

8<sup>th</sup> April 2016

## **PLANNING COMMITTEE - 20<sup>TH</sup> APRIL 2016**

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 20<sup>th</sup> April 2016 in the Council Chamber, Town Hall, Rugby.

Adam Norburn  
Executive Director

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

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

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

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.

To confirm the minutes of the meeting held on 9<sup>th</sup> March 2016.

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 – 11<sup>th</sup> February 2016 – 23<sup>rd</sup> March 2016.

## **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 – 16) 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 Services Officer (01788 533524 or e-mail [claire.waleczek@rugby.gov.uk](mailto:claire.waleczek@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

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

*The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website ([www.rugby.gov.uk/speakingatplanning](http://www.rugby.gov.uk/speakingatplanning)).*

**Planning Committee – 20<sup>th</sup> April 2016**

**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	R15/0507	Land at Homefield, Rugby Road, Dunchurch, Rugby, CV22 6QT. Development of 50 dwellings – submission of reserved matters comprising access, layout, appearance, scale and landscaping and discharge of related condition nos. 11 (additional details), 16(materials), 17(drainage), 25(gcn/reptile mitigation), 26(bat mitigation), 27(ecological enhancement and habitat creation) and 32(side boundary treatment to nos. 24 and 26 Rugby Road) pursuant to outline planning permission ref.no R11/0726 dated 13.08.2014.	3
2	R16/0246	28 and 28a Stanley Road, Rugby Outline Planning Permission for the erection of up to 4No. Bungalows with vehicular access and associated works. Appearance and landscaping are the only matters reserved.	28
3	R16/0480	Pioneer Farm, Stockton Road, Birdingbury Variation of Condition 2 of approval R15/1896 (Erection of an indoor ménage to replace the approved stable block and exercise paddock) to allow minor modifications to the design and size of the building.	47
4	R16/0074	Broad Street, RFC, 105 Rugby Road, Binley Woods Erection of a temporary structure for use by Wasps Rugby Club as interim training facility, together with a temporary change of use of part of the existing building currently used as a residential flat to uses associated with the Wasps training facility, and the provision of an artificial running track.	55
5	R15/0077	46 Woodside Park, Oxford Road, Ryton-on-Dunsmore, CV8 3JY Continued use of site as a single pitch for gypsy and travellers, together with refurbishment of existing amenity block, which includes replacement of existing windows and doors.	62

**Reference number:** R15/0507

**Site address:** Land at Homefield, Rugby Road, Dunchurch, Rugby, CV22 6QT.

**Description :** Development of 50 dwellings – submission of reserved matters comprising access, layout, appearance, scale and landscaping and discharge of related condition nos. 11 (additional details), 16(materials), 17(drainage), 25(gcn/reptile mitigation), 26(bat mitigation), 27(ecological enhancement and habitat creation) and 32(side boundary treatment to nos. 24 and 26 Rugby Road) pursuant to outline planning permission ref.no R11/0726 dated 13.08.2014

**Case Officer Name & Number:** Steve Parkes 01788 533633

---

**Authorised Use**

Agricultural

**Relevant Decisions**

Residential development and vehicular access (Ref.no R00/0417/14099/OP)	refused appeal dismissed	22.08.01 23.10.02
Use of land for residential development at a density of at least 30 dwellings/hectare including new access and road junction and associated roads and infrastructure (Ref.no R02/0191/14099/OP)	appeal against non-determination dismissed	23.10.02
Outline application for the development of 50 dwellings including access and landscaping (Ref.no R11/0726)	approved	13.08.14

**Technical Consultations**

WCC Highways	objection	pending receipt of further information in connection with:- methodology for construction of road in relation to trees and accommodation of services; levels in relation to access road junction with service road; visibility splays; navigation of site by refuse vehicles; provision of anti-motorcycle barriers and comments on parking
WCC Rights of Way	no objection	welcomes retention of right of way in green corridor; recommends advisory notes
Ramblers Association (Rugby Branch)	no observations received	
WCC Chief Fire Officer	no observations received	
Warks Police (Crime Reduction and Community Safety)	no objection	recommendations in relation to lighting, landscaping and installation of bollards

WCC Ecology	comments	recommend modifications to the ecology report, that lighting is appropriately designed and consideration given to use of wildlife friendly kerbs in road details to protect wildlife
WCC Archaeology	no objection	
Historic England	comments	preferable to have a more solid boundary towards the historic park; appropriate to remove permitted development rights along the boundaries to ensure they are maintained in the longer term
Garden History Society	no observations received	
Warwickshire Gardens Trust	no observations received	
Victorian Society	no observations received	
Env Agency	unable to recommend discharge of drainage condition – additional information required in relation to flood storage capacity, adoption and maintenance of pumping station and flood flow routes	
WCC Flood Risk Management	no observations received	
STW	no objection	comment that proposals discussed with developer and suggest informative in relation to public sewer which crosses the site
Housing Manager (RBC)	no objection	
Tree Officer (RBC)	comments	clarification required in connection with tree protection plan and methodology
Landscape Officer (RBC)	no objection	
Parks and Cemeteries Manager (RBC)	comments	unlikely that the Borough Council would wish to adopt the open space
Works Services Unit (RBC)	no observations received	

## Third Party Consultations/Representations

### Original Consultation

Dunchurch Parish Council – objection

- original objections to the outline proposal are still relevant
- design of dwellings not in keeping with those in the Conservation Area and external appearance needs improvement
- site access a major issue in view of the heavy volume of traffic using Rugby Road
- use of the existing private service road as a “rat run” to enter and exit the new development
- access junctions with Rugby Road, particularly those of the private service road have not been fully considered and should be a priority in discussion with the Highway Authority and the Rugby Road Residents Association
- assurances made by the developer in discussions with the Rugby Road Residents Association should be addressed

Neighbours – objections (30 letters from 18 households)

- Transport and Highways

- further general increase in traffic since outline permission and other planning permissions granted/new transport assessment should be carried out based on current data
- increase in traffic/use of new access detrimental to highway safety
- will add to vehicles passing through village centre with increased congestion and pollution
- new access will be bottleneck on Rugby Road
- access near entrance to Bilton Grange should have been considered with mini roundabout and slip road from Northampton Lane
- will lead to increased congestion at the Northampton Lane/Rugby Road/Bilton Grange School junction
- lack of visibility for vehicles exiting the site at this location
- preferable that access moved to Bilton Grange entrance or leaving service road junctions open with physical barriers to prevent traffic from the development turning onto the service road
- legal ownership of grass verge on A426 unclear/should be confirmed
- unclear how construction traffic will enter site prior to construction of access road
- no information on how access from A426 will be constructed to prevent flooding given difference in levels
- no alternative proposal to closure of existing accesses either side of the proposed access from Rugby Road
- access road plans lacking detail in respect of impact on service road and cycleway/footpath with safety concerns for pedestrians and cyclists
- no provision preventing use of private service road which is privately maintained and substandard in width with no footways or lighting
- increase in traffic on private service road as a “rat run” using alternative exits/entrances at either end with increased maintenance costs for residents
- private service road should not be used for construction purposes and operatives parking
- should be prior agreement to prevent construction traffic using service road and verges
- mud on service road during construction
- access options 1 and 2 indicated at outline stage should be re-visited
- private service road should be blocked either side of nos. 24 and 26 Rugby Road
- no.26 Rugby Road should be provided with a reversing area onto the private service road
- consultation with residents re. access proposals has not taken place
- proposed houses have no permitted access over private service road

- understood that Warwickshire County Council appropriated land now the grass verge to widen the A426
  - access plans insufficiently detailed/insufficient technical details
  - agreement should be reached between residents and Morris Homes on details of access
  - unresolved land ownership details
- Flood Risk and Drainage
    - rights of access to and maintenance of sewers on private property should be maintained
    - will exacerbate existing sewerage problems
    - will increase flood risk in existing neighbouring gardens, properties and service road
    - unclear how balancing pond will be maintained and who responsible
    - need to ensure balancing pond is secure in interests of health and safety
    - unclear if balancing pond adequately sized
    - proforma incomplete and therefore does not adequately demonstrate that proposed surface water drainage is satisfactory
    - insufficient drainage detail/should be finalised
    - elevating development will cause lying water and flooding of properties on Rugby Road
- Design and Layout
    - 2.5 storey dwellings out of character and will overlook neighbouring properties
    - style of housing out of character with village
    - layout does not reflect that in outline scheme with reduction in green space and proposed dwellings facing existing properties on Rugby Road
    - detrimental impact on rural character
    - affordable houses crammed together
    - easy to access Homefield Lane at later date
- Amenity
    - noise and disturbance during and post construction including weekends and from use of service road as “rat run”
    - no details of street lighting, walling and noise protection
    - impact of street lighting on existing properties, particularly nos. 24 and 26 Rugby Road should be discussed with neighbours
    - request that an 8 feet brick wall be constructed down side and to rear of 26 Rugby Road to act as sound buffer and to provide security
    - road surface between nos. 24 and 26 Rugby Road should be constructed to high quality to absorb traffic noise and vibration
    - due to dust/noise during construction developer should meet cost of repainting exterior of no. 26 Rugby Road and of regularly cleaning windows
    - proximity to existing dwellings on Rugby Road with loss of light and privacy
    - proximity of 2.5 storey dwelling and garage to boundary with no.38 Rugby Road will be overbearing and result in loss of privacy, light and amenity
    - proximity of dwelling on plot 45 to rear garden of no.42 Rugby Road not in keeping with other plots resulting in loss of privacy
    - impact of proposed fencing on existing gardens, trees and character of locality
- Biodiversity
    - destruction of habitat and loss of wildlife
    - plans do not accurately show all trees including those in neighbouring gardens
    - impact on TPO trees and reduction in restricted areas around them



- unclear if trees to be removed to construct access road and if other trees in site affected
- not possible to construct access road to adoptable standard and comply with proposed construction exclusion zone
- need to ensure no damage caused to willow tree at rear of no.26 Rugby Road and costs of any necessary pruning to be borne by developer
- anomalies between reports

- Other

- no need
- green space should be protected
- adverse impact on local services
- lack of archaeological evaluation
- application incomplete in respect of conditions covering access, surface water drainage, lighting, safety assessment of balancing pond and no protected species licence obtained
- planning conditions attached to the original outline planning permission should be met and enforced
- unclear if applicant has met all conditions attached to outline planning permission
- measures should be put in place to prevent parents dropping off and collecting school and nursery children in the new development
- increased traffic on Rugby Road will impact on the character of the area
- will add to increase in air pollution caused by current traffic congestion
- submissions incomplete/insufficient supporting information
- adoption strategy vague
- no reference to prior works agreements in relation to private service road i.e no use for construction purposes

Neighbours – comment (1 letter)

- suggests significant tree planting along western boundary
- drawings not up to date re. Bilton Grange School

Rugby Road Residents Association – objection

- consultation premature in that the application is incomplete and has not been demonstrated that all conditions attached to the outline planning permission have been addressed
- original objections to site access at outline stage still relevant and more so on basis of increasing volumes of traffic and highway safety/request new study and assessment of access options considered at the outline stage using current data
- land ownership issues unresolved
- access plans insufficiently detailed: gradient and potential impact on private service road/potential for surface water run-off to flood private road/works to accesses to be closed/use of footpath-cycleway will require pedestrians to cross private road outside applicant's control/confirmation required that no trees to be removed to provide visibility splays/not possible to construct access road to adoptable standard whilst retaining trees/lack of developer consultation with neighbours directly on either side of access road
- access plans insufficiently detailed in respect of the impact on the functioning of the private service road and footpath-cycleway: increase in traffic using private road/need to design and implement measures to prevent use of private road by traffic to and from new development including potential use of covenants in contracts for new housing/prescriptive rights of residents may be infringed and or are not recognised in the access design/approval should not be granted until such time agreement reached between the residents of 14-42 Rugby Road and the developer into impacts on private service road/use of vehicular access

road crossing the footpath-cycleway will increase danger to cyclists and pedestrians and new detailed plan therefore required

- proposed footpath links within the site will provide alternative location for dropping off and collecting school and nursery children thereby further increasing levels of traffic, pedestrians and cyclists using the new access
- dwellings of standard design and out of keeping with the Conservation Area
- proximity of plots 1-4 and 45-50 to boundaries with existing Rugby Road properties does not reflect the outline design and access statement/plot behind 42 Rugby Road only 10.5m off boundary with overlooking window leading to loss of privacy
- 2.5 storey houses behind Rugby Road properties will have detrimental impact on privacy and light
- reduction in green space and housing directly facing existing properties on Rugby Road will result in loss of privacy
- overcrowding of affordable housing and inadequate parking
- layout allows access to Homefield Lane at a later date contrary to condition 6
- drainage and sewage proposals not finalised and incomplete: site subject to waterlogging/ground conditions unsuitable for use of soakaways/levels will lead to run-off into existing neighbouring gardens/existing sewage and water systems unable to cope with increase in volume
- impact on trees: tree protection plan differs to that submitted at outline stage/trees inside Rugby Road residents gardens not shown on either tree protection plan or landscape structure plan/construction of site access to adoptable standard not recognised as constraint in tree report and impact survey/unclear if any TPO trees to be removed
- adoption strategy plan vague: maintenance and safety issues in relation to attenuation pond needs to be clearly understood/attenuation pond drawing preliminary
- detrimental impact on ecology: anomalies between current report and that submitted at outline stage particularly in respect of great crested newts and bat surveys
- should be made clear that private service road is not to be used by construction and site workers vehicles

### Additional Consultation

Dunchurch Parish Council – no further observations received

Neighbours – objections (13 letters from 11 households)

- Transport and Highways

- insufficient detail of crossing of service road to make informed decision
- increase in traffic on private service road which should be blocked off and issue should be resolved as part of the formal planning process
- leaving service road junctions open and providing physical barriers such as bollards to prevent traffic from the development turning onto the service road the preferable option
- service road privately maintained and of substandard design, used by children as a traffic free space and any increase in traffic will make it unsafe
- visibility splay to north of junction with A426 does not meet standards
- additional traffic on Rugby Road
- unclear from plans how options to mitigate against accidents at access have been evaluated
- access road layout detrimental to highway safety
- no enforceable means of preventing residents vehicles and service vehicles from the development using the private service road to access/egress the A426
- adverse impact of raised levels across the private service road
- no changes to mitigate impact on use of service road which will become a “rat run”

- unclear how covenants designed to prevent use of service road and no entry signs can be enforced
  - resolving issues over use of service road and details a fundamental consideration
  - all issues raised by the Highway Authority to initial consultation should be addressed
  - should be independent survey of no dig zones and impact on tree roots of construction of road
  - not possible to provide utilities/services along access road without disturbing no dig zones or root protection areas of trees
  - access arrangement plan misleading
  - insufficient details of construction and appearance of access road
  - access should be moved to Bilton Grange entrance
- Flood Risk and Drainage
    - unclear from plans how sewers will be updated
    - access to upkeep sewers within the development serving the Village Hall should be maintained
- Design and Layout/Amenity
    - proximity of housing to rear of no.38 Rugby Road
    - location of 2.5 storey dwelling on plot 50 together with dwelling on plot 49 will be overbearing and result in loss of light and privacy to no.28 Rugby Road
    - proximity of dwelling on plot 45 to boundary with no.42 Rugby Road and loss of privacy resulting from a first floor side window overlooking which should be obscure glazed
    - noise and disturbance both during and post construction
- Biodiversity
    - unclear why some tree root no dig areas have been reduced
    - inaccuracies in tree protection plan in relation to trees indicated in gardens of nos. 26A, 28 and 30 Rugby Road
    - unclear if existing trees will be adequately protected during construction
    - loss of birdlife
- Other
    - details not submitted in respect of all conditions attached to the outline planning permission
    - landscaping does not adequately address the relationship with the playing field and Conservation Area and should be additional tree planting along the western boundary

#### Rugby Road Residents Association – objection

- maintain position that the application should be rejected until all details submitted and the main objections of local residents have been addressed by restricting ingress/egress onto the private service road from the new development
- the application should not be progressed until a response is made to all issues raised by the Highway Authority and residents have had an opportunity to comment
- maintain original objections in relation to the site access
  - unresolved land ownership issues
  - access plans still inadequate and inaccurate
  - design cannot accommodate gradient to Highway Authority guidelines
  - access road not wide enough at narrowest point to accommodate utilities

- drainage of access road unclear
- unclear if highway trees to be removed to provide visibility splays
- not possible to construct access road to adoptable standard whilst maintaining trees
- impact of utilities on trees in areas of no dig
- residents most affected not consulted by developer on boundary wall and lighting details
- maintain objections in relation to use of service road by traffic to and from new development
  - insufficient detail of crossing of service road/cycleway and footpath and visibility splay
  - signage and suggested covenants unenforceable
  - solution should be agreed as part of planning process and not outside the application e.g replace dropped kerb with normal kerb extending footway to make service road into two cul de sacs whilst using the two closed accesses as turning heads
  - prescriptive rights of residents may be infringed or not taken into account in access design
  - scheme should not be approved until agreement reached with residents
- maintain highway safety concerns
  - in relation to interface with existing cycleway/footpath
  - new road and footpath links will be used to access Homefield School/Nursery
- maintain concerns about design of dwellings which are not in keeping with Conservation Area
  - impact on root protection areas of trees understated
  - proximity of plots 1-4 and 45-50 to boundaries of existing Rugby Road properties contrary to original design principles indicating no development closer than 14.03m; plot 45 only 12.0m of boundary with overlooking window; plot 46 has building less than 5.0m from boundary with no.38 Rugby Road
  - maintain objection to 2.5 storey dwellings which by height and appearance have greater impact than standard 2 storey dwellings with impact on privacy and light
  - impact of changes to dwellings on plots 49 and 50 on light and privacy to no.28 Rugby Road
  - reduction in green space with closer placing of housing directly facing Rugby Road properties with consequent loss of privacy
  - overcrowding of affordable housing with inadequate parking
  - potential to access Homefield Lane at future date contrary to condition 6 of outline permission
- maintain drainage concerns
  - scheme should not be approved before drainage details finalised under condition 17
  - site easily waterlogged; insufficient information about surface water pumping station including frequency of operation, noise and vibration and impact on root protection areas of trees
  - dry retention area may be deeper; plan should be updated and concern that a ROSPA assessment should be undertaken
  - suitability of existing system to cope with increase in foul and surface water drainage
  - still unclear how surface water from access road will be prevented from flooding service road
- tree protection plan drawing still inaccurate; impact on trees understated; root protection and no dig zones reduced to fit with drainage and access plans
- request that independently certified tree protection plan and impact survey be produced
- ecology report incomplete and anomalies between that originally provided at outline stage and that now submitted; recommendations should be adhered to during development of site
- should be made clear that the private road will not be used by any vehicles involved in the

construction of the site

### **Other Relevant Information**

This application has been “called-in” by Cllr. Howard Roberts for consideration by the Planning Committee on the following grounds:

- density : is not consistent with neighbouring properties contrary to NPPF guidelines
- design: proposed dwellings are higher than the vernacular contrary to the wishes of the Parish Council and the saved policies in the local plan

### **The Application Site**

The site amounting to some 2.95ha is located off the east side of Rugby Road approximately ¼ mile from the centre of Dunchurch and 2 miles from the centre of Rugby.

The site’s eastern boundary is defined by a mature hedgerow and trees, some of which are the subject of a preservation order, and Homefield Lane. Beyond are the grounds of Bilton Grange School. The village playing field lying within the Dunchurch Conservation Area together with the remnants of a former orchard adjoins the southern boundary which is defined by a post and wire fence. The northern boundary is undefined beyond which is an open area of land comprising the remainder of the field of which the site forms a part together with The Drive which provides access to the School. Adjoining the site to the west are the rear gardens of residential properties fronting Rugby Road. A number of the gardens contain trees some of which are also the subject of a preservation order. The site extends through a field gated access between nos. 24 and 26 Rugby Road and across a private service road where it meets the public highway.

The site is generally level and a public footpath, R172, runs inside the length of the eastern boundary. Vehicular access to the properties fronting Rugby Road is via a private service road with junctions at either end and two centrally located crossover points. Rugby Road along this stretch is subject to a 30mph speed limit.

The grounds of Bilton Grange School are a designated grade II registered park and garden. The main school building is grade II\* listed. Two other properties nearby in the grounds of the parkland on the east side of Homefield Lane comprising the Inner Lodge and Gardeners Cottage and attached walls are grade II listed buildings. The Lodge at the entrance to The Drive on the Rugby Road frontage is also grade II listed.

### **The Application**

The application comprises the submission of reserved matters in respect of layout, scale, appearance, access and landscaping for the development of 50 dwellings in accordance with conditions attached to the outline planning permission granted in August 2014. Related details are also submitted to discharge other conditions covering the design of estate roads, parking requirements, boundary treatment, levels and refuse storage (all condition 11), materials (condition 16), drainage (condition 17), ecological mitigation and enhancement (conditions 25, 26 and 27) and side boundary treatment to nos. 24 and 26 Rugby Road (condition 32). The proposed development is at a density of 16 dwellings per hectare.

The proposals are primarily a mix of detached and semi-detached dwellings together with small terraces of three dwellings of which 43no. are 2-storey and 7no. are 2.5 storey in height. The scheme comprises 12no. 2 bed dwellings, 8no. 3 bed dwellings, 9no. 4 bed dwellings and 21no. 5 bed dwellings. The 2 and 3 bed roomed dwellings are identified as

affordable housing for purposes of social rent and shared ownership amounting to 40% (20 units) of the overall development.

### *Access*

Vehicular access is gained from a new access off the Rugby Road extending into the site across the private service road and between the neighbouring properties nos. 24 and 26. As originally submitted the proposed crossing of the service road comprised a formal priority junction arrangement with kerbed radii. This has since been amended to provide a more informal dropped kerb with tie in to the existing footway/cycleway and signage to emphasise the private nature of the service road. The two existing crossover points on Rugby Road providing access to the service road at this location will be closed and the verge reinstated.

The existing public footpath inside the eastern boundary is accommodated within a green corridor with pedestrian links to it at three points within the development.

### *Layout*

The layout of development is aligned principally along two estate roads running north/south and east/west in a cul-de-sac arrangement with pedestrian links to the green corridor. Larger, lower density plots primarily accommodating detached dwellings with driveways are located directly behind existing properties fronting Rugby Road and in the north and south of the site. Four of the plots adjacent to the northern boundary face The Drive with gated vehicular access from the rear. The higher density affordable housing is located centrally within the site served by an enclosed parking court and along the southern boundary. Dwellings are aligned where possible to front onto areas of amenity green space including the green corridor.

All plots are provided with private amenity space and the larger dwellings with integral or detached double garages. The affordable dwellings have defined parking spaces on adjacent driveways or within the enclosed parking court. A number of bin hardstanding collection points are identified adjacent to, or in close proximity of the estate roads.

### *Appearance and Scale*

A mix of house types, sizes and building heights are proposed distributed throughout the site with three of the 2.5 storey dwellings backing on to the existing properties fronting Rugby Road. The predominantly 2 storey dwellings range between 5.0m and 5.5m to the eaves and 8.0m and 8.5m to the ridge of the roofs. The 2.5 storey dwellings are approximately 5.5m to the eaves and 9.5m to the ridge of the roof. The rear elevations have all the appearance of a 2 storey dwelling and incorporate a single rooflight serving a landing.

The footprint of the dwellings are similar to the housebuilders standard house types and are of a traditional design and appearance with gables and pitched roofs. Architectural detailing has been incorporated following a character assessment of the existing properties along Rugby Road and neighbouring buildings within the school site which have particularly informed the design and appearance of the proposed dwellings facing The Drive.

Materials are drawn from a palette of orange, red and buff bricks with some cream coloured render and a mix of natural and artificial slate and small concrete plain tiles in two contrasting colour variations. The bricks, tiles and render are used in seven combinations throughout the site together with stone detailing to provide interest and variety.

### *Landscaping*

Soft landscaping proposals comprise a mix of native and ornamental trees, shrubs and hedgerows together with native meadow and other grassland mixes with a view to ensuring ecological enhancement and habitat creation. Hedgerows are proposed along all boundary plots adjacent to green amenity space and the green corridor accommodating the public right of way.

Tree lined resin bonded gravel margins are proposed to either side of the access road between nos. 24 and 26 Rugby Road.

Hard landscaping essentially comprises a mix of macadam and concrete block paving to the access roads with sprayed chippings on tarmac to the larger shared private drives and parking court. Private garden and other areas are to be enclosed by a mix of 1.8m high brick walls, timber fences and 1.1m high iron railings. A 2.0m high brick wall with stone pier caps and buttresses is proposed along the side boundaries of nos 24 and 26 Rugby Road adjacent to the access road and a 1.8m high brick wall with buttresses along the southern boundary with the playing field.

### *Drainage*

Site investigation has confirmed that the site is unsuitable for surface water drainage via soakaways. The scheme therefore proposes to discharge surface water to the existing public surface water system via a pumping station located at the entrance to the site beyond the rear garden of no.26 Rugby Road.

The surface water discharge from the site will be restricted to the greenfield run-off rate of 7.4 lt/sec. Any flows above this rate including the 1 in 100 year extreme event plus 30% climate change will be attenuated by appropriately sized pipes within the adoptable roads, a cellular storage system located beneath the parking court serving the affordable housing and a dry overflow feature located adjacent the pumping station. The overflow feature will be a shallow depression approximately 0.8m deep with shallow slopes, be landscaped and enclosed by 1.1m high iron railings. Supporting information confirms that for the majority of the time the overflow feature will comprise a dry depression and will only have water in it during high storm events for a short period before draining away through the system.

The pumping station will be a standard facility to be adopted and maintained by Severn Trent Water.

Foul drainage will be by gravity to an existing public foul sewer located at the entrance to the site.

### *Other*

The application is supported by a design and access statement, tree and ecology reports.

The tree report provides details of trees within and neighbouring the site and any potential impact together with a construction methodology and tree protection plan..

The ecology report updates that carried out at the outline stage with particular reference to conditions covering great crested newt, reptile and bat mitigation measures. It confirms that habitats at the site are of low ecological value and that no evidence of great crested newt, reptiles or roosting bats was found. It also confirms that no further surveys are required in respect of protected species but recommends a precautionary approach is taken during site clearance which will be overseen by an ecological clerk of works. Recommendations are

also made for biodiversity enhancement which have been incorporated in the landscape scheme and also includes the siting of bat and bird boxes.

### **Relevant Planning Policy**

Local Development Framework Core Strategy, June 2011 including “saved” policies

CS16	conforms	sustainable design
CS17	conforms	reducing carbon emissions
CS19	conforms	affordable housing
CS20	conforms	local needs housing
GP2	conforms	landscaping
E6	conforms	biodiversity
E17	conforms	development affecting parks and gardens and other elements of the
		historic landscape
T5	conforms	parking provision
H11	conforms	open space provision
H12	conforms	open space provision in residential developments in the rural area
LR1	conforms	open space standards
LR3	conforms	quality and accessibility of open space

Planning Obligations SPD, March 2012 (RBC)  
 Sustainable Design and Construction SPD, February 2012 (RBC)  
 Housing Needs SPD, March 2012 (RBC)

National Planning Policy Framework, March 2012  
 Sections 6 – delivering a wide choice of high quality homes; 7 – requiring good design; 8 – promoting healthy communities; 10 – meeting the challenge of climate change and flooding; 11 – conserving and enhancing the natural environment and, 12 – conserving and enhancing the historic environment

### **Determining Considerations**

The principle of the development of this site for residential purposes has already been established with the grant of outline planning permission. It is therefore only the details of the development comprised in the reserved matters in respect of layout, appearance and scale, access and landscaping, together with other matters to discharge associated conditions which are to be considered in this case. These aspects need to be considered against relevant policies contained in the Council’s Local Development Framework Core Strategy, June 2011, including “saved” policies, relevant Supplementary Planning Documents (SPDs), government policy and guidance contained in the National Planning Policy Framework, March 2012 (NPPF) and related Planning Practice Guidance and any other material considerations including the relationship with existing neighbouring development.

#### *Layout*

The original outline application was supported by an illustrative master plan together with design principles contained in a Design and Access Statement which it was intended would form the basis of any reserved matters application. The layout shown on the master plan was the subject of considerable discussion having particular regard to the context and character set by the site’s surroundings including the neighbouring registered park and gardens, listed buildings and Conservation Area.



In the circumstances it was considered that a low density development in a green setting framed by a corridor containing the public right of way along the eastern boundary and space adjacent to The Drive was the most appropriate design response taking account of the setting and relationship with the heritage assets and their significance and the existing low density development fronting Rugby Road. The NPPF gives local planning authorities flexibility to consider the appropriate density of development based on local circumstances. A condition attached to the outline planning permission requires that reserved matters have full regard to the original design principles and illustrative master plan referred to above including the green corridor accommodating the right of way, other areas of green amenity space and footpath links.

The proposed informal layout closely reflects that shown on the original illustrative master plan, essentially following the same road alignment with pedestrian links through green areas of amenity space to the right of way along the eastern boundary. The laying out of dwellings to predominantly front on to roads and the green framework will provide strong frontage development, continuity and interest in the street scene. This will also result in a sense of enclosure and natural surveillance to provide a safe and secure environment in accordance with secure by design principles. Parking spaces are conveniently located either on plot or in the parking court and will thereby minimise the impact of parking in the street scene. Bin collection points are also appropriately located adjacent to the highway to minimise carrying distance and any adverse visual impact.

The green amenity space provided in terms of the amount and location accords with that identified in the provisions of a Section 106 agreement which forms part of the outline planning permission. The public right of way is maintained in a green corridor which will also provide a setting for the development. Together with other areas of amenity green space proposed, the scheme meets the Council's requirements in respect of open space standards set out in saved policies H12, LR1 and LR3 and the Planning Obligations SPD.

It is considered that the proposed layout is an acceptable, legible arrangement which will provide permeability and create a strong sense of place and identity whilst ensuring that acceptable levels of privacy and amenity are safeguarded in accordance with the requirements of Core Strategy policy CS16 and sections 7 and 8 of the NPPF which promote good design and seek to ensure that developments create safe environments and minimise opportunities for crime.

### *Scale and Appearance*

The predominantly two storey development interspersed with a small number of 2.5 storey dwellings is considered to be of an appropriate scale in the context of existing surrounding development. It will readily assimilate into the existing environment without materially impacting on or dominating heritage assets or existing properties fronting Rugby Road. The 2.5 storey dwellings will add to variety and interest in the street scene and in terms of scale and height are not dissimilar to some existing neighbouring properties on Rugby Road. The eaves line of the 2.5 storey dwellings is comparable with those of the proposed two storey dwellings whilst the ridge of the roof is only approximately 1.0m higher.

In terms of appearance, the mix of house types, designs and architectural detailing is of a traditional nature and has taken reference from existing development in Dunchurch and the Bilton Grange school site. Appropriately, particular attention has been paid to the design and appearance of those proposed dwellings which front on to and frame The Drive which will be visually prominent in relation to the registered park and gardens. The palette of materials proposed reflects the varied mix locally and the types of brick, render, stone and timber detailing will add contrast and visual interest in the elevations of the dwellings. The design,

appearance and materials to be used in the construction of the affordable dwellings reflects that of the market housing such that they will largely be indistinguishable and well assimilated into the overall development.

As such it is considered that the scale and appearance of the proposed development is acceptable. It will readily assimilate and harmonise with its surroundings and meets the requirements for high quality, inclusive and sustainable design which will not cause any material harm to the quality, character and visual amenities of the locality in accordance with Core Strategy policy CS16 and the Council's Sustainable Design and Construction SPD. In addition, it accords with policy guidance contained in sections 6 and 7 of the NPPF which seek to ensure that a wide choice of quality homes are provided of a high quality design.

### *Access and Parking*

The principle of vehicular access to the site between nos. 24 and 26 Rugby Road was established at the outline stage being specified by condition which also prohibits vehicular access being made to or from Homefield Lane. Two options were indicated at that time covering the details of the crossing of the private service road either of which was considered satisfactory by the Highway Authority. It was recommended nonetheless that the applicant/developer engage with the Residents Association to assess support for the option which included no entry signage to prevent users of the new access road turning onto the service road. This was in the knowledge that such signage could neither be enforced by the Police or by way of traffic regulation orders given the private nature of the road. In response to the initial consultation in connection with the current application the Highway Authority comment that the proposed interface between the service road and proposed access road as a dropped kerb arrangement will nonetheless help re-inforce the perception of the service road as being private and thereby dissuade drivers from using it.

The applicants advise that they have considered the alternative option put forward by the Residents Association essentially forming a restriction on either side of the crossing comprising full height kerbs and extending footways to prevent any turning onto the service road from the new access road and also retaining the existing tarmac areas to form turning heads. The applicants further advise that having taken legal advice to the effect that vehicular access must remain unrestricted over the entire length of the service road for all residents that have a legal right to use it, they cannot provide any form of physical restriction at the crossing of the service road. In addition, having discussed the residents suggestion with the Highway Authority the applicants advise that further consideration would also need to be given to maintaining access for refuse vehicles and emergency services to serve existing properties necessitating the provision of additional turning facilities and/or access junctions with Rugby Road to serve each part of the service road on land which is not within the application site or the applicant's control (legal title).

The proposed access arrangement crossing detail in relation to the private service road is one of those considered satisfactory at the outline stage by the Highway Authority in terms of public and highway safety and for which it expressed a preference. At the time of writing, the Highway Authority's final observations are awaited in respect of additional information submitted by the applicant to overcome the Authority's initial objection, the outcome of which will be reported verbally at the meeting. This includes, amongst other things, clarification of construction of the access road to adoptable standards taking account of any potential impact on trees, confirmation of service runs within the highway, levels and drainage, the geometry of the road layout within the site and visibility splays. It is anticipated that the Highway Authority will confirm that its initial objection has been satisfactorily overcome.

The applicants have confirmed that they wish the application to proceed to determination on the basis of the details submitted and, in the circumstances, it is considered that the Local Planning Authority cannot reasonably insist on some other form of detailed access arrangement as promoted by the Residents Association being incorporated in the scheme given that there is no guarantee that it can be delivered by the applicant and which could potentially seriously delay the development of the site. As advised earlier in the report, the applicants have volunteered a commitment to add restrictive covenants to the legal transfer of all the new properties confirming that the occupiers are not authorised to use the service road. It is also understood that the applicants intend to continue dialogue with the Residents Association in the event that the reserved matters are approved to consider any other suggestions but on the understanding that this will not include any further consideration of physically restricting access at the crossing of the service road.

The level of parking provision across the site meets the requirements of saved policy T5 and the Council's parking standards contained in the Planning Obligations SPD with parking spaces conveniently located in relation to the properties they are intended to serve. The layout of the development incorporates safe, convenient and suitable access for all and an appropriate level of parking provision in accordance with section 4 of the NPPF.

The public right of way is suitably retained within an informal green corridor along the eastern boundary of the site with suitable links from within the development which will provide added recreational opportunity and also ensure that the site is well connected with the surrounding environment.

### *Landscaping*

The hard and soft landscaping has been considered as an integral part of the scheme in accordance with saved policy GP2 including the relationship with existing neighbouring development and adjoining sports field and will add to the quality of the environment created. The green framework will assist in creating a strong sense of place and identity. The soft landscaping will provide a visually interesting setting for the built development whilst also softening its impact. The proposed planting, including choice of species, is designed to encourage wildlife and in the medium to longer term to secure a net gain in biodiversity. Though mainly dry for most of the time, the surface water overflow feature will also provide new habitat and be of added nature conservation value. The proposals therefore also accord with saved policy E6 and section 11 of the NPPF which seek to conserve and enhance the natural environment.

The range of boundary treatments proposed will have the effect of clearly defining public and private space and will safeguard the amenities of the occupiers of existing properties on Rugby Road, including those with common boundaries on either side of the access road and those of the proposed dwellings. Hedgerow planting inside low iron railings defining residential curtilages will reinforce the character of the green corridor accommodating the right of way. Though part of the development backs on to the adjoining playing field and Conservation Area beyond, the brick boundary wall will provide a strong feature at the edge of the development and is considered an appropriate design response. The walls proposed to the side boundaries of nos.24 and 26 Rugby Road are also considered appropriate in terms of height, design and impact on visual amenity.

The mature hedgerow along the eastern boundary of the site is retained and no protected trees are to be removed. At the time of writing, the Council's Tree Officer's views are awaited in connection with additional information submitted clarifying the construction methodology in the root protection areas of certain trees and will be reported verbally at the meeting. The

tree protection measures proposed will safeguard trees with preservation orders and other trees both on the site and in neighbouring properties.

### *Other*

The 40% level of provision of affordable housing accords with the original outline proposals and the requirements of the associated Section 106 Agreement in accordance with Core Strategy policy CS19. The types and size of dwellings comprising two and three bedroomed properties are acceptable and no objections have been raised to the proposals by the Council's Housing Manager. The Section 106 Agreement prescribes the process to be followed to make a number of the affordable dwellings available in the first instance to meet a local need identified in Dunchurch.

It is considered that subject to final confirmation by consultees of no objection to remaining matters referred to earlier in the report, sufficient information has been submitted to discharge related conditions.

With regard to condition 11, details of the roads, parking areas, private drives, access to individual plots and bin collection storage points are acceptable. The amount of parking accords with the Council's standards whilst the siting, height and design of boundary treatments distinguishes between the public and private realm and is acceptable in terms of visual amenity. There will be no significant change in levels across the site in relation to adjoining land including the existing properties fronting Rugby Road.

As referred to above under scale and appearance, the proposed palette of materials including colour of bricks and tiles is considered acceptable. Samples of the actual facing bricks and roof tiles to be used in the construction of the development remain to be submitted, however, so condition 16 may only be discharged in part.

The sustainable drainage proposals incorporated in the development accord with Core Strategy policy CS16 and government guidance. The details submitted in accordance with condition 17 have been the subject of thorough consideration by Severn Trent Water and the Environment Agency. Severn Trent Water has raised no objections to the proposals for foul and surface water drainage. Additional information has been submitted to the Environment Agency and at the time of writing it is understood that the Agency is seeking assurance that the surface water pumping station will be adopted by Severn Trent Water before confirming that it has no objections to the scheme. The outcome will be reported verbally at the meeting.

The existing and finished levels drawing confirms that the scheme does not include elevating the proposed development such as to pose an additional flood risk to existing properties whilst easements to existing public sewers will be maintained. The drainage scheme will manage surface water discharge from the development being sized to cater for an extreme event including climate change and in the event of the failure of the pumping system includes the dry facility as a safeguard. The surface water pumping station will have to meet the standard requirements of Severn Trent Water, including noise levels. The pumps will be located below ground housed in a concrete chamber whilst the compound itself will be enclosed by a mix of solid walls and timber fencing which will attenuate any potential noise. Whilst it is considered sufficient information has been submitted to discharge the condition, in view of concerns expressed by the Residents Association, should there be any requirement for further alteration of the area and layout of the pumping station and associated dry overflow area, it is proposed that this be covered by condition in order to ensure that the Local Planning Authority may retain control.

With regard to conditions 25 and 26 covering great crested newt/reptiles and bat mitigation, the supporting information confirms that protected species will not be adversely affected and that there are no ecological constraints to the development of the site. The updated assessment of potential impacts undertaken includes a method statement to safeguard great crested newts and reptiles in the unlikely event that any are found during site clearance and development. It also confirms that there will be no adverse impact on trees previously identified with bat roosting potential. The ecological enhancements incorporated in the landscape scheme together with the siting of bat and bird boxes in accordance with condition 27 will create habitat of benefit to wildlife and have been welcomed by the County Ecologist. The details take full account of and accord with the requirements of saved policy E6 and those of Section 11 of the NPPF which seek to safeguard, conserve and enhance the natural environment, minimise impacts on biodiversity, prevent disturbance to wildlife, protect habitats and provide net gains where possible.

As referred to earlier, the details of the treatment of the side boundaries with nos. 24 and 26 Rugby Road to either side of the access road as required by condition 32 propose the replacement of the existing timber fences with solid brick walls. The applicant has confirmed that discussions have been held with the occupiers of the properties on this aspect as a result of which the height of the walls has been increased from 1.8m to 2.0m. The condition additionally requires that the walls be built before any construction works are commenced on the site. It is considered that the proposals are acceptable and will both safeguard the amenities of the occupiers of the properties and will be of benefit to visual amenity and the character of the locality in accordance with Core Strategy policy CS16. Streetlights of a traditional style are proposed along one side of the access road between nos. 24 and 26 Rugby Road though the precise number, siting and detail of directional cowls to minimise light pollution will be subject to both the technical requirements and approval of the Highway Authority and subsequent approval of the Local Planning Authority under condition 21 of the outline planning permission.

In addition to the above, conditions were attached to the outline planning permission to ensure that the proposed housing is of sustainable design to minimise energy use by maximising natural light and ventilation and the use of the most energy efficient materials in construction to meet energy conservation requirements in accordance with the Building Regulations, Core Strategy policies CS16 and CS17, the Council's Sustainable Design and Construction SPD and sections 6, 7 and 10 of the NPPF. The relevant conditions require that prior to the first occupation of any dwelling full details of water and energy efficiency measures incorporated in the design and construction to achieve carbon emission reductions of at least 10% are submitted to and approved by the Local Planning Authority.

### Third Party Representations

Thirty letters of objection were received from 18 households in response to the original consultation and 13 from 11 households in response to further consultation in connection with revisions to the scheme. Representations have also been received from the Rugby Road Residents Association which reflect those matters raised by individual households. As set out in detail earlier in the report the main concerns relate to transport and highway matters, particularly the detail of the crossing of the private service road, drainage, design and layout with reference to the impact on the amenities of neighbouring properties fronting Rugby Road, and the impact on biodiversity with particular reference to safeguarding trees, a number of which are protected. Some of the issues raised relate to the principle of development. As referred to earlier in the report, however, matters of principle were dealt with at the outline stage and it is only consideration of the details comprised in the reserved matters and to discharge related conditions which is material in the case of this application.

With regard to highway matters the issue of the crossing of the service road has been considered above. Satisfactory visibility can be achieved at the junction with Rugby Road, the junction with the service road and as required in the layout of development within the site. The difference in levels between Rugby Road and the service road is not significant. The proposed access road will be constructed to tie in to existing levels and will be provided with appropriate drainage. The design takes full account of the existing footpath/cycleway to ensure that there will be no detriment to the safety of pedestrians and cyclists. The Highway Authority has commented that it considers it unlikely that parents would use the site and footpath links to drop off and pick up neighbouring school and nursery pupils such as to cause highway safety issues at the junction of the site access with Rugby Road. It recommends, however, that the applicants discuss with the school and nursery how parents may be deterred from parking within the development.

Conditions attached to the outline permission will ensure that the private service road will not be used for construction purposes. These include requirements that prior to the commencement of any works on the site the new access road incorporating the crossing of the service road is provided and details of the location of the site compound, facilities for the delivery and storage of materials and for the parking of operatives vehicles are submitted to and approved by the Local Planning Authority. In addition, there is a requirement that a construction method statement be submitted and approved to control and monitor noise, vibration and dust emissions and to minimise the deposit of mud on the highway.

As referred to above in connection with condition 17, the drainage proposals have been given due consideration and subject to final confirmation by the Environment Agency are deemed acceptable. The nearest dwellings to the pumping station on Rugby Road are located more than 40.0m away and it is considered unlikely that there will be any noise nuisance or vibration arising from its intermittent operation. The applicant confirms that RoSPA guidelines have been reviewed and is of the opinion that a full safety assessment is not required given that the shallow overflow basin will be a predominantly dry feature for most of the time with the embankments designed to a suitable shallow gradient for easy egress should this be required.

The layout of development on the site and design of the dwellings has been arrived at taking account of the relationship with existing neighbouring dwellings fronting Rugby Road. The proposed dwellings are sited between 12.0m and 19.0m from the boundary whilst the rear gardens of the Rugby Road properties themselves range from approximately 30.0 to 39.0m in length. The distance between principal rear elevations of existing and proposed dwellings ranges between 47.0m and 56.0m. In the circumstances and taking account of the scale, height and massing of the proposed dwellings together with the orientation on the site and existing vegetation, it is considered that there will be no serious detrimental harm to the residential amenities of existing properties whether by overlooking and loss of privacy, loss of light or overbearing impact.

Particular reference has been made to the impact of the proposed 2.5 storey dwelling and associated garage on plot 46 on the amenities of no.38 Rugby Road; the proximity of the dwelling on plot 45 to the rear garden of no.42 Rugby Road and the impact of windows in the end elevation on amenity and, the impact of the proposed 2.5 storey dwelling on plot 50 together with that proposed on plot 49 on the amenities of no.28 Rugby Road.

The proposed 2.5 storey dwelling on plot 46 will be approximately 14.0m from the boundary with no.38 Rugby Road and the nearest part of the garage some 5.0m off the boundary. The proposed dwelling has no windows in the roof on the rear elevation other than that serving a landing whilst the roof of the garage is hipped on all sides which reduces the massing and any potential adverse impact. The rear garden to the existing dwelling is itself some 36.0m in

length. In view of the relationship between the existing and proposed dwellings it is not considered that there will be any serious harm or adverse impact on amenity.

The gable end elevation of the proposed dwelling on plot 45 containing garage windows on the ground floor and a single bedroom window on the first floor will be approximately 12.0m from the boundary with no.42 Rugby Road. A mature tree the subject of a preservation order is located between the end elevation and the site boundary which will be reinforced with a 1.8m high timber fence. The garden to no.42 is approximately 35.0m in length. Similarly, in view of the relationship between the existing and proposed dwellings, it is not considered that there will be any serious detriment or harm to the amenities of no.42.

In the case of no.28 Rugby Road, the proposed 2.5 storey dwelling on plot 50 will be approximately 19.0m off the boundary and that on plot 49 some 17.0m off the boundary. The garden to no.28 is itself some 36.0m in length. As in the instances referred to above, in view of the relationship between the existing and proposed dwellings it is not considered that there will be any serious harm or adverse impact on the amenities of no.28 Rugby Road.

In response to concerns about the potential impact on protected and other trees, including the construction of the access road, detailed method statements have subsequently been submitted which explain that excavations will take place under supervision where construction is close to existing trees and within root protection areas and to ensure that appropriate tree protection fences and barriers are installed. Whilst there may be what are considered slight inaccuracies in the location of certain trees in relation to existing property boundaries as shown on the tree protection plan, the position has been viewed on the ground by the Council's Tree Officer and are not considered significant or prejudicial to the protection of those trees. Whilst the information originally submitted confirmed that no trees were to be removed, the provision of a wall along the southern boundary of the site with the playing field necessitates the removal of a Sycamore tree. This is not a protected tree, however, whilst the Council's Tree Officer does not consider it worthy of a preservation order. Replacement planting is proposed nonetheless as shown on the landscape scheme.

The representations received have been taken fully into account in considering the merits of the proposed detailed development of the site. It is not considered that any substantive or material issues of such significance have been raised which weigh against the proposed development.

### Conclusion

The details contained in the reserved matters and in respect of associated conditions constitutes sustainable development which accords with relevant policies controlling new development contained in the development plan and in the NPPF. The proposals will result in a high quality development of a scale, density and design which will not cause any material harm to the qualities, character and amenity of the locality including the significance of designated heritage assets and their settings. There are no material considerations of any significance which weigh against the proposals. In accordance with paragraph 14 of the NPPF, it is therefore considered that the application should be approved without delay.

### **Recommendation:**

Subject to no objections being raised by the Highway Authority and the Environment Agency, approve the details comprised in the reserved matters submission in respect of layout, appearance, scale, access and landscaping together with related details in respect of additional matters, materials, drainage, ecological mitigation and enhancement and boundary treatment in accordance with conditions nos. 3, 11, 16(part), 17, 25, 26, 27 and 32 attached to outline planning permission ref.no R11/0726 dated 13/08/2014.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R15/0507

### **DATE VALID**

27/11/2015

### **ADDRESS OF DEVELOPMENT**

LAND AT HOMEFIELD  
RUGBY ROAD  
DUNCHURCH  
RUGBY  
CV22 6QT

### **APPLICANT/AGENT**

Miss Victoria Lane  
Morris Homes (Midlands) Ltd  
Morland House  
15 Davy Court  
Castle Mound Way  
Rugby  
CV23 0UZ

### **APPLICATION DESCRIPTION**

Development of 50 dwellings - submission of reserved matters comprising access, layout, appearance, scale and landscaping and discharge of related condition nos. 11(additional details), 16(materials), 17(drainage), 25(gcn/reptile mitigation), 26(bat mitigation), 27(ecological enhancement and habitat creation) and 32(side boundary treatment to nos. 24 and 26 Rugby Road) pursuant to outline planning permission ref.no R11/0726, dated 13.08.2014.

### **Condition Number and Details**

3a), 3b), 3c), 3d) and 3e)  
11a), 11b), 11c), 11d and 11e)

16(part)

17

25

26

27

32

Layout, scale, appearance, access and landscaping  
Details of roads, crossings, footpaths, verges, parking areas, private drives and access to individual plots; accommodation for parking; fences and walls including site boundaries; levels and refuse storage facilities  
Materials  
Drainage  
Great Crested Newt and reptile mitigation  
Bat survey and mitigation  
Combined ecological and landscaping scheme  
Treatment of the side boundaries to nos.24 and 26 Rugby Road

### **Plans and Details Approved**

#### **Layout Plans**

E1052/P/LP01 Rev A  
E1052/P/PL01 Rev K  
E1052/P/PL02 Rev D  
E1052/P/ACC01 Rev C  
E1052/P/MP01 Rev H  
E1052/P/AS01 Rev F  
B15361-200 Rev P4  
B15361-210 Rev P6  
B15361-212 Rev P0  
B15361-225 Rev P1  
M2651.01\_I

Location Plan  
Planning Layout  
Planning Layout (with dimensions)  
Access Arrangement  
Materials Plan  
Adoption Strategy Plan  
External Levels  
Drainage Layout  
Drainage Area Contribution Plan  
Overflow Basin Details  
Landscape Structure Plan



## House Types

The Bridgemere Elevations and Plans Rev B (Plot 14)	dwg.nos E1052/P/HTBRIDGE/01 Rev A and 02
The Bridgemere Plus Elevations and Plans Rev A (Plots 47 and 49)	dwg.nos E1052/P/HTBRIDGE PL/01 and PL02
The Bridgemere Plus School Building Elevations and Plans (Plot 44)	dwg.nos E1052/P/HTBRIDGEPLSB/01 and 02
The Bridgemere SA Elevations and Plans Rev A (Plots 16, 19 and 22)	dwg.nos E1052/P/HTBRIDGESA/01 and 02
The Eaton Elevations and Plans (Plots 2, 3 and 36)	dwg.nos E1052/P/HTEATON/01 and 02 Rev A
The Pickmere Elevations and Plans (Plots 13 and 15)	dwg.nos E1052/P/HTPICK/01 and 02 Rev A
The Pickmere Plus Elevations and Plans (Plots 4 and 48)	dwg.nos E1052/P/HTPICKPL/01 and 02 Rev A
The Pickmere Plus Elevations and Plans (Plot 20)	dwg.nos E1052/P/HTPICKPL20/01 and 02 Rev A
The Pickmere Plus School Building Elevations and Plans (Plot 42)	dwg.nos E1052/P/HTPICKPLSB/01 Rev A and 02 Rev A
Plots 6 – 8 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/01 and 02 Rev A
Plots 9 – 10 and 34 – 35 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/07 and 08 Rev A
Plots 11 – 12 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/09 and 10 Rev A
Plots 23 – 25 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/11 and 12 Rev A
Plots 26 – 27 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/03 and 04 Rev A
Plots 28 – 30 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/13 and 14 Rev A
Plots 31 – 33 Affordable Elevations and Plans	dwg.nos E1052/P/BLOCK/05 and 06 Rev A
The R2 Gable End Affordable Elevations and Plans (Plots 6, 9, 26, 31 and 34)	dwg.nos E1052/P/HTR2GE/01 and 02 Rev A
The R2 End Affordable Elevations and Plans (Plots 8, 10, 27, 33 and 35)	dwg.nos E1052/P/HTR2E/01 and 02 Rev A
The R2 Mid Affordable Elevations and Plans (Plots 7 and 32)	dwg.nos E1052/P/HTR2M/01 and 02 Rev A
The R3 End Affordable Elevations and Plans (Plots 11 and 28)	dwg.nos E1052/P/HTR3E/01 and 02 Rev A
The R3 Gable End Affordable Elevations Plans (Plot 12)	dwg.nos E1052/P/HTR3GE/01 and 02 Rev A
The R3 Mid Affordable Elevations and Plans (Plots 24 and 29)	dwg.nos E1052/P/HTR3M/01 and 02 Rev A
The R3 SA Affordable Elevations and Plans (Plots 23, 25 and 30)	dwg.nos E1052/P/HTR3SA/01 and 02 Rev A
The Severn Elevations and Plans (Plots 17, 18 and 38)	dwg.nos E1052/P/HTSEVERN/01 and 02 Rev A

The Stratford A DG Elevations and Plans Rev A (Plots 37 and 40)	dwg.nos E1052/P/HTSTRATADG/01 and 02
The Stratford A Elevations and Plans (Plots 1, 39 and 50)	dwg.nos E1052/P/HTSTRATA/01 and 02 Rev A
The Stratford Elevations and Plans (Plots 5 and 46)	dwg.nos E1052/P/HTSTRAT/01 and 02 Rev A
The Winstar Elevations and Plans (Plots 21 and 43)	dwg.nos E1052/P/HTWIN//01 and 02 Rev A
The Winstar Plus Gate House Elevations and Plans (Plot 45)	dwg.nos E1052/P/HTWINPLGH/01 and 02 Rev A
The Winstar Plus School Building Elevations and Plans (Plot 41)	dwg.nos E1052/P/HTWINPLSB/01 Rev A and 02 Rev A

#### Garage Type

Pyramid Double Garage Plans and Elevations	dwg.no E1052/P/GARAGE/01
--	--------------------------

#### Standard Details

Standard Screen Fence Details 1	dwg.no F1-1
Standard Screen Wall Detail 2	dwg.no F2-3
900mm High Estate and Cheshire Railing details	dwg.no F3-4 Rev A
Entrance wall and rear garden wall to plots 4 - 13	dwg.no E1052/WALL/01 Rev A

#### Supporting Documents

Supporting Planning Statement, Ref.M022, November 2015, Morris Homes (Midlands) Limited

Design and Access Statement, October 2015 – Morris Homes (Midlands) Limited

Design and Access Statement-Addendum, January 2016 – Morris Homes (Midlands) Limited

Extended Phase 1 Habitat Survey, Ref. CE-DC-0995-RP01b-Final, 4 February 2016, Crestwood Environmental Ltd and associated letter dated 4 February 2016 ref. CE-DC-0995-LT01-Final

Tree Report/Impact Survey, Penkridge Arboriculture, 18/01/2016 including Tree Protection Plan dwg.no 01\_2015\_TP Rev B

Arboricultural Method Statement ref.M2561\_AMS\_03.16\_sf, March 2016 (Barnes Walker)

Drainage Statement dated 07 December 2015, ref.B15361 (Patrick Parsons) as revised by the following additional information:

- letter from Patrick Parsons dated 29 January 2016 ref.B15361
- letter from Morris Homes (Midlands) Ltd dated 11 February 2016 together with Micro Drainage calculations dated 08.02.2016 (pages 1-13 Patrick Parsons)
- letter from Patrick Parsons dated 2 March 2016 ref.B15361

**This permission is subject to the following additional conditions:**

**Condition: 37**

Notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development)(England) Order 2015, or any order revoking or re-enacting the Order, no hard surface shall be constructed within the open frontage landscape areas in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

**Reason:**

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality.

**Condition: 38**

Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development)(England) Order 2015, or any order revoking or re-enacting that Order, other than those fences or walls shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of or to the side of the proposed dwellings without the prior permission of the Local Planning Authority.

**Reason:**

In the interests of the visual amenities of the locality.

**Condition: 39**

No gates or barriers shall be erected across vehicular access driveways/hardstandings serving individual dwellings or parking courts any closer than 5.5 metres to the near edge of the public highway or private drive and any such gates or barriers shall not open outwards towards the highway or private drive.

**Reason:**

In the interests of public and highway safety.

**Condition: 40**

No development falling within Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development)(England) Order 2015, or any order revoking or re-enacting that Order, shall be carried out in relation to plots 41, 42, 44 and 45 without the prior permission of the Local Planning Authority.

**Reason:**

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality.

**Condition: 41**

Full details of any proposed amendments to the area and layout of the surface water pumping station, including the dry landscaped overflow feature, shall be submitted to and approved in writing by the Local Planning Authority before works for the construction of the

pumping station commence. The amended scheme shall thereafter be fully implemented in accordance with the revised details.

**Reason:**

To ensure that any revised details are acceptable to the Local Planning Authority in the interests of amenity.

**Condition: 42**

Samples of the block paviors indicated on the approved materials plan to be used in the surfacing of the access roads shall be submitted to and approved in writing by the Local Planning Authority before any surfacing works commence.

**Reason:**

To ensure that the details are acceptable to the Local Planning Authority in the interests of amenity.

**Condition: 43**

The recommendations contained in the Tree Report/Impact Survey (Penkridge Arboriculture, 18/01/2016) as revised by the Arboricultural Method Statement ref. M2561\_AMS\_03.16\_sf, March 2016 (Barnes Walker), to safeguard trees during construction works, including protective fencing, materials storage and works within root protection areas, shall be fully implemented throughout the course of the development of the site.

**Reason:**

To protect trees during the course of the development in the interests of amenity.

**Condition: 44**

The recommendations included in the Extended Phase 1 Habitat Survey, ref. CE-DC-0995-RP01b-Final, 4 February 2016, shall be fully implemented and adhered to in full prior to and during the course of the development of the site. Full details of the number, specification and precise siting of the proposed bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority before they are installed and shall thereafter be maintained and permanently retained.

**Reason:**

In the interests of biodiversity.

**Condition: 45**

Full details of the type and design of the anti-motorcycle barriers shown on the approved layout plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to their installation.

**Reason:**

To ensure that the details are acceptable to the Local Planning Authority in the interests of amenity.

**Condition: 46**

The easement to the public sewer shown on the approved planning layout drawing shall be maintained at all times and no development falling within Schedule 2, Part 1, Classes A and E of The Town and Country Planning(General Permitted Development)(England) Order

2015, or any order revoking or re-enacting that Order, shall be constructed or sited within the easement.

**Reason:**

To safeguard the public sewer.

**INFORMATIVES:**

a) The applicant/developer's attention is drawn to the other conditions and informatives attached to the original outline planning permission ref.no R11/0726, dated 13/08/2014, and the provisions of the related S106 Agreement, as relating to and controlling the development of the site, including, amongst others:

- pre-commencement conditions yet to be discharged include 10: measures to prevent deposit of mud and debris on the highway; 16(part): samples of materials; 22: construction method statement; 23: scheme for provision of water supplies and fire hydrants and, 31: location of site compound, materials storage and operatives parking
- condition 15 requires a programme for the implementation of the approved hard and soft landscaping works to be agreed with the Local Planning Authority
- in connection with condition 16(materials), samples of facing bricks should include confirmation of those to be used in the construction of the wall to the southern boundary and along the side boundaries with nos. 24 and 26 Rugby Road
- condition 7 requires that the vehicular access, including the crossing of the private service road be provided before works commence on site; the details required in connection with condition 21(lighting) should include lighting to the parking court serving affordable housing; conditions 29 and 30 require the submission of details of water and energy efficiency measures incorporated in the development prior to the occupation of any dwelling.

b) With regard to condition 33 attached to the outline planning permission and condition 43 attached to this approval of reserved matters, the Council's Tree Officer, Dave Gower, should be contacted prior to any works being commenced to trees or in connection with each of those items identified in the Arboricultural Method Statement (ref.M2561\_AMS\_03.16\_sf, March 2016(Barnes Walker), including the erection of protective fencing and means of root protection, in order to view the works and their supervision – tel. 01788 533634, email [Dave.Gower@rugby.gov.uk](mailto:Dave.Gower@rugby.gov.uk)

c) With regard to condition 44, notwithstanding any indication given in the Extended Phase 1 Habitat Survey, the County Ecologist advises that there should be a minimum of 6 bat boxes for this scale of development.

**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 National Planning Policy Framework, March 2012.

**Reference number: R16/0246**

**Site address: 28 and 28a Stanley Road, Rugby**

**Description: Outline Planning Permission for the erection of up to 4No. Bungalows with vehicular access and associated works. Appearance and landscaping are the only matters reserved.**

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

### **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 4 bungalows 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.

This proposal is a resubmission following a refusal. The number of dwellings has now been reduced to 4 and all the dwellings are now proposed as bungalows.

The proposed layout will place two bungalows (plots 1 and 4) to the front section of the site either side of the access which will continue on its central route to two bungalows (plots 2 and 3).

The height of the bungalows has been indicated as 2.7 metres to the eaves and 5.7 metres to the ridge. This is a reduction in height to the previous bungalows which were depicted at a height of 6.15 metres to the ridge.

Plots 1 and 4 will be positioned in the same place as previously shown siting 1.05 metres away from the boundary with number 26 Stanley Road and 1.8 metres away from the boundary with number 30 Stanley Road.

Plots 2 and 3 to the rear of the site still have the garages situated in the same location however the main bulk of the dwellings are now located 3 metres away from the boundaries with the neighbours 26 and 30 and the roofs of the dwellings will still slope away from the neighbouring boundary.

Plot 2 and 3 now further away from the respective boundaries will project further towards the rear boundary than previously proposed by approximately 6 and 2 metres respectively.

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.

Amended plans were received during this process showing minor alterations to the layout i.e. reducing the depth of the carports and changing the positioning of the fence line to plot 4 and also the correcting the inaccuracies highlighted the case officer and the third parties however the positioning of the plots has not altered.

### **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

R15/1375 - 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 – Refused 02/12/15

### **Technical Consultation Responses**

Environmental Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

WCC Highways – Comments Awaited

WCC Ecology – No objections subject to conditions

Severn Trent – No objections subject to conditions

Warwickshire Fire Service – No objections

### **Third Party Responses**

Neighbours (34) – Objection

- Concerned about the increase in parking on Stanley Road which additional dwellings will bring
- The development will affect the character of Stanley Road and the development on the other side of number 30 amply demonstrates this fact.
- Building such numbers of dwellings will result in a lot of construction vehicles causing disruption to such a narrow road.
- Loss of habitat in what is still a largely unspoilt area
- Additional light pollution will impact upon bats seen in the area
- There will be privacy issues to adjoining properties
- There will be disruption and noise to surrounding properties during construction
- There is a restrictive covenant on the land with regards to the amount of dwellings allowed on each plot. On several occasions in different areas houses have not been able to be built because of covenants similar to this.
- No attempt has been made to address the concerns in respect of the contiguous neighbouring properties in Tennant Close
- There continues to be an over massing at the rear of site as the volume and air space occupied by the properties is similar.

- The land levels to which Tennant Close properties are located are lower to that of the proposed dwellings which will lead to overlooking as the properties are closer to the rear boundary than previously proposed.
- The bins left on Stanley Road will cause an obstruction
- Previous development should not be regarded as setting a precedent as all application should be assessed on their own merit.
- Do not believe this mildly watered down application serves to address any of the issues on which the original application was refused.
- Over 50% of our garden boundary will be abutted by brick built structures which will significantly impact on the amenities of our property.
- There is no need for this development to be approved considering the amount of significant development happening elsewhere.
- The site access is still not ideal
- The footpath access to the site is not sufficient or safe and is only such to gain the minimum width of 5 metres for the first 7.5 metres into the site.
- The bins on the road will look unsightly and cause visibility issues.
- This will be used as a precedent for local developers to 'garden grab' in locations all over Rugby.
- The gardens along this road are full of ecological strength, mature trees and wildlife.
- What is the strategy of the developer to connect to the main sewers along Stanley Road and can the local infrastructure handle the increase in waste, gas, electricity and fibre optic cabling with the area.
- Kipling wrote of the Glory of the Garden it shall never pass away but he was not exposed to the predatory developer and his cohorts, labyrinthine planning regulations and the over eager estate agent.
- The gardens to the rear are wildlife habitats to many different animals and will be lost through this development.
- This development is only for the financial gain of the developers and residents of 28a and 28 who will most probably sell up as soon as permission is given.
- Increase in air pollution due to the cars access to the rear of the dwellings.
- These small developments are ruining our suburbs.
- Detrimental impact upon the amenities currently enjoyed by the neighbours living next to this development.
- Not enough parking for the properties which will lead to on street parking.
- The tree and shadow survey report is not an independent report and it has inaccuracies within it.
- The drawings do not show the exact size of my dwelling.
- Refusal was given because they were too cramped and they still are.
- Plot 4 is still 1.8 metres from my boundary and 14.2 metres in length
- Plot 3 is 1 metre from my boundary and 11 metres along part of its length.
- Can I have assurances that outside lighting will be as non-intrusive and over-bearing as possible at a low height?
- Concerns over the damage to my outbuildings and trees due to the close proximity of plot 4 to my boundary
- Concerned about water logging and flooding especially with the removal and uprooting of virtually every tree.
- What form will the boundaries take and would these be sufficient to protect amenities?

Councillor Roodhouse and New – 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
- There will be a loss of local wildlife habitat
- There is a lack of suitable provision for pedestrians along access road
- Whilst there has been some alterations it still conflicts with planning policy CS16 Sustainable Design

## **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.

#### 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 32 and 34 Stanley Road, sited to the rear of 36 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.

A previous application upon this site R04/1256/04323/OP was refused and dismissed at appeal. This 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 36). The development to the rear of 36 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. This was shown within the previous refusal R15/1375 which did not include character and appearance within the single reason for refusal that was given in December 2015.

The fact that the revised submission now indicates that all dwellings would be bungalows would bring the properties more into character with the two dwellings to the north of the site. The dwellings would also be less prominent due to the down scale in height and massing.

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.

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.

#### Impact upon Neighbouring Amenities

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

This proposal has been revised and submitted to ultimately try and address the reason for refusal from the previous application R15/1375 which was as follows:

“The proposed scheme by reason of over development (specifically plots 2, 3 and 4) and over massing by virtue of the height and positioning of the new dwellings close to neighbouring boundaries would result in an overbearing impact to the detriment of the amenities currently enjoyed by neighbouring properties contrary to policy CS16 of the Core Strategy 2011”.

The alterations made to the scheme has been to reduce the number of the dwellings from 5 to 4, reduce the massing and scale of the all the dwellings to bungalows removing the 1 ½ storey and two storey dwellings from the scheme and reducing the ridge level of the dwellings from 6.15 metres to 5.7 metres.

The biggest change in the proposal comes towards the rear of the gardens where there is now only 2 bungalows proposed instead of three dwelling houses. As a result of the scale being reduced the footprint of the two dwellings has increased to compensate for the loss of the first floor which has led to the dwellings projecting further towards the rear than previously proposed, however with there being more space for the two bungalows within this area the main bulk of the dwelling houses has been set further away (3 metres) from the neighbouring boundaries of 26 and 30 Stanley Road reducing the overbearing impact. The ancillary garages to the properties are still in a similar position to previously proposed and located approximately a metre from the boundary.

The removal of plot 3 from the scheme has now provided a development which appears less cramped than previously proposed providing more generous spacing around the dwellings which also now have larger rear gardens.

The other two plots 1 and 4 have remained unaltered in terms of their footprint but have been reduced in height by 0.45 metres.

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 4 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.

It was stated previously that the length of the gardens would dissipate the impact of the dwellings upon the neighbouring amenities. As the dwellings to the rear are now to be set further away from the boundary and lower in height this would statement would be even more relevant and the impact upon the neighbouring amenities reduced further.

With regards to a comment made by the neighbour that approximately 50% of their garden will have built development against the boundary, it should be noted that due to the length and size of the rear gardens a considerable amount or size of outbuildings covering more ground than proposed could be located against the boundary or close to it without requiring planning permission under permitted development rights.

Taking the above into account it is considered that the previous reason for refusal has been addressed in such as that the overdevelopment of the site has been dispersed with the removal of a dwelling and that the overbearing nature of the dwellings has been reduced with the reduction in scale and height and relocation of the massing away from the neighbouring boundaries therefore now complying with policy CS16 of the Core Strategy 2011.

A neighbour at Tennant Close has objected to the scheme as they are of the opinion that due to the difference in land levels, with Tennant Close being located lower, the proposed development would result in overlooking and therefore loss of privacy. Whilst the land levels of the new development are higher than that of Tennant Close the overlooking aspect will not significantly impact upon the neighbouring amenities in terms of loss of privacy.

The reasons for this is due to the distances involved between the dwellings approximately 24 metres, the orientation of the dwellings providing acute views between the properties and the fact that there is a significant amount of vegetation along this boundary, which is to be retained, providing natural screening.

The fact that the properties are to be bungalows will remove the aspect of overlooking to the neighbouring properties 26 and 30 as the existing boundary treatment or new boundary treatment would screen the views of the ground floor windows. The developer has no intention to enter the roof space of the bungalows so roof lights or dormer windows will not be features seen upon these properties which will be reflected in any reserved matters application submitted if approval is given. If any occupier had ideas of converting the roof space at a later date they would automatically require planning permission to so as it is recommended via condition that all permitted development rights for extensions and roof alterations be removed. This would enable the Local Planning Authority to monitor further development to these properties and ensure that neighbouring amenities are protected.

With regards to the overshadowing impact, to which again has been highlighted as an issue by the neighbour, the proposed impact would be reduced from that previously proposed as the height of the dwellings has been reduced. The shadow survey that has been submitted as part of this proposal indicates that the shadowing created by the new dwellings would not be any worse than the current situation created by the existing tall trees along the boundary with number 30 Stanley Road.

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 a previous refusal (R04/1256/04323/OP) upon this site. This previous application did not include numbers 28 and 28a in the site area so alterations to overcome the impact could not be done as part of the proposal. The new application now includes 28 and 28a which has resulted in the site area increasing from 0.17ha to 0.22ha. The increase in the site area was something that had been queried by the residents.

The application R04/1256/04323/OP dated 19<sup>th</sup> 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.

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.

### 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 County Council Highway Authority have commented on the application and have stated that the current proposals have reduced the number of dwellings to 4, which will have less of an impact on the operation and safety of the public highway than the previous proposals to which there were no objections. The previous proposals were found to be acceptable as the proposals made no material change to the highway network in addition to those which were previously supported in the application R04/1256/04323/OP. It was stated that visibility from the access was satisfactory, the proposed access conforms to current highway standards and turning was provided within the site. Taking into account the above it is proposed that the development complies with the guidance given in paragraph 32 of the NPPF.

## Biodiversity

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

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

The ecologists at Warwickshire County Council have assessed the application and have indicated that all of their previous comments remain the same as previously given for the previous application, and they have recommended that a condition for a protected species method statement to be completed by a suitably qualified ecologist and a condition for a combined ecological and landscaping scheme be attached to any permission granted.

The previous comments given by the ecologists indicated that they were satisfied with the findings from the ecological report submitted which highlighted that none of the existing trees had any suitability for roosting bats and the existing buildings had negligible roosting potential. It also stated that there were no known records in the local area and based on the information provided, it was considered unlikely that great crested newts will be impacted by the proposed works.

## Trees

The revised layout and updated tree survey has been assessed by the Council's tree officer and he has stated that "the proposal has a very similar relationship in terms of its relationship to the trees on site to that previously submitted. Plots 1 & 4 (previously 1 & 5) are the same. Plots 2 & 3 (previously 2 & 4) have been moved back to some extent. The same trees will be required to be removed so therefore I have no objections and my comments would remain as previously stated".

The tree officer previously stated that the trees upon the site are not worthy of a Tree Protection Order as they have no public amenity value in the wider context of the surrounding area therefore would not object to the removal of the trees highlighted for felling.

With regards to the trees to be retained the tree officer has noted that Plot 4 will be located in close proximity to trees (Willow - T41 and conifers T38, 38 & 40) located within the neighbouring property. He indicated that "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".

Two conditions have been suggested by the tree officer which requests that a final arboricultural method statement be submitted and approved in writing before any development commences and that a specification of all proposed tree planting is submitted to and approved in writing by the LPA.

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

### Drainage

Concerns have been raised by residents again regarding the drainage of the site and how the sewerage would be connected as the existing sewerage cannot cope at present. Severn Trent have been consulted upon the application and have indicated they have no objections to the proposal subject to an informative being added to any approval that may be given.

### Bin Storage

The objections to the proposal from neighbouring residents have again included the issue of bin storage upon the street. The likely case scenario would be that the bins for the 4 dwellings would be collected from Stanley Road due to the access road not being adopted. However this doesn't necessarily mean that the bins would be strewn across the footpath or grass verge. As there is land between the front of the properties 28 and 28a and the back of the footpath and it could be possible that a bin collection point/area is designed into the proposal within this area. This can and will be conditioned into the decision. It should be noted that there will be less bins at the collection point now the number of dwellings has been reduced.

### 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.

### **Recommendation**

Grant Permission Subject to Conditions

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R15/1375

### **DATE VALID**

07/07/2015

### **ADDRESS OF DEVELOPMENT**

LAND REAR OF  
28 AND 28A STANLEY  
ROAD  
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:

Drawing Nos. 4328/01 Rev C received by the Local Planning Authority on the 29<sup>th</sup> January 2016

Drawing Nos. 4328/02 Rev H; 4328/03 Rev A; 4328/04 Rev C and received on the 8<sup>th</sup> April 2016

Arbroicultural & Tree Shadow Analysis Revision B produced by Ecolocation and received by the Local Planning Authority on the 8<sup>th</sup> April 2016



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 development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. 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 interests of highway safety

CONDITION 16:

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 17:

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 18:

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 19:

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: 20

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: 21

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: 22

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: 23

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: 24

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: 25

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: 26

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: 27

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 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.

INFORMATIVE: 8

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building



**Reference number: R16/0480**

**Site address: Pioneer Farm, Stockton Road, Birdingbury**

**Description: Variation of Condition 2 of approval R15/1896 (Erection of an indoor ménage to replace the approved stable block and exercise paddock) to allow minor modifications to the design and size of the building**

**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 2015.

### **Proposal Description**

This application is for the variation of condition 2 of approval R15/1896 to allow minor modifications to the design and size of the approved indoor ménage.

The size of proposed ménage will be increased by 1.5 metres to front and a metre to the side resulting in approximately a 6% increase. The design of the ménage has been altered to allow for a tiled roof to be introduced to the front of the building.

All other aspects of the building will stay the same including the fact that the building will be for personal use and not commercial purposes.

## **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 6<sup>th</sup> July 2015

R15/1896 - Erection of an indoor ménage to replace the approved stable block and exercise paddock – Approval 02/12/15

## **Technical Consultation Responses**

Environmental Services – No objections

## **Third Party Responses**

Neighbours – No comments received

Parish Council – No comments received

## **Relevant Planning Policy**

### Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

### Saved Local Plan

E6 – Biodiversity

## **Assessment of Proposals**

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.

As indicated within the previous report the 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 alteration of the building through this application will improve the appearance of the building further by introducing a tiled roof to the frontage of the building which will relate well to the brick arches. The increase in size of the building would be insignificant to alter the appearance of the building within the landscape.

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.

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.

The alterations to the building are not significant to impact any further upon ecology to which has already been found acceptable by the Warwickshire County Council Ecologists so therefore would again comply with 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 previous comments from the Warwickshire County Council Highway department insisted that the ménage would be for personal use only which was conditioned as so and would remain the case with this decision.

### **Recommendation**

Grant Permission Subject to Conditions

**DRAFT DECISION**

**APPLICATION NUMBER**

R16/0480

**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 menage 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-004C, 700273-PL-M-005A, 700273-PL-M-006A and 700273-PL-M-007A received by the Local Planning Authority on the 22<sup>nd</sup> February 2016

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

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: R16/0074**

**Site address: Broad Street, RFC, 105 Rugby Road, Binley Woods**

**Description: Erection of a temporary structure for use by Wasps Rugby Club as interim training facility, together with a temporary change of use of part of the existing building currently used as a residential flat to uses associated with the Wasps training facility, and the provision of an artificial running track.**

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

This application is to be determined by members of the planning committee at the request of Cllr Heather Timms at the behest of Binley Woods Parish Council. Cllr Timms has verbally requested that should planning permission be granted, consideration should be given to conditions restricting the use to prohibit private functions, restrictions on external lighting, and restrictions on parking along the Rugby Road.

### **Description of development**

This application seeks the erection of a temporary structure for use by Wasps Rugby Club as interim training facility, together with a temporary change of use of part of the existing building currently used as a residential flat to uses associated with the Wasps training facility, and the provision of an artificial running track. This application is for a temporary permission for 2 year period.

The proposed structure will comprise of single storey portakabin units (or similar) with a height of 3.2 metres. The proposed gym element will be single storey but greater in height, at a height of 6.1 metres and will be built on a brick plinth which would measure 2.1m in height at its lowest level. This temporary structure would be lower in height than the existing clubhouse building.

The proposed structure would equate to 962sqm and will accommodate:

- a gymnasium, cardio area and rehabilitation area;
- treatment room with, consulting rooms and physio office;
- player briefing area;
- video analysis room;
- administrative room;
- media area and interview room;
- toilets;
- kit room and laundry

The proposed artificial running track will be positioned adjacent to the existing pitches and consist of four 1.2m wide lanes, measuring 60m long.

The proposed change of use of the existing building currently used as a residential flat will be used as office accommodation associated with Wasps. There are no material physical changes proposed to the first floor space.

### **Background**

Wasps Rugby Club was established in 1867 and currently plays in the top division of Club Rugby in England. The squad includes a large number of players who play at international level for their respective countries. The rugby club formerly played their home games in the London area prior to moving to the Ricoh Arena in Coventry in 2014. This move has resulted in a significant increase in match day attendance and the clubs turnover. The clubs

existing training facilities are still currently based in West London but are considered inadequate for a modern Premiership Rugby Club. There is an essential need to move its training facilities to the Coventry area to help the efficient running of the Rugby Club, and to help the club integrate into the local community. The club has not yet been able to bring forward a permanent new training facility and the application site is extremely well placed and provides the opportunity for Wasps to deliver the quality of training facilities they require on a temporary basis.

### **Description of site**

The application site is located on the edge of Rugby Borough approximately 7 miles from the Rugby Urban Edge within an area of the countryside designated as Green Belt as defined by the Local Development Framework. To the east of the site is Binley Woods which is designated within the Local Development Framework as a Main Rural Settlement, and immediately to the west is the A46 with the Warwickshire Retail Park beyond and other commercial and retail premises.

The site itself is currently occupied by Broadstreet Rugby Football Club, and comprises of a large clubhouse, ancillary buildings, extensive parking (up to 200 car parking spaces), six rugby pitches, two of which are flood lit and a telecommunicate mast. The site is well contained with extensive tree and scrub planting on its boundaries.

### **Third Party Comments**

Neighbours (3 letters of support received)

- Fantastic to have a Premiership Rugby Club in our Borough albeit for a short time.
- Our children and young players will have the opportunity to be up close to those professional sportsmen who are on our TV's every week.
- Congratulations to Broadstreet rugby club for being able to help the Wasps in a small way while they settle in to the county.
- Let's hope rugby football in Rugby Borough is enhanced as a result.
- If time is taken to read the planning statement it explains what is intended
- We need to encourage sport in both the Borough and the county.
- The proposal for temporary facilities is a great opportunity for the village
- An excellent opportunity to support a local amenity that is currently being used by adults and children from the surrounding area.
- The interest that this will generate will hopefully get more local kids into a sport that teaches important core values and give them and their families the motivation to use the facilities more often.
- An all-round positive impact with little or no disruption to the local area.

Parish Council            objection

1. The views of Local Residents as published in the Binley Woods Village Design Statement Policy BW8 – Environment Enhancement Corridor which requires the maintenance of a Green Belt corridor between the residential properties of the Village and the A46 and Coventry boundary. Also the policy of not developing on Green Belt land.
2. The proposed extension contravenes the NNPF as it will 'result in disproportionate additions over and above the size of the original building'. It is unattractive and overbearing in size and material, and not in keeping with the original building. This proposal is for an additional building, rather than an extension, as it does not adjoin the existing building.

3. There are already severe issues with traffic at the junction of A428 & A46 and with parking on public highways around this area when functions and events are taking place. Further usage would only exacerbate an already serious problem.
4. The proposed building is more than a temporary structure for a limited period, and plans clearly show it is a semi-permanent building. Consideration should be given to agree controls on time restraints of the building, whilst also ensuring that full restoration to the original state of the ground be completed when the permission expire.
5. The already under-used sports facility at Broad Street RFC would accommodate the training and administration needs of 'Wasps' during weekdays

***Following the comments from the Parish Council (PC) the description of development has been altered, as it previously described the development as an extension, but in fact, and as correctly pointed out by the PC, it is a new build as oppose to an extension as it is not attached to the existing building.***

#### **Technical comments**

WCC Ecology no objection subject to an informative

Environmental Services no objection

Subject to a condition requesting full details of any refrigeration or air handling plant, flues or other equipment to be located externally to the building

W CC Highway Authority no objection

#### **Relevant planning policies/guidance**

##### RBC Local Development Framework

Core Strategy

CS1 Development Strategy

CS2 Parish Plans

CS16 Sustainable Design

##### National Planning Policy

National Planning Policy Framework

Section 7 Requiring good design

Section 9 Protecting Green Belt Land

#### **Assessment of Proposal**

1. Principle

Policy CS1 addresses locational strategy and indicates that most new development will be accommodated in the Rugby Town Centre and Rugby Urban Area. This is in accordance with sustainable principles whereby homes, employment and other uses are directed to places where there is the best infrastructure, facilities and services to support them. These basic principles are in accordance with the Framework. This policy as well as directing

development to the most sustainable locations, seeks to safeguard countryside resources from unwarranted development. Located within the Green Belt policy CS1 states that only where national planning policy, allows will development be permitted.

The NPPF is clear in that new buildings in the Green Belt should be regarded as inappropriate unless they fall under one of the exceptions listed. Exceptions include the provisions for appropriate facilities for outdoor sports.

Whilst the size of the temporary structure is large in terms of footprint, it is considered to be appropriate to meet the needs of a top flight rugby club. It is therefore considered that the proposed development seeks the provision of appropriate facilities for an outdoor sport and as such is by definition an appropriate form of development within the green belt. However, consideration needs to be given to the impact upon the openness of the green belt.

## 2. Openness, character and appearance.

Openness is an essential characteristic of the Green Belt. The proposed structure would increase the built form of the existing building and therefore would reduce openness. However, taking into account its positioning close to the existing building and its temporary nature for 2 years, it is considered that the proposed impact upon the openness of the green belt is considered limited.

Part 7 of the NPPF emphasises the importance of good quality design and Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The existing building is visually contained within the application site and the proposed structure would also be visually contained within the site and as such would not have an adverse impact upon the visual amenities of the area. Furthermore the temporary nature of the proposed structure further reduces any potential visual harm that may ensue. The proposed structure is utilitarian in appearance given their temporary nature, and whilst it would not necessary compliments the host building in terms of character and appearance, given its temporary nature and the fact that it would be subservient to the host building, and limited visibility outside the application site, this impact is considered to be acceptable.

It is there considered that the proposal would not have an adverse impact upon the visual amenities of the area or character and appearance of the existing building in accordance with policy CS16.

## 3. Residential amenity

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties. Taking into considered the temporary nature of the proposal, the distance of the structure to neighbouring properties, it is not considered that the proposal would have an adverse impact upon the amenities of neighbouring properties in accordance with policy CS16.

## 4. Parish Plan

Within the comments received by the Parish Council, it states that the proposal would constitute inappropriate development within the green belt, stating that it is a disproportionate addition within the green belt. It is considered for the reasons outlined within section 1 and 2 of this report that the development is an appropriate form of development within the green belt as it is considered to be appropriate with a limited impact upon the openness of the green belt.

The comments submitted by the Parish Council also make reference to Policy BW8: A46 Environmental Enhancement Corridor, contained within the Parish Plan. This policy stipulates that no further expansion of non-Green Belt uses in the Environmental Enhancement Corridor will be allowed. As the proposal is an appropriate form of development within the green belt it is considered that the proposal does not run counter to this policy.

## 5. Technical Considerations

The response of consultees confirms that there are no technical constraints to the development of the site as proposed.

### 5.1 *Transport and Highways*

WCC Highway Authority has assessed the application and has raised no objection to the proposal.

### 5.2 *Parking*

The provision of satisfactory car parking facilities is covered by Local Plan saved policy T5 and the standards set out in the Council's Planning Obligations SPD. The site is in a "low access" location where maximum standards of 1 space per 30sq.m apply. The applicant's state that the existing 200 existing car parking spaces will be retained and therefore sufficient on-site car parking will be provided.

A request has been received by Cllr Timms that conditions restricting the use and parking on the Rugby Road are attached to any approval. It is considered reasonable to attach a condition to restrict the use to ensure that no private functions are held within these building. Given the 200 spaces within the existing site and the fact that it is only a training facility, it would be unreasonable and un-enforceable to attach a condition to prohibit parking along the Rugby Road.

### 5.3 *Ecology (saved local plan policy E6)*

Warwickshire County Council Ecology has assessed the application and considered that the proposed would not raise any major ecological concerns. The council are therefore of the opinion that the proposal would not impact upon protected species and habitats in accordance with this saved policy.

## **Recommendation**

Approval subject to conditions

### **APPLICATION NUMBER**

R16/0074

### **DATE VALID**

17/02/2016

### **ADDRESS OF DEVELOPMENT**

BROAD STREET RFC  
105 RUGBY ROAD  
BINLEY WOODS  
COVENTRY  
CV3 2AY

### **APPLICANT/AGENT**

Ben Holmes  
Oxalis Planning Ltd  
Unit 7 Wheatcroft Business Park  
Landmere Lane  
Edwalton  
Nottingham  
NG12 4DG  
On behalf of Wasps Holdings Limited

## **APPLICATION DESCRIPTION**

Erection of a temporary structure for use by Wasps Rugby Club as interim training facility, together with a temporary change of use of part of the existing building currently used as a residential flat to uses associated with the Wasps training facility, and the provision of an artificial running track.

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

### **CONDITION 1:**

The proposed development hereby permitted, shall be for a temporary period expiring on the 20th April 2018. On or before such time the temporary structure shall be removed together with all associated fixtures and fittings, the temporary use of part of the existing building shall cease and all associated fixtures and fittings removed to allow its former use to resume, and the artificial running track removed. On or before the 20th November 2017 a method statement shall be submitted to and approved by the Local Planning Authority detailing how the land affected by the proposed development is to be restored.

### **REASON**

The development is only considered acceptable on a temporary basis.

### **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:

Site Location Plan Drawing No. 7330-001 Rev P3

Proposed Elevations Drawing No. 300 Rev P1

Proposed Floor Plan Drawing No. 7330-101 Rev P1

Proposed Site Plan Drawing No. 7330-100 Rev P1

First Floor Plan M7114/03

### **REASON:**

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

### **CONDITION: 3**

The use of the temporary extension, hereby permitted, shall only be used for the purposes described within the Planning Statement and as shown on drawing No. 7330-101 and for no other purpose including the hiring out for private function/events.

### **REASON:**

In the interest of residential amenity, and to ensure that satisfactory levels parking is maintained within the site.

**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**

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

**REASON:**

In the interests of the amenities of neighbouring properties.

**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**

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

**Reference number: R15/0077**

**Site address: 46 Woodside Park, Oxford Road, Ryton-on-Dunsmore, CV8 3JY**

**Description: Continued use of site as a single pitch for gypsy and travellers, together with refurbishment of existing amenity block, which includes replacement of existing windows and doors**

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

### **Description of Site**

The site is located within an area of the countryside designed as Green Belt, which forms part of the West Midlands Green Belt. It lies approximately one and a half kilometres south of the village Ryton on Dunsmore, which is designated within the Local Development Framework as a Main Rural Settlement. Woodside Park is located approximately 120 metres south-west off the A423 (Oxford Road) opposite the Bull and Butcher Public House. Access to the site is off the Oxford Road. The site is situated within an established gypsy and traveller site for which in 2007 outline permission was granted for the redevelopment of the site to provide 36 pitches in total. Pitches within the central triangle of the site are owned and managed by the Borough Council. Pitches around the edge of this triangle totalling 18 pitches are privately owned. The Council has recently acquired one of these private pitches which form the application site.

To the north-east of Woodside Park is a private gypsy and traveller site which currently comprises of 10 pitches. To the north and east of the site are open agricultural fields and to the south is Ryton Woods SSSI. Along the access road into the site is an additional gypsy and traveller site known as Greenbanks, which has permission for 4 private pitches (R14/1266 approved dated 30/12/2015).

The site itself is entirely hard surfaced with an amenity building located in the northeast corner of the site.

The application is to be determined by members of the planning committee as the applicants are the Borough Council.

### **Background and proposed development**

A recent appeal decision (Top Park, Top Road, APP/E3715/C/11/2153638) questioned the planning status of Woodside Park. As part of the planning permission granted for the use of the site as a Gypsy and Traveller Site in January 1998, it was required through a condition imposed on this permission that a bund between the site and Ryton Wood, a Site of Special Scientific Interest, was to be created before June 1998. This was not created prior to June 1998, but was created as part of the Council's redevelopment of the site for which consent was granted in 2007.

Prior to the appeal decision the LPA were of the considered opinion that Woodside Park had a valid planning permission. Given the findings of this recent appeal decision this has created uncertainty about the planning status of Woodside Park, not necessarily uncertainty about the lawfulness of the site, as given the historic use of Woodside Park and the fact that areas which have been developed and used for residential accommodation for a continued period of 10 years, it has become lawful through the passage of time.

Given the findings of the Top Park appeal decision, prior to the acquisition of this pitch by the Council, it was considered incumbent upon the Council to remove all uncertainty about the planning status of this plot and to submit the application for which it is currently considering.



Therefore permission is sought for the continued use of this pitch as a single pitch for gypsy and travellers, together with refurbishment of existing amenity block, which includes replacement of existing windows and doors. The applicant seeks to accommodate 3 caravans on the site.

However, irrespective of the planning status of the site, given that the applicant seeks to accommodate 3 caravans on this pitch and the 2007 application restricted the number of caravans to on each pitch to 2 caravans (condition 6), a further consent would have been required to accommodate 3 caravans as proposed.

### **Relevant planning history**

#### R90/0653/19891/P

Use of land as 30 pitch gypsy caravan site Refused 05/09/1990

Appeal against 5 enforcement notices Appeals dismissed 17/05/1991

#### R96/0498/19891/P

Use of land as private gypsy caravan site Appeals allowed by Secretary of State  
06/01/1998

#### R07/0873/MAJP

Outline application for the redevelopment of existing gypsy site to provide 36 pitches in total (which includes an additional 6 pitches), construction of ancillary buildings and self-contained sewage treatment plant, provision of 3 CCTV cameras and poles, and improvement of access and landscaping. Approved 21/09/2007

#### R07/1812/PLN

Provision of 1 no. pole mounted CCTV camera. Approved 02/01/2008

#### R09/0705/DET

Discharge of conditions 3 (phasing plan) 8 (surface water drainage), 9 (foul drainage), 10 (drainage), 12 (CCTV cameras), 14 (access), 15 (visibility) and 16 (landscaping & buffer strip) against planning permission R07/0873/MAJP (Outline application for the redevelopment of existing gypsy site to provide 36 pitches in total (which includes an additional 6 pitches), construction of ancillary buildings and self-contained sewage treatment plant, provision of 3 CCTV cameras and poles, and improvement of access and landscaping.) Approved 09/12/2009

#### R09/0722/RSM

Approval of reserved matters (layout, scale, appearance & landscaping) against planning permission R07/0873/MAJP (Outline application for the redevelopment of existing gypsy site to provide 36 pitches in total (which includes an additional 6 pitches), construction of ancillary buildings and self-contained sewage treatment plant, provision of 3 CCTV cameras and poles, and improvement of access and landscaping.) Approved 04/11/2009

#### R14/0067

Creation of an additional 6 pitches, and construction of amenity blocks, together with associated works. Approved 12.03.14

R14/0969

Creation of an additional 6 pitches, and construction of amenity blocks, together with associated works (variation of condition 7 of planning permission R14/0067 dated 12/3/14) to reword the original wording of the condition to restrict the number of caravans to be sited on each pitch in accordance with drawing no SK05. Approved 02/07/2014

### **Third Party Comments**

Neighbours                      no comments received

Parish Council                  no comment to made, subject to neighbour consultation

### **Technical Consultation Responses**

#### **Relevant planning policies/guidance**

Rugby Borough Council LDF Core Strategy 2011

CS1:                      Development Strategy

CS16:                     Sustainable Design and Construction

CS22:                    Gypsy, Travellers and Travelling Showpeople.

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

Saved Local Plan Policies (Post Core Strategy Adoption) June 2011

E6      Biodiversity                      complies

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites August 2015

### **Assessment of proposal**

Until the recent Top Road appeal decision, the Local Planning Authority and the applicant were of the considered opinion that Woodside Park had an established lawful planning permission for the use of the site as a gypsy and traveller site comprising of 36 pitches which included this pitch, all be it that an application for reserved matters would have been required to be submitted. As a result of this recent appeal decision which questioned the lawfulness of the site, the applicant considers that it is in their interest to resolve and remove any and all uncertainty on this matter. As such this application does not seek to increase the number of pitches on the site to that previously granted.

The site is located within the Green Belt and as such the proposed development constitutes inappropriate development. However, it is considered that special circumstances exist to outweigh the harm by reason of inappropriateness with includes the historical use and consented development for the land and its relationship with Woodside Park as a gypsy and traveller site, and the need for further developed gypsy and traveller pitches within the borough and more especially at Woodside Park which would reduce the number of families currently on the expressions of interest list for accommodation at this site. It is therefore considered that the principle of development is acceptable in accordance with policy CS1, CS22 and guidance contained within the NPPF and National Planning Policy for Traveller Sites.

The site does lie within the rural landscape and clearly impacts upon its character and appearance. However, owing to the distance set back from Oxford Road, together with the existing landscaping and bund, and the current use of the site, it is considered that the proposed use of land together with the operation development would not cause adverse harm to the character and appearance of the area. As the proposed development and use would be contained within the established Caravan Park it is not considered that the proposed development would result in further encroachment into the countryside. Nevertheless, the use of the land for the siting of caravans would cause harm to the openness of the Green Belt. The additional caravan to that consented for as part of the conditions imposed on the 2007 application would further harm the openness of the green belt. However, the level of additional harm arising from the proposal is not considered to be significant based on its location and relationship with Woodside Park.

It is therefore considered that the proposed development would not cause adverse harm to the character and appearance of the area and the harm to the openness of the green belt is not considered to be significant. The proposal therefore accords with policy CS16 as contained within the Core Strategy.

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties. Given the distance to neighbouring properties it is not considered that the proposed development would impact upon the amenities of nearby neighbouring properties.

### **Recommendation**

Approval subject to conditions

#### **APPLICATION NUMBER**

R15/0077

#### **DATE VALID**

26/02/2016

#### **ADDRESS OF DEVELOPMENT**

46 WOODSIDE PARK  
OXFORD ROAD  
COVENTRY  
CV8 3JY

#### **APPLICANT/AGENT**

Michelle Dickson  
Rugby Borough Council  
Town Hall  
Evreux Way  
Rugby  
Warwickshire  
CV21 2RR

### **APPLICATION DESCRIPTION**

Continued use of site as a single pitch for gypsy and travellers, together with refurbishment of existing amenity block, which includes replacement of existing windows and doors.

### **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 dated 25/02/16

Site Location Plan

**REASON:**

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

**CONDITION: 3**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

**REASON:**

The site lies within the Green Belt where planning permission is not normally granted except where there are very special circumstances

**CONDITION: 4**

No vehicle over 3.5 tonnes shall be stationed, stored or parked on the site.

**REASON:**

In the interests of visual amenity.

**CONDITION: 5**

The development hereby permitted shall be restricted to a single pitch. No more than 3 caravans shall be sited on this pitch.

**REASON:**

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

**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.



**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	20 <sup>th</sup> April 2016
<b>Report Title</b>	Delegated Decisions – 11 <sup>th</sup> February 2016 to 23 <sup>rd</sup> March 2016
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Dan McGahey 3774
<b>Report Subject to Call-in</b>	N/A
<b>Report En-Bloc</b>	N/A
<b>Forward Plan</b>	N/A
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Head of Planning and Recreation under delegated powers
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	N/A

***Environmental Implications*** N/A

***Legal Implications*** N/A

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

***Options*** N/A

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

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

**Rugby Borough Council**

**Planning Committee – 20<sup>th</sup> April 2016**

**Delegated Decisions – 11<sup>th</sup> February 2016 to 23<sup>rd</sup> March 2016**

**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 Appendices attached.



Name of Meeting: Planning Committee  
Date Of Meeting: 20<sup>th</sup> April 2016  
Subject Matter: Delegated Decisions – 3<sup>rd</sup> March 2016 to 23<sup>rd</sup> March 2016  
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 11.02.2016 TO 02.03.2016

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R15/2521 Refused 25.02.2016</i>	Keepers Cottage Newnham Paddocks Coal Pit Lane Willey Rugby	Extensions and alterations to existing dwelling, and erection of a replacement garage building, together with associated works.
<i>R16/0262 Refused 01.03.2016</i>	19 Tythbarn Leys Rugby	Erection of an extension to the existing detached garage.
<b>Applications Approved</b>		
<i>R16/0110 Approved 09.02.2016</i>	15 Parkfield Road Newbold Road Rugby	Proposed first floor side extension.
<i>R16/0120 Approved 11.02.2016</i>	Long Orchard Grandborough Road Woolscott Grandborough	Construction of an outdoor swimming pool and pool house.
<i>R16/0126 Approved 11.02.2016</i>	8 Furrow Close Rugby	Conversion of integrated garage to form office.
<i>R16/0094 Approved 12.02.2016</i>	28 Regent Street Rugby	Change of use of first and second floor from Use Class A3 (Cafe) to Use Class B1 (Offices) and D1 (Training Centre)
<i>R15/2342 Approved 12.02.2016</i>	Land at Burton Lane Burton Hastings Nuneaton	Provision of a new vehicular access off Burton Lane, including piping of existing ditch.
<i>R15/1251 Approved 15.02.2016</i>	Flecknoe House Farm Sawbridge Road Flecknoe Rugby	Conversion of single storey agricultural building to a residential dwelling including raising of roof, conversion of single storey stable building to garage in association with barn conversion to residential, demolition of existing agricultural

		building and provision of additional access road and garden area.
<i>R15/1700 Approved 15.02.2016</i>	The Bakehouse Main Street Rugby	Conversion of outbuildings into residential dwelling.
<i>R16/0115 Approved 15.02.2016</i>	The Old Vicarage Main Street Rugby	Erection of a single storey side and rear extension and first floor link.
<i>R15/2538 Approved 15.02.2016</i>	The Bungalow Pailton Road Harborough Magna Rugby	Change of use of part of existing garage to be used as a dog grooming business (sui generis).
<i>R16/0146 Approved 17.02.2016</i>	64 Shakespeare Gardens Overslade Rugby	Erection of a first floor rear extension, single storey side extension and front canopy.
<i>R15/1236 Approved 17.02.2016</i>	Five Ways Lakes Coventry Road Wolvey	Conversion and extension of existing stable building to form a new dwelling house to support the existing business at Five Ways Lakes, together with the continued siting of a temporary log cabin for a further temporary period of three years.
<i>R16/0145 Approved 17.02.2016</i>	244A Dunchurch Road Rugby	Erection of a detached garage, single storey rear extension, two storey rear extension and two storey side extension.
<i>R16/0071 Approved 17.02.2016</i>	Red House Farm Draycote Road Draycote	Retention of solar PV array at ground level
<i>R16/0108 Approved 19.02.2016</i>	Broadwell House Farm The Row Broadwell	Change of use from offices (B1) to flower arranging classes (D1)
<i>R16/0046 Approved 19.02.2016</i>	St Botolph's Church Mill Lane Burton Hastings	Erection of an extension on the north elevation of the Church.
<i>R15/2556 Approved 22.02.2016</i>	77 Overslade Lane Rugby	Erection of a single storey front extension and partial conversion of garage to lounge area.

<i>R16/0169 Approved 22.02.2016</i>	Shelford House Farm Lutterworth Road Burton Hastings	Proposed livestock and agricultural storage building
<i>R15/2047 Approved 22.02.2016</i>	Former Bilton Social Club 34 The Green Bilton Rugby	Erection of 11 dwelling houses, together with the provision of a new vehicular access and associated landscaping and works.
<i>R16/0116 Approved 22.02.2016</i>	Gable Cottage Main Street Rugby	Erection of two storey and single storey side extensions to include porch to front elevation
<i>R16/0206 Approved 22.02.2016</i>	11 Rugby Road Long Lawford Rugby	Resubmission of R15/0343 to include additional window to side elevation.
<i>R16/0127 Approved 23.02.2016</i>	The George 2 The Green Bilton Rugby	Erection of new timber fences to external areas and a new rear entrance created using existing window opening and flat roof extended to create lean to above. General internal alterations for refurbishment.
<i>R15/2463 Approved 23.02.2016</i>	Misselthwaite House 8 Bilton Road Rugby	Erection of a two storey side and rear extension and a single storey side extension (resubmission of planning permission reference number R14/1584, dated 30/10/14).
<i>R16/0051 Approved 23.02.2016</i>	Tall Trees Southam Road Kites Hardwick Rugby	Erection of a detached open fronted three bay garage building to the front of the property.
<i>R13/1709 Approved 23.02.2016</i>	7 Beatty Drive Bilton Rugby	Retention of a rear conservatory
<i>R16/0204 Approved 23.02.2016</i>	4 Earl Street Rugby	Subdivision of existing dwelling to form two residential dwellings (retrospective).
<i>R15/1189 Approved 24.02.2016</i>	Kingsley Cottage 26 Bond End Monks Kirby Rugby	Erection of a low fence, extension of the existing workshop (including an increase in roof height), block paving of the front drive and parking area, erection of a low fence, replacement of the existing workshop roof, block paving of the front drive and parking

		area, retention of pedestrian gate and archway, erection of gates across parking area, and associated works.
<i>R16/0166 Approved 24.02.2016</i>	64 Fleet Crescent Hillmorton Rugby	Erection of a two storey side extension and a single storey rear extension
<i>R15/2287 Approved 26.02.2016</i>	Heathfield House 1 Mill Lane Wolvey Hinckley	Material alterations to planning permission R09/0990/HOUS, dated 17/02/13 (Erection of a first floor side extension) - partially retrospective.
<i>R16/0250 Approved 26.02.2016</i>	Stable at Home Farm Cottage Watling Street Clifton upon Dunsmore	Change of use from a redundant stable building to a dwelling. Resubmission of previously approved application R15/1355 to include an additional single storey side extension, the repositioning of a single storey front extension and the erection of a detached garage.
<i>R16/0239 Approved 25.02.2016</i>	10 Brownsover Road Brownsover Rugby	Erection of double garage to replace 2no. Existing garages.
<i>R16/0158 Approved 25.02.2016</i>	25 Willoughby Place Rugby	Erection of a conservatory to the rear elevation of the existing dwelling.
<i>R15/2458 Approved 25.02.2015</i>	Park House Farm Little Lawford Lane Rugby	Removal of condition 4 of planning permission R14/0522
<i>R16/0258 Approved 26.02.2016</i>	57 Pytchley Road Rugby	Erection of a single storey side extension.
<i>R16/0052 Approved 26.02.2016</i>	9 Regent Place Rugby	Change of use of building from Class A2 (office) to sui generis use as a house in multiple occupation.
<i>R16/0017 Approved 01.03.2016</i>	49 Charlesfield Road Rugby	Conversion of existing house to two apartments with the erection of a single storey rear extension.
<i>R16/0281 Approved</i>	121 Clifton Road Rugby	Erection of a single storey side extension (retrospective)

01.03.2016		
R16/0292 Approved 01.03.2016	Kimblewick Homestead Coventry Road Dunchurch Rugby	Proposed replacement of all timber windows and doors with Golden Oak wood effect uPVC double glazed windows and doors, together with the replacement of cills, fascia boards and wood cladding with uPVC panelling.
R16/0164 Approved 02.03.2016	The White House Main Street Willoughby Rugby	Erection of a two storey side and single storey rear extension with entrance canopy.
R15/2237 Approved 02.03.2016	332 Hillmorton Road Hillmorton Rugby	Erection of a single storey rear extension and conservatory and a detached garage and workshop.
R16/0265 Approved 02.03.2016	The Ministry Princethorpe Road Rugby	Erection of garden shed
R16/0036 Approved 02.03.2016	Hall Farm Little Lawford Lane Rugby	Conversion of existing barn to two residential dwellings with associated garages.
R15/1836 Approved 02.03.2016	Land adjacent to KP1 Rugby Radio Station Crick Road Hillmorton Rugby	Creation of temporary haul route(s) and utilisation of existing spoil storage/construction compound area for a period of 5 years
<b>Prior Approval Applications</b>		
R16/0004 Prior Approval not Required 17.02.2016	Land South of Withybrook Stables Featherbed Lane Withybrook	Prior Notification for the erection of an agricultural building for the purpose of straw and hay storage.
R15/2456 Prior Approval Required and Granted 25.02.2016	Park House Farm Little Lawford Lane Rugby	Notification for the change of use of two agricultural buildings to dwelling houses.
<b>Listed Building Consents</b>		
R16/0141 Listed Building Consent	Brownsover Hall Hotel Brownsover Lane Brownsover	Listed building consent for the erection of a new hand rail to the front porch of Brownsover Hall Hotel.

22.02.2016	Rugby	
<i>R16/0128 Listed Building Consent 23.02.2016</i>	George Inn The George 2-4 The Green Bilton Rugby	Listed Building Consent for the erection of new timber fences to external areas and a new rear entrance created using existing window opening and flat roof extended to create lean to above. General internal alterations for refurbishment.
<i>R15/0948 Listed Building Consent 24.02.2016</i>	Kingsley Cottage 26 Bond End Monks Kirby Rugby	Listed Building Consent for re-roofing of the existing workshop, demolition of an existing shed and low wall, retention of 2no. replacement sheds and a low fence, replacement and extension of the existing patio, block paving of the drive and parking area, retention of pedestrian gate and archway, erection of gates across parking area, and associated works.
<i>R16/0057 Listed Building Consent 01.03.2016</i>	1 Coombe Pool Cottage Brinklow Road Coventry	Listed building consent for the alteration and enclosure of a front porch to include the installation of a front door and glazing.
<b>Advertisement Consents</b>		
<i>R15/2539 Advertisement Consents 15.02.2016</i>	The Bungalow Pailton Road Harborough Magna Rugby	Advertisement consent for 1x non illuminated fascia sign for the dog grooming business.
<b>Certificate of Lawful Use or Development</b>		
<i>R16/0123 Certificate of Lawful Use or Development 11.02.2016</i>	Long Orchard Grandborough Road Woolscott Grandborough	Certificate of lawfulness for the proposed development of an ancillary building.
<b>Approval of Details/ Materials</b>		
<i>R15/0883 Approval of Details 18.02.2016</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>R14/2186 Approval of Details 18.02.2016</i>	Former Peugeot Factory Site B Unit DC1 Imperial Road Oxford Road Ryton on Dunsmore	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).
<i>R15/1720 Approval of Details 23.02.2016</i>	34 Butlers Leap Rugby	Demolition of existing warehouse unit and erection a new general industrial warehouse (Use Class B2 (General Industrial)) with ancillary office area and parking facility.
<i>R15/1720 Approval of Details 24.02.2016</i>	34 Butlers Leap Rugby	Demolition of existing warehouse unit and erection a new general industrial warehouse (Use Class B2 (General Industrial)) with ancillary office area and parking facility.
<i>R15/1237 Approval of Details 26.02.2016</i>	Units 1-2 and 4-13 Webb Ellis Industrial Estate Woodside Park Rugby	Alterations to elevations of units 1-2 and 4-13.
<i>R11/0114 Approval of Details 02.03.2016</i>	Cawston Extension Site Coventry Road Cawston Rugby	Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).
<i>R12/1353 Approval of Details 02.03.2016</i>	Land at Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning



		Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<b>Approval of non-Material Changes</b>		
<i>R15/2446 Approval of non-Material Changes 17.02.2016</i>	45 Heath Lane Brinklow Rugby	Erection of a single storey rear extension
<i>R15/1854 Approval of non-Material Changes 19.02.2016</i>	71 Chaucer Road Rugby	Erection of a single storey extension to rear elevation

DECISIONS TAKEN BY THE HEAD OF PLANNING AND RECREATION UNDER  
DELEGATED POWERS FROM 03.03.2016 TO 23.03.2016

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R15/1147 Refused 11.03.2016</i>	Barn opposite Newnham Grounds Kings Newnham Lane Kings Newnham	Retrospective application for the demolition of the existing barn and its reconstruction as a dwelling house identical to the scheme approved under planning permission R13/0613
<b>Applications Approved</b>		
<i>R15/1808 Approved 03.03.2016</i>	Lime Tree Village Cawston House Thurlaston Drive Cawston Rugby	Conversion of 4 garages to laundry facilities with various external alterations
<i>R16/0226 Approved 03.03.2016</i>	36 Newland Street New Bilton Rugby	Conversion of existing garage/workshop to 2no.one bedroom apartments
<i>R16/0216 Approved 03.03.2016</i>	21 Bronze Road Cawston Rugby	Block paving part of front garden area, and re-planting the remainder with shrubbery.
<i>R16/0161 Approved 04.03.2016</i>	The Ministry Princethorpe Road Rugby	Erection of outbuildings to include stables and agricultural store and construction of associated hardstanding
<i>R16/0495 Approved 04.03.2016</i>	31 Vere Road Hillmorton Rugby	Variation of Condition 3 of planning permission reference R15/0574 dated 23/04/15 (FULL: Porch to front, single storey rear extension & detached garage in rear garden) to allow a smooth cream render exterior finish to the rear extension and front porch instead of the previously approved matching facing bricks.
<i>R16/0259 Approved 04.03.2016</i>	14 Henry Street Rugby	Replacement of slate roof tiles and addition of 7 conservation roof windows (retrospective).

<i>R16/0076 Approved 04.03.2016</i>	37 Main Street Wolston Coventry	Retrospective planning permission for the installation of a ground floor side facing window
<i>R16/0220 Approved 04.03.2016</i>	Pinnacle Motors Wharf Farm Kilsby Lane Hillmorton Rugby	Carrying out of MOT testing for Class 4 vehicle only, as part of the existing vehicle services permitted on the site.
<i>R16/0333 Approved 07.03.2016</i>	23 Spottiswood Close Cawston Rugby	Erection of a single storey rear extension
<i>R16/0282 Approved 07.03.2016</i>	64 Meadow Road Wolston Coventry	Two storey side and single storey rear extension
<i>R15/2256 Approved 08.03.2016</i>	Hallmark Care Homes Rugby Limited Anya Court 286-290 Dunchurch Road Rugby	Erection of outbuilding for water booster equipment
<i>R16/0336 Approved 08.03.2016</i>	Clarendon House 217 Dunchurch Road Rugby	Erection of single storey and two storey front and side extensions (Amendments to approved Planning Permission R15/1602)
<i>R16/0254 Approved 08.03.2016</i>	6 Aspen Close Rugby	Erection of a single storey side/rear infill extension
<i>R16/0347 Approved 08.03.2016</i>	22 Longrood Road Bilton Rugby	Erection of a two storey side extension
<i>R16/0342 Approved 08.03.2016</i>	Wolf Systems Ltd Unit A-B Shilton Industrial Estate Kiln Way Shilton Industrial Estate Rugby	Installation of 2m high automatic gates.
<i>R16/0345 Approved 08.03.2016</i>	Wolf Systems Limited Unit E Shilton Industrial Estate Bulkington Road Shilton Rugby	Installation of 2m high automatic gates.

<i>R16/0343 Approved 11.03.2016</i>	23 Constable Road Hillmorton Rugby	Erection of a detached garage
<i>R16/0230 Approved 11.03.2016</i>	Church Farm site London Road Ryton-on-Dunsmore	Erection of a detached double garage.
<i>R16/0189 Approved 11.03.2016</i>	Former New Bilton Conservative Club 59 Avenue Road New Bilton Rugby	Demolition of existing conservative club and replacement with 2 new dwellings. (To coincide with approved planning permission R13/1380) (part retrospective)
<i>R15/1888 Approved 14.03.2016</i>	The Engine 1 Bridget Street Rugby	Change of use of existing pub and outbuilding (use class A4) to four residential flats (use class C3), to include the conversion of existing bed and breakfast on upper floor to an HMO.
<i>R16/0340 Approved 14.03.2016</i>	109 Lawford Road New Bilton Rugby	Erection of two storey side extension and single storey rear extension
<i>R16/0322 Approved 14.03.2016</i>	Spinney Cottage Main Street Rugby	Extension to form larger kitchen
<i>R16/0383 Approved 14.03.2016</i>	19 Fleet Crescent Rugby	Erection of a single storey side extension.
<i>R16/0261 Approved 14.03.2016</i>	Top Farm 74 Lutterworth Road Pailton Rugby	Erection of an extension to an existing agricultural barn
<i>R16/0386 Approved 15.03.2016</i>	8 Magdalen Road Rugby	Two-Storey Side Extension
<i>R15/2338 Approved 15.03.2016</i>	T W Tyres Autocentre Ltd 11 Paynes Lane New Bilton Rugby	Retention of a mezzanine floor

<i>R16/0278 Approved 16.03.2016</i>	36 Lyndhurst Road Rugby	Erection of single storey side and rear extension
<i>R13/1779 Approved 16.03.2016</i>	1 Dalton Close Rugby	Conversion of the existing attached garage to ancillary living accommodation
<i>R16/0376 Approved 16.03.2016</i>	Land North of Marton Road Marton Road Birdingbury	Proposed farm welfare unit.
<i>R12/1643 Approved 17.03.2016</i>	12 Fareham Avenue Hillmorton Rugby	Erection of a two storey side and a single storey rear extension
<i>R15/2150 Approved 17.03.2016</i>	Verity Cottage 77 The Heath Dunchurch Rugby	Erection of single storey extension to provide a garden room, hall and shower room.
<i>R16/0385 Approved 18.03.2016</i>	38 Steeping Road Long Lawford	Conversion of garage to residential accommodation and erection of canopy to front elevation.
<i>R16/0227 Approved 18.03.2016</i>	31 Heath Lane Brinklow	Erection of single storey side and rear extension
<i>R16/0117 Approved 18.03.2016</i>	16 School Street Dunchurch	Proposed erection of new dwelling within the garden of 16 School Street (Amendment to previously approved application R14/0063)
<i>R16/0320 Approved 18.03.2016</i>	Hammerson Rugby Limited Unit A2 Elliotts Field Retail Park Leicester Road Rugby	Installation of plant equipment, consisting of 12 x condenser units and 1 x air handling unit (and associated ductwork and pipework), enclosed within a 2m high palisade fence.
<i>R16/0428 Approved 21.03.2016</i>	48 David Road Bilton Rugby	Erection of part two storey and single storey side and rear extension, single storey rear extension, alterations to frontage to accommodate additional parking space, new boundary pier to match existing piers, provision of 3 no steps to rear to accommodate change in site levels, and installation of roof light to provide sun pipe to first floor and extension of roof canopy to front elevation. Resubmission of previously approved application R15/1694, approved on the 08th October 2015

<i>R16/0452 Approved 22.03.2016</i>	222 Hillmorton Road Rugby	Extensions and alterations to dwelling.
<i>R16/0319 Approved 23.03.2016</i>	30 Plexfield Road Bilton Rugby	Erection of a single storey rear extension
<i>R15/1270 Approved 23.03.2016</i>	Wybeech 22 Birdingbury Road Marton Rugby	Erection of a part first floor part two storey side extension, single storey rear and front extensions and a detached garage to the rear garden
<i>R16/0066 Approved 23.03.2016</i>	Tallow Cottage The Crescent Brinklow Rugby	Retention of extensions and alterations to dwelling (Amendment to a previously approved scheme under R15/1020 granted 20th July 2015 for the extensions and alteration to dwelling)
<b><i>Prior Approval Applications</i></b>		
<i>R15/2540 Prior Approval Not Required 08.03.2016</i>	29 Dunsmore Avenue Rugby	Prior approval for a single storey rear extension measuring 5.9 metres in depth, 2.8 metres to the eaves, 3.0 metres in height.
<i>R16/0365 Prior Approval Not Required 11.03.2016</i>	26 Belmont Road Rugby	Prior approval for the erection of a single storey rear extension.
<i>R16/0260 Prior Approval Required and Refused 22.03.2016</i>	Agricultural Buildings at Cathiron Lane Newbold on Avon Rugby	Prior notification for the change of use of 2 agricultural buildings to 2 residential dwellings (Use Class C3) with associated building operations
<b><i>Listed Building Consents</i></b>		
<i>R16/0326 Listed Building Consent 14.03.2016</i>	Spinney Cottage Main Street Rugby	Proposed extension to kitchen
<i>R16/0170 Listed Building Consent 17.03.2016</i>	Verity Cottage 77 The Heath Dunchurch Rugby	Listed building consent for the erection of a single storey extension to provide a garden room, hall and shower room

<b>Advertisement Consents</b>		
<i>R16/0310 Advertisement Consent 11.03.2016</i>	Wellingtons Day Nursery 4 Regent Place Rugby	Advertisement consent to display 2no. Signs to front elevation of building.
<i>R16/0330 Advertisement Consent 16.03.2016</i>	Unit A2 Elliotts Field Shopping Park Leicester Road Rugby	Erection of two fascia signs; one panel sign; and two banner adverts.
<b>Approval of Details/ Materials</b>		
<i>R12/1353 Approval of Details 04.03.2016</i>	Coton House Lutterworth Road Churchover Rugby	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<i>R15/1703 Approval of Details 10.03.2016</i>	Rear of 41 Park Road Rugby	Erection of single storey 2-bed residential dwelling (Use Class C3).
<i>R13/1380 Approval of Details 11.03.2016</i>	Former New Bilton Conservative Club 59 Avenue Road New Bilton Rugby	Part demolition and conversion of the existing building to 2 No. flats together with external alterations and erection of 8 No. dwellings together with the provision of a new vehicular access, and car parking provisions and associated works.
<i>R12/1353 Approval of Details 11.03.2016</i>	Coton House Lutterworth Road Churchover	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing

	Rugby	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).
<i>R12/1353 Approval of Details 16.03.2016</i>	Plots 3, 12 & 14 Land at Coton House Lutterworth Road Churchover Rugby CV23 0AA	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).
<i>R13/0124 Approval of Details 17.03.2016</i>	Warwickshire College Lower Hillmorton Road Hillmorton Rugby	Outline application for Class C3 residential development of up to 131 dwellings and provision of 0.4 hectare of land for the provision of a Class C2 Extra Care facility, with associated works and landscaping. All matters reserved except for access.
<i>R14/0440 Approval of Details 18.03.2016</i>	Stepnell Limited Lawford Road/Paynes Lane Rugby	Outline planning application for redevelopment of the site including erection of replacement buildings to be used for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, a replacement office building, access and highway works, landscaping and associated works.



<i>R14/0440 Approval of Details 18.03.2016</i>	Stepnell Limited Lawford Road/Paynes Lane Rugby	Outline planning application for redevelopment of the site including erection of replacement buildings to be used for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, a replacement office building, access and highway works, landscaping and associated works.
<i>R14/0440 Approval of Details 18.03.2016</i>	Stepnell Limited Lawford Road/Paynes Lane Rugby	Outline planning application for redevelopment of the site including erection of replacement buildings to be used for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, a replacement office building, access and highway works, landscaping and associated works.
<i>R14/0440 Approval of Details 21.03.2016</i>	Stepnell Limited Lawford Road/Paynes Lane Rugby	Outline planning application for redevelopment of the site including erection of replacement buildings to be used for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, a replacement office building, access and highway works, landscaping and associated works.
<i>R15/0126 Approval of Details 21.03.2016</i>	Rose Cottage Pailton Fields Farm Lutterworth Road Pailton Rugby	Extension and alterations to dwelling.
<i>R15/1873 Approval of Details 21.03.2016</i>	Land South of London Road at SP422728 London Road Dunsmore Heath Stretton on Dunsmore	Change of use of existing agricultural building to form a single dwelling house, together with external alterations, including the provision of Solar Panels to the rear roof slope elevation and the provision of a new access road and vehicular access off Rugby Road. (Amendment to approved planning application R14/1124 dated 13/08/2014 to include a revised access drive and minor internal and external alterations).
<i>R15/2405 Approval of Details 22.03.2016</i>	The Dovecote Burnthurst Lane Princethorpe Rugby	Erection of a single storey side extension and a single storey front extension

<b>Approval of non-Material Changes</b>		
<i>R13/1286 Approval of Non-Material Changes 15.03.2016</i>	16 School Street Dunchurch Rugby	Erection of first floor extension to rear and erection of replacement porch