

25 August 2017

PLANNING COMMITTEE - 6 SEPTEMBER 2017

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 6 September 2017 in the Council Chamber at the Town Hall, Rugby.

Site Visit

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

3pm Clifton Cruisers, Clifton Wharf, Clifton upon Dunsmore, CV23 0EY

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 16 August 2017.

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 – 20 July 2017 – 9 August 2017.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

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

The Reports of Officers (Ref. PLN 2017/18 – 7) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Butlin, Cranham, Ellis, Gillias, Miss Lawrence, Lewis, Mistry, Sandison and Srivastava.

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). 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).

Planning Committee – 6 September 2017

Report of the Head of Growth and Investment

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	R16/2449	Clifton Cruisers, Clifton Wharf, Clifton Upon Dunsmore, Rugby. CV23 0EY - Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works.	3

Reference number:

R16/2449

Site address:

Clifton Cruiser, Clifton Wharf, Clifton Upon Dunsmore, Rugby. CV23 0EY

Description:

Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works.

Case Officer Name & Number:

Nisar Mogul. 01788 533688.

Introduction:

This application seeks retrospective planning permission for the re-opening of a former canal arm and the associated excavation works to allow 25 no. additional moorings, of which 6 no. are to be permanent residential moorings, creation of an access track along either side of the new canal arm with downlighting, repairs to the existing bridge, an blockwork utilities structures and the re-location of an ancillary office building.

The application site comprises of a full service boat yard and operates boats for holiday hire. The site lies to the north-west of Clifton Road/ Rugby Road and the canal runs along a north-west / south-east orientation. The wider landscape is urban with the town of Rugby to the west and to the north, east and south of the newly formed canal arm is arable and grazing farmland . The pastureland to the north is currently grazed by cattle and residential dwellings lie to the south of the canal arm, some 130 metres away on Vicarage Hill. The site lies outside of the village boundary of Clifton Upon Dunsmore.

The proposal involves the re-opening a length of canal of approximately 280 metres, that is located to the north-east of the existing canal arm and boat yard business, which was previously disused and infilled possibly during the 1960s. The additional canal opening will provide circa 25 additional moorings. The application is made by Clifton Cruisers Ltd who operates the current boat hire and mooring business in the area where the initial canal arm was re-opened in 2004. The site is accessed via Vicarage Hill.

Relevant Planning History:

R04/0106/00318/P – To use for the mooring of canal boats – Approved 26/3/2004.

Technical Responses

The Inland Waterways Association - commented on the proposal and although they have raised no objections to the proposal, they have raised concerns that no proper archaeology or ecology surveys were carried out prior to the excavation and other works started. Also there is no evidence indicating investigation for possible pollutants in the old canal bed.

WCC Highways – No Objections subject to conditions.

WCC Flood Risk Management – No objections subject to consultation with Canals and Rivers Trust.

WCC Public Rights of Way Team – No objection subject to informatives relating to the public footpath R114 remaining open for use at all times unless closed by legal order.

Environment Agency – No objections subject to informatives.

Environmental Health – No objections subject to conditions relating to noise, lighting, foul sewage provisions and number of moorings in additions to informatives.

Warwickshire County Council (Ecology) - have commented on the proposal and subject to a condition relating to the submission of a detailed Landscape and Ecological Management Plan for their approval have not objected to the proposal.

Canal and River Trust – No objections subject to conditions and informatives.

RBC Landscape Officer – No objections subject to a condition.

Third Party Reponses:

Neighbours – 30 letters of objections received (both from the original registration and re-registration of the application) :

- Station Road is a no through road and larger vehicles unable to turn around. There is a school on this road causing problems with parking. After Sunnycroft Farm there is no footpath for the rest of the road and this road is a thoroughfare for pedestrians, dog walkers and cyclists. Site is visible from Clifton Road, Station Road and the surrounding area. Site is rapidly becoming an eyesore. Sheds and outbuildings being erected, Road going across field being used more and more from Station Road. Obtrusive lighting, vehicle lights are often on full beam. A total 53 moorings will be using Station Road for exist from Clifton Cruisers. Bats are a material consideration for planning. Hedgerows and trees being taken up. Access from Rugby Road into Station Road is very tight. Sluice depositor tank been installed. We have lost all privacy as a result of people living on the new moorings. Clifton Cruisers traffic could park in Station Road to use the shops and the pub. Amended proposal does not add value to allay objection in terms of visual amenity, local noise, pollution from smoke etc. Canal arm was abandoned in 1905. Development of roads, outbuildings, fences, car parking spaces and hard-standings and associated items are not appropriate in the countryside. Low level bund should be considered on the south side of the canal in addition to planting on that side to provide adequate screening of the boats from Vicarage Hill and Rugby Road. At least 50 cars are owned and used by Station Road residents. Disturbance from residential moorings especially in summer months. While the aerial photographs provided by the applicant show the track used by farm traffic to access fields to the south of the canal – this traffic was only occasional and seasonal. The re-opening of canal has same effect as allowing the building of 25 houses as far as privacy is concerned for houses on Rugby Road. Loss of land specifically used for grazing and keeping livestock. Upsetting the natural balance of wildlife habitats. The traffic survey was carried out during school holidays when traffic in the area is appreciably lower. Loss of significant amounts of ancient hedgerow detrimental to local bird and bat populations. The area is prone to flooding. Concerns over the disposal of waste and effluent. Area looks like a shanty town.

Councillor Leigh Hunt – Application should be refused and wish to call in to committee -

- Concern of impact on traffic on Station Road. Proposal requires the use of Station Road access for entry/exist leading to regular and frequent car journeys from a total of 53 moorings plus delivery vehicles. Why was no TRICS survey completed? Erial photos submitted showing historic track was only ever used agricultural activity associated with silage making and ploughing. No structural engineers survey undertaken on the bridge within the site or the one at the bottom of Station Road. No survey done for the integrity of the canal itself. Inappropriate development in rural area, area between Brownsver and Clifton is area of restraint, all hardstanding and sheds or structures should be removed, the 6 residential moorings should be positioned as close as possible to the existing boatyard facility. There should be no vehicular access to the boats.

Clifton Upon Dunsmore Parish Council – Objects to all new and existing users of Clifton Cruisers to using Station Road for vehicle entry and exist. Traffic movement survey submitted is from a Marina rather than residential moorings. The historic Aerial photographs submitted are mis-leading as the track was only used by agricultural activity associated with the farm. Concerns regarding the repairs to the bridge. Lighting scheme not in keeping with rural environment and will be detrimental to amenity of nearby properties. There should be no decking, sheds and other garden type structures that have been constructed without permission.

Relevant Policies and Guidance:

National Planning Policy Framework (2012)

Policy 3: Supporting a Prosperous Rural Economy

Core Strategy (2011)

Policy CS1: Development Strategy

Policy CS14: Enhancing the Strategic Green Infrastructure Network

Policy CS16: Sustainable Design

Saved Local Plan Policies (2011)

Policy GP2: Landscaping – Complies

Policy E6: Biodiversity – Complies

Determining Considerations

The main considerations in respect of this application are the principle of development, character and design, impacts on biodiversity and highway safety.

Principle of Development

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

The application site is located within the open countryside as defined in Policy CS1 of the Core Strategy and states that development will be resisted and will only be permitted if allowed by National Policy. The NPPF states that support will be given for the sustainable growth and expansion of all types of business and enterprises in rural areas including the support for sustainable rural tourism and leisure development that benefit business in rural areas.

The initial reclaimed entrance to the Clifton Arm of the canal from the main line of the Oxford Canal has been in situ for a number of years potentially going back to 1974 and the reopened in 2004 under planning permission R04/0106/00318/P that was granted in March 2004 for the use of mooring for canal boats. The site comprises of a full service boat yard and operates for holiday hire.

The current proposal seeks retrospective planning permission for the re-opening of disused canal arm, relocation of ancillary office building, laying of access track and associated works. The re-opening of the additional canal arm for the mooring of the canal boats involved the removal of the soil that infilled the canal arm. The canal arm will serve 25 additional boats of which 6 will be residential. It is considered that this use of the site is acceptable within this location as it is part of an extension of an activity/business that forms part of a historical heritage of the area and therefore the proposal accords with the policy CS1 of the Rugby Borough Council Core Strategy.

NPPF para 28 sets out how its aims of supporting rural businesses by way of supporting rural business through development, promoting the diversification of rural businesses and support sustainable rural tourism. As Clifton Cruisers provide holiday makers with the opportunity to rent and moor boats as well as maintain boats and the re-opening of the canal arm will provide further investment from the company and improve the offering of moorings and hence help the business expand and diversify to meet the demand for its services. For these reasons it is considered that the proposal accords with the NPPF.

The proposal in relation to the relocation of the office building within the original site is considered to be of a scale, massing and design that will not cause any material harm in terms of residential or visual amenity and therefore is considered accord with policies CS1, and CS16.

Character and Design

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 reopening of the canal arm involved extensive removal of the hedgerow and planting that existed along this area, and the creation of a track road has somewhat eroded the intrinsic character of the countryside that existed. However, it is considered that the use of the canal arm for the mooring of the boats is an extension of the existing businesses and the previous use of the site and due to the low levels of the canal boats the overall impact on the character of the countryside is not eroded sufficiently to warrant a refusal of the application. Furthermore, the proposed landscaping scheme will ensure that the overall character of the site is restored over the longer term and therefore the proposal accords with the CS16 of the Core Strategy.

Impact on Residential Amenity

Policy CS16 then goes on to state that the amenities of existing and future occupiers of neighbouring properties will be safeguarded.

The closest residential properties are circa 130 metres away from the newly formed canal arm, being the properties known as 'Gerandria Lodge, Valley View and the detached property to the south of these and whilst it is accepted that the proposal has resulted in the canal arm and the new moorings being visible from these properties as well as several view points along the

surrounding area, it is considered that due to the distance of the moorings from these properties that any undue impact that has been created will not be sufficient to warrant a refusal of the application on the grounds of overlooking or loss of privacy that may be currently enjoyed by the residents of these and the surrounding properties. The application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

The proposal in relation to the relocation of the office building within the original site measures 8.5 metres in length and 3.5 metres in width and 5.5 metres to the small wings to front and rear of the building, the highest point of the roof is 3.1 metres. There are some electricity boxes/structures that are maximum 2 metres in height and it is considered that the office building and structures are of a scale, massing and design that will not cause any material harm in terms of residential or visual amenity and therefore is considered accord with policies CS1, and CS16.

Ecology / Landscaping and other matters

In addition to WCC Ecology and the Rugby Borough Council Landscape Officer, The Canal and River Trust (CRT) were consulted on the application and have not raised any objections subject to conditions and informatives.

CRT have requested that the bank of the canal arm should be re-profiled and hence for this reason it is apparent that the proposal is not wholly retrospective. They have requested that physical works is required to be carried out appropriately as any structural failures could result in leakages or contamination. Therefore, for this element of the works to be carried out it will require the boats to be removed and the canal to be drained to undertake these works. These works could potentially have an impact on the water levels of the wider Oxford Canal network, navigational safety, water quality and the biodiversity within the vicinity.

For these reasons they have requested, amongst other things, that conditions should be attached to any approval that require : a construction methodology statement to be submitted to the Local Planning Authority within 1 month of any approval.

Additionally CRT have requested an Archaeology Assessment, a Great Crested Newts Survey, an updated Geo-Environmental Assessment and a report on any unexpected contamination that has not been previously been identified should be carried out.

They also requested a detailed landscaping plan to be submitted, however, this has already been submitted and the RBC Landscaping Officer has raised no objections to it subject to a condition that requires all trees and hedge planting to be planted in the first planting season following completion of the construction works.

Overall therefore it is considered that the proposal complies with Saved Policy E6 relating to biodiversity, GP2 relating to Landscaping and Policy CS14 relating to Enhancing the Strategic Green Infrastructure Network.

Highways

Warwickshire County Council have commented on the proposal and have raised no objections, subject to conditions, to the proposal following the submission of further information regarding land ownership and trip generation from the existing and proposed development on the site. Following their initial response dated 10th March 2017 the Highways Authority have stated that they retain some highway safety concerns regarding its impact on Station Road, given the

single lane width of the road for much of its existing length. The conditions to be imposed relate to:

1) the prevention of vehicular access or egress between the uses on site and Station Road,

2) for the provision of improved visibility at the existing Vicarage Hill access,

and 3) restricting the use of the proposed moorings in re-opened canal arm to a maximum of 25 moorings with no more than 6 being permanent residential accommodation.

The proposal will therefore overcome concerns raised by several local residents relating to highway safety issues in relation to the non-use of the track road for vehicles to access and egress on to Station Road.

Furthermore it is intended that should the proposal be approved, that the track road beyond the end of the new canal arm should be conditioned to be removed and the land re-instated to open countryside.

Environmental Health

Environmental Health were consulted on the proposal and have raised no objections subject to conditions and informatives being added to any approval of the application. In particular they have requested further updated report relating to the Geo-Environmental Assessment that was submitted as part of the application to elevate any impact relating to contamination.

Furthermore, they have requested a condition to be included should the application be approved restricting the use of any generators on any moorings to reduce any impact of noise from the site and a condition relating to details of artificial lighting that may be installed specifying details relating to siting, hours of use and mounting heights.

They have also commented on the foul sewage provisions as proposed within the application and have deemed them to be acceptable.

Conclusion

Planning Balance and Sustainability of Development

Paragraph 14 of the NPPF is consequently relevant and sets out a presumption in favour of sustainable development. For decision-taking it explains that this means that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole, or specific policies in the NPPF indicate development should be restricted. In this case no specific policies within the NPPF have been identified that would indicate that the scheme should be restricted. The test must therefore be whether the proposed development would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme.

It is within this context that it is necessary to have regard to paragraph 7 of the NPPF which indicates that sustainable development has three dimensions: economic, social and environmental. Paragraphs 18 to 219 of the NPPF taken as a whole subsequently constitutes what this means in practice when considering proposals for new development.

From an economic perspective the extension to the new canal arm with the addition of 25 no. new moorings with 6 being permanent residential moorings will result in a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive, albeit limited, impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

From a social perspective there is a significant need for new housing within the Borough and the Council does not have a five year housing land supply to meet that need. Although the proposal itself is not for new dwellings it does provide 6 no. permanent residential moorings and 25 no. in total and therefore this is consequently a matter which in itself weighs significantly in favour of the application along with the benefit it provides to the tourism to the area. The permanent moorings would consequently make a small but positive contribution towards meeting this housing need. Although the location of the dwelling is within a Countyside location it borders the urban area of Clifton Upon Dunsmore and the town of Rugby itself and there are facilities in the form of shops, a post office and a pub within walking distance which the occupiers could rely on without the need to drive distances which would be not classed as sociable. The site is also within close proximity of Rugby town centre there are frequent bus services so reaching the Town Centre without a car is easily achieved. These points consequently weigh in favour of the application. As such, the proposed development would satisfy the social role of sustainable development.

From an environmental perspective the potential impacts of the proposed development in relation to the use of the land, accessibility, highway safety, traffic flows, heritage trees, hedgerows, ecology, green infrastructure, visual amenity, residential amenity, drainage and noise have all been considered. The assessment has subsequently shown that there would be no adverse impacts that would warrant a refusal of the application as it would be possible to mitigate against any impact through a number of different measures and strategies. These mitigations could be secured through conditions to ensure that this is delivered. This consequently has a positive impact of limited weight in favour of the application.

In conclusion and after assessing the planning balance the proposed development would be deemed as sustainable development that would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon biodiversity and highway safety. Accordingly, the application is to be considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to conditions.

Recommendations

That planning permission be granted subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R16/2449

DATE VALID

02/05/2017

ADDRESS OF DEVELOPMENT

Clifton Cruisers
Clifton Wharf
Clifton upon Dunsmore
Rugby
CV23 0EY

APPLICANT/AGENT

Mr Patrick Reid
Dlp Planning Ltd
18 Regent Place
Rugby
Warwickshire
CV21 2PN
On behalf of Mr Robert Over

APPLICATION DESCRIPTION

Retrospective planning permission for the re-opening of disused canal arm to allow 25 no. additional moorings of which 6 are permanent residential moorings, relocation of ancillary office building, laying of access track and associated works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 6th September 2017.

REASON:

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by 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:

D06/001 E,

D06/030A - (OTHER THAN THE ROAD SHOWN IN GREY - see condition 16)

D06/031A - (OTHER THAN THE ROAD SHOWN IN GREY)

D06/033A - (OTHER THAN THE ROAD SHOWN IN GREY)

284-100 Rev F

D06/050A

284.101 Rev B

284-203 Rev A

284-201

170428-01 and

CCC1PP01

and the details received in document PR/WA5090P dated 2nd May 2017

REASON:

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

CONDITION 3:

Notwithstanding the approved plans, there shall be no access or egress for motor vehicles between the existing and proposed canal arm and boatyard, and the public highway D3117 Station Road.

REASON:

In the interest of highway safety.

CONDITION 4:

Within three months of the date of this planning permission, a visibility splay shall be provided to the north-east of the existing vehicular access to the site from the public highway C213 Vicarage Hill, with an 'x' distance of 2.4 metres and a 'y' distance of 90 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 interest of highway safety.

CONDITION 5:

The re-opened section of canal arm hereby permitted shall be used for the mooring of a maximum of 25 boats, no more than six of which shall be used as permanent residential accommodation. The re-opened section of canal arm shall be used for the mooring of boats in private ownership only, and shall not at any time be used for the mooring of boats for public hire or timeshare boats.

REASON:

In the interest of highway safety.

CONDITION 6:

All tree and hedge planting detailed within drawing no. CCC1PP01 (dated 28-7-17) must be planted in the 1st planting season following completion of construction. If within a period of 10 years from the date of planting of any tree/hedge that tree, or any tree/hedge 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/hedge 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/hedge cover within the local landscape.

CONDITION 7:

Within 1 month of the date of approval details on the construction methodology for the re-profiled banks to the extended canal arm, including a timetable for completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed in full accordance with the approved details and timetable for completion.

REASON:

To ensure that the proposed works have been carried out appropriately and will not adversely impact on the stability of the canal arm and the water level of the wider Oxford Canal network, navigational safety, water quality and biodiversity of the Oxford Canal in accordance with Paragraphs 120 & 121 of the NPPF.

CONDITION 8:

Within 2 months of the date of this approval details of the strengthening works carried out to the Clifton Arm Bridge (Bridge No.63) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Details on materials and methods of repair used;
- ii) an assessment of the impact of the works on the historical integrity and significance of the bridge.
- lii) Maintenance and management provisions for the bridge
- iv) Information on any further or remedial works considered necessary and a timetable for their implementation.

Thereafter all works shall be carried out and the bridge maintained in accordance with the approved details.

REASON:

To ensure that the works will not adversely impact on the stability of the canal arm in accordance with Paragraphs 120 & 121 of the NPPF and that the works do not have a harmful impact on the character, appearance and historical integrity /significance of the existing bridge in accordance with Policy CS16 of the Rugby Borough Core Strategy.

CONDITION 9:

Within 2 months of the date of approval details of a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. This shall provide a programme of archaeological works and investigations to be undertaken along the reinstated canal arm and a timetable for completion of the works. A completion report detailing any findings and/or necessary mitigation measures shall also be submitted to the Local Planning Authority in accordance with the approved timetable. The investigation and any mitigation works shall thereafter be undertaken in full accordance with the approved details.

REASON:

In order to ensure any remains of archaeological importance, which help to increase our understanding of the sites historical development are recorded, preserved and protected were applicable, in accordance with Policy CS16 of the Rugby Borough Core Strategy.

CONDITION 10:

Within 3 months of the date of this approval an updated to the Geo-Environmental Assessment shall be submitted to 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 (b) 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.

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

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

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

REASON:

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

CONDITION 11:

Prior to any further works on the site a Great Crested Newt survey shall be undertaken to determine if the species are present on the site. The results of the survey shall be submitted to the Local Planning Authority within 1 month of being completed and if GCN are identified on the site full details of any necessary mitigation measures shall also be submitted for approval. Thereafter the works shall only proceed in accordance with the approved details.

REASON:

To ensure that any protected species on the site are properly identified and protected during the works in accordance with Policy CS14 of the Rugby Borough Core Strategy.

CONDITION 12:

The landscaping work will be timetabled and carried out to wholly accord with the Planting Plan CCC1PP01, dated 28/07/17, together with the management as outlined in "Section 4 Recommendations" of the document "Ecological Appraisal of North Oxford Canal (Clifton Arm), Warwickshire, Issue 2" by Crossman Associates, and dated 24th May 2017. The tree and hedgerow planting scheme will thereafter be maintained in perpetuity.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 13:

Unless otherwise agreed in writing with the Local Planning Authority no generators shall be installed or used at any time on any moorings.

REASON:

In the interest of residential amenity.

CONDITION 14:

No artificial lighting (illuminated service pedestals) shall not be installed until full and precise details have been submitted to and approved by the Local Planning Authority. The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.

REASON:

In the interest of residential amenity

CONDITION 15:

Within 3 months of the date of this approval all fencing and decking around any mooring shall be permanently removed unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of visual amenity of the area.

CONDITION 16:

Within 3 months of the date of this approval the track road, leading to the public highway D3117 Station Road, shaded in grey on the approved plan D06/030A shall be removed and the land reinstated to grazing land.

REASON:

In the interests of highway safety and the visual amenity of the area.

CONDITION 17:

Within 2 months of the date of this approval, the 6 permanent residential moorings hereby approved shall be located adjacent to the existing canal arm/boat yard area unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of residential amenity of the area.

CONDITION 18:

Notwithstanding any details on the approved plans, within 2 months of the date of this approval a detailed plan shall be submitted to the Local Planning Authority showing the 25 moorings in situ in the re-opened canal arm with the 6 permanent residential moorings being located adjacent to the existing canal arm/boat yard.

REASON:

In the interests of residential amenity and for the avoidance of doubt.

CONDITION 19:

The moorings identified in the application site (other than the 6 permanent residential moorings) shall be purely restricted to the accommodation of privately owned or hire boats and shall not accommodate any houseboats. The boats shall be used for recreational purposes only and not used as permanent residences.

REASON:

To ensure that there is adequate capacity to accommodate the boats on the canal and to prevent additional residential accommodation within the open countryside and in the interests of highway safety 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.

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 20 th July 2017 to 9 th August 2017
Name of Committee:	Planning Committee
Date:	6th September 2017
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report

Legal Implications: There are no legal implications for this report

Equality and Diversity: There are no equality and diversity implications for this report

Options:

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

Planning Committee - 6th September 2017

Delegated Decisions – 20th July 2017 to 9th August 2017

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

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

Name of Meeting:
Planning Committee

Date of Meeting:
6th September 2017

Subject Matter:
Delegated Decisions – 20th July 2017 to 9th August 2017

Originating Department:

List of Background Papers

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 20.07.2017 TO 09.08.2017

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R17/0874 Refusal of Certificate of Lawful Use or Development 26.07.2017</i>	Tamhorne Park Draycote Hill Farm Draycote Hill Birdingbury Rugby CV23 8ES	Certificate of Lawful Development for the "Erection of 2 no extensions to east and west elevations of existing property"
<i>R17/0969 Refused 01.08.2017</i>	125 Kingsley Avenue Hillmorton Rugby CV21 4JZ	Erection of a single pair of semi detached dwellings together with the formation of a new vehicular access and the provision of car parking.
Applications Approved		
<i>R17/0073 Approved 20.07.2017</i>	56 Loverock Crescent Hillmorton Rugby CV21 4AS	Erection of a two storey side and single storey rear extension.
<i>R17/0986 Approved 20.07.2017</i>	6 Kings Newnham Lane Rugby CV23 0JU	Removal of 2 no. bay windows with lean-to over and substitute new front bay extension with lean-to over and first floor extension to the rear.
<i>R17/1073 Approved 20.07.2017</i>	11 Millfields Avenue Rugby CV21 4HJ	Erection of a two storey side extension (previously approved under R16/0153).
<i>R17/0777 Approved 20.07.2017</i>	Land at rear of The White House Main Road Ansty	Conversion of outbuilding to create a residential dwelling
<i>R17/0622 Approved 20.07.2017</i>	30 Eastlands Road Rugby CV21 3RP	Erection of Two Storey Side Extension, Single Storey Rear Extension, and Pitched Roof to Existing Single Storey Extension, after Demolition of Rear Conservatory and Garage

<i>R17/1100 Approved 20.07.2017</i>	3 Silverdale Gardens Rugby CV22 5BU	Proposed loft conversion incorporating Velux windows to front and rear
<i>R17/0932 Approved 20.07.2017</i>	51 Bawnmore Road Bilton Rugby CV22 7QJ	Erection of single storey rear and side extension
<i>R17/1047 Approved 20.07.2017</i>	14 Bell Lane Rugby CV23 0QY	Erection of single storey rear extension replacing existing conservatory
<i>R17/1091 Approved 21.07.2017</i>	22 Oatland Drive Cawston Rugby CV22 7UN	Erection of single storey timber building
<i>R17/1076 Approved 21.07.2017</i>	Lower Rainsbrook Lodge Onley Lane Rugby CV22 5QD	Erection of replacement dwelling (part retrospective)
<i>R17/0300 Approved 21.07.2017</i>	Meadow View Wolvey House Barns Wolds Lane Wolvey Hinckley LE10 3LL	Erection of a climbing frame, a bin store and a wendy house.
<i>R17/0185 Approved 21.07.2017</i>	Ardagh Group 1 Pretorian Way Rugby CV21 1RN	Extensions and alterations to an industrial building
<i>R17/1070 Approved 21.07.2017</i>	The Stables 3 Brooklands Clifton on Dunsmore Rugby Cv23 0fp	Re-submission of previously approved dwelling to include proposed detached garage/carport and storage structure for incidental use to the main dwelling (approved under R11/1608 and amended under R14/1046)
<i>R17/1017 Approved 21.07.2017</i>	Rugby Model Engineering Rugby Model Engineering Society Onley Lane Rugby CV22 5QD	Variation of condition 2 of planning permission ref. R10/0618 granted 12th January 2011 (Change of use of agricultural land to leisure and extension of miniature railway) to allow use by members and invited guests of Rugby Model Engineering Society and for private parties, except public running days of which there shall be no more than 12 days each year.

<i>R17/1028 Approved 24.07.2017</i>	8 Vale Close Hillmorton Rugby CV21 4HB	Erection of a first floor side extension over existing garage.
<i>R17/1155 Approved 26.07.2017</i>	240 Dunchurch Road Rugby CV22 6HS	Erection of single storey side and rear extension
<i>R17/0859 Approved 26.07.2017</i>	5 Heather Road Binley Woods CV3 2DE	Demolition of existing bungalow and erection of a new dwelling
<i>R17/1107 Approved 26.07.2017</i>	4 Staveley Way Brownsover Rugby CV21 1TR	Erection of a proposed single storey front extension to dwelling
<i>R17/1167 Approved 26.07.2017</i>	50 South Road Clifton upon Dunsmore Rugby CV23 0BZ	Extension and alteration of the existing bungalow, including provision of an integral garage and accommodation in the roof space.
<i>R17/0851 Approved 26.07.2017</i>	42 Craven Avenue Binley Woods CV3 2PY	Erection of two storey side extension
<i>R17/1175 Approved 27.07.2017</i>	Manor Farm House Daventry Road Rugby CV23 8AH	Erection of a shed to the rear garden
<i>R17/0978 Approved 27.07.2017</i>	N E J Stevenson Limited Church Lawford Business Centre Limestone Hall Lane Church Lawford Rugby CV23 9HD	Proposed single storey front extension to existing building.
<i>R17/1139 Approved 27.07.2017</i>	Bayton Lodge Withybrook Road Wolvey CV12 9JW	Conversion and extension of existing garage to form separate dwelling, including demolition of ancillary buildings and formation of new site access.
<i>R17/1146 Approved 27.07.2017</i>	289 Alwyn Road Bilton Rugby	Erection of a single storey rear extension.

	CV22 7RP	
<i>R17/0838 Approved 27.07.2017</i>	17 Croft Close Wolvey Rugby LE10 3LE	Erection of part ground and part first floor side extension, new canopy, additional vehicle hardstanding and extend existing dropped kerb
<i>R17/0702 Approved 27.07.2017</i>	Development Land adj 115 Murray Road Murray Road Rugby	Demolition of existing storage building and construction of 6 new build flats, with access to the highway and parking
<i>R17/1165 Approved 28.07.2017</i>	218 Rugby Road Binley Woods CV3 2BD	Erection of a single storey side and rear extension.
<i>R17/1038 Approved 28.07.2017</i>	Abbeyfield 242 London Road Stretton on Dunsmore Rugby CV23 9JA	Replacement of existing bungalow with a dormer bungalow.
<i>R17/1131 Approved 31.07.2017</i>	31 The Crescent Brinklow Rugby CV23 0LG	Retention of existing garage located behind approved car port (Ref. R16/0647).
<i>R17/1132 Approved 31.07.2017</i>	Avoncroft Rugby Road Brandon CV8 3GJ	Retention of two storey rear extension and provision of vehicle hardstanding and installation of new dropped kerb
<i>R17/0546 Approved 01.08.2017</i>	Morgan Sindall PLC Morgan Sindall Corporation Street Rugby CV21 2DW	Alterations to existing pedestrian entrance and creation of a new front access ramp.
<i>R17/1016 Approved 01.08.2017</i>	Gerona Church Road Grandborough Rugby CV23 8DH	Erection of a single storey side extension, rear dormer and alterations
<i>R16/1998 Approved 02.08.2017</i>	The Homestead London Road Dunchurch Rugby CV23 9LJ	Erection of two storey side extension and conversion of existing hipped roof to gable with gable dormer to rear elevation

<i>R17/0715 Approved 02.08.2017</i>	6 Stanley Road Rugby CV21 3UE	Retention of summer house and decking
<i>R17/1160 Approved 02.08.2017</i>	The Croft Overstone Road Withybrook CV7 9LU	Erection of a boundary front and gate
<i>R17/1105 Approved 02.08.2017</i>	65A Addison Road New Bilton Rugby CV22 7DA	Provision of a dropped kerb
<i>R17/1130 Approved 02.08.2017</i>	Admirals Court 37 Nelson Way Bilton Rugby CV22 7LW	Proposed C2 Use development to include: the demolition of an existing building and erection of a therapeutic, education and care facility to include 2 (no) children's homes, external play areas and related facilities - (resubmission of previously approved application R16/0112 decided on the 14/12/2016)
<i>R17/1140 Approved 02.08.2017</i>	39 Arderne de Gray Road Wolston Rugby CV8 3LQ	Retrospective application for erection of a summerhouse.
<i>R17/1099 Approved 03.08.2017</i>	61 Overslade Lane Rugby CV22 6DY	Erection of two storey side extension and a single storey rear extension plus new patio area to the rear
<i>R17/1217 Approved 04.08.2017</i>	Twin Willows Post Office Road Leamington Hastings CV23 8DZ	Erection of two dormer windows to principle elevation
<i>R17/0980 Approved 04.08.2017</i>	Henry Doubleday Research Ryton Organic Gardens Wolston Lane Ryton on Dunsmore CV8 3LG	Installation of a water treatment plant (Bio Disc system) (retrospective)
<i>R17/1229 Approved 04.08.2017</i>	3 Cedar Avenue Ryton on Dunsmore CV8 3QB	Partial conversion of double garage to ancillary residential accommodation

R17/0981 Approved 04.08.2017	Henry Doubleday Research Ryton Organic Gardens Wolston Lane Ryton on Dunsmore CV8 3LG	Retention of a horticultural building and separate cabin.
R17/0899 Approved 07.08.2017	The Old Stables Watling Street Clifton upon Dunsmore Rugby CV23 0AQ	Change of use and operational works to convert part of the existing stable/ storage building to a dwelling
R17/1233 Approved 07.08.2017	34 Chicory Drive Brownsover Rugby CV23 0UB	Erection of a two storey side extension and provision of hardstanding to the front of the property
R17/1084 Approved 07.08.2017	Home Farm Main Street Willoughby Rugby CV23 8BH	Conversion of barns to create 2 dwelling houses including the demolition of modern agricultural buildings (identical to scheme previously approved under ref R14/0608)
R17/1103 Approved 07.08.2017	Gate Farm Main Street Bourton on Dunsmore Rugby CV23 9QX	Conversion of barns to form 1no. Residential dwelling - Amendment to approval R15/1480 (Conversion of barns to form 3 residential dwellings including demolition of existing modern agricultural building and erection of a detached garage block) dated 13th November 2015
R17/1226 Approved 07.08.2017	10 Bulkington Road Wolvey Hinckley LE10 3LA	Erection of proposed first floor side extension above existing garage and single storey rear extension
R17/1074 Approved 08.08.2017	Brandon and Wolston Village Hall 68 Main Street Wolston CV8 3HJ	Replacement of existing entrance doors.
R17/1247 Approved 09.08.2017	Byre House Flecknoe Village Road Flecknoe CV23 8AT	Replacement of windows and doors
R17/1171	Marton Moor House	Erection of a detached garage.

<i>Approved</i> 09.08.2017	Fields Farm Lane Marton Rugby CV23 9RS	
<i>R17/1234</i> <i>Approved</i> 09.08.2017	3 Whiley Close Clifton Upon Dunsmore CV23 0BX	Erection of proposed single storey rear extension
Prior Approval Applications		
<i>R17/1129</i> <i>Prior approval not required</i> 20.07.2017	399 Newbold Road Rugby CV21 1EP	Single storey rear extension 3.4 metres in depth x 2.8 metres height to eaves x 3.5 metres maximum height.
<i>R17/0750</i> <i>Prior approval not required</i> 03.08.2017	14 Vere Road Rugby CV21 4HR	Prior Approval Application for the erection of a rear extension measuring 6 metres in depth; 2.5 metres in height to the ridge; and 2.5 metres in height to the eaves
Prior Approval Applications		
<i>R17/0966</i> <i>Prior Approval required and granted</i> 03.08.2017	Marston Mill Farm Priory Road Wolston CV8 3FX	Prior Approval - Change of Use of Agricultural Buildings to 2 no. Residential Dwellings
Advertisement Consent		
<i>R17/1102</i> <i>Advertisement Consent</i> 20.07.2017	Methodist Church Russelsheim Way Rugby CV22 7TB	Advertisement consent for 1 (no) logo sign
<i>R17/1174</i> <i>Advertisement Consent</i> 28.07.2017	19 Main Street Newbold Rugby CV21 1HH	Display of 1no.internally illuminated fascia sign, 1.no internally illuminated projecting sign, 1no.non-illuminated projecting sign, and 3no.non-illuminated wall mounted panels.
<i>R17/1187</i> <i>Advertisement Consent</i> 04.08.2017	15 Regent Street Rugby CV21 2PE	Erection of illuminated signage
Certificate of Lawful Use or Development		

<i>R17/0817 Certificate of Lawful Use or Development 19.07.2017</i>	26 Heather Road Binley Woods CV3 2DE	Certificate of Lawful Development for a hip to gable loft conversion with installation of rear domer window, side facing window and 2 no velux windows to front
Approval of Details/ Materials		
<i>R17/0432 Approval of Details 20.07.2017</i>	Development site at rear of 47 Hillmorton Road Temple Street Rugby	Demolition of existing outbuilding and erection of pair of semi-detached dwellings and additional garage for No.47 (Resubmission of a previously approved scheme for the demolition of existing outbuilding and erection of pair of semi-detached dwellings and additional garage for No.47 under planning reference number R12/1432 granted 3rd December 2012)
<i>R17/0030 Approval of Details 20.07.2017</i>	Stables two Dunsmore Home Farm Watling Street Clifton Upon Dunsmore CV23 0AQ	Change of use from a redundant stable building to a dwelling, to include: 2 single storey front extensions, a single storey rear extension, a single storey side extension and the erection of a detached garage. Resubmission of previously approved applications R15/1355 and R16/0250
<i>R15/0984 Approval of Details 20.07.2017</i>	Britvic Soft Drinks Britvic Soft Drinks LTD Aventine Way Brownsover Rugby CV21 1HA	Erection of an industrial/distribution facility (Use Class B8) with underground tunnel link to existing building, to include first floor accommodation, gatehouse and associated access, car parking and landscaping.
<i>R16/2307 Approval of Details 20.07.2017</i>	Stepnell LTD Lawford Road New Bilton Rugby CV21 2UU	Outline planning application for the re-development of site for Use Classes B1, B2 and B8 with approval of access onto Lawford Road. All other matters reserved.
<i>R10/1286 Approval of Details 24.07.2017</i>	Rugby Gateway Phase R2 Leicester Road Rugby	Erection of 230 dwellings with associated open space, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
<i>R17/1126 Approval of Details 25.07.2017</i>	The Lodge Frankton Road Birdingbury Rugby CV23 8EW	Erection of a wooden garage (Resubmission of previously approved planning application R17/0641 approved on the 16th May 2017).

<i>R10/1286 Approval of Details 26.07.2017</i>	Rugby Gateway Phase R2 Leicester Road Rugby	Erection of 230 dwellings with associated open space, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
<i>R15/0984 Approval of Details 28.07.2017</i>	Britvic Soft Drinks Britvic Soft Drinks LTD Aventine Way Brownsover Rugby CV21 1HA	Erection of an industrial/distribution facility (Use Class B8) with underground tunnel link to existing building, to include first floor accommodation, gatehouse and associated access, car parking and landscaping.
<i>R17/0918 Approval of Details 31.07.2017</i>	Barn Farm Bow Lane Withybrook CV7 9LQ	Notification for the change of use of one agricultural building to dwelling houses.
<i>R16/1721 Approval of Details 01.08.2017</i>	(Northern part of) Cawston Extension Site Coventry Road Cawston Rugby	Erection of 184 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {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>R11/0476&R14/1641 Approval of Details 02.08.2017</i>	Former Ballast Pits and Railway Sidings Lower Street Hillmorton Rugby CV21 4NX	Application for Reserved Matters for 76 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R11/0476 for upto 76 dwellings with associated access, roads and infrastructure.
<i>R12/1947&R16/2295 Approval of Details 04.10.2017</i>	Grange Farm Cottage Coventry Road Cawston Rugby CV22 7RZ	Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.
<i>R17/0650 Approval of Details 07.08.2017</i>	46 Catesby Road Rugby CV22 5JL	Demolition of the existing outbuilding and garage, the erection of a single and two storey side and rear extension and the erection of a replacement outbuilding (amendments to approved planning permission R16/1781, dated 11/01/2017).
<i>R17/0507 Approval of Details 07.08.2017</i>	Land at Gypsy Lane Gypsy Lane Wolvey	Change of use of land for the siting of one residential gypsy pitch including the erection of a day room.

	Hinckley LE10 3HQ	
Approval of Non Material Changes		
<i>R10/1286 Approval of Non Material Changes 25.07.2017</i>	Rugby Gateway Phase R2 Leicester Road Rugby	Erection of 230 dwellings with associated open space, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
<i>R14/2289 Approval of Non Material Changes 03.08.2017</i>	2 Elder Close Bilton Rugby CV22 7TJ	Erection of single storey rear and side extension and retention of existing conservatory.
Withdrawn		
<i>R17/1224 Withdrawn 24.07.2017</i>	2 Somers Road Rugby CV22 7DD	Advertisement consent for fascia signs
<i>R17/0705 Withdrawn 24.07.2017</i>	Oak House Burnthurst Lane Princethorpe CV23 9QA	Erection of a single storey side extension