

5th August 2011

PLANNING COMMITTEE - 17TH AUGUST 2011

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 17th August 2011 in the Council Chamber, Town Hall, Rugby.

Site Visit

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

4.15pm Rear of 45/54 Millfields Avenue, Rugby.

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 27th July 2011.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.
To receive declarations of –
 - (a) personal interests as defined by the Council's Code of Conduct for Councillors;
 - (b) prejudicial interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 8th to 28th July 2011.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2011/12 – 6) are attached.

Membership of the Committee:-

Councillors Gillias (Chairman), Allen, Cranham, Day, Kirby, Lewis, Roberts, Ms Robbins, Sandison, Spiers, Whistance and D Williams.

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

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

AGENDA ITEM 4

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 17TH AUGUST 2011
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

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

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

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R11/1213	Five Ways Lakes, Coventry Road, Wolvey, LE10 3HF Retention of two banner signs and addition of illumination.	3

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R10/1298	Part of Rugby Gateway site, Leicester Road, Rugby Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).	6
3	R10/2107	Rear of 45/54 Millfields Avenue, Hillmorton, Rugby Erection of 6 houses and 1 bungalow, provision of new access and relocated parking spaces for existing bungalow, associated works and landscaping.	17
4	R11/0730	Hillcrest Farm, Clayhill Lane, Long Lawford, Rugby, CV23 9BG Proposed cattle building.	31
5	R11/0360	Land opposite Flecknoe Farm, Flecknoe Mixed use of the land for both agriculture and equestrian purposes, erection of stable block with tack room and feed room, provision of parking facilities and formation of new vehicular access. (Resubmission following refusal of R09/0749/PLN.)	36

Reference number: R11/1213

Site address: Five Ways Lakes, Coventry Road, Wolvey, LE10 3HF

Description: Retention of two banner signs and addition of illumination.

Case Officer Name & Number: Karen McCulloch, 01788 533623

This application is being reported to Committee at the request of Councillor Warwick.

Description of site

This application relates to Five Ways Lakes which is located within the Green Belt to the south of Wolvey.

A range of activities are carried out on the site including fishing and the use of the land as a camping and caravanning park which was approved in 2009.

The signs which are subject of this application are located to either side of the access itself. These are within grassed areas which contain some trees. The area to the left of the entrance has a post and rail fence at the rear and a hedge beyond this, the other side has a hedge at the rear.

There are palisade gates across the access drive, these are set back from the road.

There is open countryside to the sides and opposite the site.

Description of proposals

This application has been submitted following an enforcement investigation as the signs were erected without consent.

The application is for the retention of the existing signs. These are vinyl signs which are tied into metal frames. The signs measure 2.8m high by 2.5m wide.

The signs are not currently illuminated, however the applicant proposes these signs to be externally illuminated with 2 spotlights for each sign, these will be fitted into the ground with metal spikes and will illuminate the signs from below.

Third party comments

Councillor Warwick Objection

- it is time these unsightly banners are removed,
- they are in a Green Belt area where we must resist development,
- large, colourful signs detract from visual amenity.

Wolvey Parish Council

No objection

Neighbours (3) Objection

- sign and proposed lighting are unattractive and gaudy and are not appropriate in the local area or the Green Belt,

- applicant carries out works without permission then applies and permission is granted,
- consider applicant has preferential treatment from the Council,
- sign refers to Wolvey Caravan & Camping Park, this is a separate business and should not been included on the sign, customers visit the application site and complain it is not as advertised, this is affecting reputation of nearby business,
- applicant is advertising more caravan pitches than are permitted.

Technical consultation responses

None required

Relevant planning policies and guidance

Town and County Planning (Control of Advertisements)(England) Regulations 2007

PPG2: Green Belts

PPG19: Outdoor Advertisement Control

Core strategy CS16 – Sustainable Design

Assessment of proposals

The Advertisement Regulations and associated guidance state that the only issues to be considered in the determination of advertisement applications are amenity or public safety.

The site is located within the open countryside in the Green Belt. PPS2: Green Belts states that the visual amenity of the Green Belt should not be injured by proposals.

The existing signs are of a temporary appearance with large, colourful, vinyl banners fastened into galvanised metal frames by ropes. It is considered that these signs are not in keeping with the character of the area and have a detrimental impact on visual amenity.

The proposals also include the illumination of the signs by spot lights mounted at ground level. These will increase the prominence of the signage and could also result in light spillage to the sides and over the signs. This illumination is not considered acceptable in this rural location and would further impact on the character and visual amenity of the area.

It was considered that smaller, non-illuminated signs, of a permanent construction may be acceptable. This was put to the applicant who advised the application would be amended to relate to smaller replacement signs. However, no amended plans or details have been received. As this application relates to unauthorised signage it is not considered the application can remain undetermined indefinitely and the applicant has been advised the application will be determined on the basis of the originally submitted proposals.

It is not considered that the advertisements, or the proposed illumination, would have an adverse impact on public safety.

Comments from neighbouring residents refer to the wording of the signs and that this is causing confusion between customers of the applicant's business and the nearby caravan site. However, this is not a matter that can be considered in relation to this application.

Recommendation

Refusal

DRAFT DECISION

APPLICATION NUMBER

R11/1213

DATE VALID

28/06/2011

ADDRESS OF DEVELOPMENT

FIVE WAYS LAKES
COVENTRY ROAD
WOLVEY
HINCKLEY
LE10 3HF

APPLICANT/AGENT

Mr Paul Merchant
5 Ways Lakes
5 Ways Lakes
Wolvey
Warwickshire
LE10 3HF

APPLICATION DESCRIPTION

Retention of two banner signs and addition of illumination.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

The retention of the existing signs, by virtue of their size, design and materials, and the addition of illumination, would have an adverse impact on the character and visual amenity of the area and Green Belt contrary to policy CS16 of the Rugby Borough Core strategy 2011 and guidance contained within PPG2: Green Belts.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16

Town and County Planning (Control of Advertisements)(England) Regulations 2007

PPG2: Green Belts

PPG19: Outdoor Advertisement Control

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

INFORMATIVE:

This permission relates to the following plans received by the Local Planning Authority on 14th June 2011: Site Location Plan, 1:2500 Site Plan, Signage Photographs and Lighting Details.

Reference number: R10/1298

Site address: Part of Rugby Gateway site, Leicester Road, Rugby

Description: Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).

Case Officer Name & Number: Karen McCulloch, 01788 533623 & Richard Holt, 01788 533687

Description of site

This application relates to part of the Rugby Gateway site which is located to the west of Leicester Road. This application relates to the southern part of the overall Gateway site. Brownsover Hall and Brownsover Lane are to the south, Swift Valley Industrial Estate is to the west and the Swift Valley Nature Reserve and agricultural land are immediately adjacent to the western boundary.

Brownsover Hall is a Grade 2* Listed Building and other buildings within the grounds of this property are Grade 2 Listed. These buildings are within the Old Brownsover Conservation Area which is to the south of the site.

The site mostly comprises agricultural land and also includes mature trees and hedgerows. There is a mature hedgerow on the Leicester Road frontage.

The existing cottages on Leicester Road, Keepers Cottage and Home Farm Cottage are to the north east of the application site.

There are no Public Rights of Way within this part of the Gateway site.

The ground levels change across the site with the highest land being to the east, adjacent to Leicester Road, and the lower ground being at the west.

Description of proposals

This application does not include any built development as this is subject to separate applications. This application is for the earthworks associated with the first 2 phases of residential development.

The proposals are for a cut and fill exercise to reduce the changes in ground levels across the site. The proposals include the removal of material from phase R1 onto the site of phase R2, this will then be used in the cut and fill of R2 with any excess material stored on land to the north to be used in future phases of development. Overall this would involve around 31,000 cubic metres of excess cut across phase R1 and 20,300 cubic metres of fill across phase R2.

No material is to be exported off site due to the earthworks proposed in this application. However some material may be exported in future phases once the overall Gateway site has been developed.

Other relevant planning applications

This is one of four applications relating to the Gateway site that were submitted in 2010.

R10/1281 Phase R1 – Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.

The Council resolved to approve this application, subject to a s106 legal agreement on 23rd February 2011. This agreement has not yet been completed.

The other 2 applications are currently under consideration.

R10/1272 Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.

R10/1286 Phase R2 - Erection of 219 dwellings with associated open space, infrastructure and ancillary works.

Third party comments

Neighbour (1) Objection

- Traffic noise currently causes disturbance to residents the situation will deteriorate further if plans are passed.
- Traffic figures are out of date and there has been a lot of recent development.
- ES refers to construction traffic but not traffic when development completed, this will have a great impact in terms of noise and pollution.
- Traffic noise readings were taken on Coton Park Drive, they should have been taken nearer to the A426.
- Speed limit has increased to 60mph, this has increased noise and will not be accounted for in assessments.

Third party (1) Comments

- Safe cycle route should be provided between Rugby and Magna Park.
- Development will increase traffic which will increase danger for cyclists.
- s106 money could contribute towards this route.

Churchover Parish Council Objection

- Consider application should be referred to Government Office
- Consider timeframe to comment was insufficient.
- Have objected to Core Strategy which prioritises Greenfield land over Brownfield, this is contrary to national guidance.
- Abolition of housing targets has undermined the basis of the Core Strategy.
- Principle of proposed development is contrary to development plan policies and the Core Strategy will not be adopted before the application is determined – application should be refused on basis of prematurity.
- Consultation carried out by developers was inadequate.
- Environmental Statement should assess impact of possible windfarm.
- Photographs within Visual Assessment appear to have been taken with a wide angle lense and chosen to minimise the impact of the development.
- Do not consider impact could be considered moderate, large buildings will obscure view of the whole area adjacent to the M6. Landscape plans proposed will not mitigate for this impact.

- Swift Valley district park will be adversely affected by the built development.
- Traffic assessment does not consider issues affecting Churchover residents. This includes vehicles travelling north of the M6 increasing the already dangerous situation at the Churchover and Coton House junctions, traffic using the area if there are emergencies on the motorways and traffic from DIRFT using M6 J1 to turn round to access to A14, this will continue and increase as DIRFT expands and if road improvements are not carried out.
- Capacity analysis shows A426 will have capacity issues, development will add to this.
- Cycleway or bus provision should be included to link Churchover with Rugby.
- No details of earthworks to the north of the site, or how mounds will be kept weed free have been provided.

Technical consultation responses

Government Office	No comment	
Health & Safety Executive	No comment	
Central Networks	No objection	There is equipment close to the site
Environmental Health	No objection	Subject to conditions
Tree Officer	No objection	Subject to condition
Highways Agency	No objection	
British Waterways	No comment	
Environment Agency	No objection	
WCC Archaeology	No objection	Subject to condition
WCC Highways	No objection	Subject to conditions
Natural England (Soils)	Comment	Request informatives
Natural England	Comments	Impact on bats should be mitigated for, Habitat Scheme for Swift Valley and Environment & Species Protection Plan should be provided.
Warks Wildlife Trust	Comments	Impact on bats and Swift Valley Nature Reserve should be mitigated for, Environment & Species Protection Plan should be provided.
WCC Ecology	Comments	Impact on bats and Swift Valley Nature Reserve should be mitigated for, Environment & Species Protection Plan should be provided.
English Heritage	Comments	Impact on Scheduled Ancient Monument at Cosford has not been assessed
WCC Rights of Way	Objection	Require diversion and upgrading of existing routes to improve links to the wider area, underpass under Leicester Road should be

utilised, request funding to allow improvements to rights of way.

Sustainability Officer	Comments	Buildings should be built to higher sustainability standards than Building Regulations, could have higher energy efficiency on social housing or have pilot project high efficiency units, should include renewable energy equipment to reduce carbon emissions by at least 10%, renewable energy should be required for residential properties, community facilities and the school, should consider funding for off site renewable energy, buildings should be orientated to take advantage of sunlight.
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Community Development Officer	Comments	Community facilities and school should be available for work with young people, funding should be secured for youth workers and to support volunteers, Leicester Road prevents access to nearby areas, speed limit should be reduced and a bridge constructed, sports pitches are too close to main road, housing is proposed between community facilities and pitches, play areas are too close to houses, is there a need for an additional community hall and healthcare facility.
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Relevant planning policies and guidance

Rugby Borough Local Plan 2006 – Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
E17	Complies	Development affecting parks & gardens & other aspects of the historic landscape

Rugby Borough Council Core Strategy, 2011

CS3	Complies	Rugby Gateway Sustainable Urban Extension
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design

PPS1: Delivering Sustainable Development
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS23: Planning and Pollution Control

PPG24: Planning and Noise
PPS25: Development and Flood Risk

Assessment of proposals

This application relates to earthworks which are required in connection with the first two phases of the Rugby Gateway residential development. This site is included within the Core Strategy as a Sustainable Urban Extension. The proposed works will allow this development and the principle of the works complies with policy CS3.

The application site slopes down from Leicester Road and there are also levels changes within the site itself. The proposals will reduce these levels changes, whilst retaining the overall slope across the site. During construction the excess material will be stockpiled elsewhere on the site. The majority of stockpiles are proposed in the lower, western areas of the site and will be a maximum of 3m high. A stockpile up to 2m high is proposed on land adjacent to Leicester Road. The majority of this stockpile will be screened by the existing hedgerow and as it is proposed on a temporary basis it is not considered that the impact on visual amenity is so significant to warrant a recommendation of refusal. The other stockpiles will be screened from Leicester Road due to the changing ground levels and will not be prominent from outside of the site. The impact on visual amenity is therefore considered acceptable in accordance with policy CS16.

Brownsover Hall, a Listed Building and Brownsover Conservation Area are located to the south of the site. These are over 100m from the part of the site where the ground levels will change and over 200m from the nearest stockpile. It is not, therefore considered that the proposals will have an adverse impact on these heritage assets in accordance with Saved Local Plan policy E17 and guidance contained within PPS5.

Comments received from English Heritage state that the impact of the proposals on a Scheduled Ancient Monument, Cosford Shrunken Village, have not been considered. However, these comments relate to all 4 Gateway applications and the Ancient Monument is located to the west of the northern part of the site some distance from the works proposed in this application. Therefore, it is not considered that these comments are relevant to this application.

The stockpile adjacent to Leicester Road will be to the south of Keepers Cottage and Home Farm Cottage. The pile will be around 9m from the rear garden and around 12m from the house itself and will be a maximum of 2m high. It is not considered there will be an adverse impact on the residential amenity of this property in terms of overshadowing or loss of light, in accordance with policy CS16.

The County Archaeologist commented on the application and requested that trial trenching be carried out across the site. This was carried out across the sites of R1 and R2 but not on land to the north where it is proposed that earth will be stockpiled. The Archaeologist initially had concerns that the stockpiling of material in this area could affect archaeological deposits. However, additional information has been provided which details how the earth will be stored and that this which would not have an adverse impact on any archaeological deposits within this area. The County Archaeologist therefore has no objection to the application, subject to a condition relating to the stockpiling methodology. This is in accordance with guidance contained within PPS5.

There are trees within the site which are covered by a Tree Preservation Order. Amended plans have been received to ensure that these are not affected by the

changes in ground levels or the stockpiled materials. The Council's Tree Officer has no objection to the proposals, subject to a tree protection condition. Saved Local Plan policy GP2 is therefore complied with.

The proposals involve the movement of material within the site itself, therefore the proposals will not lead to a significant increase in traffic outside of the site. The Highways Agency and Warwickshire County Council Highways have no objection to the proposals subject to conditions. The impact on highway safety is therefore considered acceptable in accordance with policy CS11 and guidance contained within PPG13.

Warwickshire Wildlife Trust, Warwickshire County Council Ecology and Natural England initially objected to all the applications on the Gateway site as it had not been demonstrated that the development would not have an adverse impact on protected species. Additional information has now been provided to address these concerns and these groups have requested a condition relating to an Environment and Species Protection Plan. Bat mitigation has also been requested, however this would be incorporated into the proposed built development so would be covered by conditions on these applications.

These groups also have concerns that the overall development would lead to increased use of Swift Valley Nature Reserve and that this impact should be mitigated for. However, as this application is only for earthworks it will not, in itself, lead to increased pressure on this area. Any mitigation measures required will be assessed in relation to applications for built development.

The impact on biodiversity and protected species is considered acceptable in accordance with saved policy E6 and guidance contained within PPS9.

Natural England also made comments in relation to the impact of the proposed development on soils and made recommendations in relation to the methods used when handling and storing soils. These comments have been sent to the applicants and an informative is also proposed.

Environmental Health made comments on this application and requested conditions requiring the submission of a Construction Method Statement to ensure that suitable noise and dust mitigation measures are included and to specify working hours.

The application was accompanied by a Geo-Environmental Assessment for the R1 area. Environmental Health requested an assessment of the R2 part of the site and this was provided. Environmental Health have no objection to the proposals in relation to ground conditions, subject to an informative. The proposals therefore comply with guidance contained within PPS23 and PPS24.

The Environment Agency have no objection to this application. Although a separate Flood Risk Assessment has not been provided in relation to this application, this area was included within the Flood Risk Assessment in relation to the outline application, which the Environment Agency had no objection to. This is therefore considered acceptable in accordance with PPS25.

Warwickshire County Council Rights of Way objected to all 4 of the Gateway applications and commented that the Right of Way network should be improved. No Rights of Way cross this application site and the details of Rights of Way will be considered in detail in relation to the applications for built development. This objection is not considered relevant to the proposed earthworks.

Comments made by the Sustainability Officer and Community Development Officer refer to the Gateway development in general and are not considered relevant to this application.

Objections to the application have been received from Churchover Parish Council and a local resident. However, the majority of these comments relate to all 4 Gateway applications and referred to the principle of the development itself. In relation to the earth storage mounds Churchover Parish Council commented that no details have been provided as to how the mounds will be kept weed free. The informative requested by Natural England advises that soil which is to be stored for 6 months or more or over winter should be grass seeded to prevent weeds. In addition if specific species of weeds spread to farmland this is controlled by separate legislation.

Recommendation

Approval – subject to conditions & informatives

Report prepared by: Karen McCulloch & Richard Holt

DRAFT DECISION

APPLICATION NUMBER

R10/1298

DATE VALID

02/09/2010

ADDRESS OF DEVELOPMENT

RUGBY GATEWAY (Part of site)
LEICESTER ROAD
RUGBY

APPLICANT/AGENT

Mr. M. Rose
Capita Lovejoy
Caxton House
1 Fore Street
Birmingham
B2 5ER
On behalf of , JS Bloor (Measham) Ltd &
Cala Management Ltd

APPLICATION DESCRIPTION

Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).

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:

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Enabling Earthworks, Phases R1 & R2 Technical Statement (excluding plans), WSP	11050822	2nd August 2010
Red Line Application Boundary	11050822/LE-006/C	2nd September 2010
R1/R2 Ecology & Nature Conservation, WSP	12261440-003	2nd August 2010
Rugby Gateway Phases 1 & 2 Archaeological	3162/10157	10th November 2010
Evaluation, Cotswold Archaeology Archaeological Fieldwalking Survey, Cotswold Archaeology	3070/10052	15th November 2010
Archaeology & Stockpiling Technical Note, Cotswold Archaeology 7th June 2011		
Arboricultural Assessment for Proposed Development, Rugby Gateway Phases R1 & R2	D0412091724	15th November 2010
Results of Climb & Inspect Tree Surveys, AMA	A24.0760.00018 Rev 01	10th November 2010
Geo-Environmental Assessment, Phase R2	12171138003	21st December 2010
Phase II Geo-Environmental Assessment, Phase 1, WSP		21st September 2010
WSP Ecology letter (R1) dated 10/11/2010	12261440-001	10th November 2010
WSP Ecology letter (R2) dated 16/12/2010	12261440-001	21st December 2010
Area R1 Phase 1 Enabling Earthworks Plan	11050822/EWK-012/C	22nd June 2011
Area R2 Phase 2 Enabling Earthworks Plan	11050822/EWK-010/D	4th July 2011
Areas R1 & R2 Proposed Contours, Cross Sections	11050822/EWK-011/C	4th July 2011

REASON:

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

CONDITION: 3

Work on site and deliveries 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 or deliveries on Sundays or Bank Holidays.

REASON:

In the interests of amenity.

CONDITION: 4

No development shall commence unless and until details of the proposed location and form of the vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority.
Vehicular access shall not be provided other than in accordance with the approved details.

REASON:

In the interest of highway safety.

CONDITION: 5

No development shall commence unless and until details of wheel wash facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details, prior to the commencement of development.

REASON:

In the interest of highway safety.

CONDITION: 6

Prior to the commencement of development an Arboricultural Method Statement, including a Tree Protection Plan (as detailed in section 7 of BS5837:2005), shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity.

CONDITION: 7

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with the approved details and BS5837:2005 (Recommendations for Tree Work).

REASON:

In the interest of visual amenity.

CONDITION: 8

Development shall not commence unless and until an Environment and Species Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority.

The surveys, mitigation, contingency measures and all construction activities shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON:

To protect species and features of recognised nature conservation in accordance with PPS9.

CONDITION: 9

No development shall commence unless and until the applicant has submitted a construction method statement to be approved by the Local Planning Authority. All relevant developers, contractors and sub-contractors should sign up and agree with the statement. The statement should cover construction traffic routing, noise and dust mitigation measures covering all aspects of the development and measures to ensure the environment is protected from pollutants and should include a BS5228 construction type noise assessment. The adoption of Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 should be used as the basis for drafting and implementing the construction method statement. Development shall not be carried out other than in accordance with the approved method statement.

REASON:

In the interests of amenity.

CONDITION: 10

Development shall not commence unless and until details of the proposed stockpiling methodology, designed to avoid any impact upon any underlying archaeological deposits and based on Cotswold Archaeology's Technical note received by the Local Planning Authority on 7th June 2011, have been submitted to and approved in writing by the Local Planning Authority.

The stockpiling shall not be undertaken other than in accordance with the approved methodology.

REASON:

To ensure the development does not have an adverse impact on any underlying archaeological deposits.

REASON FOR APPROVAL:

The proposed works will enable the development of the Rugby Gateway site. This site is identified for development by policy CS3 of the Rugby Borough Core Strategy 2011 and the principle of the development is considered acceptable.

The proposed works would not cause significant harm to the amenities of nearby properties or to the appearance and character of the locality or the setting of the Brownsover Conservation Area or the Listed Building of Brownsover Hall and as such would comply with saved policy E17 of the Rugby Borough Local Plan 2006, policy CS16 of the Rugby Borough Core Strategy 2011, PPS1 & PPS5.

The proposal has demonstrated that the development would not have an adverse impact on protected trees or protected species and therefore the proposal would accord with saved policies GP2 & E6 of the Rugby Borough Local Plan 2006 & PPS9.

An acceptable highway access can be achieved in accordance with policy CS11 of the Rugby Borough Core Strategy 2011 and PPG13.

Adequate mitigation measures can be put in place to safeguard matters in relation to archaeology, flood risk, drainage, noise, air quality and contamination. Therefore, the proposal will accord with PPS5, PPS23, PPG24 & PPS25.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan 2006 – Saved Policies
GP2, E6, E17

Rugby Borough Council Core Strategy, 2011
CS3, CS11, CS16

PPS1: Delivering Sustainable Development
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS23: Planning and Pollution Control
PPG24: Planning and Noise
PPS25: Development and Flood Risk

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

INFORMATIVE: 1

The proposed earthworks and re-profiling works have the potential to alter the monitored ground gas regime of the site. This is particularly true if site won materials with significant organic matter content are utilised for infill. Arising from trial pit records indicate that significant organic matter, particularly to the north of the site is apparent. Appropriate measures will need to be incorporated into the proposed works to ensure arising with significant organic matter is not used for infill, particularly in sub surface layers.

INFORMATIVE: 2

Natural England recommend that a Soil Resource Plan is drawn up to limit the movement of soils through the phasing of the project, as well as safeguarding soil resources during development. They also recommend that soil bunds remaining in place for 6 months or more, or over the winter period, are grass seeded and maintained to prevent weeds.

INFORMATIVE: 3

The Environment Agency have advised that if the use of stockpiled/stored material will occur in excess of one year from being stockpiled/stored a time limit must be agreed with the Environment Agency.

Reference number:

R10/2107

Site address:

Rear of 45/54 Millfields Avenue, Hillmorton, Rugby

Description :

Erection of 6 houses and 1 bungalow, provision of new access and relocated parking spaces for existing bungalow, associated works and landscaping.

Case Officer Name & Number:

Richard Holt – 01788 533687

This application is being report to Planning Committee at the request of Councillor Dodd.

Description of Site:

The site is located within the urban area of Rugby approximately 1.5 miles (2.5 kilometres) from the town centre. It is at the end of Millfields Avenue lying behind 45 and 54 Millfields Avenue on rising ground, which is approximately 2 to 4 metres above the height of Millfields Avenue. The streetscene is generally characterised by two-storey traditional semi-detached properties built around the 1940s, however, closer to the application site both detached properties and bungalows are present.

To the south of the site is a public footpath which links Hoskyn Close and Millfields Avenue to the Recreation Ground on Featherbed Lane. The northern side of the footpath adjacent the application site is flanked by trees, hedging and fencing whilst to the south of the footpath are the residential properties of Hoskyn Close. To the east is the Recreation Ground which continues to rise where at the far eastern end is a Scheduled Ancient Monument known as Mill Mound. Between the application site and the Recreation Ground is an established area of trees and hedging. To the immediate north of the site is 43 Millfields Avenue a bungalow which is separated from the rear of the application site by a hedge approximately 2 metres in height. This property is also positioned on elevated ground above Millfields Avenue and therefore is only slightly lower than the application site itself. To the west of the site is No 54 Millfields Avenue, a 2-storey semi-detached property, which lies on ground approximately 2 metres lower than the application site. Part of the garden to No. 54 now forms part of the application site and the original garage serving this dwelling has been demolished to facilitate future access and a new single garage has been erected in the remaining rear garden.

Description of Proposals:

The application is for the erection 4 two-storey detached properties, a detached bungalow and a pair of semi-detached two-storey houses. The existing bungalow of 45 Millfields Avenue will be retained. One of the properties will be 2-bed, three of the properties will be 3-bed and the remaining three properties will be 4-bed. The existing garage serving 45 Millfields Avenue, together with a lean-to at the side of the house will be demolished to enable a vehicular access into the site. A vehicle access will be provided off the drive to serve the new garage at 54 Millfields Avenue and two parking spaces will be created at the front of 45 Millfields Avenue to provide off-road parking for the existing bungalow. The new access drive serving the development will incorporate turning facilities within the site so vehicles can enter and exit the site in a forward gear.

A design, access and parking statement has been submitted with the proposals which refer to various points including the following:

- 1) extant planning permission exists on site for 5 dwellings;
- 2) residential area located relatively close to Hillmorton parade of shops;
- 3) properties reflect scale of surroundings dwellings and adequate separation distances are achieved;
- 4) design complements architectural styles of area;
- 5) low density development equating to 28 dwellings per hectare;
- 6) increased site area enables a better designed scheme over approved development;
- 7) bungalow provided at highest point of the site; and
- 8) 15 car parking spaces provided for new dwellings to ensure sufficient car parking spaces are on site.

Planning History:

Outline application for demolition of the existing garages, creation of a site access, and use of land for the erection of five dwellings (resubmission)
Approved 21/04/2006

Erection of 5 dwellings (Approval of reserved matters against planning
Refused 07/09/2007
permission R06/0411/OP)
Appeal Dismissed 23/01/2008

Erection of 5 dwellings (approval of reserved matters against R06/0411/OP)
re-submission following refusal of R07/1419/PLN
Withdrawn 04/02/2008

Erection of 5 dwellings (approval of reserved matters against R06/0411/OP)
re-submission following refusal of R08/0023/RSM
Approved 28/05/2008

Erection of a detached garage, discharge (in part) of condition 12 of planning
permission R06/0411/OP.
Approved 05/10/2007

Discharge of conditions 3d (part) (hard landscaping), 5 (tree protection),
6 (external materials), 9 (highway footway crossing), 12 (part) (cycle
parking) and 14 (contamination survey) of outline planning permission ref
R06/0411/OP
Approved 15/12/2009

Technical Consultations:

Severn Trent Water	No objection	Recommend a condition
WCC Highways	No objection	Recommend conditions and informatives
WCC Ecology	No objection	Recommend a condition and informatives

WCC Rights of Way	Observation	Footpath RB22 must remain open at all times
WCC Archaeology	No objection	
RBC Arboricultural Officer	No objection	Based on revised plans and subject to conditions
RBC Environmental Services	No objection	Recommend an informative

Third Party Consultations:

Neighbours (7)	Object	<p>Site bordered by several mature trees, including ash tree near No. 52 & Plot 7 – loss of these trees would be seriously detrimental to area and decrease carbon dioxide take; Unnecessary environmental damage with adverse impact on residents; Urban space and wildlife precious; Potential problems with construction traffic on Lyndhurst Avenue, Millfields Avenue and turning head – delivery area and construction traffic should be on site, not on road;</p> <p>60% increase in nos. from 5 to 7 results in 40 dwellings per hectare - excessive;</p> <p>Double traffic density (increase in 20-30 cars), as well as illegal parking and road blocking;</p> <p>No provision for visitor parking, turning or refuse collection;</p> <p>Increased hazard to pedestrians, including children, from additional traffic;</p> <p>Access drive has to be 5m wide, but Millfields Ave narrow, only 4.5m wide;</p> <p>Parking bays at front could undermine 45 Millfields Avenue and garden of 43 – ground slippage in past;</p> <p>Roof lines were at same level;</p> <p>Rear garden of No. 43 will be overlooked;</p> <p>Existing drains won't be able to cope with effluent from additional properties – been blocked previously;</p> <p>Existing storm drains unable to cope with new properties;</p> <p>Greater risk of surface water flooding, which will be exacerbated by new access;</p> <p>Nuisance and noise levels would increase;</p> <p>Potential impact on public right of way;</p> <p>Proposed dwellings far higher than existing houses;</p> <p>Government no longer allowing development of garden land;</p> <p>Solely for profit;</p> <p>Dwellings not needed owing to mast site; and</p>
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Other brownfield sites available.

Cllr R Dodd	Object	Conflicts with new PPS3 Housing as grabs garden land; Increase number of properties in area conflicting with character; Access only 4.5 metres wide; Development will worsen challenging drainage problem; Neighbours report subsidence issues with No. 45; Inadequate visitor parking and access and turning area for refuse collection vehicles; Full bio-diversity assessment required; Height of houses far higher than existing properties; Out of scale and character; and Concerned at potential slippage of properties due to gradient at end of Millfields Avenue.
Cllr N New	Object	History of water drainage problems, including blocked and damaged sewers – problems will be exacerbated; Underground drainage pipes from Featherbed Lane Recreation Ground could be damaged; Surface water will drain in to Millfields Avenue causing flooding; Unstable and unsuitable site for this level of development; No. 45 Millfields Ave had stability problems 20 years ago; Owing to new retaining wall water could be trapped in front of No. 45; Parking spaces for No. 45 have limited visibility, especially when reversing into thoroughfare; Refuse and emergency vehicles will not be able to turn; Bins will be left in turning circle causing obstruction to residents; No. 54 originally had more land than shown in the application.

Relevant Planning Policies & Guidance:

Rugby Borough Core Strategy Policies:

CS1	Complies	Development Strategy
CS10	Complies	Developer Contributions
CS11	Complies	Transport & New Development
CS16	Complies	Sustainable Design

Rugby Borough Local Plan Saved Policies:

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking Facilities

H11	Complies	Open space provision in residential developments in the Urban Area
LR1	Complies	Open Space Standards

Planning Obligations Supplementary Planning Document, June 2007

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 - Housing

Planning Policy Statement 9 – Biodiversity & Geological Conservation

Planning Policy Guidance Note 13 – Transport

Planning Policy Guidance Note 17 – Planning for Open Space, Sport & Recreation

Assessment of Proposals:

The principle of development on the site for residential properties was established by an outline application for five dwellings in 2006. Subsequent reserved matters were approved, pre-commencement conditions were agreed and a material start has begun, so the use of the site for five houses remains extant. In June 2010 the Government revised PPS3 so private residential gardens were no longer classified as previously developed land. However this change does not automatically preclude such private residential gardens (Greenfield) from being developed. Policy CS1 considers Rugby Urban Area as the primary focus for new residential development whether on brownfield (previously developed land) or Greenfield land, so on this basis the proposal is considered to accord with Policy CS1 and PPS3.

The acquisition of more garden land to the rear of 45 Millfields Avenue enables the creation of a comprehensive layout which provides a more cohesive group of properties that relate well to one another and is an improvement over the previously approved scheme. The development also provides a greater mix of properties than before, including semi-detached, detached and single storey dwellings. They also incorporate a range of design features that reflect the character and appearance of existing houses along Millfields Avenue, including curved headers, hipped roofs, bay windows and chimneys. The provision of these features is a significant improvement on the previous scheme and is a welcome addition to the development.

Although the existing properties along Millfields Avenue will partially obscure the site, owing to the rising ground levels behind 45 & 54 Millfields Avenue views of the proposed dwellings will be seen, particularly the roof forms against the skyline. However, owing to features such as hipped roofs and chimneys together with the topographical changes of the site, it is not considered that the intended properties would be detrimental to the character and appearance of the streetscene. This latest scheme does increase the density of development on the site but it would equate to approximately 29 dwellings per hectare (including the existing dwelling), which in this urban location is considered to represent a density that would be acceptable.

The ridge heights of the properties are similar to those previously approved and range between 5.1 metres for the bungalow to 7.6 & 7.7 metres for the two-storey dwellings. A garden depth of approximately 10 metres will be provided between the rear elevation of 45 Millfields Avenue and Plot 1. The two-storey side elevation of Plot 1 facing the rear elevation of 45 Millfields Avenue will lie between 10.5 and 11 metres away and will only have a small obscure window. Although the slab level to Plot 1 will be approximately 0.7 metres higher than the slab level of 45 Millfields Avenue, Plot 1 will lie to the east of 45 Millfields Avenue so the reduced garden will still receive a reasonable proportion of sun and day light. The property is also owned by the applicant. The majority of the side of 45 Millfields Avenue will lie

approximately 4 metres away from the new driveway serving the new dwellings. This relationship together with that of Plot 1 is considered acceptable.

A rear garden depth of between 12-16 metres will be provided to Plots 1 & 2 and the ground level will rise from the slab level of the houses up to the boundary hedge with 43 Millfields Avenue. The first floor bedroom windows of these houses will look towards the rear garden of 43 Millfields Avenue and will be approximately 13.5 -16 metres from the boundary. Whilst Plots 1 & 2 will impact on the amenity of 43 Millfields Avenue, particularly the rear garden, owing to the topography of the application site, existing boundary treatment and the juxtaposition between the proposed and existing properties, it is not considered that the residential amenity of 43 Millfields Avenue would be adversely affected to such an extent to warrant a reason for refusal.

The rear elevations of Plots 4 to 7 will lie between approximately 24 and 35 metres away from the rear elevations of those properties along Hoskyn Close. As this distance is also across a public footpath and in part interrupted by a mix of soft landscaping the residential amenity of these properties is not considered to unduly affected.

The slab level of Plot 7 will be approximately one metre higher than the ground level of 54 Millfields Avenue. The previously approved dwelling for this plot lay closer to the boundary with 54 Millfields Avenue and partly wrapped around the side and rear of their retained garden area. Plot 7 would not enclose the garden area to 54 Millfields Avenue as much and whilst the side elevation of Plot 7 would be approximately 1.2 metres off the boundary and lie approximately 12 metres from the extended ground floor rear elevation of No. 54 or approximately 15 metres from the original rear elevation of No. 54, the recent erection of a pitched roof single garage close to the boundary in No. 54's rear garden will reduce the sense of enclosure to the garden from Plot 7. Views directly south from the rear of No. 54 will not be breached by the built form of Plot 7. Overall, it is considered that the relationship between 54 Millfields Avenue and the development is acceptable.

On the basis of the above, the proposal would accord with Policy CS16 and PPS1.

The initial access into the site will utilise the existing driveways of No. 45 & 54 Millfields Avenue following the demolition of No. 45's garage. A turning area will be formed in the site and a total of 15 off-road parking spaces will be provided for the 7 new dwellings. This includes 1 space which has initially been earmarked as a visitor space. A further 2 parking spaces will be provided at the front of No. 45 to serve that property whilst 2 off-road parking spaces will be retained for No. 54. Based on the Interim Parking Standards Guidance Note, May 2011 a provision of 16.5 car parking spaces would be the target level sought. However, this guidance refers to sustainable development underpinning the core principles of planning and the need to encourage sustainable modes of transport in order to address the causes and potential impacts of climate change through reducing carbon emissions. The site is located within the urban area and is within walking distance of the parade of shops on Hillmorton Road as well as the Featherbed Lane Recreation Ground. There is also a regular 30 minute daily bus route along Hillmorton Road and Kingsley Avenue close to Millfields Avenue. On this basis, it is considered the overall provision of 2.1 car parking spaces per dwelling in this location is appropriate.

The parking of construction traffic on the highway as well as delivery vehicles has been raised as a concern by a third party. The Conditions Circular 11/95 specifically states that the imposition of such a condition is unreasonable as it purports to

exercise control in respect of a public highway, which is not under the control of the applicant. Therefore, it is unreasonable for the Local Planning Authority to impose such a condition, including one in relation to material on the highway as both these matters should be addressed under highway legislation. Nevertheless, informatives are imposed to remind the applicant of their duty of care.

The plans show that the access to the site will be 5 metres wide for 10 metres into the site. The Highway Authority has raised no objection to the proposal subject to the imposition of conditions and informatives. On this basis, the proposal would comply with Policy CS11, T5 and PPG13.

When the application was previously assessed the Council's Tree Officer considered that none of the trees on site were worthy of a Tree Preservation Order despite them as a group creating a good 'green buffer.' The ash tree in the south western part of the site was previously highlighted to be retained. It is the applicant's intention to still retain this tree which will form part of the rear garden to Plot 7 and a sufficient root protection zone has been allowed in accordance with the extant permission. However, the Council's Tree Officer has stated that the tree is in decline and displays poor form and vitality with limited life expectancy so has no objection to its removal.

As detailed above a variety of trees, hedging and bushes surround a good proportion of the site. Whilst the applicant's agent has confirmed that existing mature trees will be retained where possible, 4 ash trees form part of the boundary between the site and the Recreation Ground and will be too close to the intended houses, particularly Plot 2. These trees are owned by this Council, however, the Council's Tree Officer has confirmed that they are of poor quality and has no objection to their removal subject to compensatory tree/hedge planting to enhance and maintain the boundary screening. Other semi-mature trees on the southern boundary of the site will be located a sufficient distance from the new dwellings but should be included within a tree protection plan.

It is considered reasonable to impose a condition requiring a landscape scheme for the site as well as a tree protection plan, particularly as the agent has in addition to the compensatory tree planting on Council land indicated their intention to provide substantial new tree and shrub planting to the site. On this basis, the proposal is considered to accord with Policy GP2.

The site is less than 0.5 hectare in size and not capable of accommodating 15 or more dwellings on the site so there is no requirement to provide affordable housing on site in accordance with Policy CS19. Policy H11 has been saved and as the site is greater than 0.2 hectares and also is providing 6 or more dwellings on site a requirement for open space provision would be required. As this cannot be provided on site an off-site financial contribution would be sought and the applicant's Agent has confirmed that they are prepared to provide this in accordance with the Planning Obligations Supplementary Planning Document. Therefore, the proposal would accord with Policies H11 & LR1.

WCC Ecology has confirmed that existing residential gardens can offer a good variety of resources for wildlife and their habitats. Whilst they do not object to the proposal they recommend that conditions and informatives are added to the decision to mitigate for the impact the development will have on the biodiversity of the site. Therefore, the proposal will accord with Policy E6 and PPS9.

Issues relating to private drainage are a civil matter between the parties concerned, however, with regard to the existing drainage infrastructure Severn Trent Water have

confirmed that they raise no objection to the scheme provided a condition is imposed dealing with the disposal of both surface water and foul sewerage. It is the developer's responsibility to ensure that any excavations on site do not undermine neighbouring properties, however, they have shown that a retaining wall will be constructed around part of the new parking bays at the front of 45 Millfields Avenue.

As refuse collection vehicles are generally very reluctant to use private drives, the revised plans indicate a bin collection area at the end of the driveway serving the new properties in order to reduce the haphazard arrangement of bins in the highway on collection days.

A Sustainable Urban Drainage Scheme (SUDS) was investigated when discharging the conditions associated with the previous application for 5 dwellings. It was discovered that the site is underlain by stiff blue lias clay that is impermeable and SUDS/soakaways would not be viable as water would sit on top of the clay and not drain away. This was referred to in the ground investigation reports. Therefore it has been demonstrated that SUDS would not be for the site, although the agent has confirmed that each property would have a French drain around its perimeter with mains drainage required for the access road etc. On this basis the proposal would accord with Policy CS16.

Approximately 120 metres to the east is the Scheduled Ancient Monument (SAM) of Mill Mound on Featherbed Lane Recreation Ground. As the application site lies within the domestic gardens of an established built up area at a slightly lower level than the Recreational Ground, it is considered that based on these points and the distance from the SAM that the development does not affect the setting of the SAM. WCC Archaeology has confirmed that they raise no objection to the proposal.

The application site lies adjacent to the public footpath between Millfields Avenue and Featherbed Lane Recreation Ground (RB22). The site will not access on to the footpath directly and does not involve altering or obstructing its route. Therefore, the proposal is not considered to affect the adjacent public right of way. Provided the footpath remains open to the public at all times WCC Rights of Way do not object.

Following the approval of the previous application a contaminated land/ground investigation report was submitted. Following amendments to the report it was subsequently approved in December 2009. On this basis, Environmental Services have confirmed that owing to these previous investigations no further work is required.

Recommendation:

Overall the recommendation is for approval, subject to the completion of a Section 106 legal agreement for an off-site contribution towards public open space.

DRAFT DECISION

APPLICATION NUMBER

R10/2107

DATE VALID

06/06/2011

ADDRESS OF DEVELOPMENT

45 MILLFIELDS AVENUE
RUGBY
CV21 4HJ

APPLICANT/AGENT

Mr Ian Gidley
Ig Land & Planning
1 Thornton Close
Crick
Northamptonshire
NN6 7GE
On behalf of Mr. A. Burton, Aspire
Investments (Warwickshire) LLP

APPLICATION DESCRIPTION

Erection of 6 houses and 1 bungalow, provision of new access and relocated parking spaces for existing bungalow, associated works and landscaping.

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:

T165 PL 12 received by the Local Planning Authority on 21st May 2011; and

T165 PL 11 Rev A;
T165 PL 13 Rev A; and
T165 PL 15 (in relation to levels only);
received by the Local Planning Authority on 3rd June 2011; and

T165 PL 10 Rev B received by the Local Planning Authority on 6th June 2011; and

T165 SK 08 Rev F;
T165 PL 09 Rev B; and
T165 PL 14 Rev C;
received by the Local Planning Authority on 18th July 2011.

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, render to the bay windows 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 4:

No development shall commence unless and until a comprehensive hard and soft landscaping scheme, arboricultural method statement and tree protection plan (see section 7 of BS5837:2005 Recommendation for Tree Work) has been submitted to and approved in writing by the Local Planning Authority. These reports and plans shall include details of all retained trees, shrubs and hedging, together with opportunities for habitat enhancement provision, and details of the removal of 4 semi-mature ash trees located adjacent to the eastern boundary of the site on Borough Council land with proposals for subsequent compensatory re-planting. All tree protection, proposed tree works and re-planting shall be undertaken in accordance with the approved landscaping scheme, arboricultural method statement and tree protection plan. In addition, the removal of the 4 semi-mature ash trees adjacent the eastern boundary on Borough Council land shall be removed and compensatory landscaping measures planted prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority. The remaining element of 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 retained tree identified in the landscaping scheme approved under Condition 4 above shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION 6:

No development shall commence unless and until full details, including elevations, of all proposed walls, fences and gates to all boundaries, including individual plot boundaries 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 those details shall be implemented prior to the first occupation of that plot.

REASON:

In the interest of visual amenity.

CONDITION 7:

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 the first occupation of the first dwelling on site.

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 minimize the risk of pollution.

CONDITION 8:

Other than those shown on the approved plans, no new openings, including windows and rooflights, shall be formed in the western (side) elevations of Plots 1 and 7, unless otherwise agreed in writing by the Local Planning Authority. The first floor bathroom window on the western (side) elevation of Plot 1 and the first floor ensuite window to Bed 1 on the western (side) elevation of Plot 7 shall not be glazed or reglazed other than with obscure glass at a minimum obscuration level 3, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 9:

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments' The Warwickshire Guide 2001 (published by Warwickshire County Council).

- a) A minimum width of 5.0 metres with a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a minimum distance of 7.5 metres from the near edge of the highway footway; and
- b) The access not reducing the effective capacity of any highway drain, and not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION 10:

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

REASON:

In the interests of public and highway safety.

CONDITION 11:

The development hereby permitted shall not be first occupied until the applicant has provided a sustainability welcome pack for the occupiers of each household.

REASON:

In the interest of sustainability.

REASON FOR APPROVAL:

The proposed development will provide a layout and a range of design features that will be in keeping with the surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. The access and parking provision on site for this area is considered acceptable and would accord with policies CS11 and T5 of the Rugby Borough Core Strategy 2011, Saved Policies of the Local Plan, 2006 and PPG13. The requirement for a comprehensive hard and soft landscaping scheme together with additional measures to ensure retained trees are protected and compensatory planting occurs on adjacent Borough Council land will accord with Saved Policy GP2 of the Local Plan, 2006. An off-site financial contribution towards the provision of play and open space facilities in the area has been accepted by the applicant and therefore the proposal would accord with Saved Policies H11 & LR1 of the Local Plan, 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy Policies CS1, CS10, CS11 & CS16
Rugby Borough Local Plan Saved Policies GP2, E6, T5, H11 & LR1
PPS1, PPS3, PPS9, PPG13 & PPG17

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

INFORMATIVE 1:

This development is subject to a s106 legal agreement.

INFORMATIVE 2:

The public footpath, RB22, adjacent the southern boundary of the site must remain open and available for public use at all times and not be obstructed or damaged in any way.

INFORMATIVE 3:

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

INFORMATIVE 4:

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 5:

For further information regarding Sustainability Welcome Packs, contact the Sustainable Project Officer at Warwickshire County Council on 01926 412105. These packs currently cost approximately £50/per pack.

INFORMATIVE 6:

The applicant/developer is advised that during the construction period adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways in the interests of highway safety.

INFORMATIVE 7:

No loading or unloading of vehicles either calling at the premises or being in the control of the occupiers of the site should be carried out other than within the curtilage of the site. No vehicles which have been left with or are in the control of the occupier or their employees, should be stored or parked on the highway, in the interests of highway safety.

INFORMATIVE 8:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 9:

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

INFORMATIVE 10:

Trees and shrubs with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats & Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523 . If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

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

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

INFORMATIVE 11:

Care should be taken when clearing the ground prior to development and if evidence of specially protected species such as reptiles or amphibians is found (eg great crested newt, grass snake, common lizard or slow-worm) is found during development, work should stop immediately while Natural England are contacted on

0845 601 4523 or Warwickshire County Council Museum Ecology Unit on 01926 418028 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 are also deemed European Protected Species. Where newts are present a license 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 12:

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

Reference number: R11/0730

Site address: Hillcrest Farm, Clayhill Lane, Long Lawford, Rugby, CV23 9BG

Description: Proposed cattle building

Case Officer Name & Number: Martin Needham (01788) 533741

Site History:

R06/0941/OP: Outline application for erection of a detached dwelling and use as an agricultural workers dwelling – Withdrawn.

R07/0090/PLN: Erection of an agricultural workers dwelling and a detached garage and store – Refused.

R07/1028/PLN: Erection of an agricultural workers dwelling and a detached garage – Approved.

R10/1129: Application for determination concerning prior approval of an agricultural building for the storage of machinery – Prior approval not required.

The proposal:

The application is for an agricultural building with a floor area of 1460 m² and height of 8.5m to the ridge (5m to the eaves). The roof of the building would be made of grey fibre cement sheets and the sides of the building would be made of juniper green Ventair box profile steel sheeting. The building is located near to the existing farm buildings.

The application is categorised as a 'Major' type of development due to the floor area of the proposed building, and is therefore for determination by the Planning Committee.

Consultee responses:

Environmental Services – No objection subject to condition regarding pest management plan.

WCC Ecology – Recommend note highlighting protected status of Great Crested Newts.

WCC Highways – No objection.

Third Party Responses:

Neighbours – No comments received.

Long Lawford Parish Council – Request mature tree screening prior to development to soften appearance of the modern farm buildings.

Other Relevant Information:

The site is located in the Green Belt, West of the settlement of Long Lawford.

Relevant Planning Policies and Guidance:

CS16 Sustainable Design and Construction	Complies
PPS1 Delivering Sustainable Development	Complies
PPG2 Green Belts	Complies
PPS7 Sustainable Development in Rural Areas	Complies
PPS9 Biodiversity and Geological Conservation	Complies
PPG13 Transport	Complies

Consideration:

The main issues concerning this application are the impacts of the development upon the green belt, countryside, visual and residential amenities.

As the proposed building is for agricultural purposes, the principle of this type of development is acceptable in this Green Belt location. The agent states that the building is sought to house cattle throughout the year, particularly during the winter months, and wet autumn and spring months. Currently the cattle are interspersed around various holdings, making it more difficult to regularly check on their health, and also increasing the need to travel. The building would also be used for accommodating lambs, the farmer currently has 1000 ewes and is looking to expand to 2000 following completion of the building. The agent has stated that the existing buildings would not provide the required floor space, and would also require extensive works to adapt them for their intended purpose. It is considered that there is a reasonable agricultural need for the proposed development.

The building is on the crest of a hill. The land slopes down to the South and would be a visible addition to the landscape when viewed from this direction, including from along a public footpath. To mitigate the visual impact of the development from this aspect, tree planting is proposed to the South. The agent has confirmed mature trees can be planted, so the visual impact of the building can be mitigated at an early stage. It is considered the proposed planting would significantly reduce the visual impact of the building. It is feasible that the building may be exposed for a limited period whilst the trees become established, however this would only be temporary and is not considered demonstrably harmful.

The building would not be readily visible from Little Lawford Lane to the North, due to hedges along the boundary of this highway, the distance from the development, and the gradient of the land partly screening the site from some vantage points. It is not considered that the development has the potential for a harmful visual impact when viewed from this aspect. Due to the building's siting in relation to the existing farm buildings, the proposal would not appear unduly prominent or harmful to visual amenities when viewed from other directions.

The building is set sufficiently away from other properties and land and would not be harmful to residential amenities.

The agent has stated that there would not be any noticeable increase in vehicle movements or farm traffic to the site as a result of the proposal. The development is not considered to give rise to issues of highway safety.

The development is within the outer-zone of a hazardous pipeline, however Health and Safety Executive standing advice states that due to the type of development, it is not necessary to consult further.

Overall, it is considered that the proposal is an acceptable form of development in this location and would not be harmful to amenities subject to conditions.

Recommendation:

That planning permission be granted subject to conditions.

Report prepared by: M Needham 04/08/2011

DRAFT DECISION

APPLICATION NUMBER

R11/0730

DATE VALID

19/05/2011

ADDRESS OF DEVELOPMENT

HILLCREST FARM
CLAYHILL LANE
LONG LAWFORD
RUGBY
CV23 9BG

APPLICANT/AGENT

Mr R Leach
Bowie Lockwood Structures Ltd
Coombe Abbey Farm
Coombe Fields Road
Binley
Coventry
West Midlands
CV3 2SX
On behalf of , M J Harris Farming

APPLICATION DESCRIPTION

Proposed cattle building

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:

This permission relates to the following plans and information: Application Form, Design and Access Statement, Drg No. 101 Rev A received by the Local Planning Authority on 15th April 2011, supporting information received 30th June 2011 and 4th July 2011, location plan Drg no.103 and amended plan Drg no.102 rev A received 22nd July 2011, agent's e-mails of 26th July 2011, 27th July 2011 and 3rd August 2011.

REASON:

For the avoidance of doubt.

CONDITION 3:

The landscaping scheme, as detailed on the approved plans and in accordance with the agent's e-mail of 26th July 2011, shall be implemented no later than the first planting season following completion of the development. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA 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 LPA gives its written consent to any variations.

REASON:

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

CONDITION 4:

No development shall commence until a scheme for the control and mitigation of insect nuisance (Pest Management Plan) has been submitted to and approved in writing by the Local Planning Authority.

REASON:

in the interests of amenities.

REASON FOR APPROVAL:

The proposed development will be acceptable in its impacts upon the countryside and visual amenities and therefore complies with policy CS16 of the Rugby Borough Council Core Strategy 2011, and national policies PPS1 and PPS7.

The proposal is an acceptable form of development for the green belt and would not be demonstrably harmful to its character or openness or the purposes of including land within it. The proposal therefore complies national policy PPG2.

The proposal would not have a harmful impact upon biodiversity or protected species and therefore complies with national policy PPS9.

The proposal would not give rise to issues of highway safety or convenience and therefore complies with national policy PPG13.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16, PPS1, PPG2, PPS7, PPS9, PPG13

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

INFORMATIVE 1:

In view of the nearby ponds, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately and 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 are also deemed European Protected Species. Where newts are present a license might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

Reference number: R11/0360

Site address: Land opposite Flecknoe Farm, Flecknoe

Description: Mixed use of the land for both agriculture and equestrian purposes, erection of stable block with tack room and feed room, provision of parking facilities and formation of new vehicular access. (Resubmission following refusal of R09/0749/PLN.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

This application is being reported to Committee following a request from Councillor Hazelton.

Description of site

This application relates to an area of land just outside the Flecknoe village boundary in the countryside. The road is to the east and south of the site and there are residential properties to the north and south. Across the road to the east is Flecknoe Farmhouse and a butchers.

The site is at a higher level than the adjacent roads and slopes upwards towards the north. There is a mature hedgerow and trees on the eastern boundary and stock fencing on the southern boundary.

Vehicular access to the site is currently provided in the south eastern corner of the site with a steep drive leading to an area of hardstanding.

The site forms part of a Scheduled Ancient Monument and there is a public right of way which crosses the site.

Description of proposals

This application seeks a change of use from agricultural land to a mix of agricultural and equestrian uses. A building containing 4 stables, a tack room and feed room is proposed in the south eastern corner of the site This will be timber with black corrugated roof sheeting. The building will be a maximum of 3.1m high and will have a floor area of 81 square metres.

A new vehicular access is proposed utilising an existing gateway in the north eastern corner, a track will be provided linking this to the stable and hardstanding.

Relevant planning history

R09/0749/PLN – this application was for the same works as currently proposed. This was refused as it had not been demonstrated that the proposals would not have a detrimental impact on the Scheduled Ancient Monument.

Third party comments

Wolfhampcote Parish Council

Concern

- Concern whether site could be used without disturbing archaeology of Ancient Monument, the impact should be carefully considered,
- Warwickshire Archaeology should be involved with application,
- There is extensive stabling nearby, some is vacant, need for stables is questioned,
- Concern building will be used for storage for applicant's butchery business.

Neighbours (4)

Objection

- Site is a Scheduled Ancient Monument and this will be adversely affected,
- Field has been vacant so will not benefit from "Class Consent" for proposals or for agricultural use in relation to monument,
- Will also have to apply for Scheduled Monument Consent, this has not been done, the application is therefore unacceptable,
- Consider stable should be located close to access to reduce impact on monument,
- Believe stables would have solid floors which would affect the monument,
- Have previously been advised by English Heritage that monument is unique as it is round, the proposed pathway would distort the shape and affect visual impact,
- This application has previously been denied,
- Land is used for vehicle access and parking and storage related to the butchers shop, this affects the rural landscape and should be removed,
- Hedges have been removed,
- Current access is on a blind bend and there have been frequent near misses, this should be closed,
- There are a substantial number of stables in the area so these are not needed,
- Consider will be used for purposes other than those applied for, should not be used for storage in relation to applicant's butchers and catering business.

Neighbours (1) Comments

- Consider access should be retained in current position, is the new access suitable or necessary?
- Corner is a 5 way crossing, there have been no accidents as drivers know to take care,
- New access is onto a single track road where there are problems of vehicles passing on the verges and damaging them,
- This is a problem as banks are being eroded and barns and trees may be undermined,
- Could also affect the piped ditch, a clear running ditch is essential,
- Could kerbs be placed in the verges to stop vehicles passing?

Amended plans

Wolfhampcote Parish Council

Concern

- Concern whether site could be used without disturbing archaeology of Ancient Monument,
- Warwickshire Archaeology should be involved with application,
- There is extensive stabling nearby, some is vacant, need for stables is questioned,
- Concern building will be used for storage for applicant's butchery business.

Neighbours (2) Objection

- Previous comments apply in relation to amended plans,
- Work should not disturb archaeology of Ancient Monument,
- Proposal would overlook Underwood Cottage, plans do not show proximity to residences,
- Concern stable would be used for butchers business, would be easier to locate to the north of the field.

Neighbours (1) Comments

No objection but would like building and parking area screened through reinstatement of boundary hedges.

Technical consultation responses

WCC Highways	No objection	Subject to conditions & informatives.
WCC Ecology	No objection	Subject to informative
WCC Archaeology	No objection	Subject to conditions
WCC Rights of Way	Comment	Public footpath should not be obstructed or altered
English Heritage	No objection	Subject to conditions
Ramblers	No comments received	
Ancient Monument Society	No comments received	

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011		
CS1	Complies	Development Strategy
CS16	Complies	Sustainable Design

Rugby Borough Local Plan 2006 – Saved policies		
E6	Complies	Biodiversity

PPS5: Planning for the Historic Environment
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport

Assessment of proposals

The key issues to assess in relation to this application are whether the proposed use of the site is acceptable and whether there is any adverse impact on the Schedule Ancient Monument, highway safety, visual or residential amenity.

Principle of development

The site is located outside of the settlement boundary of Flecknoe in the open countryside. Policy CS1 states that within the countryside development will be permitted when allowed by national policy. Guidance within PPS4 states, where appropriate, authorities should support equine activities in rural areas. The principle of the equestrian use is therefore considered acceptable.

The proposed building will contain 4 stables, a tack room and feed store, given the size of the application site, 1.4 hectares, it is considered that the size of the proposed building is reasonable.

Archaeology & impact on Schedule Ancient Monument

The previous application was refused as it had not been demonstrated that the proposal would not have a detrimental impact on archaeology or the Scheduled Ancient Monument.

Guidance contained within PPS5 states there should be a presumption in favour of the conservation of designated heritage assets, such as Scheduled Ancient Monuments. Since the previous refusal the applicants have commissioned an archaeological survey of the site and this has been submitted as part of the application.

English Heritage initially objected to the application as it had not been demonstrated that the proposals would not adversely impact on the Ancient Monument. English Heritage and the County Archaeologist met the applicants on site and discussed how the development could be carried out without having an adverse impact on the Ancient Monument.

Following these discussions a construction method statement, details of earthworks and spot heights and a cross section through the proposed access were provided. Both English Heritage and the County Archaeologist have no objection to the development, subject to conditions requiring the work to be carried out in accordance with these details and requiring a programme of archaeological works. The proposals are therefore considered acceptable in accordance with guidance contained within PPS5.

As the site is a Schedule Ancient Monument separate consent will be required for the works. As this is controlled by other legislation this does not prevent the determination of the planning application. However, an informative is suggested advising the applicant of these responsibilities.

Visual amenity

Policy CS16 states that development should be of a scale and design that would not cause material harm to the character and amenity of the area. The size of the building would be commensurate with the intended use. It is therefore considered that the proposed development would not adversely impact upon the amenity or character of the surrounding area.

The material to be used on the proposed stable block is timber cladding with black roof sheets is considered appropriate for a building of this type within the countryside. The applicants have confirmed that the timber cladding will be natural timber and this is considered acceptable.

The area of hardstanding already exists and consists of crushed stone, the applicants have advised that the area of hardstanding is required to allow vehicles such as horseboxes and trailers to turn. With regards to the design and appearance of the proposed driveway, it comprises a single width track with a width of around 4m to be constructed of crushed stone. The hardstanding is to be fenced by a 1.4m post and rail fence which is considered in keeping with the rural area.

The proposals are therefore acceptable in terms of the impact on visual amenity in accordance with policy CS16.

Residential Amenity

The site occupies a relatively isolated site beyond the main village. A neighbour has commented that the stable will overlook nearby residential properties. Although the application site and stable block will be visible from nearby residential properties it will be over 25m from the nearest neighbour and it is considered that there will be no adverse impact in terms of loss of light or privacy.

Neighbours have raised concerns that the stable building would be used for commercial purposes and this would have an adverse impact on neighbouring properties. However, the proposal is for a stable block and must be assessed on this basis, if the use of this is changed in the future this could be subject to enforcement action by the Council. As such it is considered the proposed use of the building will not have an adverse impact on residential amenity and the proposal is considered to comply with CS16 of the Local Plan.

Drainage

Policy CS16 states that development should incorporate Sustainable drainage systems. It was initially proposed for surface water to drain into a soakaway. However, due to the possible impact on the Scheduled Ancient Monument this

method is not suitable. The proposal is now for water to be collected in water butts or piped, overground, to the adjacent drainage ditch and this is considered acceptable.

Highway and Access

Access to the stable block will be via an existing gateway in the far north-east corner of the site. A track which will be constructed using crushed stones will provide vehicular access along the field to the stable block. WCC Highways have no objection to the access, subject to conditions and informatives. It is considered that for that this access point is satisfactory for the purposes proposed.

There is already an existing access to the south-east corner of the site, however its use for the purpose proposed would have a detrimental impact upon the highway network. A condition can be imposed to ensure that prior to the use commencing this existing access is closed.

Ecology

WCC Ecology advised they have no objection to the application, subject to an informative regarding reptiles and amphibians. Subject to this the impact on protected species is considered acceptable in accordance with saved policy E6.

Recommendation

Approval

DRAFT DECISION

APPLICATION NUMBER

R11/0360

DATE VALID

14/02/2011

ADDRESS OF DEVELOPMENT

LAND OPPOSITE FLECKNOE FARM
FLECKNOE VILLAGE ROAD
FLECKNOE

APPLICANT/AGENT

Mrs V Drewitt
Kernon Countryside Consultants
Brook Cottage
Purton Stoke
Swindon
Wiltshire
SN5 4JE
On behalf of Mr. P. Jones

APPLICATION DESCRIPTION

Mixed use of the land for both agriculture and equestrian purposes, erection of stable block with tack room and feed room, provision of parking facilities and formation of new vehicular access. (Resubmission following refusal of R09/0749/PLN.)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall be carried out in accordance with the plans and documents detailed below:

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Revised Site Location Plan	KCC 1C	8th July 2011
Revised Block Plan	KCC 2D	8th July 2011
Earthworks & Spot Heights	KCC7	8th July 2011
Cross Section of Proposed Track	KCC 6	8th July 2011
Fencing Details	KCC 5	11th March 2011
Stable Elevations & Floor Plan	KCC 3	14th February 2011
Roof plan	KCC 4	14th February 2011

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 take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

REASON:

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

CONDITION: 4

The development shall not be carried out other than in accordance with the Kernon Countryside Consultants Limited documents:

Equestrian Development On Land Opposite Flecknoe Farm. Method Statement. June 2011

Plan KCC 7: Earthworks and spot heights. Land opposite Flecknoe Farm

Plan KCC 6: X-section of proposed track, Land opposite Flecknoe Farm

Plan KCC 2D: Revised Block Plan, Land opposite Flecknoe Farm

No other groundworks shall be carried out across the site unless agreed in advance in writing by the Local Planning Authority.

REASON:

In the interest of archaeology.

CONDITION: 5

The facing materials to be used on the external walls and roof of the stable block shall be as specified on the application form, received by the Local Planning Authority on 14th February 2011.

REASON:

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

CONDITION: 6

Prior to the occupation/first use of the stable block the existing vehicular access, in the south west corner of the site, shall be permanently closed to vehicles in accordance with plan KCC789/13 03/11/vmd - Fencing Details, received by the Local Planning Authority on 11th March 2011.

REASON:

In the interest of highway safety.

CONDITION: 7

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments - The Warwickshire Guide 2001' (published by Warwickshire County Council).

- a) A minimum width of 3.5 metres, with a gradient not steeper than 1 in 10, and hard surfaced in a bound material for a distance of 12.0 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 12.0 metres from the near edge of the highway carriageway.
- c) The access not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION: 8

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: 9

The development hereby permitted shall not be (commenced/occupied) before the highway (verge) crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION: 10

Unless otherwise agreed in writing by the Local Planning Authority the proposed stable shall only be used for the stabling of animals for private purposes and shall not be used for the holding of competitions, exhibitions, hiring of horses or other business activities.

REASON:

In the interest of the amenities of the locality.

REASON FOR APPROVAL:

The use of the site for equestrian purposes is considered acceptable in this countryside location, in accordance with policy CS1 of the Rugby Borough Core Strategy 2011 and guidance contained within PPS4: Planning for Sustainable Economic Growth.

The proposed stable building, hard surfaced area and access track can be formed in a manner that will not have an adverse impact on the Scheduled Ancient Monument, in accordance with guidance contained within PPS5: Planning for the Historic Environment.

The proposals would not have an adverse impact on the visual amenity of the area, amenity of neighbouring residents, highway safety or protected species in

accordance with policies CS16 of the Rugby Borough Core Strategy 2011 and saved policy E6 of the Rugby Borough Local Plan 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy 2011 - CS1 & CS16
Rugby Borough Local Plan 2006 Saved policies - E6
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPG13: Transport

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

INFORMATIVE 1:

As this development affects a Scheduled Ancient Monument separate Scheduled Ancient Monument consent will be required.

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

INFORMATIVE: 4

Public Footpath R257 crosses the site, this must remain open and available for public use at all times.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	17 th August 2011
Report Title	Delegated Decisions – 8 th July to 28 th July 2011
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A
Environmental Implications	N/A
Legal Implications	N/A

<i>Equality and Diversity</i>	N/A
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted
<i>Reasons for Recommendation</i>	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 – 17th August 2011

Delegated Decisions – 8th July 2011 to 28th July 2011

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1. BACKGROUND

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

Name of Meeting: Planning Committee
Date of Meeting: 17th August 2011
Subject Matter: Delegated Decisions – 08.07.2011 to
28.07.2011
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)



DECISIONS TAKEN BY THE DIRECTOR OF TECHNICAL SERVICES UNDER
DELEGATED POWERS FROM 08.07.2011 TO 28.07.2011

A. APPLICATIONS – DELEGATED

***Applications
Refused***

<i>R11/0930 Refused 08.07.2011</i>	Magpie Lodge Farm Lilbourne Road Rugby	Retention of a mobile home [Renewal of planning permission reference R07/0925]
<i>R11/0212 Refused 13.07.2011</i>	Highfield House Overstone Road Withybrook	Outline application for erection of dwelling, access to be provided from Overstone Road (all other matters reserved.)
<i>R11/1172 Refused 20.07.2011</i>	Sainsburys Local Supermarket 339 Hillmorton Road Rugby	Variation of condition 15 of planning permission ref. no. R10/1109 granted 18th November 2010 for change of use of premises for the purposes of a local convenience store (Use Class A1) and a separate non-food retail shop (use class A1) to extend the opening hours to 7:00 AM to 23:00 pm on Sundays and Bank Holidays.
<i>R11/0601 Refused 21.07.2011</i>	Broadwell House Farm The Row Broadwell	Change of use of agricultural barn to use class sui generis for car restoration, car hire and car storage.
<i>R11/0233 Refused 26.07.2011</i>	Millfield Mill Row Wolvey	Erection of a detached granny annexe.

***Applications
Approved***

<i>R11/0677 Approved 07.07.2011</i>	Mount Pleasant Rugby Road Rugby	Proposed two storey side and single storey rear extensions with an installation of dormer window to the first floor and rebuild of existing single storey lean to extension. Proposals to also include the conversion of existing outbuilding and reinstatement of missing roof to form office, car port and storage.
<i>R11/1014 Approved 08.07.2011</i>	Warwickshire County Council Bawnmore Community Infant School Bawnmore Road Rugby	Erection of single storey front extensions.

<i>R11/1076 Approved 08.07.2011</i>	Land rear of 56 Hillmorton Road Rugby	Renewal of planning permission R08/0605/PLN (erection of 2no. dwellings including garages, and erection of a building comprising a studio, garages and a store to serve No.56 Hillmorton Road).
<i>R11/1126 Approved 11.07.2011</i>	30 St Leonards Walk Ryton on Dunsmore Coventry	Erection of a single storey rear extension and provision of a ramped access to the front of property
<i>R11/0731 Approved 11.07.2011</i>	17 Kalfs Drive Cawston Rugby	Erection of first floor side extension incorporating dormer window and single storey side and rear extensions.
<i>R11/1018 Approved 12.07.2011</i>	28 Macbeth Close Bilton Rugby	Erection of a first floor rear and side extension
<i>R10/0906 Approved 13.07.2011</i>	Blooms Rugby Garden Centre Straight Mile Rugby	Erection of garden centre sales building
<i>R11/0188 Approved 14.07.2011</i>	93 Overslade Lane Rugby	Two storey and single storey rear extensions and single storey side extension
<i>R11/1131 Approved 14.07.2011</i>	35 Rugby Road Rugby	Erection of a single storey side extension
<i>R11/1125 Approved 14.07.2011</i>	32 Moat Farm Drive Hillmorton Rugby	Erection of two-storey side extension and single-storey side and front extensions
<i>R11/0736 Approved 14.07.2011</i>	13 Brownsover Road Brownsover Rugby	Replacement detached garage
<i>R11/1128 Approved 14.07.2011</i>	66 Magnet Lane Bilton Rugby	Single storey side and rear extension.
<i>R11/1068 Approved 14.07.2011</i>	Former Royal British Legion Club 35 Heath Lane Brinklow Rugby	Variation of Condition 2 of planning permission R10/1013 (Demolition of existing club, the erection of 4 detached dwellings and creation of a new vehicle access) to allow amendments to Plot 2, including rear balcony, front and rear rooflights, canopy area to side and repositioned chimney.

<i>R11/0606 Approved 15.07.2011</i>	128 Ashlawn Road Rugby	Single storey side and rear extensions.
<i>R11/0748 Approved 15.07.2011</i>	3 Deerings Road Hillmorton Rugby	Proposed dropped kerb, access and on-site parking area.
<i>R11/0771 Approved 15.07.2011</i>	St. Margaret's Church Main Street Wolston	Removal of lead roof and replacement with a terne coated steel roof.
<i>R11/1141 Approved 15.07.2011</i>	The Lawns Birdingbury Road Leamington Hastings	Erection of open porch to front elevation.
<i>R11/1220 Approved 20.07.2011</i>	3 Leys Road Hillmorton Rugby	Erection of a first floor and a single storey rear extension.
<i>R11/1110 Approved 21.07.2011</i>	5 Park Walk Rugby	Erection of single-storey rear extension.
<i>R11/1251 Approved 21.07.2011</i>	Laurelside Cottage Daventry Road Rugby	Erection of a detached double garage
<i>R11/1205 Approved 21.07.2011</i>	33 Sidney Road Rugby	Single Storey Rear Extension
<i>R11/1119 Approved 22.07.2011</i>	The Old Laundry Holbrook Mews Chapel Street Long Lawford	Installation of two flat plate solar panels to south facing roof slope
<i>R11/0666 Approved 22.07.2011</i>	The Lodge Main Street Brandon	Provision of first floor accommodation within the roof and the increase of the ridge height of the roof.
<i>R11/0924 Approved 22.07.2011</i>	Roundhouse Princethorpe College Leamington Road Princethorpe	Works and Alterations to an existing listed building to include the replacement of 2no. rooflights, insertion of 2no. New rooflights, the reinstatement of two windows within existing openings and internal works.

<i>R11/0844 Approved 25.07.2011</i>	101 Beswick Gardens Bilton Rugby	Single storey side and rear extensions
<i>R11/1254 Approved 26.07.2011</i>	4 Windmill Cottages Windmill Lane Dunchurch	Single storey rear extension
<i>R11/0645 Approved 26.07.2011</i>	200 Rugby Road Binley Woods Coventry	Provision of a shallow mono-pitched roof over existing car port.
<i>R11/1261 Approved 27.07.2011</i>	OS Ref SP4305 6871 (Field near Bondon Farm) Birdingbury	Creation of access

Listed Building Consents

<i>R11/1120 Approved 15.07.2011</i>	The Old Laundry Holbrook Mews Chapel Street Rugby	Listed Building Consent for the installation of two flat plate solar panels to south facing roof slope.
<i>R11/1187 Approved 22.07.2011</i>	Roundhouse Princethorpe College Leamington Road Princethorpe	Listed Building Consent for works and alterations to an existing listed building to include the replacement of 2no. rooflights, insertion of 2no. new rooflights, the reinstatement of two windows within existing openings and internal works

Advertisement Consents

<i>R11/1159 Approved 12.07.2011</i>	Co-operative Food 216 Lawford Road New Bilton	Replacement illuminated fascia signs to front and side elevations.
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Agricultural Determinations

<i>R11/1349 Prior Notification not required 14.07.2011</i>	Land North of Withybrook Road Shilton Coventry	Determination as to whether prior approval is required for erection of an agricultural storage building.
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Approval of Details/ Materials

<i>R10/1273 Approval of non-material changes 15.07.2011</i>	Land Bounded by Murray Road, Craven Road & Railway Terrace Rugby	Mixed use development comprising: Part full planning permission for the erection of buildings for use as a 72 bedroom hotel with ancillary Bar/restaurant (C1/A3) and 420sq.m GEA of retail floorspace (A1), a 77 bed nursing home (C2), a 45 unit extra-care sheltered housing development (C3) and the erection of 47 no. affordable residential units (C3) together with associated access, parking and
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		landscaping. Part outline planning permission for the erection of 69 no. residential units (C3), the erection of buildings for employment use (B1 (a), (b) and © - maximum floorspace 3842sq.m GEA) and community use (D1/D2 - maximum floorspace 2250 sq.m GEA) and the provision of public open space (0.95ha) - all matters reserved apart from access, and in the case of the residential units and public open space apart from layout and scale. Variation of condition 7 attached to planning permission ref. R09/0331/MAJP dated 01/09/2009 to substitute drawings comprising amendments to the site layout, design and floor layout of the nursing home.
<i>R11/0246 Approval of Details 18.07.2011</i>	Plots 1, 2 & 3 Zone C Central Park Castle Mound Way Rugby	Erection of an employment building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987, as amended, with ancillary offices, together with the construction of vehicular access, parking, and servicing areas, earthworks, landscaping, fencing and drainage works.
<i>E2E 475 (R10/0128) Approval of non-material changes 25.07.2011</i>	Land off School Street R07-1454-MAJP School Street Long Lawford	Reference 475. Erection of 99 dwellings, approval of reserved matters (layout, scale, appearance and landscaping) against outline permission R07/1454/MAJP.
<i>R10/2233 Approval of Details 26.07.2011</i>	Oakhurst Bourton Road Frankton	Erection of a replacement dwelling.
<i>R07/1756/MAJP Approval of Details 26.07.2011</i>	Boughton Road Industrial Estate Projects Drive Rugby	Redevelopment of land for residential purposes comprising 230 no. dwellings together with means of access, access roads, car parking, public open space and landscaping (submission of reserved matters covering layout, scale, appearance and landscaping pursuant to outline planning permission ref. R06/0054/MAJP dated 03/09/2007.
<i>R10/2313 Approval of Details 27.07.2011</i>	Land adjacent the Almshouses Brockhurst Lane Monks Kirby	Erection of a new dwelling house (resubmission of previously refused planning application R10/1325 dated 08/09/2010)
<i>Withdrawn/ De-registered</i>		
<i>R11/1042 Withdrawn 14.07.2011</i>	39 Plexfield Road Bilton Rugby	Installation of a dormer window to rear and insertion of a window in the side elevation.
<i>R11/0059 Withdrawn 26.07.2011</i>	Land on the West side of Oxford Road (Sunrise Park) Ryton-On-Dunsmore	Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission

APP/E3715/C/09/2110115 (R09/0291/MDPT)
granted on appeal on 4th February 2010 to
allow the permanent occupation of the land by
the applicants.

R11/1287
Withdrawn
26.07.2011

Wolston Leisure and
Community Centre
Manor View
Manor Estate
Wolston

Installation of solar panels.