

20<sup>th</sup> January 2012

## PLANNING COMMITTEE - 1<sup>ST</sup> FEBRUARY 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 1<sup>st</sup> February 2012 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 11<sup>th</sup> January 2012.
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. Planning Appeals Update.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 16<sup>th</sup> December 2011 – 12<sup>th</sup> January 2012.

## **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 – 13) 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](mailto:claire.waleczek@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

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

**RUGBY BOROUGH COUNCIL  
PLANNING COMMITTEE - 1<sup>ST</sup> FEBRUARY 2012  
REPORT OF THE HEAD OF PLANNING AND CULTURE  
APPLICATIONS FOR CONSIDERATION**

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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 recommended for refusal.

### Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
1	R11/2431	RBC Works Services Unit, 94 Newbold Road, Rugby  Erection of an extension to the existing maintenance building, and a lean-to adjoining that extension (resubmission).	3
2	R11/2244	Land at Hall Farm, Brownsover Lane, Rugby  Erection of a new dwelling on land north of Hall Farm following approved application reference R/09/0779/PACA.	6
3	R11/2139	1 Regent Place, Rugby, CV21 2PJ  Retrospective application for Change of Use from B1 offices to D1 of the Town and Country (Use Classes) Order (amendment) 2005.	15
4	R11/1510	Part of former Cattle Market site off Craven Road, Rugby, CV21 3HX  Development comprising 90 residential apartments (66x2bed & 24x1bed) together with associated access, parking and landscaping - revision to details approved under planning permission reference R10/1273 to increase height of buildings from three to four storeys and number of apartments from 69 to 90.	19

**Reference number:** R11/2431

**Site address:** RBC Works Services Unit, 94 Newbold Road, Rugby

**Case Officer:** Chris Davies 01788 533627

**Description:** Erection of an extension to the existing maintenance building, and a lean-to adjoining that extension (resubmission).

**History:**

R11/1669	Erection of an extension to the existing maintenance building, and a lean-to adjoining that extension.	Approved 20/10/11
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**Proposal:**

The Council seek permission for an extension to the existing two bay maintenance building to provide an additional bay for waste disposal lorries and vehicles of similar size, and also for a lean to adjacent to it. The latter would be used for tyre fitting and storage in relation to the operation of the site and Council vehicles.

A similar scheme was put before the Planning Committee and approved at the meeting on 20 October 2011. After approval of this scheme it became apparent that the extension needed to be located at right angles to the approved location. This application therefore seeks to amend the location of the structure. All other details remain as previously approved.

**Other Relevant Information:**

The existing maintenance building appears to be of an age comparable with the Council's first operations on the site. It comprises 2no. high roofed maintenance bays capable of accommodating larger Council vehicles. The adjacent land (site of the proposed extension) is currently used to site 2no. storage containers (which is to be relocated adjacent to the proposed lean-to should permission be granted), also served as general open air storage space for items such as large scale wheelie bins.

To the rear of the site is a small parcel of land belonging to the Council and land belonging to the Avon Mill public house.

**Technical Consultation Responses:**

Environment Agency - Falls within standing advice.  
WCC Ecology - Breeding bird and bat notes required.

**Ward Consultation Responses:**

None

**Neighbour Consultation Responses:**

None

**Planning Policy:**

Rugby Borough Core Strategy:  
CS16: Sustainable Development                      Complies

**Considerations:**

The principle of a development of this nature on this site has already been established by the previous planning approval (R11/1669).

As the only alterations to the approved scheme relate to the relocation of the extension, the key considerations in determining this application are whether or not the relocation would materially increase its impact on a) the character and appearance of the locality, and b) neighbouring residential amenity.

**Character and Appearance**

The re-orientation of the extension would not prevent the existing structure from screening it.

The design remains otherwise unaltered from that previously approved, and remains in keeping with the functional nature of buildings on the site.

The scheme therefore complies with the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to character and appearance.

**Residential Amenity**

The relocation of the extension would not lead to any material impact on the amenities of neighbouring residents, as was previously the case.

The scheme therefore complies with the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

**Recommendation:**

Approve subject to appropriate conditions.

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/2431

**DATE VALID**

20/12/2011

**ADDRESS OF DEVELOPMENT**

RBC Works Services Unit Depot  
94 Newbold Road  
Rugby  
CV21 1DH

**APPLICANT/AGENT**

Mr Wayne Knighton  
Rugby Borough Council  
Works Services Unit  
94 Newbold Road  
Rugby  
Warwickshire  
CV21 1DH  
On behalf of Mr Andy Smith, Rugby  
Borough Council

### **APPLICATION DESCRIPTION**

Erection of an extension to the existing maintenance building, and a lean-to adjoining that extension (resubmission).

### **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 plan numbers 200-03-001-03 Issue B, 200-03-001-04 Issue B, 200-03-001-05 Issue B Revision A and 200-03-001-06 Issue B Revision A, received by the Local Planning Authority on 20 December 2011.

#### REASON:

For the avoidance of doubt.

#### REASON FOR APPROVAL:

The proposed extension and lean-to will not adversely impact on either the visual character of the locality or the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

#### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16: Sustainable Development of the Rugby Borough Core Strategy 2011. The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices.

#### INFORMATIVE:

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 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.

**Reference number: R11/2244**

**Site address: Land at Hall Farm, Brownsover Lane, Rugby**

**Description: Erection of a new dwelling on land north of Hall Farm following approved application reference R/09/0779/PACA.**

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

**The Proposal;**

Planning permission is sought for the erection of a new dwelling on land north of Hall Farm. To be located adjacent to the southern site boundary, the proposal will be a 'U-shaped' barn style dwelling varying in height between single and 2-storey in height with the upper floor partly contained within the roof space. It will be similar to the development approved in 2010 under planning reference R09/0779/PACA with the differences being an altered location within the overall site, the increase in the width, depths and ridge height of certain elements of the proposal whilst also resulting in reductions in the width, depths and ridge height of other elements. Also submitted as part of the application were plans showing proposed landscaping, parking and turning areas and tree protection areas in respect of retained trees. The application form details a number of items of materials to be used on the proposal including red bricks, stained timber, timber triple glazing and Brindle plain roof tiles.

Amended plans have been received re-positioning the proposed dwelling from its originally proposed position further towards the western site boundary and it will be approximately 1m to the east of the originally approved location. In addition to this re-location a dormer window originally proposed on the west facing elevation looking toward Monarch Close has been re-located to the east facing slope looking in toward the proposed court yard area.

**Site History;**

Erection of a detached dwelling (R09/0779/PACA)  
Approved 05.01.2010

Reduce crown of Ash tree (T1) and shape. Dismantle Ash tree (T2). Replant T2 with Field Maple (R06/1064/TPOW).  
Approved 26.06.2006

Conversion of existing redundant farm outbuildings into residential dwelling and creation of new detached garage building (R05/0285/4008/P).  
Approved 11.05.2005

Conversion of existing redundant farm outbuildings into residential dwelling and creation of new detached garage (R04/1242/4008/P).  
Refused 24.01.2005



**Consultee Correspondence;**

WCC Archaeology	No objections	Requests condition
Highway Authority	No objections	Request conditions and informatives
WCC Ecology	No objections	Request informatives from R09/0779/PACA be carried forward and used in this application.

**Third Party Correspondence;**

Original plans;

Neighbours (18)	Object	Indicate no objections to the principal but object on the grounds of loss of light due to change in ground levels; the height that some of the proposed landscaping will reach; overlooking; loss of privacy to bedrooms; why new dwellings would be allowed in a Conservation Area; need to preserve the Conservation Area; inappropriate size; out of keeping with the general character of the area; detract from the historical value of the area; need to conserve the area; is there a need; too large and imposing due to the extra height and increased floor area; out of character with neighbours at Hall Farm and Star Farm; detract from traditional and historic character including listed buildings; increased density; removal of a large green area having a detrimental effect on the areas flora and fauna; impact on animal habitat; contrary to page 3, paragraph 4, page 7 paragraph 1 and page 8 paragraph 2 of the Old Brownsover Conservation Area Appraisal; impact on privacy; position of refuse / recycling store; materials; inappropriate size, scale, bulk and massing; already a permission for a dwelling on the existing site; footprint of the proposal is too large; not subservient to either of the dwellings that border the site; too imposing; loss of green area; increase in hard standing inappropriate; re-positioning from that approved moves building mass halfway along adjacent important elevation increasing prominence of proposal; increased height results in too great a prominence; degrading impact on
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sites contribution to the Conservation Area; no consideration in Design & Access Statement to significance of siting; impact on setting of adjacent farmhouse; failure to preserve or enhance the Conservation Area; and adverse impact upon the rural landscape and general character of the area.

Amended Plans:

Neighbours (15)	Object	On the grounds of the sites location in the Conservation Area; and on the grounds as previously stated.
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**Relevant Policies;**

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

Old Brownsover Conservation Area Appraisal adopted October 2008.

PPS3, Housing  
PPS5, Planning For The Historic Environment

**Other Relevant Information;**

The site is located within the defined Rugby Urban Area and is also located within the Old Brownsover Conservation Area. Historically garden area to Hall Farm the application site is now a separate parcel of land set approximately 2 – 3 metres higher than the adjacent residential property known as Star Farm whilst also being approximately 7metres higher than residential properties in Monarch Close. Ground levels fall gradually to the front (east) and side (north) of the site whilst falling significantly to the rear of the site (west) toward Monarch Close. The ground rises gradually toward the south.

As indicated above the proposal is similar to that approved in 2010 with there being a number of difference from that originally approved comprising (based on the amended plans provided) slight re-positioning, alterations in the form in increases and decreases to the height, width and depths of the approval in different area, provision of solar panels, re-organisation of internal space and re-positioning of a number of openings.

**Consideration;**

The main issues in the consideration of this application, as with the previous approval that can still be built, relate to the sites location within the Old Brownsover Conservation Area, the size of the site, its relationship with the area and other general issues such as design and appearance.

The site was previously a residential garden area to Hall Farm but has been sold with the benefit of the previous permission. At the time of the previous application being considered and determined the site constituted previously developed land as per the then provisions of PPS3 on Housing. Since that permission was granted the provisions of PPS3 have changed so that the site now constitutes green field land on which the PPS indicates that permissions should be resisted. However, given that there is a live permission that can be implemented and that the site has previously been accepted to be capable of development it is considered that it would be unreasonable to refuse the current application based on the changes made to the PPS. Furthermore, and of more significance, is the fact that the site is located within the Rugby Urban Area where the provisions of policy CS1 clearly indicate that that development should be directed here in the second instance after the town centre. As such the principle of the development is still acceptable.

Given the site characteristics in terms of it being in a relatively elevated position (it is higher than land on 3 sides) and it addressing 2 roads the site is considered to be relatively unique. The proposed dwelling has been designed in a manner to reflect the original donor property whilst also being respectful of other properties within the conservation area in terms of height and detailing. Whilst some specific details have been provided in respect of materials with samples of bricks having been provided which are acceptable, a condition requiring a schedule of materials is required in order to ensure they are appropriate to the area as well as neighbouring sites. The height of the building varies depending on position but has generally been arranged to be relatively minimal with the 1<sup>st</sup> floor element proposed being set within the roof space in order to provide a barn type appearance enabling it to more appropriately relate to surrounding buildings. There are a number of trees on the site restricting the position of the proposal hence its relatively close relationship with the donor property and it is considered that this relationship is acceptable given the details of the design. Overall it is therefore considered to have an appropriate design, appearance, scale, massing, proportions and height appropriate to the area as well as the Conservation Area.

A detailed assessment of proposed window positions shows they have been positioned so as not to result in any overlooking or loss of privacy in respect of neighbouring properties despite the site sitting at a higher level. The removal of the dormer window from the west facing elevation (looking toward Monarch Close) and its repositioning within the court yard area has served to prevent unacceptable over-looking and loss of privacy to these neighbouring sites. In relation to the other neighbours windows are positioned so as to avoid any over-looking and loss of privacy. In addition to the re-positioning of the dormer window, the amended plans show the proposal re-sited further back into the site closer to where the position of the originally approved dwelling. This was requested by officers in order to overcome concerns in respect of the proposals relationship with the neighbouring dwelling known as Star Farm which sits much lower than the application site and which would have been over-shadowed by the proposal that would have had an over-bearing, dominating impact upon it. The proposals re-positioning to a location close to

that originally approved has moved its bulk and massing away from this neighbour so overcoming the detrimental impact.

One of the amended plans received provides hard and soft landscaping details on the site in relation to the proposal. It details a mix of planting, grass, gravel and paving stones. This has been assessed and is considered to be acceptable subject to a condition requiring it be implemented in accordance with the amended plan.

The Highway Authority has no objections to the proposal and are satisfied that the proposed access arrangements, including highway layout and visibility, comply with their standards. Turning to the parking provision a total of three on-site parking spaces will be provided that complies with requirements.

As indicated above the site is located within the Old Brownsover Conservation Area and as such there is a need to ensure that the proposal serves to, as a minimum, preserve the character of the area and where possible enhance it. It can be seen from the above paragraphs the proposal is considered to be acceptable as it fits in well with and relates to the other dwellings in the area in terms of its design and appearance that, along with appropriate materials achievable through condition, will serve to preserve and enhance the conservation area without raising any adverse or detrimental issues being raised. Brownsover Conservation Area Appraisal details the various factors that contribute towards the character and significance of the area that contribute to its specialness and within this document specific reference is made to the application site when viewed from the south of Brownsover Lane looking up a steep slope into the site. It is highlighted as an important view giving a contextual view of Hall Farm and its associated buildings. Pre-application discussions on the original application directed the development to the approved location on the grounds that at that location it would preserve this important view. In relation to the current application, the siting proposed originally would have not only have had an unacceptable impact on Star Farm, the neighbouring dwelling, but would have also interrupted and adversely impacted upon this view. The amended plans received re-positioning the proposal to within 1m of that originally approved along with the relatively unaltered height are such that it is considered to protect the view. Taking account of the various objections making reference to the proposals impact and relationship with the Conservation Area, it is as indicated above very similar to that originally approved that was acceptable and in-keeping with the Conservation Area whilst not being detrimental or at odds with the Conservation Area Appraisal. Overall therefore it is considered to still be acceptable within the Conservation Area.

Whilst vehicular access to the site of the proposed dwelling is from a residential section of Brownsover Lane adjacent to Star Farm house, the site is also visible from another section of Brownsover Lane where the entrance to Brownsover Hall joins it. At this point where the road meets the site, ground levels into the site rise significantly such that when coupled with the existing trees, broken section hedging and sections of fencing together with proposed additional planting and landscaping means that the proposal will not be readily

visible and as such will not have an undue adverse impact on the setting of the neighbouring Brownsver Hall listed building.

**Recommendation;**

Recommend approval subject to conditions.

Report prepared by: Richard Redford 19<sup>th</sup> January 2012

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/2244

**DATE VALID**

15/11/2011

**ADDRESS OF DEVELOPMENT**

HALL FARM  
BROWNSOVER LANE  
RUGBY  
CV21 1HY

**APPLICANT/AGENT**

Mr Gavin Pearson  
Scandia-Hus Ltd  
Scandia-Hus Ltd  
Scandia-Hus Business Park  
East Grinstead  
West Sussex  
RH19 2LP  
On behalf of Mr J Auckloo

**APPLICATION DESCRIPTION**

Erection of a new dwelling on land north of Hall Farm following approved application reference R/09/0779/PACA

**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:

Planning application forms; Arboricultural Survey & Impact Assessment dated July 2009 and revised October 2011; and the Design & Access Statement dated November 2011 all submitted as part of the planning application received by the Local Planning Authority on 15th November 2011;

Amended plans numbered X01 Rev B dated 8/11, X02A Rev A dated 8/11, X02B Rev A dated 8/11, X03 Rev B and XLS Rev B dated 9/11 all submitted to and received by the Local Planning Authority on 13th December 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:**

Notwithstanding the provisions of Condition 2 above, prior to the development hereby approved commencing a full schedule of materials to be used in the development, including site boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed schedule unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of amenity and to ensure the materials are appropriate to the site Conservation Area location.

**CONDITION 4:**

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/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 5:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E, F and H of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 6:**

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 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 width of 5 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 carriageway.
- 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 carriageway.
- c) 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 8:**

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

**REASON:**

In the interest of highway safety.

**CONDITION 9:**

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

**REASON:**

In the interest of highway safety.

**CONDITION 10;**

The existing trees and hedgerows identified for retention in accordance with the approved plans and the Arboricultural Statement detailed in Condition 2 above shall be protected from damage in accordance with the requirements of BSA 5837 : 2005 to the satisfaction of the Local Planning Authority during the period that the development takes place unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of visual amenity as well as to ensure the satisfactory protection of the Conservation Areas trees within the site.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Core Strategy Policies CS1 and CS16

PPS3 Housing

PPS5 Planning & The Historic Environment

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

**REASON FOR APPROVAL:**

The proposal makes effective use of land within the Rugby Urban Area with its design, appearance, proportions and siting being acceptable and its overall nature not posing any unacceptable or detrimental impacts upon amenity therefore complying with the provisions of policies CS1 and CS16 of the Rugby Borough Core Strategy. Furthermore its position within the site and relationship with neighbouring sites means it will fit in with the Old Brownover Conservation Area thus complying with the provisions of PPS5.

#### INFORMATIVE 1:

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 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 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;

If it is essential to fell or lop any trees or part of the hedgerow it should be ensured that this work does not disturb nesting birds with work ideally being conducted outside the main breeding season of March to September. All nesting birds are protected from disturbance or injury under the 1981 Wildlife & Countryside Act. In addition if mature trees are likely to be effected by the development it is important to survey these trees for the presence of bats prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife & Countryside Act and the Countryside & Rights of Way Act, and are also deemed a European Protected Species.

#### INFORMATIVE 4;

In view of the nearby reptile records and composition of the surrounding habitat care should be taken when clearing the ground prior to development. If any evidence of specially protected species such as Adder, Grass snake, Slow worm or Common lizard is found work should stop while Warwickshire Museum Ecology Unit (01926 418 060) or Natural England is contacted. Section 9 (part 1) of the Wildlife & Countryside Act 19181 makes it an offence to intentionally or recklessly kill or injure any of the species listed above.



**REF: R11/2139**

**1 Regent Place, Rugby, CV21 2PJ**

**Retrospective application for Change of Use from B1 offices to D1 of the Town and Country (Use Classes) Order (amendment) 2005**

**The proposal**

This application is presented to the committee for determination as it is recommended for approval although being contrary to Local Plan policy. Saved policy ED6 of the local plan states that planning permission will not be granted for development that would result in the loss of buildings or land that are in, or were last in employment uses (Use Class B).

The application is retrospective and the D1 use commenced in 2006. The new operators of the building, Addaction, acquired the property in December 2011, and are seeking to regularise the use. Specifically, the property has been used as a counselling and support service, which has facilities including session rooms, drop in room, office and staff facilities, a meeting room, acupuncture room and needle exchange.

The property is a detached three-storey building located in Rugby Town Centre and within the conservation area. No external alterations are proposed as part of this application.

The service is open from 09:00 to 17:00 Monday to Friday, and 10:00 until 14:00 Saturday.

**Site History**

R79/2403: Use of existing building as offices – Approved 1979.

R80/0251: Erection of single-storey rear extensions – Approved 1980.

**Technical Consultees**

Highways – No objection.

Environmental Services – Recommend note regarding asbestos survey if any refurbishment works proposed.

**Third Party Responses**

Neighbours: Rugby Baptist Church – Understand that application involves continuing use of property (counselling etc for drug misuse) and likely there will be no objections.

**Relevant Planning Policies and Guidance**

CS7 Retail Frontages	Complies
CS16 Sustainable Design and Construction	Complies
PPS1 Delivering Sustainable Development	Complies
PPS4 Planning for Sustainable Economic Growth	Complies

PPS5 Planning for the Historic Environment	Complies
PPG13Transport	Complies
ED6 Retention of other employment land	Complies
T5 Parking Facilities	Complies

### **Determining Considerations**

The main issues concerning this application are impacts of the proposal upon amenities, employment, the principle of the use in this location and highway safety.

Policy CS7 of the Core Strategy states that change of use within the town centre will be permitted where use classes A1-A5, B1, D1, D2, C1 and C3 are proposed. As such the D1 use is acceptable in this location.

Saved policy ED6 of the Rugby Borough Local Plan 2006 states that planning permission would not be granted for changes of use for buildings that were last in B uses. It has not been demonstrated that there was no reasonable prospect of a B use continuing before the D1 use commenced (usually via being marketed for B uses with no significant interest for a period of 12 months), and therefore the development does not comply with ED6. The policy describes that it is important that the Borough retains the diversity of businesses it currently possesses, so as to provide a wide spectrum of employment opportunities. In this instance 20 employees would operate the D1 service. Compared to the number of people potentially employed if the building were used as offices, it is considered the use provides a good level of employment. The applicant has stated that in addition, the scale of service is such that a smaller administrative office has been opened nearby to provide support. It is considered that the number of staff employed by the use is such that the diversity and wide spectrum of employment opportunities ED6 seeks is achieved, and as such the principle of the loss of the B1 use to D1 can be supported in this instance. Furthermore, information has been provided with the application detailing other office space available in vacant units within Rugby Town Centre, should any businesses require accommodation. Therefore although the application results in the loss of a B use, for the reasons above the effect of development on employment is considered acceptable. A condition is recommended however to restrict the use, as an alternative D1 use may not provide a sufficient level of employment.

The Highways Authority has commented that the site has limited waiting pay and display parking to the front, and at the rear vehicular access to the site there is no waiting at anytime (double yellow lines) parking restrictions. There is a number of pay and display car parks in the vicinity. In highway terms the development is not considered to have a material effect and overall there is no objection.

No external alterations are proposed and the use does not affect the character of the conservation area or visual amenities. The proposed use is not considered to give rise to residential amenity issues.

Overall the principle of the use in this location is considered acceptable and provides a satisfactory level of employment opportunity. The development would not adversely affect highway safety or be harmful to visual and residential amenities or the conservation area.

**Recommendation**

The proposal is recommended for approval.

Report by: M Needham 20<sup>th</sup> January 2012

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/2139

**DATE VALID**

08/12/2011

**ADDRESS OF DEVELOPMENT**

1 REGENT PLACE  
RUGBY  
CV21 2PJ

**APPLICANT/AGENT**

Mr J Vanstone-Walker  
Addaction  
67-69 Cowcross Street  
London  
EC1M 6PU

**APPLICATION DESCRIPTION**

Retrospective application for Change of Use from B1 offices to D1 of the Town and Country (Use Classes) Order (amendment) 2005

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

CONDITION 1:

This permission shall be deemed to have taken effect on 1st February 2012.

REASON:

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

CONDITION 2:

The building shall only be used as a counselling and support service as detailed in the submitted planning application and at no time shall be used for any other purpose (including other uses within Class D1) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of maintaining suitable employment opportunities and economic development.

REASON FOR APPROVAL:

The development is acceptable in this town centre location in accordance with policy CS7 of the Rugby Borough Core Strategy 2011.

The development would not adversely affect visual or residential amenities or the conservation area and therefore complies with policy CS16 of the Rugby Borough Core Strategy 2011 and national policies PPS1 and PPS5.

The development has resulted in the loss of a 'B' Use, contrary to saved policy ED6 of the Rugby Borough Local Plan 2006, however the development provides a satisfactory level of employment opportunity and is considered acceptable.

The development would not adversely affect highway safety or convenience and therefore complies with saved policy T5 of the Rugby Borough Local Plan 2006 and national policy PPG13.

#### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS7, CS16, PPS1, PPS4, PPS5, PPG13, 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](http://www.rugby.gov.uk) or at the Council Offices.

#### INFORMATIVE 1:

Regulation 4 of the Control of Asbestos Regulations 2006 contains an explicit duty on the owners and occupiers of non-domestic premises, who have maintenance and repair responsibilities, to assess and manage the risks from the presence of asbestos. The applicant is advised that if any refurbishment work is proposed an intrusive asbestos survey should be carried out prior to any works. For further information regarding this the applicant is advised to contact the Council's Environmental Services department on 01788 533857.

#### INFORMATIVE 2:

The applicant will need to be registered under the Local Government (Miscellaneous Provisions) Act 1982, for carrying out any form of skin piercing. The premises will need to be inspected to ensure all health and safety areas are satisfactory. The applicant is advised to contact the Council's Environmental Services department on 01788 533857 for further advice.

**Reference number: R11/1510**

**Site Address:**

**PART OF FORMER CATTLE MARKET SITE OFF CRAVEN ROAD  
RUGBY CV21 3HX**

**Description:**

**Development comprising 90 residential apartments (66x2bed & 24x1bed) together with associated access, parking and landscaping - revision to details approved under planning permission reference R10/1273 to increase height of buildings from three to four storeys and number of apartments from 69 to 90.**

**Case Officers: Greg Vigars / Steve Parkes 01788 533621 / 533633**

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**The Site**

The site comprises land which forms part of the former Cattle Market site which in turn is contained within the allocated 'livestock market opportunity site' as defined in the Council's development plan. This land is authorised for mixed use development comprising residential, hotel, retail, nursing home, community use and public open space.

**Relevant Planning History**

**a (Ref: R08/1391/MAJP)**

Outline planning permission for mixed use development comprising 155 no. residential units including 74 no.affordable units, sheltered housing, nursing home, 72 bed hotel and ancillary bar/restaurant, retail, employment and community uses, access, parking, public open space, landscaping and associated works – all matters reserved excluding access, and in the case of the public open space, residential, retail/hotel development excluding layout and scale.

(ref: R08/1391/MAJP)

approved 27/05/2009

**b (Ref:R09/0331/MAJP)**

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), an 80 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 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 (c) – maximum floorspace 3842sq.m gea) and community use (D1/D2 – maximum floorspace 2250sq.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.  
(ref:R09/0331/MAJP)

approved 01/09/2009

**c (Ref: R10/0746)**

Erection of 69 residential units (18 no. one bed apartments and 51 no. two bed apartments) – submission of reserved matters in respect of appearance and landscaping and discharge of related conditions nos. 6 (details of roads, footpaths, parking, drainage, fences and walls, levels, equipment located on the roof of buildings and refuse storage facilities), 18, 19 and 31 (hard and soft landscaping) and 30 (materials) pursuant to outline planning permission ref. R09/0331/MAJP dated 01/09/2009.

(ref: R10/0746)

approved 10/08/2010

**d (Ref; R10/1273 )**

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 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 (c) – maximum floorspace 3842sq.m gea) and community use (D1/D2 – maximum floorspace 2250sq.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.

approved 24/03/2011

**Technical Consultations**

WCC – Highways	no objections	subject to condition
WCC – Fire & Rescue	no objections	
Severn Trent Water	no objections	
Environment Agency	no objections	
RBC - Environmental Services	no objections	

**Third Parties**

Local Residents	no representations received
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**Other Relevant Information**

Background

The proposals (part full/part outline) for the comprehensive, mixed-use development of the former Cattle Market granted planning permission in September 2009 and subject to a Section 106 Agreement to secure affordable housing and financial contributions to public open space, off-site highway works, education and libraries are currently being implemented. The early phases of the development comprising the hotel/retail, affordable housing and extra-care sheltered housing are complete. The nursing home has been granted full planning permission and is currently under construction. Reserved matters approval for the market housing was granted in August 2010 and reserved matters approval for a Health and Well Being Centre on 9<sup>th</sup> August 2011. These elements, together with the employment development and public open space, are yet to be commenced.

### **The Proposal**

The application seeks full planning permission for the development of 90 residential apartments. The proposed development represents a revision to the parameters for the apartments approved under planning permission reference R10/1273 to increase the number of apartments from 69 to 90.

In addition to the submitted plans. The application includes the following documents:

Planning Statement  
Design and Access Statement  
Air Quality Impact Assessment  
Drainage Strategy Assessment  
Acoustic Statement  
Transport Technical note, and  
Remediation Statement.

The applicants state that since the initial granting of planning permission for the 69 apartments on the site there has been a significant fall in achievable sales values for residential apartments which has rendered the scheme financially unviable in its approved form. The proposed increase in the number of apartments will improve the viability of the scheme sufficiently to enable Barteak, the applicants, to deliver this key phase of the Cattle Market redevelopment.

In essence, the only difference between the application proposal and the approved scheme is the addition of an extra storey to each of the three apartment blocks providing an additional 21 apartments {i.e. 7 additional apartments (6 two bed and 1 one bed) per block}.

In total, the proposed development of 90 apartments will include:

- 24 one bed units, and
- 66 two bed units.

Each block will contain:

- 22 two bed apartments, and
- 8 one bed apartments.

The additional storey proposed for each block does not affect the footprint of the building or the approved network of external pedestrian pathways.

Other than increasing the height of each block by one storey, the design and external appearance of the apartment buildings will essentially remain the same. The resulting apartment buildings will be predominantly 4 storey, this forms the bulk of

each block and borders the open space. A 3 storey element returns towards the residential area reducing the scale of the buildings on this side.

The current application does not propose any changes to the land use, landscaping or layout of the approved development which will remain as approved other than for the need to accommodate some additional on site car parking, cycle parking and bin storage.

The scheme proposes an increase in the number of parking spaces for the apartments from 51 to 68. In accordance with the approved scheme the proposed increase in the number of parking spaces will ensure that all two bed apartments have an allocated parking space.

With regard to sustainability, the development agreement and outline planning permission for the site required the residential apartments to be constructed to Ecohomes "Very Good" standard. The applicants state that Ecohomes has now been replaced by the Code for Sustainable Homes and in accordance with the previous "Very Good" requirement the apartments will be constructed to the equivalent Code for Sustainable Homes Level 2.

With regard to the extant planning obligations associated with the development of the site, in the supporting statement accompanying the application the applicant's agents state that while the existing Development Agreement and Section 106 Agreement for the Cattle Market redevelopment were entered into by the applicants in good faith, the extent and longevity of the malaise in the residential market could not have been foreseen. The applicants state that they remain fully committed to the scheme and wish to bring forward this residential element of the development as soon as possible to continue the momentum and complete a key phase on the site, but to enable them to do this flexibility is required on the timing of payment of the financial contributions and the extent that can reasonably be afforded.

In order to allow the development to proceed modifications to the Section 106 Agreement are sought as part of the application proposals. These include adjustments to particular trigger dates (linked to residential occupancy) to give a slightly longer period for payment of the required financial contributions towards public open space, highways, education, and libraries. This follows pre-application discussions with Council officers and consideration of evidence (in the form of a viability assessment) demonstrating the ability of the scheme to provide financial obligations.

### **Relevant Planning Policies**

Rugby Borough Local Development Framework – Core Strategy (June 2011)

CS 16	conforms	sustainable design & construction
CS 17	conforms	reducing carbon emissions

Rugby Borough Local Plan - Saved Policies

LP A2	conforms	livestock market opportunity site
LP H3	conforms	housing proposals in the Rugby Urban Area.

Sustainable Design and Construction SPD, June 2009 (RBC)  
Interim Parking Standards Guidance Note, May 2011 (RBC)

PPS 1 Delivering Sustainable Development  
Planning and Climate Change Supplement to PPS 1



### **Determining Considerations**

The site of the proposed apartment blocks is located within the larger livestock market opportunity area allocated for comprehensive, mixed-use redevelopment under saved area policy A2 contained in the former Rugby Borough Council Local Plan, July 2006 and retained with the Council's Core Strategy adopted in July 2011. Both the principle of the inclusion of apartments in the redevelopment scheme and the detailed layout, design and appearance of the buildings were considered against a raft of planning policies contained in the Rugby Borough Local Plan, July 2006, and in government guidance when the proposals were approved in September 2009. The current application is submitted principally to seek permission for a required increase in the proposed number of apartments and resultant alterations to each of the three apartment blocks to respond to changing economic circumstances and to ensure delivery of the proposed market housing element of the overall scheme.

In planning policy terms, although since the approval of proposals for redevelopment of the Cattle Market site the Council's Core Strategy has been adopted, there have been no material alterations to the aims and objectives of relevant planning policies and guidance which impact fundamentally on the consideration of the proposal. The principle of residential development in the form of apartments on this part of the livestock market opportunity area is accepted.

In the national context, policy of particular relevance includes PPS1 – Delivering Sustainable Development, PPS 3 – Housing and PPG 13 – Transport. These documents place significant emphasis upon the importance of ensuring that new residential development is provided at increased densities to meet market needs and located upon previously developed sites in sustainable locations close to public transport and services. The proposed provision of an additional 21 apartments on the site would fully accord with the objectives and detail set out within national guidance.

The key planning considerations in this case therefore relate to the implications of increasing the number of units by the amount proposed and material considerations in relation to the scale and extent of the development, design and appearance, impact on amenity, sustainable design and construction, access and parking, noise and air quality.

Core Strategy policy CS 16 – 'Sustainable Design' requires all development to demonstrate high quality, inclusive and sustainable design. It states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to qualities, character and amenity of the area in which they are situated.

In terms of scale, the proposed development represents a one storey increase in height of the approved apartment blocks. The Cattle Market scheme in its entirety made provision for the development as a whole to be between 2-4 storeys high which respect the massing of the adjacent built form and the parameters of the Development Framework document. The revised proposals will be consistent with this.

The design of the apartment blocks echoes that of the blocks already approved, albeit that they are one storey higher. The footprint of each block remains the same,

the design of the roof is the same and the proposed treatment of the external surfaces is proposed to be the same. The scale takes account of the local context to ensure that the blocks will integrate with their surroundings. The contemporary design and appearance and use of materials reflect the principles established in the original proposal whilst the architectural composition is designed to compliment other elements comprised in the larger mixed-use redevelopment scheme. The overall effect is that the nature and scale of the proposed revised apartment blocks result in a development which is not substantially different from that originally approved.

The blocks are designed to frame the area of the public open space and enclose landscaped and parking areas served off Gavel Drive. They are reasonably related to the existing and the newly constructed dwellings and the one storey increase in height will not result in the blocks having an unduly overbearing effect on these properties nor will it result in an adverse impact on amenity. No representations have been received from local residents following neighbour notification and publicity of the application.

With regard to sustainable design and construction, the Design and Access Statement accompanying the application includes the applicant's proposed strategy for sustainability. This sets out the various measures to be included as part of the design and construction of the proposed development. These include passive solar design, Code for Sustainable Homes - Level 2, use of solar hot water systems combined with photovoltaic heating systems and internal devices to limit water consumption.

With regard to highway considerations and parking, the Technical Transport Note which accompanied the application demonstrates that the predicted increase in vehicle movements associated with the proposed increase in the number of apartments would be very small and will not have a material impact on the highway. Warwickshire County Council as Highway Authority has no objections to the proposed development.

The required additional on-site parking is able to be accommodated on the site without compromising the design and layout of the development. The proposed increase in the number of apartments also results in a need for additional on-site cycle parking and refuse bin storage. This is accommodated in a proposed redesigned storage building at the rear of each block.

Other technical aspects relating to the larger redevelopment site, of which the apartment blocks form a part, including vehicular access, ecology, energy conservation, flood risk, drainage and ground conditions were dealt with in consideration of the original application. Reports accompanying the current application in respect of Air Quality and Noise and Vibration demonstrate that the proposed increase in the number of apartments will result in no adverse impact and negligible impact to air quality respectively. Environmental Services have confirmed that they have no objections to the proposed development.

In view of the above, it is considered that the proposed development does not conflict with relevant adopted policies and is therefore acceptable. The current proposal seeks full planning permission for the development of part of the larger site which already has approval for redevelopment and is bound by obligations to a Section 106 Agreement. If the Committee are minded to grant planning permission it too will need to be subject to the applicants first entering into a Section 106 Agreement to take account of

- a) the increased number of residential units, and
- b) the need to consider the applicants' request for a degree of flexibility with regard to trigger dates for payment and the extent of financial contributions.

With regard to b) guidance to Local Planning Authorities in a Government letter to the Chief Planning Officer entitled "Planning for Growth" dated 31<sup>st</sup> March 2011 states that *"to ensure development can go ahead, all local authorities should reconsider, at the developers request, existing Section 106 Agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed"*.

In the light of this and, as stated above, the current application was submitted following extensive pre-application discussions with Council Officers and consideration of evidence ( in the form of a viability assessment) demonstrating the ability of the scheme to provide financial obligations.

Therefore subject to acceptable revisions to the current obligations being agreed as part of a revised Section 106 Agreement, and subject to appropriate conditions, it is recommended that planning permission be granted.

**Recommendation**

APPROVE subject to the applicants entering into a Section 106 Agreement to secure financial contributions towards public open space, highways, education and libraries and subject to the conditions as set out in the agenda.

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/1510

**DATE VALID**

21/11/2011

**ADDRESS OF DEVELOPMENT**

CATTLE MARKET  
 CRAVEN ROAD  
 RUGBY  
 CV21 3HX

**APPLICANT/AGENT**

Mr Edward Barrett  
 Turley Associates  
 9 Colmore Row  
 Birmingham  
 B3 2BJ  
 On behalf of Laurence Wadlow, Barteak  
 Developments Limited

**APPLICATION DESCRIPTION**

Development comprising 90 residential apartments (66x2bed & 24x1bed) together with associated access, parking and landscaping - revision to details approved under planning permission reference R10/1273 to increase height of buildings from three to four storeys and number of apartments from 69 to 90.

## **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:

Plan No P001 Rev D dated 17/11/11 Location plan  
Plan No P002 Rec C dated 17/11/11 Proposed Site Plan  
Plan No L9 550 Rev B dated 17/11/11 Proposed Landscape Plan  
Plan No P010 Ground Floor Plan Blocks D E & F  
Plan No P011 First Floor Plan Blocks D E & F  
Plan No P012 Second Floor Plan Blocks D E & F  
Plan No P013 Third Floor Plan Blocks D E & F  
Plan No P014 Roof Plan Blocks D E & F  
Plan No P015 Cycle & Bin Store Details  
Plan No P020 Rev B dated 17/11/11 Proposed Elevations  
Plan No P021 Sections Apartments Blocks D E & F  
Plan No P022 Perspectives Sheet 1  
Plan No P023 Perspectives Sheet 2  
Plan No P024 Proposed Street Elevations  
Plan No P025 Proposed Long Sections  
Plan No P030 Detailed Sections Apartments Blocks D E & F  
Design & Access Statement dated 17/11/11

### **REASON:**

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

### **CONDITION 3:**

The accommodation car parking, cycle parking and bin storage shown on the approved plan shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the use of the occupiers of the apartments and shall not be used for any other purpose.

### **REASON:**

In order to ensure satisfactory parking and bin storage facilities are maintained within the site.

### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

CS16, CS17, A2, and H3.

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

REASON FOR APPROVAL:

The proposed development represents a small increase in the number of flats already approved on this part of the designated 'livestock market opportunity site' and which are of the same sustainable design and external appearance such that they would not result in any undue adverse impact on the quality, character and amenity of the immediate locality. The development is therefore in accordance with policies CS16 and CS 17 of the Rugby Borough Core Strategy 2011 and 'saved' Rugby Borough Local Plan policies A2 and H3.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	1 <sup>st</sup> February 2012
<b>Report Title</b>	Planning Appeals Update
<b>Portfolio</b>	
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Reporting Director</b>	Head of Planning and Culture
<b>Contact Officer</b>	Greg Vigars Tel: Ext.3621
<b>Report Subject to Call-in</b>	N/A
<b>Report En-Bloc</b>	N/A
<b>Forward Plan</b>	N/A
<b>Corporate Priorities</b>	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
<b>Statutory/Policy Background</b>	The Planning Appeals procedure which came into effect on 6 <sup>th</sup> April 2009.
<b>Summary</b>	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/10/2011 to 31/12/2011.

<b><i>Risk Management Implications</i></b>	There are no risk management implications arising from this report.
<b><i>Financial Implications</i></b>	Increases the scope for related costs claims within the Planning Appeals process.
<b><i>Environmental Implications</i></b>	There are no environmental implications arising from this report.
<b><i>Legal Implications</i></b>	Advice/support with regard to Cost Claims and any subsequent Costs awards.
<b><i>Equality and Diversity</i></b>	No new or existing policy or procedure has been recommended.
<b><i>Options</i></b>	N/A
<b><i>Recommendation</i></b>	The report be noted.
<b><i>Reasons for Recommendation</i></b>	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

**Planning Committee – 1<sup>st</sup> February 2012**

**Report of the Head of Planning and Culture**

**Planning Appeals Update**

**Recommendation**

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

**1.1 Appeals determined**

During the last quarter (1<sup>st</sup> October to 31<sup>st</sup> December 2011) a total of 9 planning appeals were determined, of which 3 were allowed, 5 dismissed and one dismissed in part and allowed in part. A schedule of the appeal cases for this period is attached for information (see Appendix A).

**1.2 Appeals outstanding/in progress**

As at 31<sup>st</sup> December 2011 there were 8 planning appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).



Name of Meeting: Planning Committee  
Date Of Meeting: 1<sup>st</sup> February 2012  
Subject Matter: Planning Appeals  
Originating Department: Head of Planning and Culture

### **LIST OF BACKGROUND PAPERS**

\* There are no background papers relating to this item.

(\*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1<sup>st</sup> OCTOBER 2011 - 31<sup>ST</sup> DECEMBER 2011

Application Ref No.	Location	Description	Appeal Decision	Planning Inspectorate Appeal Ref No.  Decision Type
R11/0754  NM	Site at Central Reservation, Newbold Road, Rugby	Determination as to whether prior approval is required for the installation of an 11.8m high slim-line monopole telecom mast and provision of 1No. new associated equipment cabinet and a meter pillar (Resubmission)	<b>Written Reps</b>  <b>Allowed</b> <b>02/11/2011</b>	APP/E3715/A/11/2156384  Committee - Refused 25/05/2011
R11/0402  KMCC	Stretton Fields, Hydes Lane, Hinckley, LE10 3DP	Retention of a temporary mobile home for equestrian purposes for a period of 3 years	<b>Written Reps</b>  <b>Allowed</b> <b>23/11/2011</b>	APP/E3715/A/11/2158522  Delegated – Refused 02/06/2011
NL	New Haven Rugby Road Withybrook CV7 9LN	Without planning permission the change of use of land to the storage and selling of motor vehicles.  Without planning permission the erection of i) a lighting column, ii) a fence in excess of 1 metre on the northeast boundary abutting a highway.	<b>Enforcement</b>  <b>Inquiry</b>  <b>Dismissed</b> <b>05/10/2011</b> <b>with</b> <b>Amendments</b> <b>to Enforcement</b> <b>Notices</b>	APP/E3715/C/11/2150342  Linked appeal refs. APP/E3715/C/11/2150344

R10/1730 NL	Land South Side of Top Road Barnacle Coventry CV7 9LE	Change of use of land for use as a residential caravan site for gypsy families, comprising of 3 no. pitches and the siting of 3 mobile homes and 3 touring caravans including ancillary works and the erection of three timber buildings (part retrospective).	<b>Enforcement and Planning</b>  <b>Inquiry</b>  <b>Enforcement Appeals A-F: Part dismissed &amp; part allowed</b>  <b>Planning Appeal G: Dismissed 12/12/2011</b>	Enforcement Appeals A-F APP/E3175/C/11/2150565-70  Planning Appeal G APP/E3175/A/10/2142674  Officer Rec. – Refusal and authorisation of formal enforcement action.  Committee - Refused 01/12/2010 (plus authorisation for enforcement)
R11/0485 NM	Land at Dunchurch Road, Rugby	Determination as to whether prior approval is required for the installation of a 11.8m high slim-line monopole telecom mast and provision of 1No. new associated equipment cabinet and a meter pillar	<b>Written Reps</b>  <b>Allowed 21/12/2011</b>	APP/E3715/A/11/2159822  Committee - Refused 08/08/2011
R11/0252 RR	Sunrise School Street Long Lawford CV23 9AT	Variation of Condition 16 of Planning Permission R10/1239 dated 7th September 2010 to allow insertion of roof lights and provision of retaining wall.	<b>Written Reps</b>  <b>Dismissed 22/12/2011</b>	APP/E3715/A/11/2155694  Delegated – Refused 04/03/2011
R11/0233 DH/CD	Millfield, Mill Road, Wolvey, LE10 3AS	Erection of a detached granny annexe.	<b>Written Reps</b>  <b>Dismissed 29/12/2011</b>	APP/E3715/A/11/2160512  Delegated – Refused 26/07/2011

## PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.12.2011

<b>Application Ref No.</b>	<b>Location</b>	<b>Description</b>	<b>Appeal Type</b>	<b>Planning Inspectorate Appeal Ref No. Decision Type</b>
NL	Top Park Top Road Barnacle Coventry CV7 9FS	The change of use, without planning permission, of the land from paddock to a use for the siting of residential caravans, trailers and commercial vehicles.	<b>Inquiry</b>	APP/E3715/C/11/2153638  Linked Appeal ref. APPE3715/C/11/2154137 APP/E3715/A/11/2153749(as below)
R10/2298 NL	Site at Top Park Top Road Barnacle Coventry CV7 9FS	The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)	<b>Enforcement</b>  <b>Inquiry</b>	APP/E3715/A/11/2153749  Committee – Refused 06/04/2011
NL	Site at Plot 20b (Tuckeys Farm), East Side of Cathiron Lane, Harborough Magna, CV23 0JH	Without planning permission the erection of two timber outbuildings	<b>Enforcement</b>  <b>Written Reps</b>	APP/E3715/C/11/2158026
R11/0661 MN	2 Market Place Rugby CV21 3DY	Change of Use from Class A1 (retail) to Class A2 (financial and professional services)	<b>Written Reps</b>	APP/E3715/A/11/2162110  Refused 06/05/2011
R11/12498 CD	Thistle Farm 280 London Road Stretton on Dunsmore CV23 9HX	Extension and alteration of the existing dwelling, including a front porch canopy, a single storey front and side extension, a single storey side extension, a two storey side and rear extension, provision of 3no. side dormer	<b>Written Reps</b>	APP/E3715/D/11/2167472  Delegated – Refused 28/10/2011

		windows and alterations to increase roof space in order to allow additional accommodation at second floor level (partially retrospective).		
R10/2245 RR	Old Goods Yard Adjacent to Station Cottages Station Road Broadwell CV23 8FZ	Erection of a residential dwelling and detached garage.	<b>Written Reps</b>	APP/E3715/A/11/2164135  Delegated – Refused 26/05/2011
NL	5 Arundel Way Cawston RUGBY Warwickshire	Without planning permission, the change of use of the land from residential use (C3) to a mixed use comprising residential and office use (B1)	<b>Enforcement Hearing</b>	APP/E3715/C/11/2167608

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	1 February 2012
<b>Report Title</b>	Delegated Decisions –16 December 2011 to 12 January 2012
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Paul Varnish 3774
<b>Report Subject to Call-in</b>	N/A
<b>Report En-Bloc</b>	N/A
<b>Forward Plan</b>	N/A
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Head of Planning and Culture under delegated powers.
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	N/A

***Environmental Implications*** N/A

***Legal Implications*** N/A

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

***Options*** N/A

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

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

**Rugby Borough Council**

**Planning Committee – 1 February 2012**

**Delegated Decisions – From 16 December 2011 To 12 January 2012**

**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: 01.02.2012  
Subject Matter: Delegated Decisions – 16.12.2011 to 12.01.2012  
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 16.12.2011 TO 12.01.2012

**A. APPLICATIONS – DELEGATED**

**Applications  
Refused**

<i>R11/1424 Refused 23.12.2011</i>	Ryton Mill London Road Ryton on Dunsmore	Retention of detached double garage with loft room over.
<i>R11/2424 Refused 10.01.2012</i>	35 Heather Road Binley Woods	Retention of garden Lych-gate
<i>R11/2265 Prior Approval Refused 11.01.2012</i>	Footpath on the corner of Paddox Close & Hillmorton Road Hillmorton	Proposed 11.8m high telecommunication mast with equipment cabinet and electrical metre cabinet

**Applications  
Approved**

<i>R11/2285 Approved 15.12.2011</i>	Broadwell House Farm The Row	Installation of photovoltaic panels to the roof of an agricultural building.
<i>R11/1975 Approved 16.12.2011</i>	Rugby High School Longrood Road Bilton	Extension and alteration to provide a new foyer and administration facilities.
<i>R11/2208 Approved 16.12.2011</i>	Former Toilet Block Church Street	Proposed change of use of existing disused toilet block to town centre base for storage and staff room facilities for Rugby BID.
<i>R11/2023 Approved 19.12.2011</i>	8 Avon Street Clifton Upon Dunsmore	Erection of single storey rear extension
<i>R11/1346 Approved 20.12.2011</i>	2A Manor House Close Newbold on Avon	Loft conversion including installation provision of 2 Velux windows.
<i>R11/1051 Approved 20.12.2011</i>	Land at Sandvik Saxon Great Central Way	Erection of an industrial building for B2 [General Industrial Purposes] with ancillary B1[Offices] with service yard and shared

vehicular access.

*R11/1739  
Approved  
20.12.2011*

19 Staverton Leys  
Rugby

2-storey rear extension, single storey side extension and provision of pitched roofs over existing front porch and front dormer window.

*R10/1742  
Approved  
21.12.2011*

The Laurels  
Shilton Lane  
Coventry

Erection of replacement dwelling and alterations to existing vehicular access

*R11/2008  
Approved  
21.12.2011*

69 Hillmorton Road  
Rugby

Conversion of the dwelling from 2 residential apartments to 4 residential apartments including erection of a single storey rear extension

*R11/0289  
Approved  
21.12.2011*

16 Daventry Road  
Dunchurch

Conversion of building from A1 retail shop and 2 flats to 6 flats, including erection of two-storey and first floor side extensions, rear terrace and external alterations.

*R11/2324  
Approved  
22.12.2011*

102 Lower Hillmorton  
Road  
Rugby

Erection of single storey side and rear extension

*R11/2351  
Approved  
29.12.2011*

82 Alwyn Road  
Bilton

Erection of a first floor side and a single storey rear extension.

*R11/2246  
Approved  
30.12.2011*

34 Portland Road  
Rugby

Two storey extension to side, single storey extension to rear.

*R11/1807  
Approved  
30.12.2011*

Rugby Cricket Club  
Webb Ellis Road  
Bilton

External alterations to the existing pavilion and the installation of new cricket nets and associated groundworks

*R11/2226  
Approved  
30.12.2011*

7 Eastlands Place  
Rugby

Erection of single-storey rear extension

*R11/1755  
Approved  
30.12.2011*

Magpie Cottage  
Sawbridge Road  
Grandborough

Erection of a part two storey side and rear, part single storey side extension and a detached double garage.

*R11/2375  
Approved  
03.01.2012*

St Marks Church  
Church Walk  
Bilton

The formation of new hoggin surfaced paths and the installation of handrails

<i>R11/2344 Approved 03.01.2012</i>	Penycae House Bourton Lane Birdingbury	Erection of a two storey side extension.
<i>R11/2129 Approved 03.01.2012</i>	30 Blackwood Avenue Bilton	Proposed front and rear dormer windows, alterations to the existing porch and erection of a replacement garage to the rear
<i>R11/2099 Approved 03.01.2012</i>	3B Somers Road New Bilton	Change of use from Kitchen Showroom and Office to a Showroom and Storage area for Petals for U + the Wedding Boutique
<i>R11/2274 Approved 03.01.2012</i>	Land on South Side of Footpath Opposite Green Haven Halfway Lane Dunchurch	Erection of timber building to provide a food and equipment store.
<i>R11/2386 Approved 03.01.2012</i>	Sandiacre 72 main Street Wolston	Erection of a double sectional garage
<i>R11/2283 Approved 04.01.2012</i>	McLaren House 3 Maple Gardens Dunchurch Road	Material alterations to previously approved scheme (R10/1817) comprising alterations to the front and rear elevations and internal alterations to increase accommodation (retrospective).
<i>R11/2176 Approved 04.01.2012</i>	1 Brambling Close Coton Meadows	Erection of a replacement rear conservatory.
<i>R11/2339 Approved 04.01.2012</i>	College View Farm Oxford Road Princethorpe	Change of use of buildings from agriculture to equine (part-retrospective), construction of manege and horsewalker and change of use of land from agriculture to mixed agriculture and equestrian.
<i>R10/1782 Approved 04.01.2012</i>	Draycote House School Lane Hill	Sub-division of existing dwelling to provide an additional independent residential dwelling with associated works comprising demolition, provision of pitched roof including dormer window and re-positioning of existing pond.
<i>R11/2379 Approved 04.01.2012</i>	Sunnyvale Southam Road Toft	Erection of single storey front and side extensions, first floor rear extension and attic conversion including front and side dormer windows.

<i>R11/2385 Approved 05.01.2012</i>	11 Drayton Leys Rugby	Erection of a first floor front and a single storey rear extensions.
<i>R11/2207 Approved 05.01.2012</i>	Rugby Supermarket 152a Murray Road	Erection of a single storey link extension and installation of automated doors.
<i>R11/2302 Approved 05.01.2012</i>	35 Rugby Road Pailton	Erection of a two storey detached building to the side of the existing dwelling, to include a garage at ground floor and store at first floor
<i>R11/2382 Approved 05.01.2012</i>	10 Lloyd Road Brownsover	Removal of screen wall (replacement fence proposed)
<i>R11/2343 Approved 05.01.2012</i>	10 Anderson Avenue Rugby	Erection of a single storey side and rear extension.
<i>R11/2291 Approved 05.01.2012</i>	Land to rear of 232 to 238 Lawford Road Lawford Road	Erection of a workshop building and extension of the rear garden of 232 Lawford Road
<i>R10/1231 Approved 05.01.2012</i>	2 Grasmere Close Brownsover	Change of use of land to form part of residential curtilage, erection of a 1.8m boundary fence and formation of driveway.
<i>R11/2341 Approved 05.01.2012</i>	College View Farm Oxford Road Princethorpe	Use of land for temporary stationing of mobile home for equestrian workers (retrospective application)
<i>R11/2404 Approved 06.01.2012</i>	34 Newton Lane Newton	Provision of hipped roofs over front dormer windows.
<i>R11/2407 Approved 06.01.2012</i>	1 Noble Drive Cawston	Erection of a single storey side and a rear extension
<i>R11/2013 Approved 06.01.2012</i>	6 Kingsley Avenue Hillmorton	Erection of a detached single garage with access off Millfields Avenue.
<i>R11/2248 Approved 06.01.2012</i>	Calcutt Elms Farm Calcutt Lane Nr Broadwell	Retrospective application for temporary use of part of building and external area for storage purposes

<i>R11/2410 Approved 06.01.2012</i>	40 Carlton Road Bilton	Erection of a single storey rear extension
<i>R11/2384 Approved 06.01.2012</i>	Land Adjacent to 8 Tower Road Hillmorton	Erection of an attached building to create 2 apartments and associated parking.
<i>R11/2167 Approved 09.01.2012</i>	Unit 6 Eastlands Court Business Centre St Peter's Road	Change of use of the existing business unit from Class A2 (employment agency) to Class D1 (non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987 as amended, to allow operation of the premises as a private physiotherapy and rehabilitation centre.
<i>R11/2249 Approved 09.01.2012</i>	Calcutt Elms Farm Calcutt Lane Nr Broadwell	Temporary siting of storage container (Retrospective)
<i>R11/2250 Approved 09.01.2012</i>	Calcutt Elms Farm Calcutt Lane Nr Broadwell	Retrospective application for formation of hardstanding and associated earth works.
<i>R11/2414 Approved 09.01.2012</i>	Land rear of 92 Claremont Road Claremont Road	Demolition of existing building and erection of 1 bedroom studio flat. (Variation of condition 2 of Planning Permission R10/0910 to amend design and layout of building.)
<i>R11/2104 Approved 09.01.2012</i>	Ground Floor Flat 92 Claremont Road	Replace existing bay window with brick bay with UPVC windows.
<i>R11/1434 Approved 09.01.2012</i>	Highfield House Overstone Road Withybrook	Extension to form residential annex.
<i>R11/2403 Approved 09.01.2012</i>	Hillside Main Street	Conversion of existing garage including proposed rear dormer window to provide family room and bedroom
<i>R11/2330 Approved 10.01.2012</i>	Hollybank Farm Southam Road Leamington Hastings	Siting of a mobile home and use as a temporary agricultural worker's dwelling for a period of three years.
<i>R11/2338 Approved</i>	28 Dunchurch Hall Rugby	Insertion of first floor side facing window

10.01.2012

R11/2067  
Approved  
10.01.2012

Ye Olde Barn  
31 Little London Lane

Proposed 'lean to' extension and conversion of existing residential annex to a separate dwelling house. (part retrospective)

R11/2293  
Approved  
10.01.2012

Clifton Court Nursing  
Home  
Lilbourne Road

Single storey rear extension.

R11/2411  
Approved  
10.01.2012

22 Dalkeith Avenue  
Bilton

Erection of a first floor and a single storey side/rear extensions

R11/2406  
Approved  
10.01.2012

46 Sidney Road  
Rugby

Erection of single storey side and rear extensions.

R11/2366  
Approved  
11.01.2012

46 Broad Street  
Brinklow

Retention of conservatory extension to existing dwelling house

R11/0857  
Approved  
11.01.2012

10 Church Road  
Ryton on Dunsmore

Erection of a single storey side extension and provision of decking.

### **Listed Building Consents**

R11/2192  
Approved  
16.12.2011

Avon Lodge  
Coventry Road  
Long Lawford

Listed Building Consent for replacement of 8 existing windows with a combination of double-glazed sash, casement and fixed pane windows, and 1 existing window with double French doors.

R11/1622  
Approved  
20.12.2011

2A Manor House Close  
Newbold on Avon

Listed Building Consent for loft conversion including installation of 2 velux windows.

R11/1920  
Approved  
23.12.2011

Brook Farm House  
Back Lane  
Birdingbury

Listed Building Consent for installation of an Aga flue and terminal that projects through the rear roofslope.

R11/2321  
Approved  
10.01.2012

Ye Olde Barn  
31 Little London Lane

Listed building consent for Proposed 'lean to' extension and conversion of existing residential annex to a separate dwelling house. (part retrospective)

<i>R11/2369 Approved 11.01.2012</i>	46 Broad Street Brinklow	Listed Building Consent for the retention of conservatory extension to existing dwelling house
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**Advertisement Consents**

<i>R11/2345 Approved 30.12.2011</i>	Monsoon Accessorize Ltd 6 Market Place	Display of 1 internally illuminated fascia sign.
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**Approval of Details/ Materials**

<i>R10/2313 Approval of Details 21.12.2011</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)
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<i>E2E 665 (R11/2016) Approval of Details 06.01.2012</i>	Lime Tree Village Cawston Lane Rugby	Discharge of conditions 3-6, 9, 10, 13, 14, 17, 19 & 20 of E2E Ref 665 - Extension to Lime Tree Village to form a Continuing Care Retirement Community (Use Class C2) incorporating a 30 bed Care Home, 47 Extra Care Cottages (Use Class C2), 12 Extra Care Apartments (Use Class C2) associated communal facilities, open space and car parking facilities.
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<i>R10/2071 Approval of non-material Changes 09.01.2012</i>	16 Rowan Drive Bilton	Single storey rear extension to form office and games room.
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<i>R05/0392/07204/P Approval of Details 11.01.2012</i>	Home Farm Little London Lane Newton	Barn Conversion to form granny annex including new roof over large area
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