
- If development is approved we would have development either side and create an island affect
- The layout and scale of the proposed properties does not reflect the aesthetic and character of the area
- The type of property proposed is out of character with the established property style in the area.
- The proposal will create significant loss of light to our house, outbuildings and garden which would be more evident in the winter months. A sun path analysis is required to how it would affect our amenities.
- We need clear evidence that the properties will not look over into our gardens and affect our privacy.
- The properties being so close to the boundary will create an oppressive feel in our garden
- Noise pollution will be increased
- Additional refuse bins will become a nuisance and a liability on the streetscape

- Sufficient evidence is needed to show sufficient turning space for emergency/refuse and delivery vehicles
- The proposed development addresses access to the new development but it fails to recognise, highlight or advise improvements to Stanley Road to cope with the increased vehicle numbers.
- There would be an impact on biodiversity
- The title deeds have a restrictive covenant to the affect that individual plots shall only have a single dwelling upon them.
- The proposal will be out of keeping with the design, character and appearance of the area to the detriment of the amenities of the site and neighbouring site.
- This application means that in the space of less than 100 yards to the eastern side of the road, there would be 3 roads servicing 2 developments together with Tenant Close.
- The 8 properties between these 3 access points, would have 5 additional properties behind them, directly affecting the privacy and ambience of both 26 and 30 Stanley Road.
- These plans will be detrimental to Stanley Road residents and those of Shenstone Avenue whose properties will be over looked by what seems to be an estate in two back gardens.
- There will be danger that a precedent will be set.
- I would question the need for these additional houses on tightly contained residential garden space.
- The applicants are already advertising 5 houses in Hillmorton as coming soon.
- The access road appears to be too narrow for bin lorries/delivery vehicles to easily get down the road. Does this mean a mass of bins all over the verges at the entrance to this road every Thursday (as with the developments on the Crick Road)?
- This development would not enhance the local area and the appropriate infrastructure is not in place to support more housing.
- The developer will walk away with a handsome profit and yet the owner landlocked between all these potential properties will undoubtedly see a drop in the value of his property which he wishes to remain intact and in its former glory.
- No long term jobs are created
- Reduction in quality of neighbourhood for those already living in the area problems with access, parking, wheelie bins, privacy, noise, schools etc. which area already oversubscribed doctors' appointments never available.
- Proposal is heavily dependent on minimising any negative impact on local community rather than being of any benefit.
- We have enough traffic coming through with the Bowls Club Season in Tenant Close, this is a street with children playing and it's an accident waiting to happen.
- The construction traffic will make life a nightmare for existing residents.
- We used to say the big gardens were the lungs of the borough; some lungs they would be with all those extra cars at 28 and 28a.
- Since Tenant Close it is sometimes odorously obvious that the Main Sewer(s) cannot cope.
- This proposal changes a low density area into a high density area which does not contribute to the local environment.
- There will be adverse impact on protected and unprotected trees.
- Has the land been surveyed and the reason the gardens are so long is due to shifting sand in that area and there used to be a stream at the end of the gardens that was apparently just filled in by the surrounding houses.
- How will the sewerage be connected?
- The amenities at 28 and 28a will be significantly compromised by these alterations with rooms losing light. The access to their front door would be limited.

- The very minor alterations that the owners the owners are planning to undertake would make little impact when considering the predicted increase in volume of traffic compared to the previous application submitted in 2004.
- 26, 28, 32, 34 and 36 Stanley Road are bungalows so the height, scale and massing does not respect the surrounding built form.
- Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens.
- Inaccuracies in the site plan and measurements regarding to the access road.
- The proposed development will remove buildings of historical interest and threaten the integrity of a bomb shelter in the garden of no. 26 due to the close proximity of the proposed dwellings.

Councillor New and Roodhouse – Objection

- The proposed development is out of keeping with the character of the locality including the mass along the neighbour's boundary
- The proposal is over intensive development
- The proposed elevations would cause loss of privacy and amenity to neighbouring properties

Comments received after amendments

Neighbours (16) – Objection

- Still object most strongly to this proposed development despite the amended plans.
- Of the 45 trees on site 32 of them could and most probably would be removed according to the report which would be devastating for wildlife
- Could a covenant be put in place stopping the proposed bungalows adding a room in the roof.
- Feel that the proposed changes do not address any of the concerns which we have raised previously
- Still object to amended plans as it would still invade our privacy upon Shenstone Avenue, the bins will still cause issues for pedestrians and these are not starter homes to what is required.
- It is unfair to increase the volume of traffic and to decrease road safety here on Stanley Road.
- Concerned about the value of our properties
- Don't believe the schools can handle another increase in the area
- Still impact upon wildlife
- Express concerns over the close proximity of the proposed properties to our boundary and the consequent overshadowing.
- Express concerns about the consequent tree root damage with so many of our trees being on the boundary.
- Like to emphasise again that there is nothing like this development on this estate with mews style homes multiple parking spaces on backland development.
- Plots 4 and 5 take up half the length of our garden and due to their length and height will cause excessive overshadowing
- The shadows that the buildings cast and that of the trees seems an odd comparison. A solid brick wall and roof completely block out light and are permanent structures. A tree is a temporary. It can be removed or pruned and will allow light through.

- The shadowing of the houses shown appears to have been given a circular footprint rather than the angular shape that they really are. In addition the garages, remaining trees and fence have not be included in the shadow cast.
- Concerned about the trees on our land, piled foundations could be considered to construct a floating foundation with piles between roots. However bearing in mind the height and width of these trees the suggestion of using piled foundations between tree roots seems totally unsatisfactory as too much damage would be made.
- Even though a reduction has been made to the roof height it is only 1.3 metres and the eaves of plot 4 will still be 3.5 metres twice as high as the fence.
- No sun analysis has been undertaken to assess the impact upon the garden of 26 Stanley Road.
- The comments made previously regarding traffic, wildlife, character and appearance, impact upon neighbouring amenities still all stand.

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

Saved Policies

GP6 – Safeguarding development potential

E6 – Biodiversity

T5 – Parking Facilities

Supplementary Planning Guidance

Sustainable Design and Construction SPD

Planning Obligations SPD

National Guidance

National Planning Policy Framework (NPPF)

Assessment of Proposals

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

Principle of Development

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

The site is located within the urban area of Rugby which is stated within Policy CS1 as the primary focus for meeting strategic growth targets. Paragraph 2.5 of the Core Strategy explains that the urban area of Rugby outside of the town centre is the primary focus for new residential and employment development, however acknowledges that it would be through extensions to the urban area that the vast majority of housing and jobs will be delivered up to

2026. The extensions that this paragraph refers to would be sites such as Radio Station Rugby, Rugby Gateway and Cawston Extension. Whilst these sites would deliver the vast majority it is vitally important that sites with the urban area are identified and developed to enable the Council to meet its strategic growth targets.

Whilst paragraph 53 of the NPPF states that “Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”, this doesn’t rule out development full stop if found to be appropriate. Whether or not the residential gardens are appropriate or not for the development would be assessed in the remainder of this report after considering the rest of the determining issues.

Saved policy GP6, safeguarding development potential, states that planning permission will not be granted for development which would prejudice the development potential of other land being realised, including the comprehensive development of a larger site. The proposed development will sit to the rear of two dwellings and border other garden land, which taking into consideration the size of the back gardens could be utilised for potential development. The development however wouldn’t prejudice the potential of development on neighbouring land as there appears other means of gaining access to this land. The proposed layout would also lend itself well to not affect any other development upon the land adjoining. It would also be questionable whether an increase in size of the site would be suitable for the access proposed.

So in principle the location of this residential development in this urban area location would be acceptable and comply with policy CS1 of the Core Strategy 2011.

Taking into account the points raised by residents regarding that the area doesn’t need any more housing and that services and facilities are already strained, it is acknowledged that these are planning considerations. However they would not be justifiable reasons for refusal given the need for dwellings, and due to the scale of the development not exceeding any threshold whereby it warrants contributions towards services or facilities. If developer contributions were sought in regards to this application policy CS10, Developer Contributions, would have been a relevant policy included with the relevant planning policy section of this report.

Character and Appearance

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

The proposed development is to be positioned to the rear of numbers 28 and 28a Stanley Road and will be accessed via a driveway between the two existing dwelling houses so therefore for all intent purposes is back land development.

Stanley Road is characterised by a dominance of two storey dwellings with bungalows interspersed throughout. The dwellings sited on the west side of Stanley Road have rear gardens backing onto Langton Road and appear uninterrupted by any development to the rear. On the opposite side to the east of Stanley Road the large gardens back onto Kingsley Avenue, and Shenstone Avenue but it is clear that there is development to the rear of some of the properties in the form of, two dwellings to the rear of 32 Stanley Road, and in the form of Tennant Close which sits behind 24, 22 and 20 Stanley Road. These developments to the eastern side of Stanley Road have altered the character of the area to that seen on the

western side of Stanley Road meaning that additional schemes could not realistically be viewed as out of character in respect of the pattern of development.

The previous application upon this site R04/1256/04323/OP, which was refused and dismissed at appeal, made no reference to the development being out of character with the area within the decision notice and was refused and dismissed upon the impact to the amenity of 28 and 28a alone. The justification for this decision was due to the precedent that had been set for this form of development in this location by developments close by (dwellings to rear of 32). The development to the rear of 32 was allowed at appeal. Whilst the proposed development increases the numbers of dwellings on this site to that of two bungalows previously refused the pattern of dwellings to the rear of others has been set and would be difficult to refuse upon that reason.

The objections received to the application include opinions that the development would be out of character with the established property style in the area and also out of keeping with the character and appearance of the area. As stated above the properties along Stanley Road are a mixture of two storey dwellings and bungalows. The proposed development doesn't deviate from this, so in terms of established property style in relation to their scale they would be in keeping. As this is an outline application only assessing access, layout and scale the design and appearance of the dwellings has yet to be determined. This will be done via a reserved matters application and it's through this process that the Local Planning Authority can ensure that the style, design and appearance of the dwellings are in keeping with the area.

Assessing the design and appearance of the properties along Stanley Road there isn't a set uniform character as the majority of the dwellings differ in appearance and style, so it would be difficult to nail down a distinct architectural style to replicate upon the new dwellings. However it is expected by the applicant to at least pick out some common detail from Stanley Road to use when designing the appearance of the dwellings.

A neighbouring resident has highlighted that the development would not comply with paragraph 64 of the NPPF, as the development would not improve the quality or character of the area in any way as the buildings would replace gardens with buildings of greater elevation than the surrounding homes, impacting on neighbouring amenities. Paragraph 64 states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way in which it functions. In the Councils opinion the development is not of poor design and has been designed in a way of making efficient use of the land. The character and quality of the area in respect of the pattern of development as already stated is not affected due to similar back land development already occurring in close proximity. The character and appearance of the area in terms of the public domain and street scene would again not be affected, as the new dwellings are set back away from the street scene so it wouldn't be apparent that the development exists from the road.

Taking into consideration the above it is considered that the proposed development would have minimal impact upon the character and appearance of the area complying with policy CS16 of the Core Strategy 2011.

Neighbouring Amenities

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

The proposed development will have an impact upon the neighbouring amenity space however the impact has been sought to be reduced by the siting and scale of the dwellings. Both plots 1 and 5 are located in a more sensitive location upon the site being the closest dwellings, located 20 metres away, from the neighbouring properties fronting Stanley Road. As this is the more sensitive area the applicants have reduced the scale of plots 1 and 5 to single storey bungalows which stand at a height of 2.7 metres to the eaves and approximately 6 metres to the ridge. It has also been indicated that the roof slopes would be rising away from the boundary so reducing the impact further.

With regards to the neighbour at 26, plot 1 will be located in an area where existing outbuildings already sit against the boundary and whilst it is appreciated the form of the bungalow and associated detached garage will be larger, the fact that outbuildings exist and are visible over the boundary would reduce the impact. The positioning of plot 1 would also be in an area where there outbuildings within the garden of 26 including a brick built bomb shelter so again reducing the overbearing impact upon this area of the garden.

With regards to the neighbour at 30, plot 5 would be in a location close to a brick built out building in the rear garden of number 30 so reducing the impact. The boundary between number 30 and 28A is heavily vegetated with some rather large trees which would produce an element of screen to the development helping to soften the impact and reduce the overbearing impact.

The impact of the new dwellings upon the neighbouring amenities is dissipated due to the length of the neighbouring gardens which measure 73 metres. The dwellings are to be positioned a metre away from the boundary and would border up to 32 metres in total of the neighbouring garden, leaving 41 metres of garden free from built form.

The taller properties to the rear of the site plots 2 and 4 standing 3.5 metres to the eaves would be positioned 50 metres away from the main dwelling house of numbers 26 and 30 Stanley Road. The height of the building would again be taken away from the boundary so combined with the length of the gardens and distance away from the dwelling the overbearing impact would be significantly reduced.

The neighbouring residents have objected to this scheme due to the fact that the dwellings would overlook their dwellings and gardens invading on their privacy. The positioning of windows has yet to be determined as this would be finalised via the reserved matters application in which appearance and landscaping is assessed so to pre-empt this loss of privacy is premature. Loss of privacy would certainly not arise from plots 1 and 5 due to them being single storey bungalows with the boundary treatment between the properties providing that screening.

Window positioning and layout of rooms of the new dwellings would however be essential to avoid any overlooking and it would be down to the agent to demonstrate that this is the case with the further submission. If in a worst case scenario it became apparent to the LPA that it was not possible to have first floor windows without impacting upon privacy of neighbours the developer may have to look to reduce the scale of the properties to the rear of the site to single storey bungalows within the reserved matters application.

Taking into account the above it is considered that the proposed dwellings would have an acceptable impact upon the neighbouring amenities in terms of the overbearing nature complying with policy CS16 of the Core Strategy 2011.

The neighbouring residents have also raised the impact of overshadowing as an objection which has led to a sun path study being undertaken by the agent of the application. The study indicates that the shadow created by the existing trees upon the neighbouring garden of 30 Stanley Road has a similar impact to that of what the proposed dwellings would have

in terms of overshadowing created. The neighbour in response to the conclusion drawn from the report has indicated that they find it hard to understand the comparison between trees and buildings, which they class as temporary and permanent features respectively. They also state that sunlight does filter through the trees intermittently which would be impossible with a solid building and roof. Whilst it is understood that the trees could be pruned, lopped or even felled and do allow a certain amount of light through, the shadow cast at present by the trees is significant. Therefore the introduction of the dwellings would not significantly alter the situation to which the neighbouring amenity space is found, certainly not enough to warrant refusal. If the overshadowing of the amenity space is an issue to the neighbouring residents the question would have to be asked of why they haven't looked to remove these trees which have that overshadowing impact upon the amenity space at present.

The other neighbouring property number 26 is located to the south of the proposed dwelling so the impact of overshadowing would be small. Due to the orientation of the sun there will be little opportunity for the dwellings to affect the direct sunlight to the dwelling or amenity space of number 26. The neighbour has questioned why a sun study hasn't included the impact upon his property however for the reason stated above the impact shown would be minimal due to the orientation and positioning of the properties in relation to the garden.

Taking into account the above it is considered that the proposed development would have minimal impact upon the neighbouring amenities in terms of loss of light/overshadowing complying with policy CS16 of the Core Strategy 2011.

The other issue to address is the impact upon the existing dwellings 28 and 28a Stanley Road. The proposed development will be accessed via the driveway between the dwellings. As part of the proposals there are alterations being made to each dwelling to reduce the potential impact of the development. This has been done to address the previous refusal upon this site.

The application R04/1256/04323/OP dated 19th August 2005 refused permission for two bungalows. The reason given was that "the proposed access drive by virtue of the noise and general disturbance arising from the vehicular and pedestrian activity along the driveway to the side and rear of existing properties. Furthermore the limited available space to accommodate the proposed access drive would leave limited space for planting or boundary walls/fences without which the access drive would enable significant overlooking between the adjacent dwellings and from users of the access drive that would further harm the amenities of the adjoining properties". A factor used to decide the outcome of this application was made due to the side walls of the two adjacent dwellings both having large windows serving main living accommodation fronting onto the driveway. The alterations that have been made to the dwellings now remove the windows to number 28 and replace them with high level windows and also include replacing the glazed side elevation of the conservatory with a brick wall leaving the high level windows again in place. This would significantly reduce the impact of the development (i.e. passing cars and pedestrians) upon the amenities within this dwelling. The other property number 28a would remove a window from the side elevation completely and would alter another window to a high level window. A new boundary wall will be placed around the rear curtilage which would protect the conservatory located to the rear. The front door will remain to the side of the dwelling. There is space of approximately 0.85 metres in front of the door in the form of a walkway/access path for the dwelling before the access road starts which would be more than enough to provide that space required for the occupants. These alterations would be sufficient to address the reasons for refusal of the previous application and would reduce the impact upon the neighbouring amenities significantly.

Some of the objections to the proposal stated that the amenities at 28 and 28a will be significantly compromised by these alterations with rooms losing light. The proposals to 28 would reduce the light to the rooms that they serve, however due to the elevation being to the north elevation the amount of light to the room would already be limited so the reduction in the size of the window would not be a significant alteration. Plus the room is also linked through to the conservatory so extra light is already gained through that means. The other property 28a whilst losing a window already has another large bay window serving that room and the kitchen is interconnected to the conservatory so the alteration of the window to a high level window would not be again significant. It is the opinion of the Council that the alterations made to the dwellings would reduce the impact of the proposed development upon the amenities of the dwellings complying with policy CS16 of the Core Strategy 2011.

Highway Safety

Paragraph 32 of the NPPF states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

The proposed access to the site as stated above is between numbers 28 and 28a Stanley Road. The Warwickshire County Council Highways have assessed the proposals and indicated that in highway terms the proposals make no material change to the highway network in addition to those which were previously supported in the application R04/1256/0423/OP. Visibility from the access is satisfactory, the proposed access conforms to current highway standards and turning is provided within the site. The highway officer therefore has no objection subject to conditions being added to a decision.

The comments of the highway officer were challenged by a local resident who has concerns regarding the proposed access and highway safety aspect of the proposal which prompted a more detailed response from the highway department.

The highway officer has stated that “the Highway Authority now primarily bases its observations on planning applications in the urban area upon guidance given in the Manual for Streets (*MfS*) and Manual for Streets 2 (*MfS2*)”.

He states that as Stanley Road is subject to a 30mph speed limit; some 43 metres of visibility (at 2.4m set-back) is required. This can be achieved. Para 7.8.5 of *MfS* discusses obstructions to visibility due to parking and states that “Parking in visibility splays in built-up areas is quite common, yet does not appear to create significant problems in practice....”

The officer also indicates that it could also be argued that roads with parked cars are themselves subject to informal ‘traffic calming’ which would reduce approach speeds and further reduce the required visibility splays.

Within figure 7.1 of *MfS* it shows minimum dimensions for vehicle passing; 4.1m being the absolute minimum for two cars, and 4.8m being the minimum for a large vehicle and a car to pass.

The highway officer has requested a condition requiring a minimum access width of 5.0 metres for the first 7.5 metres into the site ~ which is in excess of the minimums advised in *MfS*.

During the process of the application the highway officer did note that there appeared to be a width restriction at the dwellings and drew it to the attention of the Council. From this amended plans were submitted showing the correct width that would be required via condition so this has satisfied the highway officer.

The highway officer also replied to the concerns regarding large vehicles entering the site and stated that “historically from similar sites, it is my understanding from my colleagues at Rugby Borough Council that refuse collection vehicles would be unlikely to enter the site; and would therefore rely upon kerbside collections. Such a situation exists at present, and whilst (perhaps) unsightly in respect to additional bins being at the kerbside would not in highway terms add to the impact of the development”

He continued to state that “A ‘common sense’ approach would therefore be to consider turning for the vehicle most likely to have regular access into the site; such would tend to be “Transit” or “Sprinter” type vehicles making “home shopping” type deliveries; such vehicles should be accommodated within the “notional turning area” shown on the drawing. Of course parked vehicles could render this impossible, but I can only condition that space be made and maintained.”

Considering trip generation in relation to the site the highway officer has stated that “given the size of the site it would be unusual to require a transport appraisal, in particular as the normal means of trip rate assessment (using the TRiCS computer package) is for sites of much larger impact than the application.

However, as “rule of thumb” based upon larger developments is that a residential dwelling would generate 6-8 vehicular trips (in theory 3-4 in, 3-4 out); of which there would be up to (say) during the evening peak (the busiest hour); which equates to some 4-5 additional trips within the peak.

Given the number of dwellings along Stanley Road & Tenant Close (say) 70 dwellings would not be seen as a material increase in trips.”

The highway officer has concluded that he appreciates the concerns of the residents; it remains his view that there is no defensible reason for a Highway Objection in respect of the proposed development.

Biodiversity

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

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

As part of the submission an ecological survey has been undertaken, this has surveyed the site for the potential impact upon protected species and wildlife. The report has been assessed by the Ecologists at Warwickshire County Council and they are satisfied with the findings of the report which highlights that none of the existing trees had any suitability for roosting bats and the existing buildings has negligible roosting potential. During the process of the application contact has been made by both neighbouring residents to the ecology team to point out they have seen and heard bats in the area and also to point out the proximity of a pond in the garden of number 30.

The ecologists responded to the neighbouring residents stating that as previously mentioned, bats and their roosts are protected, however having reviewed the report there are no likely roost sites within the application site, the buildings were all inspected, and no roosts are expected to be impacted. However a condition will be recommended that the lighting design is kept to a minimum in particular along the site boundaries to retain their foraging habitat. The ecologist stated that there is also similar foraging habitat within the local area, so it is not expected that bats would be significantly adversely affected.

With regards to the pond and the potential issue of Newts contact was made with the neighbour regarding access to the pond. However the ecologists have had no further information regarding the pond in the garden of no. 30 at this time. As this is the case the ecologist has stated that “there are no known records in the local area and based on the information provided, it is considered unlikely that great crested newts will be impacted by the proposed works. However we would recommend that a precautionary approach is undertaken during site clearance works to follow ecological good practice guidelines. This should be advised by a suitably qualified ecologist and include maintaining the existing amenity grassland to be short mown (e.g. 5cm) up to development, and supervision of scrub removal under the presence of an ecologist, placing sloping boards in foundation ditches and storage of building materials off the ground on pallets during construction. Should any evidence of great crested newts be found, all works must stop whilst Natural England are contacted for further advice”.

The ecology team have also advised that in light of the proposed tree removal, we would also recommend that trees which are removed are replaced within the development by native or fruit/berry producing species, which are of far higher value to biodiversity than non-native species. They would also recommend that opportunities for biodiversity gain are incorporated into the plans, as described within the ecological appraisal, and this could also include creation of log piles for reptiles/amphibians and invertebrates, and erection of bat and bird boxes.

As the landscaping aspect of the proposals has yet to be determined and will be done via reserved matters application, this information would be useful to the applicant to take on board when submitting these further details. This information will be added as an informative to the decision.

Other Considerations

Impact on trees – During the process of the application it became apparent from the neighbouring objections that there was a concern over the impact upon the trees. The tree officer did visit the site and indicated that there were no trees upon the site worthy of a Tree Protection Order. It was noted that Plot 5 is in close proximity to a couple of trees on the neighbouring land of number 30 (ash & cypress). However common law states that you can prune back overhanging roots and branches (but not to the extent that the tree is terminally damaged/becomes unstable). It was suggested that a tree survey be undertaken as precaution. The tree survey was subsequently done and submitted to which the tree officer has assessed and commented as follows.

“A number of trees are highlighted for removal within the application site which otherwise would pose a constraint to the development. These are noted in section 7 of the tree report. I have no objection to these trees being removed. They are predominately conifer trees and young fruit trees and are lower category (C or U) with 3 conifers being cat B. Overall these trees have no public amenity value in the wider context of the surrounding area.”

The officer continued to state that “Plot 5 will be located in close proximity to trees (Willow - T41 and conifers T38, 38 & 40) located within the neighbouring property. The plot would take up between 17-19% of the “root protection areas” of these trees. Similarly the canopies would be required to be sympathetically pruned back/reduced. The tree report recommends using piled foundations to construct a “floating” foundation. This must be utilised given the impact on the root protection areas. Post development problems may arise given the close proximity to these trees. We would need to see details of the foundation design within an arboricultural method statement and other tree protection measures for retained trees during the development phase”.

The last point that the tree officer stated that what the tree report also mentions mitigation planting. Again we would require details of this, however overall I have no objection to the scheme subject to conditions.

Taking the above into account it is considered that the impact upon the trees would be acceptable.

Drainage – Concerns have been raised by residents regarding the drainage of the site and how the sewerage would be connected as the existing sewerage cannot cope at present. Severn Trent has been consulted upon the application however have yet to comment upon the application. As this is the case a condition is to be added to the decision to request that before commencement of works details of the drainage be submitted to and approved in writing by the Local Planning Authority with consultation from Severn Trent.

Bin Storage – The objections to the proposal from neighbouring residents included the issue of bin storage upon the street on bin collection day making it difficult for pedestrians, wheel chairs and pushchairs to pass by without entering the highway. It is unlikely that the access road would be adopted by the highway department, therefore unlikely that the refuse lorries will travel down this road to collect the bin, so it would be on street collection from Stanley Road that would be the most likely scenario. However this doesn’t necessarily mean that the bins would be strewn across the footpath or grass verge. As there is land to the front of the properties 28 and 28a it could be possible that a bin collection point/area is designed into the proposal. This can be conditioned into the decision.

Covenant on Land – It has been indicated by the neighbouring residents that there is a covenant upon the land which specifies that there should only be one dwelling per plot, so therefore this development shouldn’t be accepted. This this is a civil matter and whilst it is acknowledged it isn’t a planning consideration and wouldn’t influence the decision. If this is a covenant upon each dwelling along Stanley Road this covenant has either already been breached or altered to allow the dwellings to the rear of number 32 Stanley Road.

Recommendation

Grant Permission Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R15/1375

DATE VALID

07/07/2015

ADDRESS OF DEVELOPMENT

ROAD

LAND REAR OF 28 AND 28A STANLEY
RUGBY
CV21 3UE

APPLICANT/AGENT

Mr George Burton
GB A&E Ltd
Ryton Organic Gardens
Wolston Lane
Ryton-On-Dunsmore
Coventry
Warwickshire
CV8 3LG
On behalf of Mr Andrew Milne, Jayne
Commerical Ltd

APPLICATION DESCRIPTION

Outline Planning Permission for the erection of up to 5No. Dwellings with vehicular access and associated works. Appearance and landscaping are the only matters reserved.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Appearance,
- b - Landscaping

REASON:

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

CONDITION: 4

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

Site Location Plan – 4328/01 Rev A Received by the Local Planning Authority on the 7th July 2015

Indicative Elevations of Nos. 28, 28A and Boundaries – Existing and Proposed – 4328/04 Rev A received by the Local Planning Authority on the 23rd November 2015

Proposed Layout – 4328/02 Rev D – received by the Local Planning Authority on the 23rd November 2015

Ecological Appraisal produced by Ecolocation received by the Local Planning Authority on the 14th October 2015

Arbroicultural & Tree Shadow Analysis produced by Ecolocation and received by the Local Planning Authority on the 14th October 2015

REASON:

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

CONDITION: 5

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: 6

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

REASON:

In the interest of visual and residential amenities.

CONDITION: 7

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

REASON:

To ensure the proper development of the site.

CONDITION: 8

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

REASON:

To ensure sustainable design and construction.

CONDITION: 9

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

REASON:

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

CONDITION 10:

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

REASON:

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

CONDITION 11:

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

REASON:

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

CONDITION 12:

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

REASON:

In the interests of fire safety.

CONDITION 13:

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION 14:

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

- a) A minimum width of 5.0 metres with a gradient not steeper than 1 in 15, and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway.
- b) The access not reducing the effective capacity of any highway drain and/or ditch, and not allowing surface water to run off the site onto the highway

REASON

In the interest of Highway Safety

CONDITION 15:

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

REASON

In the interest of highway safety

CONDITION 16:

No new dwelling shall be occupied until pedestrian and vehicular access has been provided to the satisfaction of the Local Planning Authority.

REASON

In the interest of highway safety

CONDITION 17:

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

REASON

In the interests of highway safety

CONDITION 18:

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

REASON:

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

CONDITION: 19

The development hereby permitted shall not commence until a protected species method statement (to include a toolbox talk, reasonable avoidance measures for great crested newts and reptiles, timing of works, supervision of ground clearance works) to be completed by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON:

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

CONDITION: 20

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting of shrubs and trees and provision of a bird box scheme. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION: 21

No works or development shall take place until a final arboricultural method statement (section 6, BS5837:2012) including a Tree Protection Plan (section 5.5 BS5837:2012) has been approved in writing by the LPA. Within this there will be:

- Tree protection measures (fencing & ground protection).
- Details of foundation design within root protection areas

- Tree surgery operations: Schedule of trees to be removed and works to retained trees, e.g. access facilitation pruning.

REASON:

To ensure that retained trees are not adversely affected during the development phase

CONDITION: 22

No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

To maintain and enhance continuity of tree cover within the site

CONDITION: 23

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E, and F 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: 24

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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: 25

Other than those shown on the approved plans no new windows shall be formed in the side elevations of the dwellings 28 and 28a Stanley Road, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 26

Full details of the siting of a proposed bin collection point shall be submitted to and approved in writing by the Local Planning Authority. The bin collection point shall be provided, in accordance with the approved details before the first occupation of any dwelling.

REASON:

In the interest of visual and residential amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The applicant / developer is required to contribute £75 per dwelling for sustainable welcome packs; promoting sustainable living and to deliver road safety education in the area

For further information regarding Sustainable Welcome Packs, contact Nicola

Small, Sustainable Project Officer on 01926 412105

INFORMATIVE: 2

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: 3

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

INFORMATIVE: 4

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE: 5

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises or property adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises or property onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE: 6

In light of the proposed tree removal, it is recommended that trees which are removed are replaced within the development by native or fruit/berry producing species, which are of far higher value to biodiversity than non-native species

INFORMATIVE: 7

It is recommended that opportunities for biodiversity gain are incorporated into the plans, as described within the ecological appraisal, and this could also include creation of log piles for reptiles/amphibians and invertebrates, and erection of bat and bird boxes. These details should be included within the combined ecological and landscaping scheme.

Reference number: R15/1896

Site address: Pioneer Farm, Stockton Road, Birdingbury

Description: Erection of an indoor ménage to replace the approved stable block and exercise paddock

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to planning committee due to its status as a major planning application.

Site Description

Pioneer Farm is located approximately 0.64 miles south east of the village centre of Birdingbury on Stockton Road.

Pioneer Farm lies within approximately 5.28 acres and the overall site is defined by open countryside running along its northern boundary, Stockton Road with West View and Old Marton Glebe Farm beyond to the eastern boundary and open countryside to the west and southern boundaries.

The site consists of residential dwelling (one and half storey) and accompanied by a carport, concrete panel garage, lean to shed, a stable block and a timber barn, all of which are positioned just north of centre within the area of land adjoining Stockton Road.

The main dwelling is set back from Stockton road by around 21metres with the garage extension projecting south east of the main dwelling offset at around 90 degrees projecting towards Stockton Road.

The timber shed and concrete panel garage are located to the northeast of the main dwelling at a distance of 5.5m and 10.5m respectively. The timber barn and stable block are set further west of the timber shed and concrete panel garage running east west and north south respectively. Other structures/features located within the site include a pond, an outdoor ménage as well as kennels and a glass greenhouse. These outbuildings which still exist at present are all to be demolished as part of the approved application.

There are building works on-going at the site altering the dwelling size and appearance to which approval was gained in July of this month.

Proposal Description

The proposal is for the erection of an indoor ménage which will include 4 stables, a tack room, feed room, drying room garden store and w/c's.

The building will measure 45 metres by 25 metres and will be positioned to the north of the dwelling house. The front corner of the building will be situated 8 metres away from the highway and will reduce down to 4 metres from the highway at the rear corner of the building.

The building will take on the appearance of an agricultural unit with a low pitched gable ended roof. However there is detailing to the front in the form of archways depicting the main entrance to ménage and each stable and room.

The height of the building will stand at 3.2 metres to the front eaves, 4.3 metres to the rear eaves and 6.4 metres to the ridge.

Access to the indoor ménage will be via the existing gateway and drive that serves the dwelling.

Part of the proposals as indicated on the proposed plan is to relocate the existing car port which is being removed as part of the works to the dwelling house and position it as a field shelter. The car port is an open ended timber framed building which has an agricultural appearance.

Relevant Planning History

R86/1596/OP – Erection of bungalow, garage and barn – approved 27/4/87

R86/1596/D – Erection of bungalow, garage and barn (approval of details) – Approved 30/06/87

R05/0149 – Erection of a side extension to include a dormer at first floor level and provision of additional front dormer – 05/4/05

R10/1693 - Erection of a carport – Approved 19/10/10

R13/0015 - Certificate of Lawful Development for occupation of dwelling house in breach of Condition 5 of Planning Permission number R86/1596/18022/OP (dated 27/04/87) – Approved on 29/01/13

R15/0992 - Demolition of an existing dwelling and associated curtilage buildings and the erection of a replacement dwelling, new stable block with accompanying exercise paddock and siting of a temporary mobile home for the duration of the proposed construction works – Approved 6th July 2015

Technical Consultation Responses

Environmental Services – No objections

WCC Ecology – No objection subject to conditions

WCC Flood Risk Management Team – No objections subject to conditions

WCC Highway Department – No objections subject to conditions

Archaeology – No objections

Third Party Responses

Neighbours (3) – Objection

- My main objection is that the proposed indoor riding ménage has been positioned on the boundary fence between Pioneer Farm and my land. The north side of the proposed building would therefore be inaccessible from Pioneer Farm and any maintenance could not be done without access to my property.
- My other concerns are that it would be seen from miles around and if flood lights are used then it could cause light pollution
- It could cause flooding issues making the top of my field unusable for livestock.
- The building would have far less of an impact on the environment if it were to be placed either to the rear of the property where the drainage would be better, or where there is more space to the south side of Pioneer Farm residence.

- The size of the building is inappropriate for the property size. If it were to be used commercially at a later date, Stockton Road is not suitable for use by increased and potentially heavy traffic.
- I am unsure as to why one of the outbuildings in the row of stables is to have two toilets and two showers - this would appear to show that the building is intended for use commercially.
- If approved then it needs to be at least five metres away from my boundary fence, and I would request that a natural hedge be planted (not Leylandii) on the boundary
- It is out of character with the approach to the village. It is sited across the road from the our property entrance and will be clearly seen when we enter and leave our property
- When we worked with Rugby BC Planning Department on the agreement on plans for enhancement of our property, we were refused a two storey extension hidden behind the existing two storey property due to the visual impact.
- The ménage should be at least set behind the dwelling house.
- It's close proximity to the road and the footprint of 45m x 25m, means the building would be overbearing and out of character with the other homes on the road that are largely hidden away
- This building is huge and the loss of outlook would be to the detriment of our countryside amenity.

Parish Council – Comments

- The colour of the building should be green or brown
- There should be higher planting of trees/shrubs to disguise building and soften visible impact on the structure
- The existing garages/outbuildings/stable blocks to be removed
- There should be consideration to light pollution as there is a high volume of skylights and if used at night could cause a visible impact to the surrounding area

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

Saved Local Plan

E6 – Biodiversity

Proposal Assessment

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

Principle of Development

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

The site is in a Countryside location which is an area as stated within policy CS1 where new development will be resisted and only where national policy on countryside locations allows will development be permitted. Horse riding is an outdoor recreational pursuit and within the NPPF it is clear that buildings for the provision of appropriate facilities for outdoor sport and recreation are acceptable in a countryside location. An indoor ménage or any other equestrian related buildings or facilities are something to which you expect to find in a countryside location and not an urban area so the principle of this development in this location would be acceptable in compliance with the NPPF and policy CS1 of the Core Strategy.

Character and Appearance

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

The proposed building to house the indoor ménage and associated stables will be of an appearance that is characteristic of an agricultural building so would not appear alien within the Agrarian landscape to which it is located.

However this building goes further in its design than just a simple designed large shed like building by introducing brick archways to the front of the building which will match that of the new dwelling house and create an interesting frontage which will relate well to the dwelling house. The relationship between the two buildings will also create a courtyard like appearance to the front of the dwelling house which will visually tie the development together so not appearing like two individually isolated developments.

The visual appearance from the street will vary from which ever direction you approach the building. When approaching from the North the proposed indoor ménage will be screened largely due to the mature landscaping buffer adjacent to the highway. On the approach from the South the indoor ménage would be clearly visible however this would be the front elevation which holds more architectural interest and would be viewed in context with the dwelling. The front of the building will also be located 8 metres away from the highway so not appearing prominent in the street scene or appear overbearing upon it. There is the opportunity between the proposed ménage and highway to plant further landscaping to help screen/soften the appearance of the building from the highway and be an extension of the mature landscaped buffer which borders the highway already. This could be conditioned as part of this application.

The neighbouring residents who have objected have issues with the building being located so close to the highway and that they would prefer if it was set back beyond the dwelling house and further into the fields beyond. Whilst the building would be more prominent in the street scene than if it were set way back into the fields for the reasons explained above it wouldn't detract from the street scene as it has some architectural significance and would relate to the dwelling house itself. Whether locating it in its proposed position or way back into the fields beyond the impact upon the landscape would be very much the same. The introduction of the indoor ménage would therefore not have an adverse impact upon the character and appearance of the area complying with policy CS16 of the Core Strategy.

The relocation of the car port to use as a field shelter would sit well within this Agrarian landscape and due to its modest size in relationship to the field that it sits would not be noticeable within the landscape complying with policy CS16 of the Core Strategy 2011.

Neighbouring Amenities

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

The proposed building is to form part of a grouping of buildings including the owners dwelling but these are isolated from any other dwelling house so would not have any adverse impact upon neighbouring amenities.

The owner of the adjoining land has objected to the building being located upon the boundary leading to maintenance issues unless access to their land is gained. As a way of solution to this the proposed building has been relocated 1.5 metres away from the boundary enabling access can be gained for maintenance from land in the applicants ownership.

Biodiversity

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

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

As part of the application for the replacement dwelling an ecological survey was undertaken. This surveyed the site for the presence of bats and newts. The proposed indoor ménage will involve the relocation of the existing pond however will not result in the loss of the Ash Trees on site to which would have occurred if the recently approved stable block and training paddock were to be developed out.

The WCC Ecology have assessed the report and have agreed with the assessment that the works are unlikely to impact on great crested newts as the pond is stocked with koi carp and goldfish, and appears to have lack of suitable vegetation for breeding newts. However although this maybe the case the ecologist at the county have recommended that precautions are taken during ground clearance works for the presence of amphibians and reptiles and if any protected species are found, all works stop whilst ecological advice is sought.

Taking the above into consideration the above it is considered the proposed building would have minimal impact on protected species and therefore comply with saved policy E6.

Highway Safety

Within the NPPF paragraph 32 it states that plans and decision should take account of whether safe and suitable access to the site can be achieved for all people. The proposals have been assessed by the Warwickshire County Council Highway department and they have no concern over the proposals and the impact it would have upon highway safety however they are requesting that condition is added which only makes the use of the indoor ménage personal to the applicant removing any possibility of it being used for commercial activity. This requested condition will be added within the decision which will not only ensure highway safety is protected but also quell the concerns of the neighbouring land owner that the building will become a commercial enterprise.

Other considerations

With regards to drainage and flood risk which was a concern raised by the adjoining land owner the proposals have been assessed by the Flood Risk Management Team at the County Council who have no objection to the proposals subject to a condition requesting that a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, is submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA.

With regards to concerns from both Parish Council and adjoining land owner regarding light pollution the issue was also raised by Environmental Services who have requested that a lighting scheme be submitted and approved in writing by the LPA before work commences. The Environmental Services officer has stated that the applicant would need to demonstrate that such lighting conforms to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light' in order to protect residential amenity, the character of the countryside and minimise the likelihood of light nuisance complaints.

Again with regards to the Parish Council comments a condition is to be added requesting further landscaping between the building and highway to which the applicant is willing to do. The buildings on site will be removed as part of the proposals for the new house and indoor ménage and the new stable block and training paddock approved under reference R15/0992 will not be implemented. These points will be covered by condition.

Recommendation

Approve Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R15/1896

DATE VALID

24/09/2015

ADDRESS OF DEVELOPMENT

PIONEER FARM
STOCKTON ROAD
BIRDINGBURY
RUGBY
CV23 8EE

APPLICANT/AGENT

Mr Justin Brain
Indigo Brain Architecture
7 Clarendon Place
Royal Leamington Spa
Warwickshire
CV32 5QL
On behalf of Mr P Smith

APPLICATION DESCRIPTION

Erection of an indoor ménage to replace the approved stable block and exercise paddock

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

Drawing No. 700273-PL-M-004A received by the Local Planning Authority on the 13th November 2015

Drawing Nos. 700273-PL-M-005 and 700273-PL-M-006 received by the Local Planning Authority on the 24th September 2015

REASON:

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

CONDITION: 3

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, external cladding and roof material have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 4

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

REASON:

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

CONDITION: 5

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not
- Communities Warwickshire County Council PO Box 43 Shire Hall Warwick CV34 4SX
- Tel: 01926 412534 FRMPlanning@warwickshire.gov.uk www.warwickshire.gov.uk
- Your ref: R15/1896 Our ref: WCC000174/FRM/PH/001 Your letter received: 5th October 2015 exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

CONDITION: 6

Prior to any development commencing, full and precise details of the external lighting scheme should be submitted to and approved by the Local Planning Department.

REASON:

To ensure light pollution is minimised.

CONDITION: 7

The use of the ménage and associated stables is for the applicants' personal use only and shall not be used for any commercial activity.

REASON:

To define the permission

CONDITION: 8

The stables and exercise paddock approved via application R15/0992 shall not be implemented.

REASON:

To ensure that the proposed development is acceptable.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Condition 5 should not be altered without our prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

INFORMATIVE: 2

Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

INFORMATIVE: 3

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

INFORMATIVE: 4

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF

INFORMATIVE: 5

As a precaution, the works to relocate the existing pond should be undertaken outside of the amphibian breeding season during spring and ideally timed between October and February. In the unlikely case any evidence of great crested newts is found during works, 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 areas) 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.

INFORMATIVE: 6

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

checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season

INFORMATIVE: 7

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

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

INFORMATIVE: 8

The manure and waste from the use of the stables should be stored in such a way or covered so that nuisance from smell or from flies does not occur. The manure and waste should preferably be removed from the site.

Burning of manure or waste from the use of the stables should not be permitted

Reference number: R15/1789

Site address: 128 Hollowell Way, Brownsover, Rugby

Description: Change of use of existing unit from Class A1 (retail) to Class A5 (hot food take-away) of the Town and Country Planning (Use Classes) Order 2010.

Case officer: Chris Davies (01788 533627)

History:

26009 74.1.14	Shops, supermarket, offices and community rooms.	Planning approved 12/03/74
R76/0772/1937/OP	Construction of shopping units and health clinic with car park and amenity area.	Planning approved 04/10/76
R77/1231/1937/P	Erection of single storey shops and single storey doctor's surgery, and provision of access roads, car parking and ancillary works.	Planning approved 01/02/78
R86/0862/10936/P	Erection of extensions to existing building, and use as store room and bin storage area.	Planning approved 17/09/86
R97/0786/10654/P	Erection of single storey rear extension.	Planning approved 10/12/97

Proposal:

This application is brought before the Planning Committee for consideration due to the number of objections letters received.

The applicant seeks planning permission to convert the existing shop for use as a hot food take-away, together with associated works required for the conversion. At present the unit is still operating as a shop (Bargain Booze).

Setting:

The proposal site forms part of a purpose built shopping area comprising predominantly Class A1 and Class A5 uses. With the exception of Tesco Express (which was a converted public house) all outlets occupy purpose built commercial units, which are arranged in a right angled parade. Customer parking is to the front (accessed off Hollowell Way), and is shared by all outlets.

The unit subject of this application is currently operating as an off license (Bargain Booze), with approximately 2/3 of the floor area set aside for the display and sale of goods, and the remaining 1/3 being used for storage of stock. There is a door in the store room providing access to the service yard to the rear.

The adjoining unit to the right is an A5 use (Brownsover Fish Bar), and the adjoining unit to the left is an A1 use (Spar, with an associated Post Office element).

Both the Spar and Tesco Express stores stock varied grocery and alcohol ranges.

Technical Consultation Responses:

Environmental Health - Objections were initially raised due to a lack of information. However they recommended a series of steps that could be taken to overcome the objections, primarily involving submitting details of extraction systems, opening hours, drainage and refuse storage. On receipt of further details the objection was removed subject to the application of restrictive conditions requiring submission of further details, and informative notes regarding non-planning matters.

Ward Consultation Responses:

None received.

Neighbour Consultation Responses:

Numerous generic objection letters were received, but as the signatories and addresses differed they could as individual letters of objection. As in excess of 15 letters have been received, this triggered the requirement to put the case to the Planning Committee. The reasons for objection were loss of a retail unit, smells from cooking affecting air quality, lack of sufficient parking, increased litter, and youths congregating around the unit. It was noted that several of the letters were received after the consultation end date of 10 November 2015.

Planning Policy:

The National Planning Policy Framework 2012	Complies
CS13: Local Services and Community Facilities	Complies
CS16: Sustainable Design	Complies
Rugby Borough Council Planning Obligations SPD	Complies

Considerations:

The key considerations in determining this application are the impact of changing the authorised use of the premises to a hot food takeaway on a) the local economy, b) the character and appearance of both the property and the locality, c) residential and local amenity, and d) biodiversity.

Local Economy

The Hollowell Way shopping area is the primary shopping facility for residents of this part of Brownsover. Outlets already in situ offer a wide range of products and services, including a range of takeaway cuisine, groceries and alcohol, a health clinic and a dental practice, as well as a Polish food outlet. There are also ATM facilities.

The unit is not the sole supplier of its range of products therefore the conversion of the unit would not result in the loss of access to these products. It would be possible to revert back to A1 use from the hot food takeaway function at any time without requiring further planning consent, so the A1 use could be reinstated at a later date. Any loss of A1 provision is therefore potentially temporary.

The proposed scheme therefore complies with the principles of policy CS13: Local Services and Community Facilities of the Rugby Borough Core Strategy 2011.

Character and Appearance

The applicants do not propose any external alterations beyond the installation of a flue in the rear roofslope to serve the necessary extraction equipment. There could also be further alterations to meet the requirements for extraction equipment dictated by Environmental Health, but again to the rear of the unit. Any changes to the frontage would assumedly therefore be limited to signage and possibly repainting of the shopfront.

In terms of character, the proposed use is in keeping with the varied small businesses and Class A uses located in this shopping complex. The use would therefore not harm the character or relationship of businesses in this locality.

The scheme therefore complies with elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to character and appearance, and the principles of the NPPF.

Amenity

As mentioned above, there have been numerous copies of a standardised letter of objection received from Brownsover and Coton Park residents in response to this proposal. Objections related to loss of a retail unit, air quality, parking, litter, and youths congregating around the unit.

Loss of a retail unit

As discussed above, in the event that the Committee were minded to approve this proposal, the potential for an A1 use would still be protected, and the unit could revert back to a retail use without needing further consent. The "loss" of an A1 unit is therefore resolvable should the need arise.

As already mentioned, existing units within the shopping complex offer a wide range of grocery and alcohol products, meaning that the closure of the existing off license would not result in a material loss of products available for residents to purchase.

Air quality

Given the presence of existing hot food outlets on the site, and the associated plant equipment used in relation to them, it is not considered that the addition of another food outlet would detrimentally impact on the amenity of the locality. As there are already food outlets using plant and equipment similar to that required for this unit, and also emitting limited cooking smells, it is not considered that any potentially similar emissions or effects from the proposed unit would materially alter the present situation with regards to local residential amenity.

Parking

The area of parking to the front of the units is communal, and it is accepted that at times it can become overpopulated. However, the potential impact of a retail unit in terms of traffic generation and parking demand could potentially be a constant flow due to the nature of such a business and the fact that the only time factors would be when it opened and closed.

A takeaway unit is unlikely to operate 24/7, and (as can be seen from the existing A5 units on the site) would more typically generate custom around lunchtime and in the evening. At lunchtimes there may be an increased demand on parking facilities due to customers using the takeaway, but equally there would be no demand during the morning and afternoon periods when it is likely that the unit would be closed. Equally, during peak trading times in

the evenings the retail units are less likely to have high demand due to their opening hours, and so there would be less pressure on the parking area.

Litter

It is acknowledged that wherever takeaway outlets operate there will be an increased generation of litter. There are already refuse bins on site, which are emptied regularly by the RBC Works Services Unit's Refuse Collection Team. It is not considered that this issue directly relates to planning, as it is more of an Environmental Health issue.

Youths congregating near the unit

Due to the location of the unit within a large housing estate and the variety of facilities available, it is expected that patrons of all ages would regularly frequent the site, not just younger members of the community.

If local residents have concerns over potential anti-social behaviour or intimidation from and/or towards any member of the public, irrespective of age, they should contact their local PCSO or Community Safety Warden.

It is not considered that this concern in and of itself could be seen as a material planning consideration, as it would be controlled by third parties through non-planning legislation.

The proposed scheme therefore complies with Policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011, and the principles and guidance set out in the NPPF.

Biodiversity

WCC Ecology Unit has not raised comment on this application. This is taken to indicate that there are no ecological implications in this instance.

The development therefore complies by default with Saved Policy E6 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and guidance set out in Part 11 of the NPPF.

Recommendation:

Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R15/1789

DATE VALID

22/09/2015

ADDRESS OF DEVELOPMENT

128 Hollowell Way
Brownsover
Rugby
CV21 1LT

APPLICANT/AGENT

Simon Harber
Sh Architectural Services Limited
33 Belvedere Road
Coventry
West Midlands
CV5 6PG

On behalf of Mr Nafri

APPLICATION DESCRIPTION

Change of use of existing unit from Class A1 (retail) to Class A5 (hot food take-away) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application form (received by the Local Planning Authority on 21 August 2015).

General specification for extraction system (received by the Local Planning Authority on 24 September 2015).

Drawing number 17/08/15 Revision A (received by the Local Planning Authority on 24 September 2015).

REASON:

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

CONDITION 3:

Full and precise details of a suitable fume extract system shall be submitted to the Local Planning Authority for approval within two months of the date of this decision. The system shall be designed to operate in full accordance with the approved details before the premises first use and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 4:

Full details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises shall be submitted to the Local Planning Authority for approval within two months of the date of this decision. The approved scheme shall be installed and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

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

Monday - Friday, 07:30 - 18:00

Saturday, 08:30 - 13:00

No work on Sundays and Bank Holidays

INFORMATIVE 2:

Prior to opening, the food business operator should register their business with the Council's Public Health and Licencing Team to comply with relevant food safety legislation. Registration forms can be downloaded directly from the Council's website at:

http://www.rugby.gov.uk/site/scripts/download_info.php?fileID=2446

or via contacting the team directly on (01788) 533882.

INFORMATIVE 3:

The sale of alcohol and the provision of hot food after 23:00 are licensable activities under the Licensing Act 2003. You are advised to contact the Borough Council's Licensing Department on 01782 742224 for further advice and for the relevant application forms

Reference number: R15/2095

Site address: 42 Lime Tree Avenue, Bilton, Rugby, CV22 7QT

Description: Erection of detached double car port to front elevation

Case Officer Name & Number: Ruari McKee – 01788 533489

This application is going to Planning Committee (in line with the previous applications) as the applicant is related to former Ward Councillor and serving County Councillor Cllr Kaur.

Description of proposal

The proposal is for a car port to the front elevation, within close proximity to the main house. The proposal requires planning permission as it is a structure forward of the principle elevation.

The car port has the capacity for two cars and measures 2 metres in height to the ridge, 3.5 metres in height to the eaves to a width of 5.5 metres and a depth of 5.5 metres. The traditional style pyramid hip roof will feature grey slate tiles and be of wooden construction.

The original proposal featured the creation of a new access situated slightly further along the front garden from the original access. Following consultation with Rugby Borough Councils Tree Officer this aspect of the proposal has been dropped and the existing access will remain.

Description of site

The property is a recently built two storey detached property which replaced a previous detached bungalow on the site. The property has a large front garden with parking for several vehicles. The property is accessed via a vehicular access located in between protected trees which sit to the front of the property.

The street is a single lane, tree-lined residential street featuring a vast array of property styles. The majority of properties are of 1950s and 60s construction, with clusters of later development.

Relevant Planning History

R14/0142 - Demolition of existing bungalow and garage and erection of two storey dwelling. Variation of condition 2 of R13/0375 to amend siting of dwelling in relation to neighbouring properties – Approved

R13/0375 - Demolition of existing bungalow and garage and erection of two storey dwelling (amendment to previous approval R11/1632) – Approved

R11/1632 - Demolition of existing bungalow & garage and erection of two storey dwelling – Approved

R11/1186/PLN - Demolition of the existing dormer bungalow and erection of a replacement dwelling and a 1.8m high wall along the western boundary -Withdrawn

Technical Consultation Responses

WCC Highways

No objection – The proposal is unlikely to affect highway safety

WCC Ecology

Requested a bird note highlighting the status of protected birds

RBC Tree Officer

Objected to original positioning of new access on the basis that works may affect the protected trees to the front of the property. Has no objection to revised plans.

Third Party Responses

Neighbours – No response

Councillors – No response

Relevant Planning Policies/Guidance

National Policy

National Planning Policy Framework – High Quality Design

Core Strategy

CS16 Sustainable Design

Saved Local Plan Policies

E6 Biodiversity

T5 Parking Facilities

Determining Considerations

In the assessment of the potential impacts of the proposal, the key considerations are the principle of the development in this location and potential impacts on visual and residential amenities.

Assessment of Proposal

Character and appearance

Part 7 of the NPPF emphasises the importance of good design and Policy CS16 states that development will only be acceptable where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenities of the area. Similarly, the Residential Extension Design Guide within the Sustainable Design and Construction SPD states that the siting, size and design of an extension must not dominate the existing building and should be sympathetic with and appear subservient to the original dwelling.

The key consideration for this application is the siting of the car port forward of the property's building line. Within the street itself there are a variety of building lines to the extent that it can be said that there is no universal building line within the street. At least 5 properties along Lime tree Avenue have outbuildings such as garages forward of the main dwellinghouses including property's in close proximity to Number 42. Therefore the proposal is not considered to be out of character with the area.

Furthermore the large front garden helps to contextualise the proposal, so the car port is not considered to be of an overly large scale in this location. The proposed car port is less than half the width of the dwelling itself (the house being circa 14 metres wide and the proposed

car port 5.5 metres wide) therefore the car ports relationship to the main dwellinghouse is one of subservience.

The open nature of a car port results in a lesser visual impact than were the proposal for a brick-built double garage. The proposed design, style and materials are considered appropriate on that they are sensitive to this location and the wider surroundings. The siting of the proposal at right angles to the property is considered appropriate as many newer properties have garages in such a position.

Amenity of neighbouring properties

Policy CS16 states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.

The proposal is compliant with the 45 degree guidance to both neighbouring elevations. To the western elevation (Number 44) it is considered that there is sufficient space between the neighbouring property and the proposed car port itself of circa 10 metres.

To the eastern elevation (Number 40), there is a considerable distance between the proposal and the nearest neighbouring property of circa 14 metres, especially as Number 40 is set slightly further back than Number 42. In addition, this property has a garage along the boundary with Number 42 which would serve to largely block any potential views of the car port from the neighbouring property.

E6 Biodiversity

Warwickshire County Council Ecology have raised no objection and therefore the proposal is considered to be compliant with Policy E6.

Policy T5- Parking

The proposal will not impact the number of parking spaces, therefore is considered compliant with local parking standards.

Recommendation

Approval

Report prepared by: Ruari McKee

DRAFT DECISION

APPLICATION NUMBER

R15/2095

DATE VALID

22/10/2015

ADDRESS OF DEVELOPMENT

42 Lime Tree Avenue
Bilton
Rugby
CV22 7QT

APPLICANT/AGENT

Mr Phil Godden
Phil Godden
9
Rugby
Warwickshire
CV23 0HA
On behalf of Mr J Biryah

APPLICATION DESCRIPTION

Erection of detached double car port to front elevation

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:

-ApplicationForm.pdf

-Site Location Plan.pdf

-42 Lime Tree Avenue revModel (1).pdf

-42 Lime Tree A elevations Model (1).pdf

REASON:

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

CONDITION 3:

Before the commencement of any works on site protective barriers should be erected to create a 5 metre construction exclusion zone in the front garden (around the existing unsurfaced ground) where the protected Lime trees are located. The protective barriers shall consist of a scaffold framework in accordance with Figure 2 of BS5837:2012 (Trees in relation to Design Demolition and Construction - Recommendations). The protective fencing shall comprise a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. On to this weldmesh panels should be securely fixed with wire or scaffold clamps. The protective barrier should remain in place until completion of all construction works. The construction exclusion zone should be treated as sacrosanct with no building activity, storage of building materials parking or vehicles taking place within it.

REASON:

To safeguard the stems/rooting area of the protected Lime trees during the construction phase.

INFORMATIVE

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R15/2067

Site address: 156 Oxford Street, Rugby, CV21 3LY

Description: Change of use of existing pharmacy (use class A1) to residential dwelling (use class C3) to include the conversion of the ground floor to form a studio flat.

Case Officer Name & Number: Lizzie Beresford 01788 533762.

This application is being presented to Planning Committee as the applicant is related to a member of the Council.

Description of site

This application relates to the existing property at 156 Oxford Street, Rugby. The property is currently vacant, however its previous use was a pharmacy (use class A1) with storage and an office associated with the pharmacy on the first floor. There is also a store to the rear of the property.

The closure of the pharmacy was due to its relocation from 156 Oxford Street to 34 Clifton Road. In accordance with supporting information that was submitted as part of the planning application R14/0845, which was to change the use of the ground floor of 34 Clifton Road to a pharmacy, the justification for this relocation was to “allow patients to have improved access to pharmaceutical services and to maintain the status quo regarding retail pharmacy numbers in the immediate area and Rugby in general”. In addition to this, the officer’s report for planning application R14/0845 commented that the relocation of the pharmacy would provide a more sustainable location for the service, where there was clearly demand.

The property forms the end terrace in a series of residential dwellings. The location of the property, on the corner of Oxford Street and Cross Street, results in the front, side and rear elevations being visible from the street scene.

The property is constructed of red brick with grey roof tiles. It has a two storey projection to the front and side, and a single storey flat roof extension to the rear. The property has a rear access for pedestrians via a gate to the rear of the single storey extension.

The front elevation of the ground floor has a large window that was related to its previous use as a pharmacy. The main entrance to the property is also off the front elevation. Leading up to the front entrance of the property is a disabled access ramp, with hand rails. There is also a small step that links directly to the pavement.

Very few properties on Oxford Street have provision for parking. This results in the parking arrangement being on street parking, via a permit system.

Description of proposals

This application is to change the use of the property to form one two storey dwelling house, and to convert the rear of the ground floor to an additional studio apartment on the ground floor using approximately half of the floor area on the ground floor, and incorporating the single storey rear extension. The outcome of this application will subsequently result in the creation of two additional new dwellings in total.

External alterations are proposed to ensure the property appears as a residential dwelling, as opposed to its previous use as the pharmacy. These alterations include:

- The installation of a smaller window in the front elevation (approximately 1500mmx1200mm).
- The installation of a smaller window in the side elevation (approximately 1500mmx1200mm).
- The application of render to the front and side elevations to the ground floor.
- The installation of a side door and small window to replace the central window on the side elevation.
- The infilling of the existing side door.
- The renewal of the window on the side elevation to the extension (approximately 2000mmx1200mm).
- The installation of a lantern light in the single storey rear extension.

The proposals do not include any additional windows on the side elevations, only alterations to the existing. The only additional light source is the lantern light above the studio apartment to the rear of the property.

Internal alterations are also proposed to facilitate the creation of the studio apartment on the ground floor to the rear. These alterations include:

- The repositioning of the stairs to the first floor.
- Blocking up the internal door on the ground floor to separate the two storey residential dwelling from the studio apartment.
- The installation of stud walls to create separate rooms.

The two storey residential dwelling will consist of a lounge/diner, kitchenette, two bedrooms and a bathroom. The studio apartment will consist of a large kitchen, utility room, one bedroom and WC with shower.

Relevant planning history

E2E 147 Provision of a disabled access ramp and new stepped entrance to building
Approved 15.05.09

Third party comments

Neighbours No comments

Ward No comments

Technical consultation responses

Environmental Health No objection subject to informatives.

WCC Highways No objection.

WDC Building Control No comments.

RBC Works Services Unit No comments.

Relevant planning policies & guidance

Rugby Borough Core Strategy 2011

CS1 Complies Development Strategy

CS13 Complies Local Services and Community Facilities

CS16 Complies Sustainable Design

Rugby Borough Local Plan 2006, Saved policies

T5 Complies Parking facilities

Parking Standards, contained within Planning Obligations SPD, 2012

Assessment of proposals

The key issues to assess in relation to this application are:

- the principle of the conversion of the existing building to a dwelling;
- the loss of a community facility;
- the impact on visual amenity, neighbouring and future occupiers; and
- highway safety and car parking

To establish the principle of development, the site is located within the Rugby Urban Area which is defined by policy CS1 as the primary focus for meeting strategic growth targets. The principle of converting the existing building to a dwelling is therefore considered acceptable.

Policy CS13 seeks to ensure that existing local services and community facilities are retained unless it can be demonstrated that there is no realistic prospect of the use resuming. The existing pharmacy was relocated to 34 Clifton Road in 2014. Supporting information within the application to change the use of 34 Clifton Road to a pharmacy identified that the applicant was “unaware as to what Rowlands will do with their existing building”. 156 Oxford Street was subsequently sold. Given that the pharmacy was relocated, and subsequently the service not lost, it is not considered that there has been a loss of a community facility. On balance, it is therefore considered that the change of use of 156 Oxford Street would not be of a disservice to the local community and therefore in accordance with policy CS13.

To facilitate the change of use, the majority of the changes relate to the internal layout of the property. However, in relation to the impact on visual amenity the proposals will involve minor external alterations, which are in themselves considered to enhance the visual appearance of the property, to bring it more in keeping with the residential area that surrounds it.

Along with minor changes to the openings, the doors and windows, the key change to the external appearance will result in the lower half of the building being rendered, with the upper half remaining as the existing brickwork. The previous ‘pharmacy’ sign will be removed. Properties surrounding 156 Oxford Street are mixed in their appearance, whereby some demonstrate the original brickwork, some are rendered and some have pebble dash. It is therefore considered that rendering the lower half of the property will not have a detrimental impact upon the character of the area. The impact on visual amenity is therefore considered acceptable in accordance with policy CS16.

The studio apartment, which will be partly located within the single storey rear extension, is located immediately adjacent to the rear garden of number 156 Oxford Street. Although the rear extension is already in place, and therefore there will be no greater impact on the neighbouring residents in terms of loss of light or overshadowing, the proposal does include the installation of a lantern light in the flat roof of this extension. To ensure the amenity of both the neighbouring residents and the future occupiers of the studio apartment, it is considered necessary to apply a condition that the lantern light is obscured glazed. This is because there is potentially a direct view point from the first floor rooms of the neighbouring property in to the studio apartment, and vice versa. Subject to this condition, the impact on neighbouring residents is therefore considered acceptable in accordance with policy CS16.

Policy CS16 refers to sustainable drainage and states that sustainable drainage systems should be used in new development where appropriate. The surface water drainage for the existing building is into the main sewer, as this is a change of use application this is considered acceptable.

Policy CS16 also states that new development should meet specified water conservation standards. This can be controlled by a condition.

Comments from Warwickshire County Council Highways reported that the proposed change of use could reduce the number of vehicular trips associated to the site, which could be considered a betterment to public highway safety. The site is located within a Resident Parking Zone (RPZ) R2, which would entitle future occupants to parking permits. Although this would increase the demand for on-street parking, it is unlikely to be a significant increase or have a detrimental impact on public highway safety. This proposal is therefore acceptable in relation to highway safety.

Overall, and in consideration of the above, it is considered that this application complies with the NPPF, Core Strategy policies CS1, CS13 and CS16 and saved Local Plan policy T5 and should therefore be approved.

Recommendation

Approve subject to conditions and informatives.

Report prepared by: Lizzie Beresford 19/11/15.

DRAFT DECISION

APPLICATION NUMBER

R15/2067

DATE VALID

08/10/2015

ADDRESS OF DEVELOPMENT

156 Oxford Street
Rugby
CV21 3LY

APPLICANT/AGENT

Roger Goddard
18 Collingwood Ave
Bilton
Rugby
Warwickshire
CV22 7EX
On behalf of Mr J Solanki

APPLICATION DESCRIPTION

Change of use of existing pharmacy (use class A1) to residential dwelling (use class C3) to include the conversion of the ground floor to form a studio flat.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

- Application form
- J.S15/887:1

REASON:

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

CONDITION 3:

Other than those shown on the approved plans no new windows or rooflights shall be formed in the specify proposed development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 4:

The lantern roof light to be formed in the flat roof of the rear extension serving the studio apartment shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 5:

Unless otherwise agreed in writing by the Local Planning Authority the dwelling hereby permitted shall achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (I.e. a maximum indoor water consumption of 105 litres per person per day.)

REASON:

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

CONDITION 6:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A-H 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.

INFORMATIVE 1:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R15/2312.

Site address: Town Hall, Evreux Way, Rugby, CV21 2RR.

Description: Certificate of lawfulness for the proposed development of solar panels to roof of the Town Hall.

Case Officer Name & Number: Lizzie Beresford 01788 533762.

Description of application

This application is being presented to the Planning Committee as the applicant is Rugby Borough Council.

This application is for a Certificate of Lawfulness, it is not an application for planning permission; therefore the issues to be assessed are different than when dealing with applications for planning permission.

The applicant is seeking to establish that the proposed works can be carried out as permitted development without requiring planning permission from the Local Planning Authority. The legislation that relates to permitted development, the 'The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14, Class J', is the only matter that can be considered in the determination of the application. No consideration can therefore be given to planning policies or other material considerations.

The proposed works include the installation of solar panels on the roof of the Rugby Town Hall, Evreux Way, Rugby.

The Town Hall has a flat roof. The panels are proposed to be 1.65m in length and 0.7m in height at their highest point. No panel will be within 1m of the edge of the building at any point.

A total of 288 panels will be installed, providing a total output of the installation of 80 kilowatts.

Description of site

The Town Hall occupies a site on the corner of Evreux Way, Newbold Road and Park Road. The site comprises of one main building which is occupied by Rugby Borough Council. Immediately adjacent to the site is the Benn Hall, which is linked to the Town Hall, and The Retreat, a Grade II listed building.

There are a number of car parks surrounding the site; a small car park to the front accessed off Park Road, a small car park to the side and a large car park to the rear, both of which are accessed off Newbold Road. The main pedestrian entrance to the site is via the main entrance to the front of the building, from Evreux Way. There are, however, also a number of staff access points situated around the building, to the side and to the rear.

At present there are no solar or PV installations within the site. Power and heating is achieved using mains electricity and central heating.

In terms of visual prominence, whilst the Town Hall is clearly visible from Evreux Way, Newbold Road and Park Road, the solar panels will not be visible to the public as they will be positioned on a flat roof, 1m from the edge of the roof, which at some points is behind a parapet wall.

The site is not located within a conservation area, designated as a scheduled ancient monument or contains any listed buildings.

Third party comments

As the only matters to be considered in this application are of a legal nature it is not necessary for neighbour consultations to be carried out. This is in accordance with National Planning Practice Guidance (2014).

Technical comments

Legal Services Consider certificate can be granted.

Planning policies & guidance

- The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14, Class J.
- National Planning Practice Guidance 2014

Determining Considerations

As detailed above the only matter that can be considered is whether the proposed works can be carried out as permitted development.

The proposed solar panels are considered in relation to Class J – installation or alteration etc. of solar equipment on non-domestic premises.

Class J states that permitted development would be classed as:

The installation, alteration or replacement of—

- (a) Microgeneration solar thermal equipment on a building;
- (b) Microgeneration solar PV equipment on a building; or
- (c) Other solar PV equipment on the roof of a building, other than a dwelling house or a block of flats.

The cases where development is not permitted are detailed below:

J1.

- a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;
- b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;
- d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;
- e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

J2.

Development is not permitted by Class J(a) or (b) if—

- a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or
- c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

J3.

Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Conclusion

In accordance with the Council's Constitution, the Legal Services Manager has been consulted. As the criteria and conditions detailed above are in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14, Class J, it is considered that the proposals constitute permitted development and a Lawful Development Certificate can be granted.

In addition to this, the NPPG states that if the Local Planning Authority is satisfied that the appropriate legal tests have been met, it will grant a Lawful Development Certificate.

Recommendation

Grant certificate.

Report prepared by: Lizzie Beresford 20/11/15.

DRAFT DECISION

APPLICATION NUMBER

R15/2312

DATE VALID

17/11/2015

ADDRESS OF DEVELOPMENT

Town Hall
Evreux Way
Rugby
CV21 2RR

APPLICANT/AGENT

Mrs Angeline Murungu
Rugby Borough Council
Town Hall
Evreux Way
Rugby
Warwickshire
CV21 2RR
On behalf of Mr Balbir Bassi, Rugby Borough
Council

Rugby Borough Council hereby certify that on 20/11/15 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto were lawful within the meaning of section 192 of the Town and County Planning Act 1990 (as amended) for the following reasons:

The proposals are in accordance with Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore constitute Permitted Development.

FIRST SCHEDULE:

Installation of solar panels to the roof of the Town Hall in accordance with the plans (Floor Plans rev C and Roof Plan – Solar Panel Layout rev C) submitted to the Local Planning Authority on 17th November 2015.

SECOND SCHEDULE:

Town Hall, Evreux Way, Rugby, CV21 2RR.



PLANNING DEPARTMENT,
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR

ROB BACK
Head of Planning and Recreation

DATE: 20/11/2015

Notes:

1. This certificate is issued solely for the purpose of sections 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule were lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule. Any operations which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. If the applicant is aggrieved by the alteration to the description/site plan given in the First Schedule that accompanies this decision they may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990 (as amended). You must use a Certificate of Lawful Use or Development Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate please state the appeal form you require. Please note, only the applicant possesses the right of appeal.

Reference number: R15/1000

Site address: Victoria House, 50 Albert Street, Rugby

Description: Temporary change of use from car sales forecourt, car workshop and car sales office (use class sui generis) to offices with associated car parking, storage and distribution (Use Class B1a) for a period of 3 years.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the temporary change of use of the site as a whole (building and hard standing) from a car sales forecourt, car workshop and car sales office (use class sui generis) to offices with associated car parking, storage and distribution (Use Class B1a) for a period of 3 years.

Additional information provided following a request by officers details that the building will be used for office purposes with the car park, storage and distribution being ancillary to the primary office use in association with the Council undertaking its statutory duties. The information sets out that the items to be stored and distributed will relate to and be used in various activities such as property repair. Details provided also indicate the only activity with potential to raise noise levels on-site relates to occasional carpentry work to take place on-site in association with a programme of repairs work.

The applicant has also advised that initially the existing site boundary treatment would be supplemented by Harris style fencing on a temporary basis while a permanent solution is identified and appropriate permissions obtained.

Site History;

The site has an extensive site history with the following being the most recent;

Demolition of existing buildings and erection of 9 one-bed flats, 6 2-bed flats and 10 2-bed houses with access, parking and associated works (R13/0951)	Resolution to approve subject to a Section 106 legal agreement
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Consultee Correspondence;

RBC Environmental Health	No objections	Request conditions and informatives
RBC Strategic Dev	No objections	
RBC Tree Officer	No objections	
WCC Archaeology	No objections	
WCC Ecology	No objections	
WCC Highway Authority	No objections	

Third Party Correspondence;

Neighbours (1)	Comment	Has concerns over potential lorry numbers in and out if being used for storage and distribution and 24 hours a day over 7 days a week BUT would not have a concern if traffic did not increase drastically.
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Other Relevant Information;

The application is before the Planning Committee for determination as it is a Council application.

The site, located within the defined Town Centre boundary, is occupied by a three-storey building with single storey rear projection and a standalone single storey building last used for car sales purposes with the remainder of the site comprising hard standing. Surrounded by a mixture of uses including residential, offices, public house and motor garage, the built form in the immediate locality varies between single and 4 stories in height as well as in respect of the materials used in the construction of these surrounding buildings. Ground levels fall approximately 3m along the immediate site frontage whilst also falling from within the site in 3 directions toward Albert Street and Albert Square, however there is a greater fall in ground level along Albert Street as a whole. The Bilton Road, Warwick Street and Town Centre Conservation Area boundary runs adjacent to part of the site whilst there is a Grade II listed building in close proximity to the site on the corner of Albert Street and Albert Square.

Relevant Policies;

Rugby Borough Core Strategy:

RBCS Policy CS1	Development Strategy
RBCS Policy CS7	Retail Frontages
RBCS Policy CS16	Sustainable Design

Rugby Borough Saved Local Plan Policies:

T5	Parking Facilities
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Supplementary Planning Documents:

Sustainable Design & Construction SPD

National Policy:

NPPF

Consideration;

The issues for consideration in this application relate to the principal of the development, the town centre, amenities, hours of use then parking and highway items.

Principle:

The provisions of policy CS1 provides a strategy for the location of development with sites in the town centre the first priority area of 6. It details that the town centre should be the primary focus for services and facilities. Given that the site is located within the town centre as defined on the Core Strategy maps and the use of the site would be in association with the Council performing its statutory functions it can be seen that the proposal complies with the provisions of this policy.

Town Centre:

Core Strategy Policy CS7 defines the extent of the Rugby's town centre boundary and Primary Shopping Area as required by NPPF paragraph. The unit is situated within the town centre boundary where policy CS7 states that development, redevelopment or change of use for the following use classes A1-A5, B1, D1, D2, C1 and C3 will be permitted provided: they will not harm the retail function and character of the primary shopping area; they will not impact on the vitality and viability of the primary shopping area and where retail uses (use class A1) are proposed but outside of the primary shopping area demonstrate that there are no suitable alternative available within or immediately adjacent to the primary shopping area.

The proposal therefore accords with policy CS7 as the B1a use class is one of which is permitted within the town centre boundary; it will also not harm the retail function and character of the primary shopping area; and it will not impact on the vitality and viability of the primary shopping area.

Design, Appearance and Amenity:

The existing buildings on the site will not be altered and as such the design, appearance, scale, massing and proportions will remain as they currently are. For these elements there will not therefore be any adverse or detrimental issues on the character or appearance of the area.

Further, the applicant has indicated that site boundary treatments will not be altered from their current form in the immediate term although they may alter in due course with any change being dealt with by way of further application. Any change to the boundary treatment would be done during the proposed 3 year term for which permission is sought. Any temporary fencing up to a height of 2m would not readily be considered an issue.

Hours of Use:

The submitted application forms detail that the site would be used between the hours of 8am and 6pm Monday to Friday as well as between 9am and 1pm on Saturdays. It is considered that due to the existence of residential dwellings in the immediate area these hours are acceptable and would not unduly impact upon either residential amenity in the locality nor other amenities.

Environmental Health:

The proposal has been assessed by Environmental Health colleagues in relation to a range of different environmental matters.

In respect of air quality, based on the submitted information as well as discussions, they are satisfied that the proposal will not adversely or detrimentally impact upon the air quality of the area.

With respect of potential contamination, the site has historically been used by a potential contaminating land use in the form of car sales and repairs. Based on this historic use, they have requested a contaminated land condition be attached to any approval. It has also been requested that a further condition be attached relating to the provision of bunding details prior to the development commencing in order to ensure, given the likely storage of other potential items on site, that they do not impact upon the environment.

As part of the proposal the building will be refurbished. Due to this a condition has been requested relating to the provision of an asbestos survey prior to the commencement of the development including refurbishment.

A number of informatives have also been requested.

Highway and Parking:

Access to and from the site will continue to be via the existing dropped kerb point on Albert Street. The proposal has been assessed by WCC Highway Authority who have no objections to the proposal and are satisfied it will not result in any adverse or detrimental impacts on highway or pedestrian safety.

Within the Planning Obligations SPD, parking standards required for developments are set out with, in this instance based on the B1(a) use, a maximum of 17 spaces based on the sites location in the high access zone where 1 space is required per 60 square meters. At present the site has a total of 30 on-site parking spaces and it is intended that this provision be retained in order to provide parking provision for staff vehicles as well as council vehicles used by it in undertaking its necessary functions. This provision will also be in addition to the space to be provided / retained in order to allow vehicles to manoeuvre so as to use the site, including entering and exiting it, in a safe manner. While exceeding the necessary requirements, given they are retaining the current provision on-site and the basis for that retention, it is considered that the over-provision in this instance is acceptable. As such it complies with the provisions of saved local plan policy T5 and the Planning Obligations SPD.

Conclusion:

It can therefore be seen that the principle of the development is acceptable, is an appropriate use in this location and that it will not have any adverse impact on the vitality and viability of the primary shopping area. The character and appearance of the site and immediate area will not be impacted upon while the amenities of the area will also not be impacted upon. There are no highway concerns and sufficient parking and manoeuvring space are provided.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford

20th November 2015

DRAFT DECISION

APPLICATION NUMBER

R15/1000

DATE VALID

29/10/2015

ADDRESS OF DEVELOPMENT

VICTORIA HOUSE
50 ALBERT STREET
RUGBY
CV21 2RH

APPLICANT/AGENT

Mr Rob Kindon
Rugby Borough Council
Town Hall
Evreux Way
Rugby
Warwickshire
CV21 2RR

APPLICATION DESCRIPTION

Temporary change of use from car sales forecourt, car workshop and car sales office (use class sui generis) to offices with associated car parking, storage and distribution (Use Class B1a) for a period of 3 years.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be for a period expiring on 31st December 2018, on or before which date the site shall be cleared and land re-instated to its former use unless of further permission of the Local Planning Authority has first been obtained.

REASON:

The submission sought permission for and was assessed on the basis of a temporary period of 3 years and any period longer would require a further assessment.

CONDITION 2:

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

Application forms and site location plan both submitted to and received by the Local Planning Authority on 29th October 2015;

Proposed Areas of Use plan and Change of Use supporting document both submitted to and received by the Local Planning Authority on 30th October 2015;

E-mail from application to Richard Redford, case officer, dated 2 November 2015.

REASON:

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

CONDITION 3:

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be personal to Rugby Borough Council and be used for purposes within Use Class B1(a) with ancillary storage and distribution as set out in the approved documents.

REASON:

As the development is only acceptable due to the applicant's personal circumstances and in the interests of residential amenity.

CONDITION 4:

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

REASON:

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

CONDITION 5:

Unless otherwise agreed in writing the premises shall not be used for the approved purposes other than between the hours of 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturday. It shall not be used on Sundays or Bank Holidays.

REASON:

To protect the amenity of nearby properties.

CONDITION 6:

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

REASON:

In the interest of health and safety.

CONDITION 7:

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION 8;

Prior to the commencement of the development, a scheme providing full details of bunding to be placed around the fuel storage area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON;

To ensure the protection of the environment.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1;

The applicant is advised that in association with Condition 8 above and in order to prevent the potential of a leak into the environment and possible legal action being taken, the following advice is provided for any future development of the site. This advice is dependent on the finalised volume and type of fuel storage. Any oil or chemical storage tanks should be surrounded by an impervious oil/watertight bund. The volume of the bund compound should be at a minimum, equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. If there are multiple tanks, the compound should be at a minimum, equivalent to the capacity of the combined capacity of the tanks, plus 10%. All filling points, vents, gauges and sight glasses should be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Spill kits should also be located in appropriate locations around the site and utilised in the event of any accidental discharge/spillages.

INFORMATIVE 2;

A locking cabinet is required for COSHH items (up to 30-40 litres of fuel)

INFORMATIVE 3;

The value and usefulness of the survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques / methods used by the surveyor. Information on the location of all ACMs, as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on survey scope will reduce extent to which ACMs are located and identified; incur delays and consequently make managing asbestos more complicated, expensive and potentially less effective.

INFORMATIVE 4;

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

INFORMATIVE 5;

Designated walkways and protective barriers should accompany a depot site for employee health and safety reasons. Consultation is advised principally with Health and Safety Officers at Rugby Borough Council Environmental Services, Dean Taylor of Gill Parsons 01788 533 533 or the Health and Safety Executive.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	2 nd December 2015
Report Title	Delegated Decisions – 15 th October 2015 to 4 th November 2015
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Dan McGahey 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Recreation under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

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

Rugby Borough Council

Planning Committee – 2nd December 2015

**Delegated Decisions – From 15th October 2015 to 4th November
2015**

Report of the Head of Planning and Recreation

Recommendation

The report be noted.

1. BACKGROUND

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

Name of Meeting: Planning Committee
Date Of Meeting: 2nd December 2015
Subject Matter: Delegated Decisions – 15th October 2015 to 4th November 2015
Originating Department: Planning and Recreation

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF PLANNING AND RECREATION UNDER
DELEGATED POWERS FROM 15.10.2015 TO 04.11.2015

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R15/1883 Refused 20.10.2015</i>	Storage Building Winfield Street Rugby	Conversion of storage building to a one bedroom flat including extensions and alterations.
<i>R15/1410 Refused 04.11.2015</i>	Hospital Farm Hayway Lane Rugby	FULL: Erection of Dwelling (Resubmission of R15/0825)
<i>R15/1701 Refused 04.11.2015</i>	31 Ashlawn Road Hillmorton Rugby	Erection of a detached triple garage with associated granny annexe.
Applications Approved		
<i>R15/1217 Approved 15.10.2015</i>	Princethorpe College Leamington Road Rugby	Erection of railings, alteration to surface treatments and associated landscape works (Part Retrospective).
<i>R15/1602 Approved 15.10.2015</i>	217 Dunchurch Road Rugby	Erection of a single storey and two storey extension to front/side elevations
<i>R15/1773 Approved 15.10.2015</i>	Manor House Oxford Road Princethorpe Rugby	Variation to design of approved garage under Ref R13/0024 dated 19/2/2013
<i>R15/1674 Approved 15.10.2015</i>	267 Hillmorton Road Rugby	Resubmission of R14/2295 for the replacement of existing bungalow with a two storey detached dwelling.
<i>R15/1918 Approved 15.10.2015</i>	7 Westgate Road Rugby	Proposed single storey rear extension and part two storey part first floor side extension.
<i>R15/1790 Approved</i>	55 Wordsworth Road Rugby	Proposed two storey side and single storey rear extension

20.10.2015		
<i>R15/1889 Approved 21.10.2015</i>	Oak Tree Farm Freeboard Lane Coventry	Demolition of existing timber stables and erection of brick stables.
<i>R15/1429 Approved 21.10.2015</i>	Unit 1 Europark Industrial Estate Watling Street Newton Rugby	Display of 1no.non-illuminated fascia sign.
<i>R14/0541 Approved 21.10.2015</i>	The Benn Partnership Centre Railway Terrace Rugby	Erection of a dual arched open structure with "Benn Partnership Centre" incorporated into arches.
<i>R15/1920 Approved 21.10.2015</i>	Haslemere Cottage Lilbourne Road Rugby	Proposed new balcony and porch (Re-submission of R15/0679)
<i>R15/1803 Approved 21.10.2015</i>	Extra Fish Bar 64-66 Craven Road Rugby	Retrospective planning permission for the installation of commercial condensing unit on the external elevation of property.
<i>R15/1727 Approved 22.10.2015</i>	5 Grosvenor Road Rugby	Erection of single storey rear extensions
<i>R15/1970 Approved 22.10.2015</i>	Ashlawn School Ashlawn School Academy Trust Ashlawn Road Rugby	Variation of Condition 2 and 3 of planning permission R15/1036 to replace the cladding with facing brickwork.
<i>R15/1849 Approved 23.10.2015</i>	15 Devonshire Close Cawston Rugby	Conversion of existing garage to a habitable room for use in association with existing dwelling.
<i>R15/1988 Approved 23.10.2015</i>	60 Wentworth Road Overslade Rugby	Erection of part shed / part conservatory in rear garden.
<i>R15/1959 Approved 23.10.2015</i>	54 Hillmorton Road Rugby	Erection of a garage to the rear of 54 Hillmorton Road.

<i>R15/2001 Approved 23.10.2015</i>	84 Carlton Road Bilton Rugby	Proposed loft conversion
<i>R15/1612 Approved 23.10.2015</i>	Land rear of 69a-89 Hillmorton Road Rugby	Residential development for 12 dwellings together with access, parking and bin store
<i>R15/1763 Approved 28.10.2015</i>	Bush Hill Farm Barn Bush Hill Lane Flecknoe Rugby	Change of use of agricultural barn to one residential dwelling (to include internal and external alterations, landscaping, boundary treatments, and change of use of land to form residential garden, courtyard, parking area, driveway and access)
<i>R15/1926 Approved 29.10.2015</i>	44 Watts Lane Hillmorton Rugby	Erection of a fence to the rear of the property (Part retrospective)
<i>R15/1821 Approved 29.10.2015</i>	White Lodge Vicarage Lane Dunchurch Rugby	Demolition of existing boundary wall and replacement with new boundary wall
<i>R15/1088 Approved 29.10.2015</i>	Wolvey Grange Church Hill Wolvey Hinckley	Erection of two storey extension, single storey extension and orangery to side elevation
<i>R15/1942 Approved 30.10.2015</i>	Ox House Southam Road Rugby	Loft Conversion to living accommodation to include the provision of dormer windows to the front and rear
<i>R15/1921 Approved 30.10.2015</i>	39 Dalkeith Avenue Bilton Rugby	Proposed two storey side extension, single storey rear extension and new porch.
<i>R15/0565 Approved 02.11.2015</i>	Leamington Road Garage Leamington Road Ryton on Dunsmore Coventry	Outline Permission for the demolition of the existing sui generis buildings and existing dwelling house and the erection of 14 dwelling houses (comprising 4no. Two bedroom semi-detached dwellings, 6no. Three bedroom detached dwellings and 4no. Four bedroom detached dwellings) and associated works with only appearance and landscaping reserved.
<i>R15/2055 Approved 02.11.2015</i>	12 Leamington Road Ryton on Dunsmore	Two storey side extension, single storey front extension and single storey rear extension.

<i>R15/1643 Approved 03.11.2015</i>	Coombe Abbey Country Park Brinklow Road Coombe Fields Coventry	Installation of an Open Protocol Automatic Number Recognition [APNR] and pay on foot [Paper ticket system], including associated works thereto at 2 car parks [Coombe Abbey Visitor Centre and Coombe Abbey Hotel]
<i>R15/2064 Approved 03.11.2015</i>	230 Alwyn Road Bilton Rugby	Erection of a single and two storey front extension and single storey rear extension.
<i>R15/1893 Approved 03.11.2015</i>	Magpie Cottage The Lane Sawbridge Road Grandborough Rugby	Erection of a detached double garage with gym and studio over, and associated works.
<i>R15/2045 Approved 04.11.2015</i>	14A Daneswood Road Binley Woods	Erection of single storey side extension
<i>R15/1235 Approved 04.11.2015</i>	Old Station House Station Road Rugby	Change of use of land to residential curtilage including extensions and alterations to dwelling.
<i>R15/1178 Approved 04.11.2015</i>	97 Newbold Road Rugby	Retention of ground floor flats [2] and conversion of upper floor from HMO to two flats and alteration to external appearance of building.
<i>Prior Approval Applications</i>		
<i>R15/1962 Prior Approval Not Required 21.10.2015</i>	60 Wentworth Road Overslade Rugby	PAX: Prior approval for the erection of a single storey rear extension.
<i>R15/2104 Prior Approval Not Required 22.10.2015</i>	Home Farm Pailton Road Rugby	Prior notification for the erection of an agricultural building for the storage of machinery
<i>R15/2041 Prior Approval Not Required 30.10.2015</i>	1 Stacey Court Arden Close Bilton Rugby	Prior Approval application for the erection of a single storey rear extension projecting 5.34 metres from the original rear elevation of the dwelling, 3.5 metres in width, 2.1 metres to the eaves with a maximum height of 2.9 metres.

Listed Building Consents		
<i>R15/1879 Listed Building Consent 16.10.2015</i>	80 Dunchurch Road Rugby	Listed Building Consent for the re-covering of existing roof and maintenance of existing rainwater goods, fascia's and soffits.
<i>R15/1794 Listed Building Consent 23.10.2015</i>	Winton Cottage 5 Coventry Road Pailton Rugby	Listed Building Consent for works to install a flue and vent to serve a range cooker.
<i>R15/1817 Listed Building Consent 29.10.2015</i>	White Lodge Vicarage Lane Dunchurch Rugby	Listed Building Consent for demolition of existing boundary wall and replacement with new boundary wall
Advertisement Consents		
<i>R15/0524 Advertisement Consent 21.10.2015</i>	Benn Partnership Centre Railway Terrace Rugby	Display of non-illuminated lettering within a freestanding structure.
<i>R15/2021 Advertisement Consent 27.10.2015</i>	Elliotts Field Retail Park Leicester Road Rugby	Advertisement consent for the installation of 6x fascia signs, 1x panel sign and 1x poster sign.
Certificate of Lawful Use or Development		
<i>R15/1945 Certificate of Lawful Use or Development 16.10.2015</i>	13 Charles Lakin Close Shilton Coventry	Certificate of Lawfulness for the proposed development of a single storey side and rear extension.
Approval of Details/ Materials		
<i>R13/0124 Approval of Details 15.10.2015</i>	Warwickshire College Lower Hillmorton Road Hillmorton Rugby	Outline application for Class C3 residential development of up to 131 dwellings and provision of 0.4 hectare of land for the provision of a Class C2 Extra Care facility, with associated works and landscaping. All matters reserved except for access.

<p><i>R12/1353</i> <i>Approval of Details</i> 16.10.2015</p>	<p>Coton House Lutterworth Road Churchover Rugby</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R10/1972 and</i> <i>R14/2186</i> <i>Approval of Details</i> 16.10.2015</p>	<p>Former Peugeot Factory Site B Unit DC1 Imperial Road Oxford Road Ryton on Dunsmore</p>	<p>Application for Reserved Matters Approval for Unit DC1 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas and sprinkler tank (Application H), against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423).</p>
<p><i>R12/0190</i> <i>Approval of Details</i> 20.10.2015</p>	<p>Zones 3 and 4 Pilot Way Ansty</p>	<p>Erection of building for uses within Class B1, including catering and conference facilities, with associated infrastructure, car parking and landscaping, including extension to lake and erection of a bridge linking to the MTC Building. (Approval of Reserved Matters in relation to outline planning permission R09/0035/MEIA.)</p>
<p><i>R13/1651</i> <i>Approval of Details</i> 20.10.2015</p>	<p>Land to the East of Coombe Abbey Hotel Brinklow Road Binley Rugby</p>	<p>Temporary change of use of land to an overflow car park.</p>
<p><i>R13/0096</i> <i>Approval of Details</i> 21.10.2015</p>	<p>(Site for Cawston Community Centre) Land off Scholars Drive Cawston Rugby</p>	<p>Erection of building to be used for the purposes of a Community Centre (Class D2) together with associated car parking accommodation, cycle parking, landscaping, bin storage and drainage.</p>

<i>R15/1467 Approval of Reserved Matters 21.10.2015</i>	Unit 2 (Plot 3) Rugby Gateway Employment Waver Way Rugby	Erection of building for Class B8 - storage, warehouse and distribution use, with associated access and other works. (Approval of reserved matters relating to outline planning permission R10/1272.)
<i>R15/0883 Approval of Details 22.10.2015</i>	Unit DC7 Prologis Ryton Sites A & B Former Peugeot Site Oxford Road Ryton on Dunsmore	Application for Reserved Matters for Unit DC7 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, sprinkler tanks and pump house (Application K), against outline planning permission R14/0217 (for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access).
<i>R15/0928 Approval of Details 27.10.2015</i>	Nelsons Wharf Rugby Road Southam	Re-opening of disused canal arm and addition of footbridge & sliding bridge over
<i>R14/2161 Approval of Details 28.10.2015</i>	Elliotts Field Retail Park Leicester Road Rugby	New restaurant/café unit (Class A3) to replace proposed A3/A5 units contained within approval R11/1297 dated 1st July 2013 with associated landscape and associated works.
<i>R15/0217 Approval of Details 28.10.2015</i>	Elliotts Field Retail Park Leicester Road Rugby	Demolition of the existing Pizza Hut restaurant and replacement with two new restaurant/café units (Class A3) on site east of main vehicular access and reconfiguration of adjacent car parking.
<i>R15/1463 Approval of Reserved Matters 29.10.2015</i>	Unit 3 (Plot 2) Rugby Gateway Employment Waver Way Rugby	Erection of building for Class B8 - storage, warehouse and distribution use, with associated access and other works. (Approval of reserved matters relating to outline planning permission R10/1272.)
<i>R15/1530 Approval of Reserved Matters 30.10.2015</i>	Former Bilton By-pass Land Land between Lawford Lane and Beech Drive Beech Drive Rugby	Reserved matters submission with access, scale, layout, appearance and landscaping for the erection of 16 extra-care units (Reserved matters following the grant of outline planning permission with access for the development of the site for residential care purposes comprising up to 36 extra care units, a 55-bed nursing home with incidental amenity and service facilities, a 40-bed dementia care home, and associated infrastructure including car parking, cycle paths and landscaping approved on 24 July 2012 under reference

		R09/0681/MAJP).
<i>R15/0394 Approval of Reserved Matters 02.11.2015</i>	Land at Zone Two Ansty Park Airfield Drive Ansty	Erection of a large three storey research and manufacturing facility, providing training engineering design studios, meeting space and testing/assembly workshop, including external service yard, car parking and landscaping. - Approval of Reserved Matters against Outline Planning Permission No. R09/0035/MEIA dated 15th May 2009.
<i>R15/0616 Approval of Details 03.11.2015</i>	Elysian Fields Southam Road Hill Leamington Hastings	Erection of a permanent equestrian workers dwelling together with associated works.
Approval of non-Material Changes		
<i>R12/0190 Approval of Non-Material Changes 20.10.2015</i>	Zones 3 and 4 Pilot Way Ansty	Erection of building for uses within Class B1, including catering and conference facilities, with associated infrastructure, car parking and landscaping, including extension to lake and erection of a bridge linking to the MTC Building. (Approval of Reserved Matters in relation to outline planning permission R09/0035/MEIA.)
Withdrawn/ De-registered		
<i>R15/2086 Withdrawn 22.10.2015</i>	196 Rugby Road Coventry	Prior approval for large household extension
<i>R13/1773 Withdrawn 02.11.2015</i>	Land rear of 69a-89 Hillmorton Road Rugby	Outline Permission for the erection of up to 12 residential dwellings including access, parking and bin store.