

28th October 2011

PLANNING COMMITTEE - 9TH NOVEMBER 2011

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 9th November 2011 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 19th October 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 – 30th September – 20th October 2011.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2011/12 – 10) 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 - 9TH NOVEMBER 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

There are no applications recommending refusal.

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
1	R11/1136	Benfield House, Corporation Street, Rugby, CV21 2DP Change of use to car rental or parking and the siting of a temporary building (for a temporary period of up to 5 years.)	3
2	R11/1483	Land at Halfway Lane, Dunchurch Removal of 2 existing stable buildings and erection of a new stable and storage building.	12

Reference number: R11/1136

Site address: Benfield House, Corporation Street, Rugby, CV21 2DP

Description: Change of use to car rental or parking and the siting of a temporary building (for a temporary period of up to 5 years.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to the site of the former tax office on the corner of Corporation Street and Westway. The building has recently been demolished.

The front of the site faces Corporation Street which is a main route to the town centre. This has 4 lanes of traffic which are separated by a central crash barrier. Vehicular accesses to the Clocktowers Shopping Centre and Asda are opposite the site.

Westway is a more minor road which leads to a public car park, residential and commercial properties. The vehicular access for the former office building was from Westway at the rear of the site.

Schoolfield Grove to the west of the site is a residential street. Near the junction with Westway there are only houses on one side of the road. These look towards the application site across the road and an area of open space. This open space separates the site from Schoolfield Grove and there are pedestrian links across this area to Bennfield Road and Hilton House. This area is mostly grassed with landscaping and trees on the boundary with the site.

There is a high level of on street parking in Schoolfield Grove which is believed to relate to people parking to visit the town centre.

Hilton House is to the south of the application site. This building houses offices and doctors surgeries and has a car park to the rear, accessed along Bennfield Road

Description of proposals

This application is for the use of the site as either a car park, or for vehicle rental. The proposal is for temporary use of the site for up to 5 years.

The works that would relate to each of the proposed uses are the same. The areas where the buildings have been removed would be surfaced with a rolled granular material. A temporary office building would be provided in the rear corner of the site, a bin storage area is proposed adjacent to this, screened by a 1.8m fence.

The existing boundary treatments would be retained on the southern side and rear boundaries. Black metal railings 1.4m high are proposed on the front and northern side boundary with a gravel strip between these and the footpath.

Trees will be planted within this area. New gates will be provided, set back from the site boundary.

Relevant planning history

R11/0383 Application for prior notification of proposed demolition of building.

Prior approval not required 23rd May 2011

Third party comments

Councillor Kirby Objection

- Application should be determined by Committee.
- Bennfield Road already busy with people parking all day and traffic visiting the surgery.
- It is already difficult to exit onto Corporation Street.
- Car rental would increase vehicle movements and car parking.
- Access to the surgery for vehicles and pedestrians is currently difficult.

Neighbours (1) Objection

- Clock Towers Shopping Centre is core of the town centre,
- site is a prominent “gateway” within the town centre,
- development in the immediate area should be a high quality design and a car park is not appropriate,
- a landmark building or scheme to attract visitors would be more appropriate,
- application for a 5 year use raises questions about the long-term aspirations for the site,
- there is sufficient capacity in the Clock Towers car park,
- concern regarding suitability of junction and pedestrian safety crossing Corporation Street.

Technical consultation responses

WCC Highways	No objection	Subject to conditions and informatives
Environmental Health	No objection	Subject to conditions
Landscape Officer	No objection	
WCC Ecology	Comments	Request informative, welcome use of native trees

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS6	Complies	Development in Rugby Town Centre
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design

Rugby Borough Local Plan 2006 Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking Facilities
ED6	Conflicts	Retention of employment land

Assessment of proposals

The key issues to assess in relation to this application are whether the principle of the proposed uses is acceptable in this location and whether the proposals would have any adverse impact on highway safety, car parking, visual amenity or amenity of neighbouring residents.

The site is located within the Town Centre boundary as defined in the Core Strategy. Policy CS1 states that this is the primary focus for services and facilities and that the most sustainable locations for development should be considered in the first instance. The proposals are considered to comply with this policy.

The site was previously occupied by an office building which has recently been demolished. Saved policy ED6 states that permission would not be granted for development that would result in the loss of buildings or land that are in, or were last in, employment use. As the office building fell within use class B1 this policy is applicable to this application.

This policy goes on to state that development or redevelopment for other purposes will only be allowed where the applicant can demonstrate there is no reasonable prospect of employment use resuming or being attracted or employment use would cause harm to the environment or local amenity. As this information has not been provided the development is contrary to this policy.

However, in relation to the demolition of the office building the applicants advised that the building did not meet current standards which led to expensive running costs and a lack of demand for the building. They have also advised that it is their intention to redevelop the site in the future for office development. However, the current economic climate has led to reduced demand for new office accommodation and the redevelopment of the site would not be financially viable at present.

As the proposal is for the temporary use of the site for up to 5 years it is not considered that the development would prevent the development of the site for employment uses in the future.

The application is for either a car park use or for car rental. It is considered that the principle of a car park is acceptable in the town centre. The rental element of the proposals is for car rental only and does not propose rental of larger vehicles such as vans, lorries etc. The central location of the site will allow customers to use public transport when collecting their vehicles and this is considered acceptable.

The principle of the proposed uses is therefore considered acceptable.

The site is located on a main route within the town centre and is prominent; any development should therefore be of a high quality. It is accepted that the proposed car rental or car parking uses would not be acceptable as the long

term uses of the site. However, the application is for a temporary permission for up to 5 years until the site is redeveloped. If the proposed uses do not go ahead it is likely that the site will remain as a vacant site until such a time that the redevelopment is proposed.

It is therefore considered that the proposed use of the site is acceptable on the temporary basis proposed.

The application includes the erection of railings and gates on the boundaries with Corporation Street and Westway. These are proposed as 1.4m high black painted metal railings and these are considered acceptable. A gravel area is proposed between these railings and the public highway and tree planting was proposed in this area. However, the trees on the Westway frontage were within the visibility splay and have been omitted for highway safety reasons. WCC Ecology commented on the application and welcomed the use of native species. The Council's Landscape Officer commented on the application and suggested that Hornbeams should be used and these have been included in the amended plans.

There is currently landscaping on the rear boundary, adjacent to the open space on Schoolfield Grove and this is to remain.

The impact on visual amenity and the character of the area is therefore considered acceptable in accordance with policies CS6, CS16 and saved policy GP2.

In relation to the impact on neighbouring properties the site is around 35m from the closest residential properties and is separated by a road and open space area. The access to the site is in the same position as the access for the office building and this previous use would have resulted in vehicle movements associated with deliveries and car parking. There are also existing vehicle movements along Westway due to the existing commercial premises and public car park. The impact on the amenity of neighbouring residents is therefore considered acceptable in accordance with policy CS16.

In relation to the impact on highway safety the Highway Authority, Warwickshire County Council objected to the original plans as these did not provide suitable visibility splays and the width of the access was substandard. Amended plans have been received which address these issues and the Highway Authority have confirmed they have no objection subject to conditions and informatives. This includes a request for a condition requiring vehicles visiting the site or under the control of the occupiers to be parked within the highway. Although it is understood that there are issues with on street parking within the area the Conditions Circular (11/95) specifically states that the imposition of such a condition is unreasonable as it seeks to exercise control in respect of the public highway which is not under the control of the applicant. Therefore it is unreasonable for this condition to be imposed as the matter could be controlled under highway legislation. However, it is considered reasonable for this to be included as an informative to bring this matter to the attention of the applicants.

The Council do not have a specific parking standard related to car rental uses. However, the site is within a central location, close to public car parks and is easily accessible by public transport. The application does not specify which spaces would be provided for customer parking in the event of a car rental use, however it is considered that any additional parking could be accommodated in nearby public car parks and this is acceptable.

The proposed car park use would provide additional parking within the town centre and this is considered acceptable.

It is understood that there is currently a high level of on street parking in Schoolfield Grove and this may be associated with people parking here to visit the town centre. However, this is an existing problem and it is not considered that the proposals would lead to a significant increase in on street parking.

The parking proposed is therefore considered acceptable in accordance with saved policy T5.

Environmental Health commented on the application and requested an Air quality Assessment, this has now been provided and Environmental Health advised the information provided overcame their concerns. Conditions have been requested relating to Site Investigation and restricting the opening hours of any car rental use. It was also requested that the opening hours of any car park use reflect the nearby public car park, as this is open 24 hours a condition is not considered necessary.

WCC Ecology requested an informative regarding bats and nesting birds as these could be affected during the demolition of the building. However, these works have already taken place and this informative is not therefore considered reasonable. It is not considered that the proposed uses will have an adverse impact on protected species and saved policy E6 is complied with.

Recommendation

Approval

DRAFT DECISION

APPLICATION NUMBER

R11/1136

DATE VALID

17/06/2011

ADDRESS OF DEVELOPMENT

BENFIELD HOUSE
CORPORATION STREET
RUGBY
CV21 2DP

APPLICANT/AGENT

Mr Richard Palmer
Hb Architects
The Triforium
17 Warwick Street
Rugby
Warwickshire
CV21 3DH
On behalf of Jelmac Property Ltd

APPLICATION DESCRIPTION

Change of use to car rental or parking and the siting of a temporary building (for a temporary period of up to 5 years.)

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 not be carried out other than in accordance with the Location Plan - 38:11:03 received by the Local Planning Authority on 13th June 2011 and the Site Plan, Elevations, Fence and Office Details - 38:11:01G received by the Local Planning Authority on 14th October 2011.

REASON:

For the avoidance of doubt.

CONDITION: 3

The use hereby approved shall cease and the office building shall be removed from the site within 5 years of the use.

REASON:

To ensure the proper development of the site.

CONDITION: 4

No use shall commence unless and until the railings, gates and hard landscaping shown on plan 38:11:01G have been provided in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION: 5

The landscaping scheme, as detailed on the approved plans, 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 is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree 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: 6

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 distance of 7.5 metres from the near edge of the highway footway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway footway.
- c) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 25 metres (to the right on egress) as measured from the centre of the access, and visibility splays for pedestrians have been provided with an 'x' distance of 2.0 metres and 'y' distances of 2.0 metres as measured from the edges of the access. No structure, erection, trees or shrubs exceeding 0.6 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.
- d) The access shall not allow surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION: 7

The development hereby permitted shall not be occupied before the highway (footway) 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: 8

The temporary building should incorporate gas protection measures.

REASON:

In the interest of health and safety.

CONDITION: 9

The car rental use shall not be opened for business other than between the hours of 8:30 - 18:30 Monday to Saturday and 09:00 - 17:30 Sundays and Bank Holidays

REASON:

To protect the amenity of nearby properties.

CONDITION: 10

No HGV parking shall be permitted on the site.

REASON:

In the interest of residential amenity.

CONDITION: 11

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

contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

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

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

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

(c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REASON:

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

REASON FOR APPROVAL:

It is considered that the proposed temporary uses are appropriate within the Town Centre and will not have an adverse impact on the long term development potential

of the development site and are acceptable in accordance with policy CS1 of the Rugby Borough Core Strategy 2011 and saved policy ED6 of the Rugby Borough Local Plan 2006.

The impact of the proposals on visual amenity and the amenity of the area is considered acceptable in accordance with policies CS6 and CS16 of the Rugby Borough Local Plan 2011 and saved policy GP2 of the Rugby Borough Local Plan 2006.

The proposals will not have a significant adverse impact on neighbouring residents or affect protected species in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and saved policy E6 of the Rugby Borough Local Plan 2006.

Suitable access and parking arrangements are proposed in accordance with policy CS11 of the Rugby Borough Core Strategy 2011 and saved policy T5 of the Rugby Borough Local Plan 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy 2011 - CS1, CS6, CS11 & CS16

Rugby Borough Local Plan 2006 Saved Policies - GP2, E6, T5 & ED6

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 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 the County Highways Area Team Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE: 2

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

INFORMATIVE: 3

No loading or unloading of vehicles either calling at the premises or being in the control of the occupiers of the site shall 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, shall be stored or parked on the highway - A426 (Corporation Street), D3144 (Westway)

INFORMATIVE: 4

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 to Friday 07.30 - 18.00

Saturday 08.30 - 13.00

NO WORK ON SUNDAYS & BANK HOLIDAYS.

Reference number: R11/1483

Site address: Land at Halfway Lane, Dunchurch

Description: Removal of 2 existing stable buildings and erection of a new stable and storage building

Case Officer Name & Number: Richard Redford, (01788) 533 625

The Proposal;

Planning permission is sought for the removal of 2 existing stable buildings and the erection of a new stable and storage building comprising 5 stables, a tack room and a WC. To be sited in the south-east corner of the site the proposed building will be L shaped, be 2.5m high to eaves level and 5.2m high to ridge level. The application forms detail that the proposal will be constructed of timber sawn boarding with concrete tiles on the roof.

An amended elevations and layout building has been provided following a request by officers showing the ridge height of the proposal reduced to 4m high to ridge height. Also submitted with this was an additional plan showing the existing buildings on site set against the proposal with the proposal resulting in the removal of 2 sheds, a stable building and a steel shipping container. It shows the proposal being positioned adjacent to the end of the existing brick building used as a hay store creating a court yard area facing towards to the access road.

Site History;

Retention of vehicular access (R08/0849/PLN) Approved
24.09.2008

Consultee Comments;

Highway Authority	No objections	
Environmental Health	No objections	Request conditions
Rights Of Way	No objections	
WCC Ecology	No objections	Request informatives

Third Party Correspondence;

Neighbours (41 Object Letters from 34 addresses)	On the grounds of the sites green belt location; being undeveloped agricultural land; need for the development as the owner only has 2 horses; a non-permanent hay barn will be removed to allow for the proposal; would result in 7 stables in 2 buildings on site as a new block with 2 stables has recently been put on the site; alteration of ambience and character of the countryside; intensification of use of the
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access road to and from the site through Halfway Lane; excessive for personal use; and increased movement on public footpath.

A petition of 46 signatures has also been submitted.

Neighbours (2)	Remove objection	State that following a site meeting with the applicant they have been given assurances that mean their objections have been overcome but request conditions relating to assurances they were given on site by the applicant.
Dunchurch Parish	No objections	No objections subject to it being used for the purposes Council proposed.
Cllr Francis	No objections	Has met applicant and 6 neighbours on site to discuss the proposal with applicant indicating during discussions the proposal is for personal use only.

Other Relevant Information;

The site is located outside of the defined settlement boundaries for Dunchurch and is therefore located in the open countryside. The majority of the site is pasture land being grazed by horses with there being a stable, single pre-fabricated garage, large detached building (use unknown) and shed in the south-eastern corner of the site all opening onto an area of concrete hard standing. Ground levels on the site are level with the site surrounded by a mixture of established landscaping comprising trees and hedging, as well as fencing.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Development & Construction

PPS4, Planning For Sustainable Economic Growth

Consideration;

The main issues for consideration in this application relate to the sites countryside location and then subsequently matters pertaining to design, appearance and amenity.

The provisions of policy CS1 of the Core Strategy are such that it directs developments to the most appropriate locations with sites located in the countryside being the fifth location of 6 for development and notes relating to development in the countryside indicating development will only be supported

where in accordance with national policy. Planning Policy Statement 4 on Planning for Sustainable Economic Growth identifies in policy EC6 (f), that local authorities should support equine activities for recreational and leisure purposes. Within the context of this application, the proposed stables would only be utilised by the applicant and their family for their own personal leisure / recreational purposes with there being no business elements in relation to the proposal. Furthermore, the proposal will see the removal of a number of structure not in-keeping or appropriate to the sites pasture / paddock use thus visually improving the area. As such it can be seen that the proposal complies with the guidance contained within PPS4 through being an appropriate recreational use in countryside location whilst also serving to improve the sites countryside location through the removal of a number of structures at odds with its countryside nature. It therefore also complies with the requirements of Core Strategy policy CS1.

The proposed stable building has a design, appearance, scale, massing and proportions typical of stables. Amended plans have been provided following a request by officers that has reduced the height of the stable building from 5.2m to 4m. This drop in its height has the effect of reducing its bulk, scale, height and visual prominence given the sites countryside location on a site bordered by public rights of way. Its siting and orientation facing in towards the existing hay building is such that it creates a courtyard type feature at the end of the access track into the site that is reflective of the rural location. Its positioning adjacent to the existing buildings to be retained means that it is viewed in the context of existing buildings giving it a good relationship within the site as a whole.

Its position is in quite close proximity to a number of neighbouring sites, 2 of which are occupied by residential dwellings. The amended plans provided reducing the height of the building has served to ensure minimal impact in terms of light whilst its use as stables is such that there will not be any overlooking or impact on privacy. Environmental Health colleagues have requested conditions pertaining to the waste from the stables being covered in a way to avoid nuisance to neighbouring sites as well as no burning of manure of way that can be covered by an informative and condition respectively that would ensure no adverse amenity impact.

With regards to the various letters of objection received, the site is not in a green belt location but is on a green field site but as detailed above the nature and provision of the use in this location is in accordance with national guidance contained within PPG2 and therefore acceptable. The proposal will removed the existing stable building as well as others despite claims in some of the objection letters that the proposal would result in 7 stables in 2 buildings – there will be only one building and that is the proposal. It is not considered that the proposal would lead to increased movements on the public footpath nor that the proposal would be excessive for personal use. Given that the proposal is for personal use only it is considered that any increased is movements along the lane is likely to be relatively minimal and at a level that would not justify a refusal being issued whilst the proposal would not impact on the character or appearance of the area.

Overall therefore the proposal is acceptable and therefore recommended for approval subject to conditions.

Recommendation;

Recommend approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R11/1483

DATE VALID

24/08/2011

ADDRESS OF DEVELOPMENT

Land at
Halfway Lane
Dunchurch
CV22 6RD

APPLICANT/AGENT

Mr Phil Godden
Green Cottage
Brookside Close
Rugby
CV22 6AH
On behalf of Mr & Mrs Alan Grimmett

APPLICATION DESCRIPTION

Removal of existing stable block, 2 timber sheds and metal container and erection of a new stable and storage 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:

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

Application form, Design & Access Statement and site location plan submitted as part of the application received by the Local Planning Authority on 24th August 2011.

Amended elevation and layout plan and additional plan entitled 'Layout' plan both numbered 418B and dated July 2011 and received by the Local Planning Authority on 5th September 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:

Unless otherwise agreed in writing by the Local Planning Authority the proposed stable shall only be used for the stabling of horses 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.

CONDITION 4:

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

REASON:

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

CONDITION 5;

There shall be no burning of any straw, soiled bedding or manure generated by the use at anytime.

REASON:

In the interests of the amenities of the locality.

CONDITION 6:

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be personal to Mr & Mrs Grimmatt.

REASON:

As the development is only acceptable due to the applicant's personal circumstances.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1 and CS16

Planning Policy Statement 4, Planning For Sustainable Economic Growth

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.

REASON FOR APPROVAL:

The proposed stable will be in keeping with the existing use of the site and surrounding area as well as its countryside location, will not adversely impact on the residential amenity of neighbouring properties and will result in the removal of features not in keeping with the sites rural location, in accordance with policies CS1 and CS16 of the Rugby Borough Core Strategy 2011.

INFORMATIVE 1;

The applicant is advised that the manure and waste from the stables should be stored in such a way that nuisance from smells or flies does not occur. The manure and waste should preferably be removed from the site.

INFORMATIVE 2;

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and

Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE 3;

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

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	9 th November 2011
Report Title	Delegated Decisions –30.09.2011 to 20.10.2011
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 Deputy Chief Executive under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The Report be noted

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

Rugby Borough Council

Planning Committee – 9th November 2011

Delegated Decisions – From 30.09.2011 To 20.10.2011

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: 09.11.2011
Subject Matter: Delegated Decisions – 30.09.2011 to 20.10.2011
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE DIRECTOR OF TECHNICAL SERVICES UNDER
DELEGATED POWERS FROM 30.09.2011 TO 20.10.2011

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R10/1953 Refused 11.10.2011</i>	Glenwood House 5 Arundel Way Cawston	Application for Retrospective Planning Permission for a Change of Use from Residential Use (Class C3) to a mixed use of residential (C3) and Office Use (B1) personal to Mr P. Rogers and Mr D. Bottomley. (Re-submission of previous application R07/1110/PLN and Appeal Ref: APP/E3715/A/09/2100715).
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**Applications
Approved**

<i>R11/1695 Approved 30.09.2011</i>	Montilo Farm Montilo Lane Harborough Magna	Conversion of barn to residential annexe and erection of an open sided garage
<i>R11/0967 Approved 30.09.2011</i>	Little Walton Lodge Farm Lutterworth Road Pailton	Replacement of redundant agricultural buildings now used as a car port and for storage with a building of similar appearance and use for ancillary residential purposes.
<i>R11/1802 Prior Approval 03.10.2011</i>	Valley House Farm Southam Road Rugby	Agricultural prior approval for the erection of an 18m x 18m agricultural building.
<i>R11/1708 Approved 03.10.2011</i>	Ryton Organic Gardens Wolston Lane Ryton on Dunsmore	Installation of Solar PV Panels
<i>R11/1182 Approved 04.10.2011</i>	Church of St Nicholas Main Street Frankton	Erection of a toilet block.
<i>R11/1719 Approved 04.10.2011</i>	14 Linnell Road Rugby	Erection of single storey rear extension to form double garage and conservatory to side of building
<i>R11/1742 Approved 04.10.2011</i>	97 Beswick Gardens Bilton Rugby	Erection of an attached single garage and a single storey rear extension.

<i>R11/1507 Approved 04.10.2011</i>	42 Foxons Barn Road Brownsover Rugby	Installation of 14 solar panels on existing flat roof at rear of dwelling.
<i>R11/1736 Approved 04.10.2011</i>	73 Shakespeare Gardens Overslade Rugby	Erection of a rear conservatory.
<i>R11/1474 Approved 05.10.2011</i>	Revel Surgeries The Surgery Barr Lane (Off Broad Street) Brinklow	Alterations and extensions to the existing building to permit offices in the roof space, and change of use of part of the building to provide an on site pharmacy.
<i>R11/0721 Approved 05.10.2011</i>	Manor Farm Coalpit Lane Wolston	Creation of earth banks and formation of slurry lagoon with associated works
<i>R11/1731 Approved 06.10.2011</i>	New Priory Cottage Priory Road Coventry	Retention of Tack Room / Shed
<i>R11/1621 Approved 06.10.2011</i>	Tesco Store 1 Leicester Road Rugby	Erection of storage pod and canopy for pre-order shopping collection service
<i>R11/1730 Approved 06.10.2011</i>	49 Bilton Road Rugby	Single storey extension to rear
<i>R11/0925 Approved 07.10.2011</i>	St John the Baptist Church The Crescent Brinklow	Replace the south aisle lead roof with a terne coated stainless steel roof.
<i>R11/1482 Approved 07.10.2011</i>	5 Shakespeare Gardens Overslade Rugby	Single storey side and rear extensions
<i>R11/0948 Approved 07.10.2011</i>	Ivy Cottage Rugby Road Brandon	Erection of rear extension including roof works, dormer windows and external alterations to dwelling
<i>R11/1743 Approved 07.10.2011</i>	Hollybank Farm Southam Road Leamington Hastings	Planning permission for the erection of 1 green house and 2 farrowing buildings.

<i>R11/1585 Approved 10.10.2011</i>	Holly House Hinckley Road Burton Hastings Nuneaton	Erection of rear garden room extension
<i>R11/1573 Approved 10.10.2011</i>	Ansty Park Land east of A46 Coventry Eastern Bypass Ansty	Retention of temporary footpath and cycleway for further 2 year temporary period.
<i>R11/1610 Approved 11.10.2011</i>	37 Crick Road Hillmorton Rugby	Outline planning application for the erection of a bungalow with associated access and works (appearance, layout, landscaping and scale matters reserved)
<i>R10/0546 Approved 11.10.2011</i>	Clifton Court Nursing Home Lilbourne Road Rugby	Erection of a specialist nursing unit
<i>R11/1563 Approved 11.10.2011</i>	Rugby Spiritual Church 5 Newbold Road Rugby	Retention of use of majority of ground floor to D1[Spiritualist Centre] of the Town and Country Planning [Use Classes] Order 1987 [as amended]
<i>R11/1029 Approved 12.10.2011</i>	Land adjacent to 68 Featherbed Lane Hillmorton	Erection of 2no. semi-detached dwellings, provision of parking facilities and associated works (resubmission).
<i>R11/1608 Approved 12.10.2011</i>	9 Main Street Clifton Upon Dunsmore Rugby	Erection of a single storey dwelling
<i>R11/0311 Approved 12.10.2011</i>	Maan Farm Southam Road Broadwell	Installation of a 50kw Solar PV Panel Farm
<i>R11/1780 Approved 12.10.2011</i>	9 Sorrell Drive Brownsover Rugby	First floor side extension.
<i>R11/0796 Approved 13.10.2011</i>	Flecknoe Farm Flecknoe Village Road Flecknoe	Proposed two storey side extension and loft conversion to include installation of dormer windows to the rear of the existing farm house
<i>R11/1687 Approved 14.10.2011</i>	7 Ferndale Road Coventry	Installation of a front dormer window

R11/1158 Approved 14.10.2011	148 Hillmorton Road Rugby	Erection of two storey side extension, first floor rear extension and single storey rear extension
R11/1764 Approved 14.10.2011	St Andrew's Parish Church Church Street Rugby	Replacement of North Porch entrance doors and formation of disabled access ramp.
R11/1436 Approved 14.10.2011	31 Ashlawn Road Hillmorton	Erection of single storey front and side extensions and a rear conservatory. Raising the roof height and forming gable ends to the front and rear to allow accommodation in the roofspace.
R11/1475 Approved 18.10.2011	Doniston Lutterworth Road Hinckley	Erection of garage
R11/1747 Approved 18.10.2011	1 Oakfield Road Rugby	Single Storey Rear Extension
R11/1763 Prior Approval not required 18.10.2011	Land at Haynes Way Rugby	Determination as to whether prior approval is required for the installation of a 13.8m high slimline telecom monopole mast and provision of a 2No. new associated equipment cabinets and a metre pillar
Advertisement Consents		
R11/1711 Advertisement Consent 29.09.2011	Co-Operative Funeral Service 38 Bilton Road Rugby	Display of illuminated fascia sign
R11/1428 Advertisement Consent 03.10.2011	Land opposite the New Inn The Locks Hillmorton	Display of 1no. non-illuminated, dual sided, freestanding advance directional sign.
R11/1681 Advertisement Consent 06.10.2011	49 Woodlands Road Binley Woods	Display of illuminated fascia sign

Certificate of Lawful Use or Development

<i>R11/1639 Certificate of Lawful Use or Development 10.10.2011</i>	11 Elsee Road Rugby	Lawful Development Certificate for the proposed change of use from a residential dwelling to accommodation for persons with learning difficulties and conversion of garage into living accommodation
<i>R11/1786 Certificate of Lawful Use or Development 13.10.2011</i>	The Old Manor House Easenhall Road Harborough Magna	Certificate of Lawfulness (existing use) application for the use of land and buildings as residential
<i>R11/1804 Certificate of Lawful Use or Development 14.10.2011</i>	71 Pytchley Road Rugby CV22 5NF	Certificate of Lawfulness application for proposed single-storey rear extension.

**Approval of Details/
Materials**

<i>R11/0246 Approval of Details 03.10.2011</i>	Plots 1, 2 and 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>R09/0724/PLN Approval of Details 06.10.2011</i>	Plot 7F Land at Willoughby Sawbridge Road Willoughby	Erection of field shelter and 1m high stock proof fence and 3m gate.
<i>R08/0626/DET Approval of Details 06.10.2011</i>	Former Bernhards Nursery Bilton Road Rugby	Approval of Details - Discharge of conditions 3 (in part), 4, 8, 12, 14, 15, 16, 17 & 18 of outline planning permission R04/0156/OP for residential development and condition 25 of reserved matters R07/1138/MAJP for residential development.
<i>R11/0629 Approval of Details 07.10.2011</i>	10 Critchley Drive Dunchurch Rugby	Erection of a detached dwelling.
<i>R09/0533/HOUS Approval of Non-Material Changes 17.10.2011</i>	27 Leicester Road Wolvey Hinckley	Erection of a replacement garage (resubmission).

R11/0666
Approval of Non-
Material Changes
19.10.2011

The Lodge
Main Street
Brandon

Provision of first floor accommodation within
the roof and the increase of the ridge height of
the roof.

**Withdrawn/
De-registered**

R11/1184
Withdrawn
03.10.2011

32 Beech Drive
Rugby
CV22 7LT

Erection of 2 No. detached dwellings and
associated access

R11/1921
Withdrawn
18.10.2011

Home Farm
Oxford Road
Ryton On Dunsmore

Erection of a building comprising of 3 bays to
provide shelter for HGV Vehicles