

23<sup>rd</sup> March 2012

## PLANNING COMMITTEE - 4<sup>TH</sup> APRIL 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 4<sup>th</sup> April 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 14<sup>th</sup> March 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. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 24<sup>th</sup> February – 15<sup>th</sup> March 2012.
7. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution: -

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act and that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## **PART 2 – EXEMPT INFORMATION**

1. Enforcement.

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

The Reports of Officers (Ref. PLN 2011/12 – 16) 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.*

**AGENDA ITEM 4**

**RUGBY BOROUGH COUNCIL  
PLANNING COMMITTEE – 4<sup>TH</sup> APRIL 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

Item	Application Ref Number	Location Site and Description	Page number
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2	R12/0025	Land at Gipsy Lane, Wolvey Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions.	8
3	R12/0425	Land rear of 58 Rugby Road, Binley Woods Erection of two detached dwellings and garages to rear of 58 Rugby Road (Re-submission of R11/0016)	17
4	R12/0147	Land adjacent to The Highlands, Rugby Road, Brandon, Coventry, CV8 3GJ. Erection of a five bedroomed detached dwelling, with a double garage to the front elevation.	24

### Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
5	R12/0280	Open Space between Nelson Way and Montgomery Drive, Bilton, Rugby, CV22 7LE Variation of condition 3 of planning permission Ref. No. R10/1299 (Upgrading of the open space between Nelson Way and Montgomery Drive including enhanced landscaping, a floodlit multi use games area and wildflower meadow with associated lighting, footpaths and vehicle access points (Phase 1), plus a toddlers play area, fitness trail and grass mounds (Phase 2)) to incorporate a 2 metre high fence around the MUGA and a new children's climbing facility located within the open space.	30

6	R12/0394	11, Bracken Drive, Wolvey, Hinckley Extension to existing rear conservatory	37
7	R12/0251	Land at Mobbswood Farm, Brinklow Road, Coventry Use of land for recreational paintball games, together with the erection of ancillary structures associated with the use. (Alterations to previously approved application R08/1663/MAJP)	41
8	R11/0239	Land at Stretton Croft, Watling Street, Wolvey Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.	48
9	R12/0234	The Coach House, Land rear of 42 North Road, Clifton Upon Dunsmore Extension of residential curtilage and erection of outbuilding to be used as a garage and store.	67

**Reference number: R12/0358**

**Site address: Bates Farm, Bush Hill Farm, Flecknoe**

**Description: Retention of timber cabin to be used as ancillary accommodation to existing house**

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

**Description of proposal**

The application seeks the retention of a timber cabin for use ancillary to the residential accommodation to the existing dwelling house Bates Farm. The timber cabin is positioned to the west of the dwelling house sited on agricultural land. The cabin has been clad in timber with a pitched roof, and is approximately 38.5sq.m.

Cllr Robin Hazelton has requested that the application is considered by members of the planning committee.

**Description of site**

The application site is located outside of the village settlement of Flecknoe within the open countryside to the south-west of Flecknoe. Access to the application site is off Bush Hill Farm.

**Third party comment**

Neighbours	No received
Wolfhampcote Parish Council	No comments received

**Technical consultation responses**

WCC Highways	-	no objection
Env. Health	-	no objection

**Relevant planning history**

R12/0088 - Creation of hardstanding area for parking of vehicles	16-Mar-2012
R12/0087 - Extension to existing building (retrospective)	08-Feb-2012

**Relevant planning policies and guidance**

Rugby Borough Council LDF Core Strategy  
CS1 conflicts Development Strategy  
CS16 conflicts Sustainable Design and Construction

National Planning Policy/Guidance

Draft National Planning Policy Framework  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 7: Sustainable Development in Rural Areas.

## **Assessment of proposal**

Policy CS1 as contained within the Rugby Borough Council Core Strategy set the settlement hierarchy in locating new development, which seeks to ensure that the most sustainable location are considered ahead of those further down the hierarchy. The purpose of the settlement hierarchy is to ensure the most sustainable location of development within the Borough. The focus for new residential development is within the Rugby urban area supported by defined Main Rural Settlements, whilst also allowing local needs housing in other rural settlements. For countryside locations CS1 is specifically restrictive on new development promoted due to its inherently unsustainable nature.

The application site is located outside of the defined settlement boundary of Flecknoe within the open countryside. The applicant contends that the timber cabin is ancillary to the main dwelling house. The location of the structure away from the residential dwelling house means that the building is divorced from the main house and as it is not located within the residential curtilage would appear as an isolated dwelling house and would not appear to be ancillary to the dwelling house. In addition to this the insertion of a kitchenette, a bathroom and bedroom, the accommodation is more self-contained than ancillary.

The relationship and proximity of the two properties is such that the mobile home/timber cabin would be capable of being used independently to the main dwelling house and view as such. Should planning permission be granted it would give rise to the creation of a new independent dwelling. The applicant has suggested that the use of the building could be controlled by a condition. However, because a physically separate and self-contained unit of accommodation would be provided the Council would have considerable difficulty identifying and taking enforcement action against a breach of this type of condition. Consequently, one of the tests of Circular 11/95, enforceability, would not be met.

Given that the building is entirely self-contained and some distance from the main dwelling house, the Council take the view that it is not ancillary and is regarded as a new dwelling house. Given its location within the countryside there is a strong presumption against the creation of any new dwelling without a justification based on the needs of agriculture, forestry and other essential rural industries. It is considered that the development would not meet any of these criteria. The creation of a separate dwelling house at the application site would be contrary to Policy CS1 and runs counter to the sustainability aims and objectives of the Core Strategy. As outlined within Planning Policy Statement 7: Sustainable Development in Rural Areas isolated new houses in the countryside will require special justification for planning permission to be granted. Such special justification an isolated new house would relate to the essential need for a worker to live permanently at or near their place of work in the countryside as set out within Annex A of this PPS. The Draft National Planning Policy Framework states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances and list the range of special circumstances.

Whilst the Council is sympathetic to the needs of the applicant, to allow for his son with specific health needs to live within close proximity to his family whilst retaining independence, this is not considered, in the opinion of the Local Planning Authority to

outweigh more general planning consideration, that is restricting new development within the open countryside.

The timber cabin is visible from the public Right of Way R156 and from the neighbouring farmland Bush Hill Farm. An isolated dwelling within this location of this style, type and appearance would appear uncharacteristic to the area and a significant distance from dwelling house it would not appear that this would be ancillary accommodation but a new dwelling house within the open countryside on agricultural land. It is therefore considered that the retention of the mobile home would be harmful to the rural character of the area and as such would conflict with policy CS16 as contained within the Core Strategy 2011. Planning Policy Statement 1: Delivering Sustainable Development outlines the Governments commitment to protect and enhance the quality, character and amenity value of the countryside. The development fails to protect or enhance the quality, character and amenity value of the countryside.

### **Recommendation**

Refusal with authorisation for enforcement action

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R12/0358

### **DATE VALID**

17/02/2012

### **ADDRESS OF DEVELOPMENT**

BATES FARM  
BUSH HILL LANE  
FLECKNOE  
RUGBY  
CV23 8AX

### **APPLICANT/AGENT**

Phil Eves  
Stowe Associates  
Stowe Fields  
Main Street  
Upper Stowe  
Nr Northampton  
NN7 4SH  
On behalf of Mr Simon Midgley

### **APPLICATION DESCRIPTION**

Retention of timber cabin to be used as ancillary accommodation to existing house

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

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

CS1 Development Strategy  
CS16 Sustainable Design and Construction

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 7: Sustainable Development in Rural Areas.

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 REFUSAL 1

It is the opinion of the Local Planning Authority, given that the building is entirely self-contained and some distance from the main dwelling house that it appears divorced from it, the timber cabin is not ancillary to the main dwelling house Bates Farm, and as such is regarded as a new dwelling house. Given its location within the countryside, development will be resisted; only where national policy on countryside allows will development be permitted. The creation of a separate dwelling house at the application site would be contrary to Policy CS1 and runs counter to the sustainability aims and objectives of the Core Strategy. The application seeks to provide residential accommodation within the open Countryside away from any defined settlement boundary. As set out within PPS7 new isolated new houses in the countryside will require special justification for planning permission to be granted based on the needs of agriculture, forestry and other essential rural industries. It is considered that the development would not meet any of these criteria. The proposal therefore, conflicts with Core Strategy policy CS1 and national planning policy PPS7: Sustainable Development in Rural Area.

#### REASON FOR REFUSAL 2:

It is the opinion of the Local Planning Authority that the retention of this timber cabin would cause material harm to the rural character of the area, contrary to Core Strategy policy CS16 and national planning policy PPS1: Delivering Sustainable Development.

**Reference number: R12/0025**

**Site address: Land at Gipsy Lane, Wolvey**

**Description: Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions.**

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

### **Description of Proposal**

The application seeks the change of use of land from an existing pasture/paddock to the siting of two mobile homes, and one day room together with the formation of a hardstanding area, and parking provisions. Both the mobile homes proposed will be static measuring 32m<sup>2</sup>. The proposed day room measure approximately 66m<sup>3</sup>. The application also seeks the formation of a gravelled area of hard-standing together with parking provisions for four vehicles.

### **Description of Site**

The application site is located outside of any defined settlement boundary within the West Midlands Green Belt. The site is approximately 0.9 miles from the village boundary of Wolvey which is defined within the Rugby Borough Core Strategy 2011 as a main rural settlement. The application site is located west side of Gipsy Lane to the North of Wolvey village.

There currently exists on site a timber stable block for which permission was granted in 2008, together with the formation of the vehicle access and the formation of an area of hard-standing by the entrance. The land as been enclosed by a 2m close-boarded fence which was erected under permitted development rights.

Gipsy Lane is a Classified C Road with mainly soft verges and hedges and subject to national speed limits. The road is rural in character notably due to the absence of signage, footpath, kerbs and street lighting.

### **Relevant Planning and Enforcement History**

Following enforcement investigation on the 20<sup>th</sup> September 2011 a temporary injunction was granted and served on the application site by the Council to prohibit any further operational development being undertaken and from using the land for any other purpose other than pasture/paddock without first obtaining permission from the Local Planning Authority. On the 18<sup>th</sup> November a permanent injunction was sought and granted which now remains in force on the land which prohibit any further operational development being undertaken and from using the land for any other purpose other than pasture/paddock without first obtaining permission from the Local Planning Authority.

### **Relevant policies and guidance**

CS1: conflicts            Development Strategy  
CS16: conflicts         Sustainable Design and Construction  
CS22: conflicts         Gypsy, Travellers and Travelling Showpeople.

PPS1: Delivering Sustainable Development  
PPG2: Green Belt  
PPG13: Transport  
Circular 1/2006 'Planning for Gypsy's and Travellers

Circular 11/95 Use of conditions in planning permission  
 South Staffordshire and North Warwickshire Gypsy and Traveller Accommodation  
 Assessment  
 The West Midlands Regional Spatial Strategy Interim Policy Statement for the  
 Provision of New Accommodation for Gypsies, Travellers and Travelling  
 Showpeople.

The Secretary of State has announced an intention to revoke Circular 01/2006, but no timetable has yet been given nor any indication of what the guidance would be replaced with. As such until such time that the Circular is revoked it is still a material consideration.

**Third party comments**

- |                     |                 |  |
|---------------------|-----------------|--|
| Neighbours          | (25) Objections | <ul style="list-style-type: none"> <li>- Site is within the Green Belt and would be inappropriate</li> <li>- Not in keeping with the surrounding land uses</li> <li>- Will set a precedent</li> <li>- Out of character with the area</li> <li>- Impact upon privacy upon existing residential dwelling houses</li> <li>- Brick built amenity building would be a permanent structure and not temporary</li> <li>- Existing resources would be put under strain</li> <li>- Pitches available on existing Council owned sites</li> <li>- Detract from the aesthetic appeal of the countryside</li> </ul>   |
| Parish Council      | Objection       | <ul style="list-style-type: none"> <li>- The applicant have not shown compliance with the sequential approach outlined within CS22</li> <li>- Pitches are available at Woodside Park or Little Orchard</li> <li>- Special circumstances should not be applied</li> <li>- Taking into consideration the existing Gypsy site within close the area would encourage a cluster of gypsy sites in the immediate area.</li> <li>- Outside of the settlement boundary of Wolvey</li> <li>- If permission is granted it should be temporary and restricted to the applicant and his family and a condition relating to drainage and visual screening.</li> </ul> |
| Cllr Adrian Warwick | Objection       | <ul style="list-style-type: none"> <li>- The development is within the Green Belt which is the least preferred opinion in the Council policy.</li> </ul>   |

- There already existing a gypsy site within the area and any further would result in a cluster of sites.

Comment no amendments

Neighbours

- The reason given why Mr Gorman could not reside at Woodside Park should not be reasons to breach Green Belt policies.
- Amendments would still significantly affect the open land and are not in keeping with existing buildings/structure within the area.

**Technical consultation responses**

WCC Ecology

- The HBA and plans indicate that the existing site is used as a pony paddock and it is considered to be improved grassland, with an eastern boundary hedgerow. If any tree or shrub vegetation will be removed, however we recommend that a note highlighting the protected status of breeding birds is added to any approval granted. We also welcome the planting of a native hedgerow and recommend inclusion of a note on use of native species on this matter.

RBC Environmental Service

- No objection subject to conditions

Severn Trent Water

- No objection

WCC Highways

- No objection subject to conditions

**Assessment of proposal**

Main issues

Principle of development

The 'dominant' policy as contained within the Core Strategy is Policy CS22. This policy is contained within a recently adopted Core Strategy (June 2011).

The first part of this policy states that 'the Council will allocate land to accommodate the following requirements for Gypsies and Traveller' 48 residential pitches and 5 transit pitches within the time frame of 2007-2012. Within this time frame the Council has granted permission for a total of 19 pitches leaving a shortfall of 29 pitches.

Policy CS22 adopts a sequential approach to site location 'having regard to need, and the site suitability, availability and viability in the following order of preference. A site situated within Green Belt as is the case of this application site is the least preferable. This approach is consistent with the Development Strategy as contained within CS1. Policy CS22 requires 'evidence to be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach. No evidence has been submitted to demonstrate compliance with the sequential approach.

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt policy allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore inappropriate development that is, by definition, harmful to the Green Belt. Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an inappropriate form of development in the Green Belt, the onus falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt. The key determinates of this will be the need for additional gypsy family accommodation, availability of alternative sites and the associated personal circumstances of the applicants.

**The general need for further sites for Gypsies and Travellers regionally, locally and personally for the families involved in this appeal.**

Core Strategy Policy CS22 has identified an intension for the Council to allocate 48 residential pitches within the period of 2007-2012 – with this provision reviewed by the evidence from updated assessment. The figures set out within this policy were derived from the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008. It is acknowledged that at present the level of provision identified has not been met. The current level of need to-date stands at 29 pitches.

Whilst the level of unmet need within the borough is a material consideration in favour of the granting of planning permission, it should not in itself be a justification for inappropriate development within the Green Belt – when no evidence has been presented that such a need could not be met beyond the Green Belt, or met from an existing authorised site within the Green Belt, so as to avoid a new incursion into the Green Belt.

**The availability of alternative sites**

The applicant has set out within their Design and Access Statement that the proposed development would provide a legal home for Mr Sam Gorman, his wife and 2 children to accommodate their mobile home, with the remaining accommodation for his mother, brother, and young sister. He and his family currently reside on a council owned travellers site at Aston Firs, Sapcote but their tenancy agreement is rapidly drawing to an end. The application would allow him and his family to establish a permanent residence which would be beneficial to his children.

The Council as part of this application has contacted Leicester County Council as the site in which Mr Gorman and his family currently reside at is within Leicestershire. The Leicestershire County Council Traveller Sites and Liaison Officer, informs that Council that Mr Sam Gorman does not live at Aston Firs but uses this address for post. Mr Gorman is separated from his wife but has regular access to his 2 children. Sam Gorman's wife lives on a separate plot at Aston Firs to Sam Gorman's mother and brother, and uses her maiden name. On the plot that Sam Gorman's wife occupies at Aston Firs there is currently 1 mobile home but has permission for two. Leicestershire County Council say that there would not be any objection to Sam Gorman living with his wife at Aston Firs. As such it is considered that there are available alternatives for Mr Sam Gorman and his family. Leicester County Council is injecting 1.6m into site improvements at Aston Firs. As such are present there is no reason why Sam Gorman could not reside on Aston Firs with his wife or why his mother, brother and sister can not continue to live at Aston Firs.

In addition to this the applicant and his family have not made any enquiries about the availability of pitches at Woodside Park, Oxford Road, Ryton-on-Dunsmore. There are currently vacant development and undeveloped pitches at Woodside Park that may accommodate the family. Within the applicants amended Design and Access Statement it states that Woodside Park is not suitable as it is predominantly occupied by Irish Travellers. However, this is not the case in fact out of 12 Council-owned pitches 9 are rented to Romany Gypsies and out of the 18 pitches 9 are owned by Romany Gypsies.

Policy CS22 places the onus upon the applicant to demonstrate that there are no alternative sites which are suitable and available – in the sequential preference. This policy places Green Belt as the least preferred location for new development, including the provision of gypsy sites. The applicant has failed to submit evidence to demonstrate compliance with the sequential approach as outlined with Core Strategy policy CS22. It is therefore considered that the proposed development does not comply with the sequential approach as set out within CS22.

### **Harm to the Green Belt**

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. The proposed mobile homes together with the amenity building would introduce static structure which would materially reduce openness. The parking of vehicles and other items on hard standings, and the inevitable domestic paraphernalia further reduces openness. The form of development proposed is incongruous to the character of the Green Belt. When considered against the purpose of including land within the Green Belt (PPG2 para 1.5) the development offends the purpose to 'assist in safeguarding the countryside from encroachment'. The development does not contribute to any of the objectives for the use of land in Green Belt (PPG2 para 1.6).

As an inappropriate form of development in the Green Belt, the onus falls on the appellant to demonstrate that there are 'very special circumstances' why planning permission should be granted that is harmful to the Green Belt. The same is true of emerging national policy: the draft Travellers PPS, the draft NPPF and statements from Governments Ministers attach great weight to protecting the Green Belt. Within the Design and Access Statement, it stated that Mr Gorman's children will be registered with the local School in Wolvey. However, there is an element of uncertainty as to whether Mr Gorman's wife and children will reside at the application site. Whilst there is clearly a need for a settled base to allow the children to attend school, such a settled base could be met at Aston Firs or Woodside Park. It is therefore considered that the personal circumstances do not outweigh the strong presumption against inappropriate development contained in national guidance PPG2.

### **Other Material Consideration**

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not

cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

**1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure**

The site is within close proximity to Wolvey which is a Main Rural Settlement, which has a primary school, village shop and post office, doctors surgery and two public houses. The application site is within a 2km walking distance to the village of Wolvey. There is a footpath along the Hinckley Road which leads to Wolvey. Whilst Gypsy Lane is unlit with no footpaths: it is nevertheless relatively flat with verges either side and good visibility, and it is relatively a short distance in which occupiers of the site would have to walk along Gypsy Lane to reach Hinckley Road.

The development seeks to create one pitch to be occupied by 7 individuals. It is considered that the scale of this development is proportionate in scale to the nearest settlement of Wolvey.

**2) Vehicular access into the site via the public highway is appropriate**

Following consultation with Warwickshire County Council Highway Authority it is considered subject to conditions that the proposed development would not be detrimental to highway safety.

**3 and 4) The site is capable of sympathetic assimilation into the surrounds**

The character of this area along Gypsy Lane is characterised by flat open fields and paddocks with a hedged landscape. Where fields are used as paddocks such as the application site and Field View, equestrian buildings have been erected. The residential properties along Hinckley Road are also visible within the landscape. There is also visible within the landscape a touring caravan at Field View, which it is understood is used ancillary to the permitted equestrian use on the site.

The current use of the land is pasture/paddock with a stable block currently on site and is bounded along the south and west by 2m close bordered fence which was erected under Permitted Development. The current use forms a part of the established rural scene and compatible overall agrarian character. The use of the site as a residential caravan site is harmful to the underlying character of the area and would result in an intrusive form of development, comprising of two mobile homes, brick built amenity building with associated domestic paraphernalia, hard surfacing and car parking. The use intrudes upon the rural characteristics of the landscape and the 'openness' (not built upon) of the Green Belt which is intended to be its essential feature. The development would suburbanise the area and introduce built development and features not characteristic of the rural area. When viewed from the road, the development on this site could not be assimilated into the landscape. This breaches a criterion of policy CS22. It is not considered that a comprehensive landscaping scheme would overcome the significant harm that this development would create to the visual amenity and openness of the area.

It is therefore considered for the reasons outlined above that the proposed development is harmful to the character of the area and as such conflicts with CS16 of the Core Strategy 2011 that seeks to ensure that development has not material harm the visual amenity of the locality.

## **5) Development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by the movement of vehicles to and from the site**

Taking into consideration the existing and proposed site boundary treatments and the proximity of the site to nearby residential dwelling house, it is not considered that the proposed development would materially impact upon the amenities of these nearby residential properties.

### Temporary Planning Permission

Paragraphs 45 & 46 of Circular 01/2006 refer to the granting of temporary planning permission particularly when it is expected that the planning circumstances could have potentially changed by the end of the temporary period. In considering the granting of temporary planning permission consideration is given as to whether material considerations exist including personal circumstances to justify on balance a recommendation of temporary planning permission.

Circular 11/95 states that temporary planning permission may be justified when it is expected that planning circumstances will change in a particular way at the end of the temporary period. However, Circular 11/95 also states that the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one, and that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission.

Whilst planning circumstances will change within the next three years with the development of the Council's Gypsy and Traveller Site Allocations DPD, it is considered that the applicants have failed to demonstrate special circumstances to outweigh the harm of the development by reason of inappropriateness. In addition to this the applicant has failed to demonstrate compliance with the sequential approach as outlined within CS22. As such it is not considered that the development is justified on a temporary basis.

### Human Rights

In reaching this decision consideration has been given to the human rights of the intended occupants of the application site. If planning permission were refused, the appellants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights. However, this has been balanced and weighted against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Recommendation.**

Refusal of planning permission

**APPLICATION NUMBER**

R12/0025

**DATE VALID**

04/01/2012

**ADDRESS OF DEVELOPMENT**LAND AT  
GIPSY LANE  
WOLVEY  
LE10 3HQ**APPLICANT/AGENT**Mr Alec Statham  
Garland Stud  
Bagworth Road  
Barleston  
Nuneaton  
Warwickshire  
CV13 0JA  
On behalf of Mr S Gorman, 2 Aston Firs**APPLICATION DESCRIPTION**

Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions.

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

CS1 Development Strategy  
CS16: Sustainable Design  
CS22: Gypsy, Travellers and Travelling Showpeople

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS3 Housing  
PPG 13 Transport  
PPG18 Enforcing Planning Control

Circular 1/2006 'Planning for Gypsy's and Travellers'  
Circular 11/95 Use of conditions in planning permission

South Staffordshire & North Warwickshire Gypsy & Traveller Accommodation Assessment.

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' 2008

The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople.

**REASON FOR REFUSAL: 1**

As set out within policy CS1 and CS22 as contained within the Rugby Borough Core Strategy only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore constitutes inappropriate development that is, by definition, harmful to the Green Belt. As an inappropriate form of development in the Green Belt, the onus

falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission on a permanent or temporary basis for a residential caravan site as the development represents inappropriate development according to the prevailing policies. The proposed development is therefore contrary to policies CS1 and CS22 as contained within the Rugby Borough Council's Core Strategy 2011 and National Planning Guidance PPG2 – Green Belts.

**REASON FOR REFUSAL: 2**

The applicant has failed to submit evidence to demonstrate compliance with the sequential approach as outlined with Core Strategy policy CS22. It is therefore considered that the proposed development does not comply with the sequential approach as set out within CS22.

**REASON FOR REFUSAL: 3**

The development would have a harmful impact on the rural character and appearance of this area by introducing substantial built development and other features, together with associated activity that would intrude upon the rural characteristics of the landscape and the openness of the Green Belt. This would be contrary to policy CS16 as set out within the Core Strategy 2011.

**Reference number: R12/0425**

**Site address: Land rear of 58 Rugby Road, Binley Woods**

**Description: Erection of two detached dwellings and garages to rear of 58 Rugby Road (Re-submission of R11/0016)**

**Case Officer Name & Number: Richard Redford, ext 3625**

**The Proposal;**

Planning permission is sought for the erection of 2 detached dwellings and a detached double garage to the rear of 58 Rugby Road, Binley Woods. Access to and from the site will be via the existing drive to the side of 58 Rugby Road via an existing dropped kerb. The dwellings, to be 1 ½ storey in height with the first floor contained in the roof slope, will have a footprint measuring 8.53m wide x 9.4m deep whilst being 3m high to eaves level and 6.28m high to ridge level at the top of the half hipped and half gabled roof. Both dwellings will have 3 bedrooms with 2 at ground floor level and the master bedroom in the roof space along with a storage area. Both will have rear gardens that will be 9m deep. A detached garage building is also proposed providing two single garages with a footprint measuring 5.5m wide x 5.4m deep and 4.1m high to ridge level of what will also be a half hipped and half gabled roof.

The application is a re-submission of the application also for 2 detached dwellings and a detached garage considered and refused under reference R11/0016.

**Site History;**

Erection of two detached dwellings and garages (R11/0016)	Refused
02.02.2011	

**Consultee Correspondence;**

Highway Authority	No objection	Request conditions
Environmental Health	Comment	Request a phase II contaminated land investigation by condition and an informative
WCC Ecology	Comment	Request conditions and informatives

**Third Party Correspondence;**

Binley Woods Parish Council	Object	On the grounds of over-development; restricted access and adverse impact on adjoining houses.
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Neighbours (10)	Object	<p>On the grounds of proximity of windows to site boundaries;</p> <p>over-looking; loss of privacy; bulk; massing; failure to overcome previous refusal reasons; unsatisfactory siting, access, turning space, parking space and garage positioning; pre-emptive of policy provisions being undertaken in the form of a local housing needs survey; need for a design audit to be submitted to justify statements in submission; failure to establish how proposals integrate with and are compliant with neighbouring buildings; smaller footprint than previously refused but with exactly the same contents meaning smaller room sizes to the detriment of amenities of future occupiers; insufficient parking provision; access drive of insufficient width to allow vehicles to pass side by side; inadequate turning and manoeuvring space; highway safety concerns due to insufficient turning space; site is neither previously developed or derelict; site excluded from PPS3 as previously developed land by definition; conflict with approved design parameters for the adjacent Oakdale Court development; inappropriate design and appearance; no landscaping details provided as part of the proposal; failure to enhance the quality and attractiveness of the area; impact upon neighbouring amenities; proposal represents an overdevelopment of the site; bin store inadequate to accommodate 3 wheelie bins; no provisions made for wardrobes, linen storage or household equipment storage; no provision made for external garden storage; no information on boundary treatments between the access drive and retained garden; loss of privacy through overlooking; loss of light; out of character with the area; over-development; would set an unacceptable precedent; noise and disturbance; security concerns due to position of access adjacent to a neighbouring property; traffic concerns; and no landscape details.</p>
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**Other Relevant Information;**

Cllr Timms has requested the application be presented and determined by the Planning Committee.

Located within the main rural settlement of Binley Woods, the site is occupied by a detached 2-storey dwelling with integral double garage. Access to and from the site is from Rugby Road via two existing dropped kerbs at either side of the sites road frontage. 2-storey detached and semi-detached dwellings as well as a number of residential bungalows surround the site as well as a garage and car wash. Ground levels fall along Rugby Road from the garage, passed the application site and on past 56 Rugby Road.

The previous application of which this is a re-submission was refused for 4 reasons with these being as follows;

- firstly the site not being previously developed land thus contrary to policy requirements;
- secondly that it not meeting an identified local need as required given the green field nature of the site;
- thirdly it being an inappropriate form of backland development through its design and appearance; and
- fourthly the positioning of the roof lights in the eastern roof slope resulting in unacceptable levels of overlooking to the detriment of neighbouring amenity.

**Relevant Policies;**

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

RBLP Saved Policy GP6	Conflicts	Safeguarding Development Potential
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Interim Parking Standards Note

PPS3, Housing

**Considerations;**

The issues for consideration relate to the principle of the development and subsequently matters relating to design, amenity, parking and highway safety.

The site is situated within the defined settlement boundaries for Binley Woods which is a Main Rural Settlement where the provisions of policy CS1 seek to allow residential developments in the 3<sup>rd</sup> instance (after locations in the town centre first and the Rugby Urban Area second). In this location new dwellings are permitted within the settlement boundaries and are sought to be for local needs in the first instance but where there is no identified local need, private market housing will be capable of support subject to compliance with other material considerations. At present Binley Woods does not have a Housing Needs Survey meaning there are no identified housing needs and any new housing can be open market housing. The site is the rear garden of 58 Rugby Road which is defined in PPS3 on Housing as green field land. Whilst the

thrust and aims of PPS3 seek to direct development to previously developed land it does allow for the development of green fields sites such as is the case here with this direction being acceptable within the Core Strategy policies. As such the principle of the development is acceptable complying with the provisions of policy CS1.

As indicated above this application is a resubmission of a previous refusal. The third refusal reason on that application related to the inappropriate form of development incompatible with the local development pattern through its design and appearance whilst the fourth refusal reason pertained to amenities through the positioning of openings. It can therefore be seen that design, appearance and amenities are key factors in the applications consideration.

The design, appearance, size, bulk and massing of the 2 proposed dwellings are identical to those previously refused with them being 1 ½ storey dwellings with the upper floor contained in the roof slope and served by roof lights with half hipped and half gable ends. The changes that have taken place comprise the removal of 2 of the 4 roof lights, the re-positioning of the remaining 2 roof lights from the eastern facing roof slope to the western facing roof slope and the use of a sun pipe to serve the en-suite bathroom. Whilst satisfied that the footprint area is comparable with the bungalows located in Oakdale Court, concerns still exist in relation to the design and appearance of the proposed dwellings. The use of a half hip half gable roof in an area characterised predominantly by properties with full hipped roofs results in the proposal being out of character in the area whilst the height will be too great especially in relation to the location of the proposed dwellings in relation to neighbouring site boundaries. As such they will be at odds with the character of the area and detrimental to amenities of neighbouring sites.

The relocation of the roof lights from the eastern roof slope of each dwelling to the western roof slope has overcome overlooking and privacy issues in relation to Oakdale Court but has resulted in the same adverse impacts upon the rear garden of the other neighbour at 56 Rugby Road. These roof lights will serve the master bedroom where it would be reasonable for future occupants to expect views and natural light so whilst a condition could be attached requiring they be obscure glazed and fixed shut to protect neighbouring amenity, this will adversely impact on the amenities of future occupants. Furthermore it is not considered reasonable for principal room windows to be facing directly onto roof slopes of adjacent properties as it is considered to be detrimental to amenity as would be the case for one of the 2 dwellings proposed.

A 2-bay garage building is also proposed as part of the development. To be positioned adjacent to the rear of the garage building in Oakdale Court, it will provide 2 separate garages within the building whilst having a half-hipped and half-gabled roof. Whilst the size, bulk and massing of the building is acceptable the design of its roof is at odds with the character and appearance of the area and unacceptable.

As such it is considered to be contrary to the requirements of policy CS16.

Reference is made in the Design & Access Statement submitted as part of the application that the adjacent development of Oakdale Court comprising 5 detached bungalows allows the development to relate to well with the proposed pattern of development relating well to the pattern of development in the area. It details that it is not an isolated form of development when read in association with other adjacent developments. The Oakdale Court development was done in a comprehensive manner inline with policy requirements at the time of its submission and consideration which have following its approval altered through the adoption of the Rugby Borough Core Strategy. Nonetheless policy GP6 of the Local Plan 2006 is a saved policy that details permission will not be granted for developments that would prejudice the development potential of other land being realised. Whilst the layout of the proposed access is such that it would allow for the rear gardens of adjacent sites on Rugby Road to be developed, their nature and layout is such that it needs to be done on a comprehensive manner as opposed to in a piecemeal fashion as proposed here. As such the proposal conflicts with the requirements of this policy.

The interim parking standards guidance note details that a 3-bed dwelling in a high access area should have 1 spaces meaning that a total of 2 would be required to provide sufficient parking for both dwellings. A total of 2 spaces are proposed with these being located within the proposed garage and as such the proposal to complies with standards.

The Highway Authority has no objections to the proposal subject to conditions and informatives being attached to any approval as do Warwickshire County Council Ecology Unit.

Turning to the objection reasons not already address the following are relevant. Objections have been made in respect of turning space and the access drive being of insufficient width that have been assessed by the Highway Authority who have no objections to the proposal. In terms of the design parameters in relation to the adjacent Oakdale Court, it can be seen that this adjacent development has been drawn upon at some levels as the footprints of both dwellings are comparable with the bungalows on Oakdale Court in order to try and ensure the proposal fits in with the area. Although no details have been provided in respect of landscaping and boundary treatments these could be dealt with through the use of conditions. The fact that the application has been submitted prior to a Local Housing Needs Survey having been carried out and completed in not grounds for refusal given that policy indicates private housing is acceptable where such a document does not exist or is out of date. The fact that no provisions for wardrobes, linen storage or household equipment storage have been indicated on the submitted plans is not a relevant planning consideration as it that no provision has been made for external garden storage. In relation to it setting an unacceptable precedent each application is dealt with on its own merits. There will be noise and disturbance during construction is an approval was issued but it would be temporary during construction.

It can therefore be seen that whilst the principle of the development is acceptable the proposal will be virtue of its design, appearance and position of openings have an unacceptably adverse impact on neighbours as well as being out of character with the area representing a piecemeal form of development. As such the proposal is recommended for refusal.

**Recommendation;**  
Recommend refusal.

### **DRAFT DECISION**

**APPLICATION NUMBER**

R12/0425

**DATE VALID**

31/01/2012

**ADDRESS OF DEVELOPMENT**

58 RUGBY ROAD  
BINLEY WOODS  
COVENTRY  
CV3 2AX

**APPLICANT/AGENT**

Mr Neal Kennedy  
Martyn Bramich Associates  
Miria House  
1683b High Street  
Solihull  
West Midlands (Met County)  
B93 0LL  
On behalf of Mr Niraj Mohan

**APPLICATION DESCRIPTION**

Erection of two detached dwellings and garages to rear of 58 Rugby Road (Re-submission of R11/0016)

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

**REASON FOR REFUSAL 1;**

The design, appearance and height of the proposed dwellings along with the positioning of their roof lights are of an inappropriate form detrimental to the character and appearance of the area whilst also overbearing in relation to neighbouring sites and resulting in overlooking and loss of privacy to the rear garden of 56 Rugby Road to the detriment of their amenity. Furthermore the design and appearance of the garage roof is out of keeping with the locality to the detriment of visual amenity. As such the proposal is contrary to the provisions of Rugby Borough Core Strategy policy CS16 which seeks to ensure developments are of appropriate designs and heights whilst not impacting upon amenity.

**REASON FOR REFUSAL 2;**

The proposal by virtue of its location within a larger developable area constitutes a piecemeal form of development out of keeping with the character and appearance of the locality prejudicing adjacent development potential where the larger site needs to be developed in a comprehensive manner. As such the proposal conflicts with the provisions and aims of saved Rugby Borough Local Plan policy GP6 that seeks to ensure developments do not prejudice adjacent development potential as well as supporting a comprehensive approach to development.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Core Strategy policies CS1 and CS16

Rugby Borough Local Plan Saved policy GP6

Interim Parking Standards Guidance Note

PPS3, Housing

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.

**Reference number:**

R12/0147

**Site address:**

Land adjacent to The Highlands, Rugby Road, Brandon, Coventry, CV8 3GJ.

**Description:** Erection of a five bedroomed detached dwelling, with a double garage to the front elevation.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688.

**Description of site**

This application relates to an area of land between a property called the Highlands and Tara which lies off the Rugby Road in Brandon. The site is located to the north of Village Boundary of Brandon and to the east of the Village Boundary of Binley Woods.

The site is circa 11.2 metres in width and 54.3 metres in length and is currently overgrown with some trees that have recently been cut down and the front boundary is screened with tall hedging and the side and rear boundaries screened with a combination of hedging and trees.

The proposed access to the site is via the existing service road that runs adjacent to the main Rugby Road. The service road currently ends to a point just beyond the boundary of "Tara". The application proposes to drop this kerb and extend the service road on the existing grassed verge to accommodate the new access. The removal of part of the hedging to the front boundary would also be necessary to accommodate this access.

**Description of proposals**

This application is for the erection of a five bedroomed detached dwelling, with a double garage to the front elevation, four bedrooms proposed on the first floor and a fifth bedroom on the second floor with an equivalent sized study room. The property will have a double pitched roof to the front elevation and a pitched roof to the rear elevation in addition to two pitched roofed dormers to the rear roof slope and has a two storey front and rear projection. Red/orange bricks and dark grey rosemary plain tiles are proposed.

A new vehicle access is proposed that will lead to a loose stoned drive that can accommodate off road parking for two vehicle in addition to the double garage proposed.

**Third party comments**

Brandon and Bretford Parish Council - No response.

Neighbours (4) Objections - Trying to squeeze the largest possible dwelling on the plot and is totally out of scale with the plot and with a study on second floor could potentially be used for a business and will not be in keeping

with the Green Belt. Property will seriously restrict my right to light, dwelling is oversized and being 3 storeys high is totally out of keeping with other houses in the area. If approved the 2-3 acre plot behind would also expect to get approval and thereby putting the surrounding green belt under threat. Would open the floodgates for other pockets of Green Belt “in fill” to be developed leaving acres of land under threat. The site has been left for many years to encourage wildlife and in January 2012 RSPB counted 22 species within the site. No new houses have been built in that area for at least 40 years and I don’t think any should be allowed now.

- (1) Support - The erection of a new dwelling and associated access would very much enhance the area.

Councillor Heather Timms - Wish for the application to be determined by the Planning Committee.

**Technical consultations**

WCC Ecology	No objection subject to informative
WCC Highways	No objection subject to
conditions/informatives	
Tree Officer	No objections
Environmental Health	No objections subject to informatives

**Relevant planning history**

R80/2005/15768/OP - Refused 20.5.81.	Erection of dwelling and construction- of vehicular access
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**Other relevant information.**

In may 1980 a similar application for the erection of a dwelling and construction of vehicular access was refused on the site primarily on the grounds that the site lies within the Green Belt and that “no special circumstances have been demonstrated which would justify the granting of permission in the face of a strong presumption against development derived both from the Rural Settlement and Green Belt Policies”

**Relevant planning policies & guidance**

Core strategy :

CS1	- Development Hierarchy	-	Conflicts
CS16	- Sustainable Design and Construction	-	Conflicts

CS21	- Rural Exceptions Sites	-	Conflicts
PPG 2	- Green Belts	-	Conflicts
Saved Local Plan Policies:			
E6	- Biodiversity	-	Complies
T5	- Transport	-	Complies

### **Assessment of proposals**

The main issues in this application are firstly, whether the proposal amounts to inappropriate development in the Green Belt for the purposes of PPG2; and secondly, its effect on the openness of the Green Belt and on the character and appearance of the area. An assessment of the impact on highway safety and neighbouring properties must also be assessed.

The site is located within an area identified within the Local Development Framework as West Midlands Green Belt and as such it is necessary to consider whether the principle of the development is acceptable within the Green Belt. Core Strategy Policy CS1 states that only when national policy permits will development within the Green Belt be acceptable.

The construction of new buildings within the Green Belt constitutes inappropriate development unless it is for a specific range of uses. These are, agriculture & forestry; essential facilities for outdoor sport & recreation; limited extension, alteration or replacement of existing dwellings; limited infill in existing villages (under specific circumstances) and limited infill of major developed sites (where these are identified in the Local Plan.)

Para 3.2 of National Policy PPG2 – Green Belts - states that ‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. ‘Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development’.

The development as proposed is not one of the limited forms of development that may be considered ‘appropriate development’ in the Green Belt’ and therefore is an inappropriate development that is, by definition, harmful to the Green Belt.

Inappropriate development will not be permitted unless there are ‘very special circumstances’ that will outweigh the harm by reason of inappropriateness. The applicant has not submitted any information regarding very special circumstances. It is therefore considered that the principle of the proposed development is unacceptable and contrary to national policy PPG2.

The application site is located between the Village Boundary of Brandon and Bretford and Binley Woods. PPG2 states that if infilling is considered acceptable this should be listed in the Local Plan or the village should be excluded from the Green Belt. This part of Brandon and Bretford is “washed over” by Green Belt and infill development in this village is not considered acceptable.

One of the underlying objectives for the use of land in the Green Belt (para 1.6 PPG2) includes the need to retain attractive landscapes, and enhance landscapes, near to where people live. It is considered that the proposed development detracts from this positive role for use of land in the Green Belt. Although this parcel of land lies between two established properties it is considered due to the size, mass and bulk of the development the proposal will further harm the underlying character of the area, and the openness of the Green Belt and would result in an intrusive form of development.

For the reasons stated above it is considered that the development which seeks the erection of a five bedroomed detached dwelling is by definition harmful to the Green Belt, and would be demonstrably harmful to the openness of the Green Belt and the character of the area. The development is therefore contrary Policies CS1 and CS16 of the Rugby Borough Core Strategy which seeks to ensure that development does not have a detrimental adverse impact upon the amenities of the area, and similarly is contrary to national planning policy guidance PPG2 which seeks to prevent urban sprawl by keeping Green Belt land permanently open.

Policy CS21 refers to rural exceptions and states that development of affordable housing to meet identified local needs may be acceptable in countryside locations adjacent to existing settlements subject to a range of criteria. As the site is not located adjacent to an existing settlement, includes mostly market housing and no information regarding local need for affordable housing has been provided it is not considered a rural exceptions site. The proposals are therefore contrary to policy CS21.

Notwithstanding the objection to the principle of the development and the impact on the wider character of the area it is considered that the design of the proposed dwelling is also considered to be un-acceptable due to its bulk and massing and in particular its height being three storeys and circa 9.1 metres in height to the ridge of the roof and therefore in view of the other properties within the street scene being approximately 7.5 metres in height it is considered that the proposed will be overbearing and prominent and therefore it is considered that the proposal conflicts with CS16.

Guidance contained within PPG2 states that the visual amenity of the Green Belt should not be harmed by development proposals. The pattern of development in this area of Brandon and Bretford comprises six detached dwellings comprising generally of linear form of development. However, it is considered that the proposed 9.1 metres high dwelling would add to the built development within this parcel of land and would have an adverse impact on the rural character, contrary to policies CS16 and PPG2.

In relation to the impact on neighbours, the property to the northern boundary of the site, known as Tara, is set approximately 1.5 metres from its side boundary nearest to the application site. This as a two storey detached dwelling that has a flat roofed detached garage to the front of the main body of the house. The proposed dwelling would be sited within 2.2 metres of the side elevation of this property and the proposal will conflict with the 45 degree guidance contained in the Sustainable Design and Construction Supplementary Planning Document (Appendix B) by approximately 1 metre. In view of the height of the proposed property being circa 9.6 metres to the ridge of the roof it is considered that this will have an un-acceptable impact on the this property in terms of loss of sunlight or daylight.

Furthermore, there are no existing houses within the street scene that are more than two storey high and therefore the proposed being a three storey high would only add to having detrimental impact on the openness of the Green Belt and will be contrary to policies PPG2 and CS16.

In relation to highway safety the Highway Authority, Warwickshire County Council, have no objections to the proposal subject to conditions and informatives and as the proposed driveway could accommodate off road parking for 2 cars in addition to the double garage proposed to the front elevation, it is considered that saved Local Plan policy T5 is complied with.

**Recommendation**

Refusal – due to Green Belt location and impact on visual and residential amenity of the area.

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0147

**DATE VALID**

08/02/2012

**ADDRESS OF DEVELOPMENT**

Land Adj. THE HIGHLANDS  
RUGBY ROAD  
BRANDON  
COVENTRY  
CV8 3GJ

**APPLICANT/AGENT**

Mr Alan Pearson  
Rci Design Ltd  
156 Hawkes Mill Lane  
Coventry  
West Midlands  
CV5 9FN  
On behalf of Mr Lee Turner

**APPLICATION DESCRIPTION**

Erection of a new detached dwelling and associated access.

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

### **REASON FOR REFUSAL 1:**

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in PPG2 - Green Belts not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing dwellings and for limited infill in specified villages.

It is considered that the proposed dwelling constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a dwelling in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and guidance contained within PPG2: Green Belts.

### **REASON FOR REFUSAL 2:**

The proposal is considered by virtue of its size, siting, massing, height and prominent location to be unsympathetic to the appearance and character of the street scene and if approved would constitute a prominent and obtrusive feature within the street scene which would be detrimental to the visual amenities of the area and character of the area and openness of the Green Belt.

Furthermore, the proposal constitutes an un-neighbouring form of development, and would have an overbearing effect on the neighbouring property known as Tara, which would be detrimental to the amenities that the occupiers of the that property could reasonably expect to continue to enjoy. The proposal is therefore contrary to Policy CS1 and CS16 of the Rugby Borough Core Strategy June 2011 and National Policy PPG2.

### **REASON FOR REFUSAL 3:**

The proposed development does not constitute a rural exceptions site as defined by policy CS21 of the Rugby Borough Core Strategy 2011 as the proposal is for a market house, no local need for affordable housing has been demonstrated, the development would adversely affect the character of the area and the site is not located adjacent to an existing settlement. The proposal is therefore contrary to this policy.

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

CS1, CS16, E6, T5 and PPG2.

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.

**Reference number:**

R12/0280

**Site address:**

Open Space between Nelson Way and Montgomery Drive, Bilton, Rugby, CV22 7LE

**Description :**

Variation of condition 3 of planning permission Ref. No. R10/1299 (Upgrading of the open space between Nelson Way and Montgomery Drive including enhanced landscaping, a floodlit multi use games area and wildflower meadow with associated lighting, footpaths and vehicle access points (Phase 1), plus a toddlers play area, fitness trail and grass mounds (Phase 2)) to incorporate a 2 metre high fence around the MUGA and a new children's climbing facility located within the open space.

**Case Officer Name & Number:**

Nisar Mogul. 01788 533688.

**Description of Proposal:**

This application proposes to vary condition 3 of a previously approved proposal for the upgrading of an area of open landscaped space situated between Nelson Way and Montgomery Drive in the heart of the Admirals Estate in Bilton. The enhancement works included the creation of a floodlit Multi Use Games Area (MUGA) with goal recesses and basketball hoops, new lighting, benches, bins and pedestrian links. The proposal also included landscape enhancements comprising new tree planting, wildflower and grass meadow mixes as well as sensory planting and educational elements.

The MUGA is sited close to the narrower south corner of the open space. It measures 20m by 10.35m and has 3.8 metre high end panels to the north and south sides and currently has open sides to the east and west. At its closest point the games area would be located approximately 36 metres from the Nelson Way properties and 47 metres from the Montgomery Drive dwellings. Two floodlights would be sited to the east side of the area facing Montgomery Drive. It would be operated on a timer providing illumination between the hours of 5pm and 7pm when required around winter time.

The initial toddlers play area is sited to the north side of the open space would be set slightly south of the play equipment and would consist of walk and stretch posts, low hurdles, a balance beam, parallel bars, and skip bars.

The current application proposes a 2 metre high fence on the open eastern side of the MUGA fronting Nelson Way. The proposed fence will be 20.053 metres in length overall whilst leaving a gap of 1.232 metre access point. In addition the proposal now includes a timber climbing wall feature that comprises of 4No. climbing frames that interlock with rubber play safe matting within the activity zone. Two of the frames are 1.9 metres in height, one frame is 2.5 metres and one is 3 metres with the width of each being 2.55 metres wide.

**Description of Site:**

The 1.53 hectare site provides a generous swathe of open space within a residential area predominantly characterised by a mixture of semi-detached dwellings and flats. The site currently has limited landscaping consisting of recently planted Saplings, Wildflower and a number of benches. The land slopes down from east to west with the largest difference in levels of approximately 7 metres being located towards the north side of the open space. The topography flattens towards the south of the site. There are currently two existing public routes crossing the open space between Montgomery Drive and Nelson Way, one to the north edge of the site and another at the Pipewell Close / Montgomery Drive junction. To southern boundary of the site lies the MUGA and to the northern area is the wooden oval secure Toddler Play area.

**Relevant Planning History:**

R10/1299 -Upgrading of the open space between Nelson Way and Montgomery Drive including enhanced landscaping, a floodlit multi use games area and wildflower meadow with associated lighting, footpaths and vehicle access points (Phase 1), plus a toddlers play area, fitness trail and grass mounds (Phase 2).  
Approved 22/10/10.

**Third Party Comments:**

Neighbours - No responses to date – exp 29.3.12

**Technical Consultation Responses:**

Environment Agency - No objections.  
Natural England - No objections.  
Sport England - No objections.  
Police Liaison Officer - No objections.  
Parks and Cemeteries - No response to date.  
Environmental Health - No objections.  
Landscape Officer - No response to date  
Tree Officer - No response to date  
WCC Ecology - No objections.  
WCC Highways - No objections.

WCC Rights of Way - No objections

WCC Fire and Rescue - No objections

**Relevant Planning Policies:**

National:

PPG 17 – Planning for Open Space, Sport and Recreation - Complies

Rugby Borough Council Core Strategy:

CS16 – Sustainable Design - Complies

Rugby Borough Local Plan- Saved Policies:

GP2 – Landscaping - Complies

E6 – Biodiversity - Complies

LR3 – Quality and Accessibility of Open Space - Complies

**Assessment of the Proposal:**

Design Concept:

The original improvement scheme and the current additions has been prepared following extensive consultation with key stakeholders and local residents through a variety of consultation methods. These included public consultation exercises / events, drop in sessions, design workshops and housing management surgeries. The final concept has taken account of the views and wishes of the local community. The aim is to create a valuable local facility which will provide an attractive green hub within heart of the surrounding estate.

The MUGA:

The tarmaced multi use games area provides a solid surface for ball games including football and basket ball. Originally it was intended to be open along both sides and would have 3.8 metre high metal fencing panels to each end (north and south) to contain the activities around the main equipment which is where the main focus of the activities will be. Two 6 metre floodlights would illuminate the games area from the east side minimising the impact on the closest Nelson Way properties. The dwellings off Montgomery Drive would be sited further from the proposed MUGA and orientated at 90 degrees to the open space with their flank elevations facing the site and the proposed illumination. The lighting will be controlled by a timer which will limit the illumination to between the hours of 17:00 to 19:00 when required around winter time. The Council's Environmental Health Department confirmed in the original application that the floodlights, which will include down lighters to minimise light spillage, comply with the relevant standards. It is not therefore considered that the proposed illumination of the MUGA would unduly harm the residential amenities of the area. The inclusion of a 2 metre high fence to the eastern side adjacent to Nelson Way is intended to prevent balls from travelling out of the MUGA. The circa 1.2 metre access point within the fence is to enable the recovery of stray balls.

It is considered the separation distance added to the restricted hours of use arising from the illumination of the area, even during the naturally lit summer months, and the existing potential level of noise generation would avoid any unacceptable increase in the level of noise reaching the neighbouring properties. This is supported by the Environmental Health Department which have raised no concerns over the potential level of noise generation created by this element of the proposal.

It is considered that the Climbing frames that are to located to the north of the existing toddlers play area, will offer a variety of challenges for children of all ages and will compliment the existing wooden Toddlers play area. It is considered that this climbing element will further add to the overall quality and value of the area and would not unduly harm its character and appearance or the residential amenities of the area.

**Conclusion:**

The overall scheme including the current proposal consisting of the fencing to the MUGA and the Climbing Frame has been prepared following extensive public consultation within the surrounding area, particularly the local residents that will use the open space. The proposal will create a high quality environment that will promote social inclusion and community cohesion. It would enhance the value of a community recourse and would provide elements of interest for users of all ages. Given that the impacts of the MUGA can be adequately mitigated, it is considered that the proposal would enhance the character and appearance of the area and benefit local residents. It is therefore considered that the proposal would be in accordance with the guidance contained within PPG 17 and Policy CS16 of the Rugby Borough Council Core Strategy and Saved Policies GP2, E6 and LR3 of the Rugby Local Plan.

**Recommendation:**

Approve subject to the appropriate conditions.

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/1299

**DATE VALID**

06/08/2010

**ADDRESS OF DEVELOPMENT**

LAND BETWEEN NELSON WAY  
MONTGOMERY DRIVE  
BILTON  
RUGBY

**APPLICANT/AGENT**

ANC Angeli Gandoo-Fletcher  
Prp  
10 Lindsey Street  
London  
EC1A 9HP  
On behalf of Kaye Hoggett, Affinity Sutton

### **APPLICATION DESCRIPTION**

Upgrading the open space between Nelson Way and Montgomery Drive including enhanced landscaping, a floodlit multi use games area, wildflower meadow and associated lighting, footpaths and vehicle access crossing (Phase 1) and a toddlers play area and fitness trail (Phase 2)

### **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 with the Local Planning Authority, the lighting to the Multi Use Games Area hereby approved shall be operated on a timer which only allows illumination between the hours of 5pm and 7pm. The lighting columns and equipment shall be maintained in accordance with the manufacturers guidelines in perpetuity.

#### **REASON:**

To ensure that the development does not become a source of annoyance to neighbouring residents in accordance with Saved Policies GP2 and LR3 of the Rugby Borough Local Plan.

#### **CONDITION 3:**

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:

AL1040-2.1-001 A

AL1040-2.1-002

AL1040-2.0-003

AL1040-2.1-004

AL1040-2.1-005

AL1040-2.1-006

5755/6 dated 19/08/10

The details in the letter received from Angeli Ganoo – Fletcher dated 26th August 2010.

#### **REASON:**

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

#### **CONDITION 4:**

The flood lights and lighting columns hereby permitted shall at no time create glare on the public highway. If at any time it is found that the lights are causing a danger to highways safety mitigation works shall be carried out to the satisfaction of the Highways Authority within one month of the issue being raised.

#### **REASON:**

To ensure that the permitted works do not impact upon highways safety.

**CONDITION 5:**

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 6:**

Tree protection measures should be undertaken in accordance with the specific arboricultural report relating to the approved design details. A pre-commencement site meeting is to be arranged with LPA tree officer and the designated arboricultural consultant responsible for the site to assess the protection. All measures contained within the arboricultural report, and those agreed on site, should be fully implemented, and the written satisfaction of the LPA secured, before the development commences.

**REASON:**

To protect the trees and other features on site during construction.

**CONDITION 7:**

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

**REASON:**

To protect the trees and other features on site during construction.

**CONDITION 8:**

Prior to the commencement of development, a scheme for the provision of vehicle inhibitors at each of the drop curb points shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 6 months of the commencement of the development unless otherwise agreed in writing with the Local Planning Authority.

**REASON:**

In the interests of the safety of pedestrians using the open space.

**REASON FOR APPROVAL:**

The proposed extensions will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policies GP1, GP3, and H8 of the Rugby Borough Local Plan 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

PPG 17 and Saved Policies GP2, GP3, E5, T4 and LR3 of the Rugby Local Plan.

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:**

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

**INFORMATIVE 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:**

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.

**INFORMATIVE 4:**

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.

**Reference number: R12-0394**

**Site address: 11, Bracken Drive Wolvey Hinckley**

**Description: Extension to existing rear conservatory**

**Case officer: Brian Slater 3624**

***This application is being reported to Planning Committee as the applicant is a Councillor***

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**Relevant decisions**

Kitchen and Lounge Extension	approved [Building Regulations] 1984
Erection of two storey side extension	approved 24/10/2001
Erection of rear conservatory	approved 12/12/2005

**Technical Consultations**

WCC Ecology No objection subject to an informative note is added to any approval granted regarding the protected status of nesting birds

**Third Party Consultation**

Neighbours No comments received

Ward Members No comments received

Parish Council No objection

**Site description and the surroundings**

The property is a detached dwelling house that is situated within the village of Wolvey and within a residential estate built in approximately 1976 .The house has been previously extended [see relevant decisions above]. The surrounding residential area comprises mainly detached dwelling houses with many previously extended. The adjacent detached property Number 9 Bracken Drive is separated by an approximate 1.8 metre fence along the joint dividing boundary. This property also has a conservatory to the rear of the property with a kitchen and utility windows near to the joint boundary with the application site. The other adjacent detached property Number 13 Bracken Drive has an approximate 1.8 metres in height fence along the joint dividing boundary.

**The application**

The applicant seeks permission for the extension of the existing conservatory which is formed at the rear of the property. The proposed conservatory measures 3.3 metres wide 3.10 metres in depth and a maximum height of 2.6 metres

## **Planning Policy Guidance**

Core Strategy 2011 Policy CS 16 Sustainable Design  
Saved policy E6

PPS 1 Delivering Sustainable Development  
PPS 9 Biodiversity and geological Conservation

## **Determining Considerations**

Policy CS 16 requires that all development will demonstrate high quality, inclusive and sustainable design and will only be permitted where proposals are of a scale density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated Furthermore development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded

Paragraph 33 of PPS 1 [Delivering Sustainable Development] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity.

Saved policy E6 of the Rugby Borough Local plan 2006 mentions that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance, in particular priority habitats /species and species of conservation concern. This is reflected in National Planning Policy PPS 9 [Biodiversity and Geological Conservation]

The proposed conservatory will infill an area to the side of an existing conservatory approved in December 2005 and to the rear of a single storey rear extension which was approved in 1984. The depth of the existing rear extension and conservatory amounts to 4.6 metres in depth close to the joint dividing boundary with number 13 Bracken Drive. The overall design and appearance reflects the appearance of existing conservatory and collectively they are sympathetic to the host dwelling.

In addition, the proposed conservatory stands 3.6 metres away from an approximate 1.8 metre in height fence that is formed along joint dividing boundary with the adjacent property number 9 Bracken Drive. Between the proposed conservatory and fence is a small garden hut. The proposal by virtue of its size, height and position will not result in an overbearing form of development and will not reduce the amenity/ privacy to the existing rear facing utility / kitchen windows in the rear elevation of this adjacent property or the privacy and amenity to the occupier's enjoyment of the conservatory and rear garden area. Furthermore the proposal will comply with the Borough Council's 45 degree code for single storey additions.

Therefore the proposal will comply with policy CS 16 of the Core Strategy 2011 and the requirements of National Planning Policy in PPS 1 [Delivering Sustainable Development] and the Sustainable Design and Construction SPD [Appendix B Residential Extension Design Guide].

The WCC Ecology has recommended that due to the nature of the works to the existing building, that an informative not highlighting the protected status of nesting birds is added to any approval granted. Therefore the proposed development will comply with saved policy E 6 of the Rugby Borough Local Plan 2006 and the requirements of National Planning Policy PPS 9 [Biodiversity and Geological Conservation]

**Recommendation**

Planning permission be granted.

**Prepared by**

BRIAN SLATER

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0394

**DATE VALID**

07/02/2012

**ADDRESS OF DEVELOPMENT**

11 BRACKEN DRIVE  
HINCKLEY  
LE10 3LS

**APPLICANT/AGENT**

Mr R Crashley  
Design Connections  
25 Linsdale Gardens  
Geding  
Nottingham  
Nottinghamshire  
NG4 4GY  
On behalf of Mr A Warwick

**APPLICATION DESCRIPTION**

Erection of extension to existing rear conservatory

**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:

Existing and proposed rear elevations at scale 1.100 dated January 2012, proposed plan at scale 1.500 dated January 2012, proposed roof/block plan at scale 1.200 dated January 2012 and site location plan at scale 1/1250 all received by the Local Planning Authority on 3rd February 2012

**REASON:**

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

**REASON FOR APPROVAL:**

The proposed conservatory extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and the requirements of National Planning Policy in PPS [Delivering Sustainable Development]The WCC Ecology has mentioned that the proposal is satisfactory subject to an informative note regarding the protected status of nesting birds. Therefore the proposal will comply with saved policy E6 of the Rugby Borough Local Plan 2006 and the requirements of National Planning Policy in PPS 9 [Biodiversity and Geological Conservation]

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

CS 16, E6 PPS 1 PPS 9 Sustainable Design and Construction SPD [Appendix B Residential Extension Design Guide]

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 and Local Government and Communities web site on [www.communities.gov.uk](http://www.communities.gov.uk)

**Reference number: R12/0251**

**Site address: Land at Mobbswood Farm, Brinklow Road, Coventry**

**Description: Use of land for recreational paintball games, together with the erection of ancillary structures associated with the use. (Alterations to previously approved application R08/1663/MAJP)**

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

This application is to be considered by members of the planning committee as the proposal is classed as a major application due to its site area.

### **Site Description**

Mobbs Wood Farm is located within the Green Belt south east of the village of Ansty. The farm is accessed from a single track road off the B4029 and provides access to the Nettle Hill Training Centre and Conference Centre and Mobbs Wood Farm. The application site is located on the opposite side of motorway to the main group of farm buildings and is bounded on one side by the railway and on one side by the M6 motorway and consists of woodland and two open fields.

The site has previously been used for paintballing and was left in an untidy state when the last tenants of the land left with many pieces of paintballing paraphernalia and rubbish strewn across the site. The last tenants used the field closest to the M6 for some of the paintballing activities along with the wood and it had appeared that they had been using the field beyond closest to the Railway which is obscured from the M6 motorway by a line of vegetation.

### **Proposal Description**

The proposal is to make changes to the previous paintballing activities by bringing the field closest to the Railway into use for paintballing and to cease the activities upon the field closest to the M6 motorway. The changes will also include a complete overhaul of the facilities to give a cleaner appearance and to move the main base into an area which would be screened more by the vegetation which borders the motorway.

The new base camp will consist of timber post structures with timber plank elevations and a green profile roof cover. There will be other structures under the cover of the roof such as containers to form toilets, a kitchen/canteen and shop where paintballs and refreshments are purchased from. There will also be new structures placed within the woodland replacing those previously installed by the former tenant, such as a mock timber castle, a bunker village and bridges. The field to which will hold the other activities and will be split off into different sections with associated structures mainly of temporary appearance sited within, such as two metre high wooden walls without roofs forming a mock village, a mock grave yard and the star gate which was previously used.

During the process of the application discussions have been ongoing between the applicants and Rail Network and it has now been agreed to move the proposed boundary black mesh fence 10 metres away from the fence denoting the start of rail network land to allow for a buffer to be created between the two uses.

## **Relevant Planning History**

R08/1663/MAJP - Continuation of use of land and woodland as a paintball course (Class D2 of the Town and Country Planning (Use Classes) Order 1987) (Resubmission) – 18/02/09

## **Technical Consultation Responses**

Environmental Services – No objections

WCC Ecology – No objections subject to conditions

Highways Agency – No objections subject to conditions

Rail Network – No objections

## **Third Party Responses**

Neighbours – No comments received

Parish Council – No objections

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

### Saved Policies

E6 – Biodiversity

T5 – Parking Facilities

### Guidance

PPG2 – Green Belt

PPS7 – Sustainable Development in Rural Areas

## **Assessment of Proposals**

The determining issues to take into account in this case are the principle of the development in this green belt location, the impact on the openness and character of the green belt and the impact on biodiversity and highway safety.

### **The principle of development**

The use of the land has already been established for paintballing and this application is to enable the continuation of the paintballing activities albeit with new structures and layout. An area of land to the south of the existing site will be utilised replacing that of the field closest to the M6 so not altering the overall size of the site. The proposed paint balling site is located within the Green Belt. National Policy PPG2 states there is a presumption against inappropriate development within the Green Belt. The construction of new buildings in the Green Belt is inappropriate unless it is

for the purposes of agriculture and forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the green belt and which do not conflict with the purposes of including land within it. The proposed use and associated buildings, structures and facilities such as the base camp, timber structures and bridges are essential for the paintballing course and would provide a recreational facility which is deemed appropriate within the Green Belt. As the use already exists in this locality and is classed as an appropriate use with the Green Belt it is considered that the proposed use does not conflict with the policy guidance contained in PPG2.

### **Impact on visual amenities**

PPG2 states that the visual amenities of the Green Belt should not be injured by the proposals for development within or conspicuous from the Green Belt. Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The nature of paintballing uses the environment and its surroundings to create the backdrop for the games; therefore the natural environment is the site. The buildings and facilities that are required for ancillary storage, toilets, seating etc that make up the base camp would in relation to the size of the gaming site take up a small fraction of the area. The base camp has now been sited further into the corner created by the woodland and band of vegetation running alongside the motorway so would be better positioned and less visually prominent therefore not appearing incongruous within the landscape. The proposed changes and alterations to the paintballing site will see the removal of all facilities and equipment from the field closest to the M6. There will be new facilities and structures positioned in the field beyond the band of vegetation screening it from the M6. This change would improve the visual aspect of the site as the most prominent part of the site would be clear and free of clutter whilst the field enclosed on three sides by vegetation would hold the activities within and be only visible from passing trains on the railway line which runs to the south side of the site. The activities within this field would involve temporary structures which would have an impact visually however due to the location of the field, the natural screening surrounding it and the sympathetic materials used to construct the ancillary gaming structures the impact would be reduced in terms of the visual amenities of the Green Belt. The new proposals would be a significant improvement to those of the previous users as the new paintball company is a more professional outfit who have approximately 28 other sites within the country. The parking provided for the users of the paintball will be on the opposite side of the M6 to the site as previously approved. This parking area is located at the foot of two mobile operator's towers so therefore reducing the impact on the visual amenities on the Green Belt. Taking the above into account it is considered that the proposals would comply with policy CS16 of the Core Strategy and also the guidance contained in PPG2.

### **Impact on biodiversity**

Saved policy E6 of the Local Plan states that the Council will seek to safeguard, maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. As part of the previous application to establish the use an ecological appraisal was undertaken and from this appraisal it was clear that the site including semi-natural broad-leaved woodland and associated features is of considerable ecological value. It stated that protected species which are likely to be present within the application site include reptiles, amphibians, nesting birds and bats, and the nature of the paintballing games has potential to cause disruption of sensitive areas. The ecology department at

Warwickshire County Council have assessed the application and previous ecological report and are understanding that the nature of the use of the site will not change from the previous use, with the exception of an agricultural field which is of low ecological value therefore has no reason to object to the proposed works. However the ecologist has requested a condition to be attached to ensure careful management of the site, to ensure no net-loss of biodiversity occurs as a result of the proposals and so that disturbance to particularly sensitive areas can be avoided. It has been confirmed by the applicants that no tree will be removed from the site nor will there be any scrub land removed around the pond when the proposed bridges are inserted. Taking the above into account it is considered the proposals will not impact on the biodiversity of the area complying with policy saved policy E6 of the Local Plan 2006.

### **Impact on highway safety and parking**

The site would be accessed from an existing highway which leads to Nettle Hill Conference Centre and thereafter to a private road leading to Mobbs Wood Farm. The car park is to remain sited in the same location as previously approved back in 2009 which is in a corner of Mobbs Wood Farm on land situated between two telecom masts and adjacent to the bridleway which leads over the M6 via a bridge. It has again been agreed with the highway agency to locate the car park on this side of the Motorway to avoid increased use of the bridge over the highway. The bridge however will be used to allow the participants in the paintballing to access the site which would involve a walk of over 500 metres. The car park will support 40 cars and will consist of turf reinforcement mesh layered on the grass. The number of spaces provided would be well within the Councils maximum standards therefore complying with policy T5 of the Local Plan 2006. The design and access statement refers to the numbers of movements to and from the site with approximately 30 in the morning and 30 in the evening with activity on the site only occurring two or three days a week. This activity would not increase the amount of traffic from what was expected for the previous paintballing use therefore not altering the situation in terms of highway safety.

### **Recommendation**

Grant Permission Subject to Conditions

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R12/0251

### **DATE VALID**

06/02/2012

### **ADDRESS OF DEVELOPMENT**

LAND AT MOBBSWOOD FARM  
BRINKLOW ROAD  
COVENTRY  
CV7 9JN

### **APPLICANT/AGENT**

Mr Rob Huntley  
Rhpc  
Stratfield House  
265 High Street  
Crowthorne  
Berkshire  
RG45 7AH  
On behalf of Mr Duncan Gass

### **APPLICATION DESCRIPTION**

Use of land for recreational paintball games, together with the erection of ancillary structures associated with the use. (Alterations to previously approved application R08/1663/MAJP)

### **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, Drawing Nos. C143-2; C143-3; C143-4; C143-5; C143-6; C143-7; C143-8; C143-9; C143-10; C143-11; C143-12; C143-13 and C143-14, Design and Access Statement, all received on the 06 February 2012

Site Location Plan received on 20th February

Drawing No. C143-1R1 received on the 22nd March 2012

#### **REASON:**

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

#### **CONDITION: 3**

No further works to commence on site, until a pLWS survey to assess the site against Local Wildlife Site criteria has been completed, the result of which must be used to inform an appropriate habitat management scheme of the application site to insure that no net-loss of biodiversity occurs. The survey should determine the quality of habitats and species present and be carried out in accordance with the Guidance for the selection of non-statutory sites of importance for Nature Conservation in Warwickshire. The management scheme should be agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of habitat management including details of lake/pond protection. The agreed scheme to be fully implemented before/during development of the site as appropriate.

#### **REASON:**

In accordance with PPS9 and accompanying circular 2005/06 and to comply with saved Policy E6.

**CONDITION: 4**

No vehicles belonging to visitors or persons participating in the paintballing activities shall be parked or stored on the site on the south side of the M6 motorway at any time.

**REASON:**

To prevent the bridge structure known as M6 Bridle Road R73G suffering from any detrimental impact through increased vehicular use.

**CONDITION: 5**

As indicated on the site location plan received on the 8th February 2012 paintballing activities shall cease in the area outlined in blue and it shall be returned to agricultural land before the new site is put into use.

**REASON:**

To define the permission

**CONDITION: 6**

No further equipment, structures or game paraphernalia other than those items shown on the submitted plans and details included in the application shall be placed or erected within the site unless otherwise agreed in writing by the planning authority

**REASON:**

To ensure the satisfactory appearance of the site

**CONDITION: 7**

This site shall only be used as a paintballing course and shall not be used at any time for any other uses within Class D2

**REASON:**

To restrict the uses within Green Belt and to ensure the development is to the satisfaction of the Local Planning Authority

**CONDITION: 8**

In the event that the use of the land and woodland for the purposes hereby permitted should cease, all equipment, game paraphernalia and temporary structures including the base camp shall dismantled and removed from the land and woodland, and the land and woodland restored to its former condition within a period of 6 months of the cessation of paintballing activities.

**REASON:**

In the interests of the visual amenities and rural character of the locality

## **REASON FOR APPROVAL:**

The proposed use and associated buildings, structures and facilities such as the storage container, marquee and toilets which are essential for the paintballing course, would provide a recreational facility which is deemed appropriate within the Green Belt. It is therefore considered that the proposed use does not conflict with policy PPG2. The proposed use is isolated away from nearby residents, is of a scale and nature which does not impact on the appearance and character of the area, has minimal impact on the surrounding road network, has adequate parking and access and minimal impact on the natural environment therefore is considered to be acceptable and therefore complies with policy CS16 of the Core Strategy 2011 and saved policies E6 and T5 of the Local Plan 2006

## **INFORMATIVE: 1**

If it is essential to fell or lop any trees or part of the hedgerows, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season March-September. All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), 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 and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations 1994 to have regard to the Habitats Directive when exercising their functions

## **INFORMATIVE: 2**

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

## **INFORMATIVE: 3**

The public bridleway adjacent to the site must not be obstructed or damaged at any time

**Reference number: R11/0239**

**Site address: Land at Stretton Croft, Watling Street, Wolvey**

**Description: Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

### **Description of site**

This application relates to an area of land to the north of the Borough close to the junction of the M69 and A5. The site is accessed from the north along Wolvey Road.

The site is located outside of the Green Belt in the countryside.

There was previously a dwelling to the north of the site within the administrative area of Hinckley and Bosworth Borough Council and the applicant have advised that the current application site formed part of the curtilage of this dwelling. The site was also used as a compound when construction of the M69 was carried out.

The site slopes down from Wolvey Road towards the south eastern boundary adjacent to the M69, at the junction the M69 is at a higher level than the site, this slopes down towards the south of the site.

There are residential properties to the north of the site and on Wolvey Road. Close to the site on the A5, Watling Street there are commercial properties, 2 public houses/restaurants and a petrol filling station.

There are high voltage power lines crossing the site, although the pylons are not located within the site area.

There are mature trees on the sites boundary with Wolvey Road and the M69, these are protected by a Tree Preservation Order.

### **Description of proposals**

This is an outline application for the development of the site for uses falling within classes B1 – business, C1 – hotel incorporating A3 – restaurant and D2 – assembly and leisure with associated works, parking and landscaping. The applicant has advised that the A3 use would be ancillary to the proposed hotel.

The application form specifies the amount of floorspace proposed for each of the proposed uses and also states that the proposed hotel would have 100 bedrooms.

As this is an outline application the details relating to the design of the buildings, layout of the site or proposed landscaping are not to be considered at this stage. However, illustrative plans have been provided showing how the site could be developed and showing an illustrative landscape scheme. Indicative levels plans have also been provided which show the building heights.

The illustrative plans show the site being accessed from Wolvey Road in the north western corner of the site. A hotel, leisure building and office building are shown towards the south east of the site, closest to the M69, smaller office/light industrial buildings are shown closer to the site entrance. Areas of car parking and landscaping

are shown between the proposed buildings. Illustrative levels and cross sections have been submitted, these show the buildings adjacent to the M69 as three storey buildings with the buildings closer to the site entrance being two storey.

It is anticipated that the development would create around 350 jobs.

### **Third party comments**

#### Original consultation

Stretton Baskerville Parish Meeting Objection

- impact on residents of peaceful rural area,
- loss of privacy,
- damage to hedgerows when road is widened,
- impact on wildlife,
- large number of vehicle movements,
- impact on M69 roundabout,
- development is Green Belt land,
- previous applications were refused due to traffic concerns,
- not in keeping with character of area,
- enforcement notices to clear site have not been complied with,
- has need for development been proved?

Wolvey Parish Council Comment

Although development is not within Wolvey Parish are concerned that they were not consulted

Neighbours (10) Objection

- development will impact on rural character of the area,
- area of proposed development is not previously developed land,
- will blur boundary between Burbage and the countryside,
- contemporary urban style buildings are not appropriate,
- protected trees, wildlife habitats and hedgerow will be lost,
- there are developments similar to the proposals close to the site, are more really needed?
- site is not accessible by public transport,
- increased use of unadopted road,
- use by large delivery vehicles and buses and use late at night will disturb local residents,
- adding a roundabout will add to congestion on A5 and M69, the area is already very busy,
- Wolvey Road/Three Pots is used as a rat run, development would increase this,
- increased use and larger vehicles on Wolvey Road/Three Pots will be dangerous and damage road,
- increased litter from users of the development using local shops,
- HGVs park overnight in the layby blocking visibility,
- development would lead to HGVs parking on Wolvey Road leading to noise and loss of privacy,
- there are other more suitable sites in the area,
- buildings will lead to loss of privacy to nearby homes, application states the impact is reduced by trees however these will lead to a loss of light,
- when recent homes were completed the developers damaged trees, they do not maintain the land that they own,
- consider Rugby Borough Council has little direct interest in the site,
- do not consider sufficient consultation was carried out,

- Hinckley and Bosworth Borough Council have not been sufficiently involved in the application,
- affected residents live within Hinckley and Bosworth Council's area,
- consider development would infringe Human Rights Act as people have right to private and family life,
- previous applications were refused due to Green Belt location,
- applications for dwellings nearby were refused,
- there are outstanding enforcement issues at the site.

Neighbours (1) Comment

- Wolvey Road also provides access to agricultural land and Stretton Baskerville Farmhouse,
- access along this road for large agricultural vehicles must be maintained.

Further consultation/additional information

Neighbours (2) Objection

- does not overcome original objections to the development,
- increased traffic on A5, this is already a high accident area,
- impact on wildlife within the site and surrounding area,
- development would not lead to business or regeneration benefits, there are similar facilities nearby, some of these are vacant,
- local residents would be unable to access homes,
- HGVs park overnight in the layby blocking visibility,
- development would lead to HGVs parking on Wolvey Road leading to noise and loss of privacy,
- when recent homes were completed the developers damaged trees, they do not maintain the land that they own,

Neighbours (1) Comment

- Wolvey Road also provides access to agricultural land and Stretton Baskerville Farmhouse,
- access along this road for large agricultural vehicles must be maintained,
- concern that agricultural vehicles will have to turn right across traffic leaving the site.

**Technical consultation responses**

Hinckley & Bosworth BC Objection

- the Sequential Site Analysis document fails to demonstrate why this site, which is Greenfield land and outside of a settlement, is sequential preferable,
- there are errors and inaccuracies in the submitted document,
- development is contrary to national policy and policies of both Rugby Borough Council and Hinckley & Bosworth Borough Council.

Environmental Health	No objection	Subject to conditions
WCC Highways	No objection	
LCC Highways	No objection	
Highways Agency	No objection	Subject to conditions
Environment Agency	No objection	Subject to conditions
Landscape Officer	No objection	
Tree Officer	No objection	Subject to conditions
Severn Trent	No objection	Subject to condition
WCC Ecology	Comment	Mitigation for impact will be required
Natural England	No objection	
Warks Fire & Rescue	No objection	Subject to condition

Warks Police	No objection	Subject to informative
National Grid	No comments received	
WCC Archaeology	No comments received	

### **Relevant planning policies and guidance**

#### Rugby Borough Core Strategy 2011

CS1	Conflicts	Development Strategy
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

#### Rugby Borough Local Plan 2006 – Saved policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking facilities
LR10	Conflicts	Tourism and visitor facilities and attractions

Planning Obligations SPD, March 2012

Sustainable Design and Construction, February 2012

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS4: Planning for Sustainable Economic Growth

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

PPS25: Development and Flood Risk

Draft National Planning Policy Framework, July 2011

### **Assessment of proposals**

As this is an outline application the main issue to assess at this stage is whether the principle of the proposed development on this site is acceptable. Illustrative plans showing a possible site layout, building designs and building heights have been provided. Although the details shown on these plans is for illustration only they can be assessed to ensure that the proposed development could be accommodated on the site without having an adverse impact on visual amenity, neighbouring properties, highway safety or protected species.

PPS7: Sustainable Development in Rural Areas seeks to protect the countryside but equally recognises that sustainable development within such areas may be necessary and acceptable within the wider economic context. Local planning authorities are encouraged to support a range of economic activity and leisure development in rural areas which support rural businesses, communities and visitors and which utilise, enrich, but do not harm the countryside. Whilst the proposed development will result in the loss of countryside, this loss needs to be considered alongside any potential economic benefits of the proposals.

Although the site is located within the countryside its location, adjacent to Burbage, is a key consideration as this would result in development in a more sustainable location than the majority of other countryside sites.

PPS4: Planning for Sustainable Economic Growth requires a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably. The applicants have indicated that the proposed development may create up to 350 jobs and therefore this is an important consideration. PPS4 also clearly defines each of the proposed land uses on this site as main town centre uses.

Policy EC12 of PPS4 states that local planning authorities should support development in rural areas which enhance the vitality and viability of market towns. This policy reinforces the important consideration of the relationship between the proposal and the settlements of Hinckley and Burbage.

Given the nature and scale of the proposal, Policy EC14 of PPS4 requires the applicant to submit an assessment of sequentially preferable sites and an assessment of the proposal's potential impacts on other centres. This document has been provided and an updated version was submitted to reflect comments made by both Rugby Borough Council and Hinckley and Bosworth Borough Council.

Policy CS1 sets out the strategy for development within the Borough. This states that Rugby Town Centre is the primary focus for services and facilities and that the Rugby Urban area is the primary focus for meeting strategic growth targets. This site is located within the countryside and this policy states that new development will be resisted and will only be permitted if allowed by national policy relating to the countryside. The proposal is therefore contrary to this policy.

However, the site is located close to the urban area of Burbage. The supporting text to policy CS1 acknowledges that the administrative boundary of Rugby Borough is located very close to urban areas within other boroughs. This goes on to state that development adjacent to other urban areas would remain contrary to this policy as it would not assist in achieving sustainable development focussed on Rugby Town Centre and that any proposals for development in these locations would be judged on its merits in partnership with the relevant neighbouring authority.

Saved Local Plan Policy LR10 seeks to ensure that hotel development is consistent with the principles of the aforementioned development strategy. Policy LR10 states that tourism and visitor facilities such as hotels should be located in town centre, edge of centre or urban area locations. Hotels should only be located outside of the urban area in appropriate brownfield locations subject to the impacts on town centre vitality and viability. Where this is the case, regard should be had to the accessibility of the location and the relationship to the town.

The proposed hotel is therefore contrary to this policy. However, as policy CS1 refers to the proximity to other settlements it is reasonable to consider that the relationship to the urban areas of Hinckley and Burbage may allow the development to be supported in principle, subject to evidence being provided to show that the development will not have an adverse impact on town centre vitality and viability.

Given the policy considerations detailed above and the close proximity of the site to Burbage, officers consider that the principle of the development may be acceptable, subject to it not having an adverse impact on the adjacent settlements.

The applicant has provided a statement that includes an assessment of the impact of the proposals and this has been updated following comments from Rugby Borough Council and Hinckley and Bosworth Borough Council. In relation to the hotel and leisure parts of the development this assessment suggests that the scale of the

proposals in relation to the overall market for this sector within the catchment area of Hinckley is minimal.

In relation to proposed office development the assessment refers to the overall target for office development within the adopted Hinckley and Bosworth Borough Council Core Strategy. The applicant's conclude that the proposed development equates to 10% of the Core Strategy target.

Officers have assessed this information and found it to be correct. Other references made within the assessment have also been verified and it is noted that Hinckley and Bosworth Borough Council have identified that the level of offices available within their town centre area action plan is approximately 84% of the need for offices identified in their Core Strategy. It therefore appears that there is capacity within the catchment area for this scale of office development proposed.

As detailed in the supporting text to policy CS1 Hinckley and Bosworth Borough Council were consulted on the proposals and a meeting was held between officers and Members of both authorities. At this meeting Hinckley and Bosworth Borough Council were asked to provide information as to whether the proposed development would have an adverse impact on the adjacent centres and whether there were specific alternative sites that would be affected by the proposals.

Although Hinckley and Bosworth Borough Council have maintained their objection to the application they have not provided this information. On this basis it is not considered that there is any clear evidence to suggest that the proposals will have a significant adverse impact, this is a consideration in policy EC17 of PPS4. It is therefore not considered that this is grounds to refuse the application, particularly in the current economic climate and the potential of the scheme to create jobs and economic growth.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and PPS4 and the emerging National Planning Policy Framework highlights the role of the planning system in building a strong and responsive economy. It is therefore considered that the principle of the proposed development is acceptable.

Although this application is in outline form only indicative layout, elevation and levels plans have been provided to show how the site could be developed with buildings of the sizes proposed. Although these plans are provided for illustrative purposes due to site constraints, such as the access point, overhead power lines, trees and landscape areas, these given an indication of how the development is likely to be approached.

The access to the site from Wolvey Road is shown in the north western corner of the site with the internal access road running along the northern boundary.

The submitted plan shows the hotel, leisure building and a large office building being located in the eastern part of the site, closest to the M69. These buildings would be between 15m and 20m high and could include three storeys of accommodation. Smaller B1 buildings are shown closer to the western site boundary, these are shown as two storey buildings that are around 10m high. Areas of car parking are shown between the buildings broken up by areas of landscaping. Additional parking is shown between the taller buildings and the site boundary and the landscape plan shows this as a cellular surface with planting.

The illustrative elevations show contemporary buildings with large amounts of glazing with render, cladding and terracotta panels.

As the application site is currently undeveloped the proposals will have an impact on the visual amenity of the area. Officers had concerns regarding the height of the buildings shown adjacent to the motorway on the illustrative plans. These concerns were discussed with the applicants who advised that this height was shown due to a design feature on the illustrative plans. The applicant has confirmed that they are prepared to accept a condition limiting the height of the buildings to 16m. These buildings will be seen in association with the M69 which is to the rear of the site and this height of building is considered acceptable.

Although the site is not located within the Green Belt it is immediately adjacent to it. PPG2 states that the visual amenity of the Green Belt should not be harmed by development that is conspicuous from the Green Belt. As the site will be seen in association with the M69, A5 and Burbage, which have an urbanising effect it is not considered that the proposals will have an adverse impact on the Green Belt.

The illustrative layout shows lower two storey buildings in the north west corner of the site. There are two storey residential properties to the north of the site around 25m from the site boundary and the proposed two storey buildings provide a transition between these and the larger buildings.

Subject to the condition, it is considered that the illustrative plans show that the proposed development can be accommodated on the site in a manner that is acceptable in terms of impact on visual amenity in accordance with policy CS16.

The closest residential properties are located to the north of the site, accessed from Wolvey Road. The closest of these properties is around 25m from the site boundary, there is a landscaped area between the curtilage of these dwellings and the application site, this is at least 10m wide. It is considered that the proposed development could be accommodated in a manner that provides sufficient separation to ensure these properties are not adversely affected in terms of loss of light and privacy.

Objections received from neighbouring residents state that the proposed development could have an adverse impact in terms of increased noise and air quality. Environmental Health have commented on the application and have requested conditions requiring a noise assessment and air quality assessment. These will allow suitable mitigation measures to be identified and agreed by the Council. Subject to these conditions the impact on neighbouring properties is considered acceptable in accordance with policy CS16 and guidance contained within PPS24.

Policy CS16 also states that sustainable drainage systems should be incorporated into developments, the application form states that surface water will be disposed of using a sustainable drainage system in accordance with this requirement.

It is also a requirement of policy CS16 that non-residential development should demonstrate the water efficiency standards included in the BREEAM "very good" standard. Policy CS17 states that developments must comply with the published Building Regulations at the time of construction and that developments of over 1000 square metres of non-residential floorspace should include measures to reduce carbon emissions by at least 10%.

The submitted information states that the design of the development will incorporate these measures and these can be controlled by condition. The proposals therefore comply with the requirements of policies CS16 and CS17.

The proposals are for the site to be accessed along Wolvey Road and it is proposed to upgrade the junction of Wolvey Road and the A5 to a roundabout. Neighbouring residents have objected on the basis that the development would lead to increased traffic and that the junction works would increase congestion and lead to nearby roads being used as “rat-runs.”

Although the site falls within Warwickshire the roads that will be used to access the site are the responsibility of the Highways Agency and Leicestershire County Council. Warwickshire County Council Highways therefore have no objection to the proposals.

The access arrangements have been discussed with both the Highways Agency and Leicestershire County Council. It is proposed to carry out works within the highway to provide a roundabout at the junction of Wolvey Road and the A5 Watling Street to replace the existing crossroad junction.

A roundabout design has been produced and the Highways Agency have advised that this is acceptable. Leicestershire County Council have commented that they have some concerns regarding the geometry of the roundabout but acknowledge that the Highways Agency has the overall responsibility for approving the design and that these concerns could be considered in detail during the design process, therefore the highway authority have no objection to the development.

It is therefore considered that the transport impacts can be mitigated against, in accordance with policy CS11.

This policy refers to the provision of travel plans and this can be controlled by condition. There are also bus routes that pass the site from Hinckley although these have an irregular service. However, there is an hourly bus service from within the nearby residential area. In addition there is a bus between Leicester and Coventry which passes the site ever 90 minutes.

The submitted illustrative layout shows 371 car parking spaces to serve the development. The Council’s Parking Standards contained within the Planning Obligations SPD would require 100 spaces for the proposed hotel and 124 spaces for an office development of the size shown. In relation to the leisure use the amount of car parking required by the Council’s standards would depend on the type and size of facility proposed. Guidance contained within PPG13 states that the maximum standard for D2 uses should be 1 space per 22 square metres, based on the size of facility proposed this would lead to a requirement of 147 spaces. This would lead to a requirement for 371 spaces. It is considered that the illustrative layout shows that a suitable level of car parking could be accommodated within the site. No cycle parking is shown on the illustrative layout, however this can be controlled by condition. Subject to this condition it is considered suitable parking facilities can be provided in accordance with saved policy T5 and PPG13.

There are mature trees on the western boundary of the site adjacent to Wolvey Road and the south eastern boundary adjacent to the motorway, these are covered by a Tree Preservation Order. The application has been accompanied by a Tree Survey and Arboricultural Reports which assess the quality of these trees. The majority of trees are to be retained although trees within these areas that are in a poor condition,

dead or dying are to be removed. The Tree Officer does not object to the removal of these trees.

The proposals also include the removal of 2 mature lime trees to allow the access into the site to be provided. This matter has been discussed with the Council's Tree Officer who is satisfied that the removal of these trees is necessary to provide the access. He therefore does not object to the removal of these trees subject to a condition requiring them to be replaced with semi-mature lime trees to either side of the site entrance.

The submitted Arboricultural information also shows the root protection areas of the trees that are to be retained, the submitted illustrative layout plan shows the buildings and parking areas outside of the root protection areas and it is considered that the development could be accommodated in a manner that would not adversely impact on the retained trees. The Tree Officer has requested a condition to ensure that the works are carried out in accordance with the submitted information.

An illustrative landscape plan has been provided that shows the type of landscaping that could be accommodated within the site. This includes landscaping to the site boundaries, adjacent to the protected trees, between the buildings and between the car parking areas. Officers raised concerns that the rows of car parking are not broken up with landscaping, the applicant has confirmed they would be prepared to provide landscaping within the parking areas and this would be considered in more detail at the Reserved Matters stage. The Council's Landscape Officer is happy with the general approach to landscaping and this is considered acceptable in accordance with saved policy GP2.

The application site and surrounding land are designated as a Local Wildlife Site and the development will have an adverse impact on this. The applicants have provided information to show how green areas within the site and within their ownership could, in part mitigate for the impact on the Local Wildlife Site. However, this mitigation is not sufficient to outweigh the negative impact on the Wildlife Site.

Rugby Borough Council and Warwickshire County Council are currently involved in piloting a national Biodiversity Offsetting scheme and have been working with Natural England and DEFRA on this. This scheme requires developers to pay a contribution that will be spent on enhancements of other areas within the Borough to increase their value for biodiversity. WCC Ecology have commented that off-setting will be appropriate in this case. It is therefore considered that, subject to a s106 relating to off-setting and a condition relating to an Environmental Protection Plan for Construction, that the impact on biodiversity is acceptable in accordance with policy CS14 and saved policy E6.

A Site Investigation report has been submitted and trial pits were dug on site. The Council's Environmental Health section have reviewed the submitted information and have no objection to the development, subject to a condition relating to further site investigation and, if necessary, remediation. Subject to this condition the development is considered acceptable in accordance with PPS23.

The Environment Agency initially objected to the application on the grounds that a Flood Risk Assessment had not been provided. This has now been submitted and the Environment Agency have no objection to the development subject to conditions to ensure the mitigation measures included in the Assessment are carried out and requiring drainage details to be approved. Subject to these conditions the development is considered acceptable in accordance with PPS25.

Stretton Baskerville does not have a Parish Plan.

As the development proposed includes more than 5000 square metres of leisure and office floorspace and is not in accordance with the development plan it is necessary to refer the application to the Secretary of State, if the Council are minded to approve the application, in accordance with Circular 02/2009.

**Recommendation**

Officers be given delegated powers to approve the application, with conditions, subject to the referral to the Secretary of State and the completion of a legal agreement.

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/0239

**DATE VALID**

31/03/2011

**ADDRESS OF DEVELOPMENT**

LAND AT STRETTON CROFT  
WATLING STREET  
BURBAGE

**APPLICANT/AGENT**

Mr Fraser Littlejohn  
Montagu Evans Llp  
4th Floor, Exchange Tower  
19 Canning Street  
Edinburgh  
EH3 8EG  
On behalf of , William Kendrick and Sons  
Ltd.

**APPLICATION DESCRIPTION**

Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.

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

**CONDITION: 1**

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON**

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

**CONDITION: 2**

The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:**

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

CONDITION: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance,
- d - Access &
- e - Landscaping

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 4

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

<u>Plan/Document</u>	<u>Reference</u>	<u>Date received</u>
Location plan	KDSC-PL02	7th February 2011
Design & Access Statement		7th February 2011
Planning Statement		7th February 2011
Site Investigation Report	AG1535-11	7th October 2011
PPS4 Impact Analysis & Sequential Site Assessment		16th March 2012
PPS4 Assessment Appendices		24th February 2012
Landscape Strategy		26th January 2012
Biodiversity Enhancement	708-CWS-05	26th January 2012
Bat Activity Survey	708-CWS-02	2nd August 2011
Phase 1 Habitat Survey	708-CWS-01	13th June 2011
Supplementary Arboricultural Report		2nd August 2011
Arboricultural Report		6th June 2011
Tree Survey		31st March 2011
Framework Travel Plan	3839/FRP	17th October 2011
Transport Assessment	3839/TA	17th October 2011
Flood Risk Assessment	w1101-111005	17th October 2011
Hydraulic Modelling Report	w3031-T5-11105	17th October 2011

REASON:

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

CONDITION: 5

The details submitted in relation to condition 3 shall have full regard to the principles set out on the Illustrative Masterplan - KDSC-PL01D received by the Local Planning Authority on 4th July 2011 and the Illustrative Ecology Mitigation Proposals - 11-19-02/B and Illustrative Landscape Proposals - 11-19-01/C received by the Local Planning Authority on 26th January 2012.

REASON:

To ensure the detailed development of the site is acceptable to the Local Planning Authority.

**CONDITION: 6**

Unless otherwise agreed in writing by the Local Planning Authority the development shall comply with the following requirements:

- (i) the hotel shall not exceed 100 bedrooms and 2,787 sq.m.
- (ii) the buildings to be used for B1 use shall not exceed 3,716 sq. m.
- (iii) the buildings to be used for D2 use shall not exceed 3,252 sq. m.
- (iv) the A3 use shall be ancillary to the hotel,
- (v) no building shall exceed 16m in height.

**REASON:**

To ensure the detailed development of the site is acceptable to the Local Planning Authority.

**CONDITION: 7**

No development shall commence on any building unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for that building, together with samples of the facing materials and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON:**

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

**CONDITION: 8**

No development shall commence on any building, unless and until full details of the siting, design and materials of the proposed bin and cycle stores for that building have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of that building.

**REASON:**

In the interest of visual amenity and sustainability.

**CONDITION: 9**

No development shall commence on any building unless and until details of all proposed walls, fences, railings and gates for that building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of visual amenity.

**CONDITION: 10**

No development shall commence on any building unless and until full details of finished floor levels of that building and ground levels of all access roads, parking areas and footways associated with that building have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

To ensure the proper development of the site.

**CONDITION: 11**

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

**REASON:**

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

**CONDITION: 12**

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 Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

**REASON:**

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

**CONDITION: 13**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 14**

No development shall commence unless and until details of the location of 2 replacement Lime (*Tilia cordata*) trees have been submitted to and approved in writing by the Local Planning Authority.

No building shall be occupied until semi-mature trees (18-20cm circumference and 5-6m in height) have been provided in the approved locations.

If within a period of 10 years from the date of planting, any tree is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

In the interest of visual amenity and biodiversity.

**CONDITION: 15**

The development shall not be carried out other than in accordance with the approved Tree Survey, Arboricultural Report and Supplementary Arboricultural Report. All tree protection measures contained within these reports shall be implemented prior to the commencement of development to the satisfaction and written approval of the Local Planning Authority.

**REASON:**

In the interest of visual amenity and biodiversity.

**CONDITION: 16**

No development, including site clearance, shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority.

The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary .

The agreed scheme shall be implemented in the first planting season following the first occupation of the development.

**REASON:**

To protect/enhance the ecological character of the area.

**CONDITION: 17**

No development shall commence unless and until an Environment Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority.

This shall include:

- details concerning working practices and safeguards for wildlife to be employed whilst works are taking place on site,
- details of the protection of species and habitats to be retained on site,
- a timetable of works,
- details of the proposed supervision,
- any necessary translocation, protection and mitigation measures.

The agreed Environment Protection Plan for Construction shall thereafter be implemented in full.

**REASON:**

To ensure that protected species are not harmed by the development

**CONDITION: 18**

The development hereby approved shall not be first occupied until a scheme of highways improvement broadly in accordance with Drawing Number 3839.001 Rev. E, including the approval of necessary departures from standard, has been fully completed to the written satisfaction of the Local Planning Authority in consultation with the Highways Agency and is constructed and open to traffic.

**REASON:**

In the interest of highway safety.

**CONDITION: 19**

Prior to occupation of any individual completed property, a Company Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. Each individual Company Travel Plan shall accord with the approved Framework Travel Plan.

Each Company Travel Plan shall incorporate as a minimum the following:

10 % modal shift target

25 % internalisation of trips within the site

The methods to be employed to meet the above targets

The mechanisms for monitoring and review

The penalties to be applied in the event that the above targets are not met

Implementation of the Company Travel Plan to an agreed timescale or timetable

Mechanisms to secure variations to the Company Travel Plan following monitoring and reviews.

The occupation of any individually completed property shall be in accordance with the

Company Travel Plan.

REASON:

In the interest of highway safety and sustainability.

CONDITION: 20

No building shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans.

REASON:

In the interest of highway safety.

CONDITION: 21

The development shall be carried out in accordance with the approved Flood Risk Assessment including the following mitigation measures:

1. Limiting the surface water generated by the site to 5l/s/ha.
2. Provision of compensatory flood storage of no less than 1200m<sup>3</sup>.
3. No development within the 5m easement strip of the Soar Brook.

REASON:

To prevent flooding by ensuring satisfactory storage and disposal of surface water and by providing compensatory storage of flood water.

CONDITION: 22

No development shall commence unless and until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of these.

CONDITION: 23

The development hereby permitted shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:**

In the interests of fire safety.

**CONDITION: 24**

All buildings shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

**REASON:**

To ensure sustainable design and construction.

**CONDITION: 25**

Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any building, details of water efficiency measures to be incorporated into the design of that building to meet the equivalent of the BREEAM Very Good water conservation standard shall be submitted to and approved in writing by the Local Planning Authority.

These approved measures shall then be incorporated into the design of each building prior to their first occupation and then retained in working order in perpetuity.

**REASON:**

In order to ensure water efficiency through sustainable design and construction.

**CONDITION: 26**

Unless otherwise agreed in writing by the Local Planning Authority details shall be provided, concurrently with the reserved matters required by condition 3, of technology to be incorporated into the design of the buildings to achieve a 10% carbon emissions reduction efficiency, this shall include the submission of an Energy Performance Certificate.

No development shall commence until these details have been approved by the Local Planning Authority.

The approved efficiency measures shall be implemented in accordance with this approval and shall be retained in working order in perpetuity.

**REASON:**

To ensure energy efficiency through sustainable design and construction is achieved in accordance with CS16 and CS17.

**CONDITION: 27**

No development shall commence on any building unless and until a Construction Method Statement which includes noise and dust mitigation measures, for that building has been submitted to and approved in writing by the Local Planning Authority

Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of the amenities of the area.

**CONDITION: 28**

No external lighting shall be erected unless and until full details of the type, design, location and light spill levels 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: 29

No development shall commence unless and until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 30

No development shall commence unless and until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 31

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

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

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

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

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

(c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (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:

The development represents a departure from the Development Plan due to its location within the countryside outside of the Rugby Urban area and therefore conflicts with policy CS1 of the Rugby Borough Core Strategy 2011 and saved policy LR10 of the Rugby Borough Local Plan 2006. However, the applicant has submitted evidence to demonstrate that the proposals will not have an adverse impact on the vitality and viability of nearby town centres. It is therefore considered that the principle of the development is acceptable in accordance with PPS4 and PPS7 and that the economic benefits are such to justify a departure from the Development Plan.

It is considered that the proposals can be accommodated in a form that would not have an adverse impact on the character of the area or the amenity of neighbouring properties in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

Subject to biodiversity off-setting the proposals will not have an adverse impact on protected species or green infrastructure and a suitable landscaping scheme can be provided this is in accordance with policy CS14 of the Rugby Borough Core Strategy 2011 and saved policies GP2 and E6 of the Rugby Borough Local Plan 2006.

Subject to improvement works within the highway a suitable means of access and parking facilities can be provided 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, CS10, CS11, CS14, CS16, CS17  
Rugby Borough Local Plan 2006, Saved policies - GP2, E6, T5, LR10

Planning Obligations SPD, March 2012

Sustainable Design and Construction, February 2012

PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS4: Planning for Sustainable Economic Growth  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS23: Planning and Pollution Control  
PPG24: Planning and Noise  
PPS25: Development and Flood Risk  
Draft National Planning Policy Framework, July 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: 1**

This development is subject to a s106 legal agreement.

**INFORMATIVE: 2**

Work on site should not occur outside the following hours: -

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

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

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

**INFORMATIVE: 3**

It is considered that the parking layout shown on the illustrative masterplan is unacceptable and this should be broken up with areas of landscaping.

**INFORMATIVE: 4**

It is recommended that the buildings include Secured by Design crime prevention measures,

**INFORMATIVE: 5**

The drainage scheme referred to in condition 22 shall include:

- limited surface water discharge from the site as detailed in the Flood Risk Assessment,
- provision of surface water attenuation as detailed in the Flood Risk Assessment,
- details of how the scheme will be maintained and managed after completion.

**INFORMATIVE: 6**

It is recommended that the Council's Environmental Protection Team (01788) 533857 are contacted to agree the methodology of the noise assessment required by condition 30.

**INFORMATIVE: 7**

All waste drains serving the kitchen area should be provided with grease traps and detritus traps prior to discharge to the sewer is requested .

**Reference number: R12/0234**

**Site address: The Coach House, Land rear of 42 North Road, Clifton Upon Dunsmore**

**Description: Extension of residential curtilage and erection of outbuilding to be used as a garage and store.**

**Case Officer Name & Number: Richard Redford, ext 3625**

**The Proposal;**

Planning permission is sought for the extension of the defined residential curtilage approved under planning application R10/1347 and the erection of an outbuilding to be used as a garage and store to be used in connection with the approved dwelling which is under construction. With a footprint measuring 5.3m deep x 5.6m wide the garage and store building it will be 4m high to ridge height with eaves level at the front of the building (facing toward the dwelling it will serve) being 2.1m whilst the cat-slide roof to the rear of the ridge will see eaves level set at 1.1m high above ground level. It will be constructed of a mixture of bricks, Western Red Cedar weatherboard timber and clay roof tiles. The extension of the residential curtilage will see it run around the side and rear of the proposed garage and store building.

Work on the proposed garage and store building has commenced but stopped pending the determination of this application.

**Site History;**

The land at the rear of 42 North Road (on which the application site falls) and land at the rear of 9 Main Street has a fairly long and complex planning history. In all instances access is gained from 42 North Road. These decisions are set out below:

- Erection of 5 dwellings with an access from North Rd(R02/1025/7371/P) - Refused 18/06/02
- Erection of 4 residential units and alteration of access (R04/0083/7371/P) - Refused 22/06/04 (Appeal dismissed)
- Erection of a new dwelling and garage and alteration of access (R04/1254/7371/P) – 42 North Road only - Refused 01/12/04
- Erection of a new dwelling and garage and alteration of access – 42 North Road only (R05/0797/7371/P) - Refused 03/05/05 (Appeal dismissed)
- Erection of a detached dwelling – 42 North Road only - Refused 28/09/05
- Erection of a local needs dwelling incorporating carers accommodation, and alterations to access – 42 North Road only (R06/1785/PACA) - Refused 09/01/07 (Appeal dismissed)
- Erection of a detached dwelling (incorporating conversion of existing stables) – 42 North Road only (R08/0025/PACA) - Refused 12/03/08 (Appeal Allowed)
- Erection of a dwelling at rear of 9 Main Street and associated works, with access from North Road (R09/0649/PLBC) - Refused 07/09/2009 (Appeal Allowed).

- New dwelling at rear of 42 North Road for a Local Housing Need (R10/1347) – Approved 17/01/2011
- New dwelling at rear of 42 North Road for a Local Housing Need – Approved 27/01/2011 (R11/0608)

**Consultee Correspondence;**

Highway Authority                      No objections

**Third Party Correspondence;**

Clifton Parish                      No objections  
Council

Clifton Action  Group	Object	On the grounds of deviation from plans approved by condition 2 of R11/0608; conflict with condition 7 of R11/0608 that restricts the approved residential curtilage of the local needs dwelling; will conflict with comments made by 2 Planning Inspectors that the sylvan nature of the area with long peaceful rear gardens being worthy of protection; loss of buffer zone between the 2 dwelling that was stipulated as being crucial to protect; blocking of views into the conservation area; access road not in the ownership of applicant but is communal; and the development to date being incorrectly sited.
Neighbours (3)	Object	On the grounds of it being a clear challenge to the previous approval for a local needs dwelling where the approval was based on the reduction in size through the removal of the garage; development appearing to be growing in size; as it commenced without consent permission should be withheld; traffic associated with the development causing mud on the road which is dangerous during winter and school times; no basis for approving this application; hard standing area perfectly adequate; unacceptable increase in the build curtilage of the dwelling; no benefit for the person who the dwelling is being built for; reduction in garden area for Letchworth; local needs approval specifically excluded a garage; no justification for a double garage; proposal could be further developed in the future;

size of proposal is excessive; and no requirement for any carer to have any vehicle housed.

**Other Relevant Information;**

The application is present to your Committee for determination at the request of Councillor Kirby.

The application site is located on part of a large garden at the rear of 42 North Road in the village of Clifton upon Dunsmore. It lies within the limits of development of the village and is also immediately adjacent to boundary of but outside the Clifton upon Dunsmore Conservation area. The site falls within a wider area which is predominantly residential in character and is generally of a fairly low density. There are a small number of semi-mature trees and shrubs along and close to the eastern and western site boundaries.

This site along with land at the rear of No. 9 Main Street immediately to the south-west, has a fairly complicated planning history, which is set out above.

**Relevant Policies;**

RBCS Policy CS16                      Complies              Sustainable Design & Construction

PPS5, Planning for the Historic Environment

**Consideration;**

The issues for consideration in this application relates to the proposals design, appearance, size, its effect on amenity and its relationship with the immediately adjacent Conservation Area as well as the sites planning history.

The proposal will provide a garage and a store area within the building that has been designed in a manner so that its front wall allows vehicular and person access to the garage with roof above where the roof falls significantly from its ridge level to the rear in a cat-slide style so that its rear eaves level is 1.2m above ground level at the rear as opposed to the 2.1m at its frontage. Its footprint is of a size that will allow for a single vehicle to be parked in the garage as well as a reasonable storage area in association with the local needs house that it will serve. Both plans and application forms detail the use of Cedar weatherboarding timber for the elevations above a brick base and the use of a clay roof tile to match those of the Coach House to which it will be used in connection with. The use of these materials is such that the proposal will fit in with the area as well as relate to the dwelling to which it will be used by and wider buildings. Whilst the submitted plans indicate the layout to be such that the store doors will be adjacent to the turning head with the garage having to be accessed over the grassed area, this is an internal arrangement that can be altered so as to ensure the garage is accessed off the turning head as opposed to over the landscaped area.

The location of the proposed garage currently comprises garden land for 42 North Road and is outside of the defined residential curtilage for the Coach House that was covered by condition 7 of planning permission R11/0608,

hence why the application also seeks to extend the approved residential curtilage around the sides and rear of the proposal. The proposals position in relation to the dwelling it will be used by as well as those adjoining and surrounding the site is such that it will not result in any adverse or detrimental impacts being raised.

The application site itself is not within the Clifton Upon Dunsmore Conservation Area but is situated immediately adjacent to its boundary resulting in a need to ensure that it would not have any adverse or detrimental impact upon the conservation areas character and appearance. PPS5 on Planning for the Historic Environment seeks to preserve heritage assets and where necessary weigh any harm against the wider benefits (policy HE10). Its position within the overall site context taking account of other developments approved on the site that are located within the conservation area is that it will be of limited visibility from areas outside of the site being developed (taking account of the 3 other dwellings approved on the site of which 2 are currently being built). The use of the intended materials that will fit in and be respectful of the conservation will enable it to be appropriate and not impact upon the conservation area.

Prior to the local needs dwelling known as The Coach House, to which the garage will relate, being approved there were a number of previous applications for local needs dwellings including garages that were refused with some being dismissed on appeal. In these previous refusals the refusal reason(s) relates primarily to the issue of whether there was an identified local need in the area. In the approval, the garage element that had been included in the previous applications had been removed prior to submission in order to reduce the size and bulk of the development on site. It is considered that the provision of a garage and store building would not be an unreasonable feature to be provided irrespective of whether the dwelling to which it relates is restricted to an identified local need or not.

Within the appeals relating to the previously refused applications reference was made to the character and appearance of this area of Clifton Upon Dunsmore and the conservation area. The most recent of these appeals for this site following the refusal of R06/1785/PACA was dismissed with the Planning Inspector highlighting that the open space of the site may be regarded as a visual attribute of the character and appearance of the area. This was said prior to the other developments on the site being approved, some by the Planning Inspectorate on appeal, and of the other developments 2 have commenced with the third having been 'pegged out' indicating that open character has been diminished from these original comments. Furthermore, if the proposal in the form proposed was situated within the rear garden of 42 North Road at least 2m away from site boundaries it could be built under the permitted development rights of 42 North Road without the need for planning permission. With these factors in mind the location, siting and design are considered acceptable that along with the alteration of the defined residential curtilage for The Coach House around the garage would still encompass the aim of retaining an element of openness within this area.

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

**Recommendation;**

Recommend approval subject to conditions.

Report prepared by: Richard Redford 23<sup>rd</sup> March 2012

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0234

**DATE VALID**

26/01/2012

**ADDRESS OF DEVELOPMENT**

THE COACH HOUSE  
REAR OF 42 NORTH ROAD  
CLIFTON UPON DUNSMORE  
RUGBY  
CV23 0BN

**APPLICANT/AGENT**

Mr Richard Palmer  
Hb Architects  
The Triforium  
17 Warwick Street  
Rugby  
Warwickshire  
CV21 3DH  
On behalf of Mrs Jessie & Ann Palmer

**APPLICATION DESCRIPTION**

Extension of residential curtilage and erection of outbuilding to be used as a garage and store.

**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 application forms as well as drawing numbered PALMER J-01/01 dated 15th November 2011 and [plan numbered 115:00:202 dated June 2011 all submitted as part of the planning application and received by the Local Planning Authority on 26th January 2012.

REASON:

For the avoidance of doubt.

CONDITION 3;

The garage and storage building hereby approved shall only be used for the purposes of car parking and storage ancillary to and in association with the local needs dwelling known as The Coach House and for no other reason.

**REASON:**

To ensure the building approved is used for the purposes used to justify the development and in the interests of amenity.

**CONDITION 4;**

Notwithstanding the access road shown on the submitted plans, the residential curtilage of the dwelling including garage and store building hereby approved shall be as detailed within the RED edge on the submitted Site Location Plan under drawing number 115:00:201 dated May 2010 submitted as part of the planning application received by the Local Planning Authority on 26th January 2012. The curtilage shall be retained as such and shall not be extended beyond the size indicated on the submitted plan.

**REASON;**

To ensure that a satisfactory residential curtilage is retained around 42 North Road, which contributes to the character of the area.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Core Strategy CS16

PPS5, Planning for 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 proposed extensions will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	4 <sup>th</sup> April 2012
<b>Report Title</b>	Delegated Decisions –24.02.2012 to 15.03.2012
<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 – 4<sup>th</sup> April 2012**

**Delegated Decisions – 24.02.2012 to 15.03.2012**

**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: 4<sup>th</sup> April 2012

Subject Matter: Delegated Decisions – 24.02.2012 to  
15.03.2012

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 24.02.2012 TO 15.03.2012

**A. APPLICATIONS – DELEGATED**

**Applications  
Refused**

<i>R12/0310 Refused 08.03.2012</i>	1 Abbotts Way Rugby	Erection of detached garage
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<i>R12/0160 Refused 12.03.2012</i>	Wolvershill Farm Bazzard Road Wolvey	Retention of a mobile home for the use of an office, security and maintenance equipment store
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**Applications  
Approved**

<i>R07/1918/MAJP Approved 08.02.2012</i>	Land at: Leicester Road Rugby	Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, carparking, access roads and ancillary works.
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<i>R12/0072 Approved 24.02.2012</i>	Princethorpe College Leamington Road Princethorpe	Proposed alterations to landscaping adjacent to existing driveway, removal of existing fencing and replacement with new metal park railings and new security gate.
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<i>R12/0208 Approved 24.02.2012</i>	The Mangers Manor Farm Barns Brooks Close Willoughby	Installation of three new roof lights to the South East roof pitch
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<i>R12/0184 Approved 24.02.2012</i>	54 Rugby Road Dunchurch	Erection of a rear sun room
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<i>R12/0096 Approved 24.02.2012</i>	Tibbits Farm Nethercote House Road Nethercote	Change of use of 3 holiday accommodation units to residential use including a single storey extension to one of the units
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<i>R12/0210 Approved 28.02.2012</i>	7 Wise Grove Rugby CV21 4BA	Erection of a rear conservatory
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<i>R11/2101 Approved 28.02.2012</i>	High House The Green Broadwell	Proposed single storey front extension and part three storey part single storey rear extension
<i>R12/0041 Approved 28.02.2012</i>	Woodview Burnthurst Lane Princethorpe	Proposed extensions and alterations to dwelling
<i>R12/0150 Approved 29.02.2012</i>	Land North of Church Road Ryton Church Road Ryton on Dunsmore	Change of use of pastureland to a cemetery, including provision of a parking area, access and fencing (Amended scheme following approval of R10/1476.)
<i>R12/0249 Approved 01.03.2012</i>	Home Croft Main Road Ansty	Erection of garage
<i>R11/1619 Approved 02.03.2012</i>	20 Dalkeith Avenue Bilton	Erection of two-storey and single-storey side and rear extensions including balcony, and erection of front porch
<i>R12/0302 Approved 06.03.2012</i>	Carbury Investments Executive Pension Trust Units 4-12 and 3-13 Kiln Way Shilton Industrial Estate Coventry	Refurbishment and external alterations to building including demolition of existing flat roofed extensions, replacement of roof and wall cladding, windows, rooflights and vehicle doors
<i>R12/0235 Approved 06.03.2012</i>	Dunsmore Gate House Lilbourne Road Clifton Upon Dunsmore	Alteration and extension of the existing dwelling and erection of a detached garage
<i>R12/0282 Approved 06.03.2012</i>	12 Rugby Lane Rugby	Erection of a storage building
<i>R12/0012 Approved 06.03.2012</i>	21 Birdingbury Road Marton	Replacement of roof and rebuilding of gables from wall plate level following extensive fire damage.
<i>R12/0250 Approved 06.03.2012</i>	3 Sovereign Close Hillmorton	Insertion of new side facing window in side wall and formation of block paved area to front
<i>R12/0062 Approved 06.03.2012</i>	37 Monks Road Binley Woods	Retention of single storey rear extension

<i>R12/0165 Approved 07.03.2012</i>	Rapak Butlers Leap Clifton Road	Renewal of planning permission reference R06/2116/REN (renewal of planning permission R01/0973/00221/P, dated 02/01/02, for siting of a temporary single storey building and use for warehouse purposes).
<i>R12/0175 Approved 07.03.2012</i>	17 Aikman Green Grandborough Rugby	Conversion of garage to living accommodation.
<i>R12/0287 Approved 07.03.2012</i>	31 Warren Field Ryton on Dunsmore Coventry	Erection of single storey side and rear extensions.
<i>R12/0284 Approved 07.03.2012</i>	Greenacres Southam Road Toft Rugby	Renewal of planning permission reference R09/0086/ HOUS for the erection of a detached garage.
<i>R12/0315 Approved 08.03.2012</i>	Open Space adjacent to 84-94 Nelson Way Bilton	Upgrade of the open space to provide 9 No. car parking spaces (including 1 Disabled) with associated dropped kerb for vehicular access, resurfacing of the existing pathways, inclusion of a Bull-Nose kerb to define the car court and pathways, 1 lighting column, landscaping proposal and the removal of 1 tree.
<i>R12/0060 Approved 08.03.2012</i>	Former BT Repeater Station Daventry Road Willoughby	Change of use from BT repeater station to storage with associated parking (retrospective).
<i>R12/0349 Approved 12.03.2012</i>	Broadgrounds Gibraltar Lane Broadwell	Erection of side extension for use as a granny flat
<i>R12/0346 Approved 12.03.2012</i>	Open Space adjacent to 103 – 125 Nelson Way Bilton	Upgrade of Open Space to provide 9 Additional car parking spaces (including 1 disabled) new alignment of kerb line, and provision of 1 lighting column.
<i>R12/0341 Approved 12.03.2012</i>	Olde Farm Woolscott Road Willoughby	Erection of a grain store
<i>R11/1134 Approved 14.03.2012</i>	73 Coventry Road Pailton	Erection of two storey side extension and provision of a retaining wall

<i>R12/0120 Approved 14.03.2012</i>	31 Rugby Road Dunchurch	Erection of single storey extension to form a garage
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**Listed Building Consents**

<i>R12/0188 Listed Building Consent 24.02.2012</i>	54 Rugby Road Dunchurch	Listed Building consent for the erection of a rear sun room
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**Advertisement Consents**

<i>R12/0242 Advertisement Consent 01.03.2012</i>	47 Church Street Rugby	Installation of a new fascia sign and wall sign
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**Agricultural Determinations**

<i>R12/0502 Prior Approval not required 14.03.2012</i>	Highfield Farm Frankton Lane Highfield Frankton	Application for prior notification under schedule 2 part 6 of the [Town and Country Planning General Permitted Development Order 1995] for the erection of a hopper silo
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**Approval of Details/  
Materials**

<i>R10/1206 Approval of Non-material Changes 28.02.2012</i>	Spinneybrook Glebe Farm Road Draycote	Erection of replacement dwelling
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<i>R10/1206 Approval of Details 28.02.2012</i>	Spinneybrook Glebe Farm Road Draycote	Erection of replacement dwelling
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<i>R10/2148 Approval of Details 29.02.2012</i>	Land Rear of 19 to 25 Crick Road Hillmorton	Demolition of 21 Crick Road, erection of 7 detached dwellings, new access and associated works.
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<i>R08/1844/MAJP Approval of Details 29.02.2012</i>	Land to the South of Blue Haven Marina Hillmorton Wharf Crick Road Hillmorton	Extension to the existing marina complex to provide an additional 123 berths, including erection of an operational building and associated works and deposition of spoil.
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<p>APP/E3715/A/09/2113178 R09/0188/MEIA Approval of Details 01.03.2012</p>	<p>Land at Coton Park East Rugby</p>	<p>Use of land for residential development comprising a maximum of 165 dwellings and associated open space and infrastructure</p>
<p>R08/1466/MEIA Approval of Details 05.03.2012</p>	<p>Herbert Gray College Little Church Street Rugby</p>	<p>Erection of 4 storey office buildings , including partial retail/cafe on ground floor and erection of new buildings, up to 4 storeys, and conversion of part of Herbert Gray College and Marjorie Hume House to form a 35 bedroom hotel with ancillary restaurant, conference and leisure facilities, with ancillary works including landscaping and highway works.</p>
<p>E2E 475 (R10/0128) Approval of Details 05.03.2012</p>	<p>Land off School Street School Street Long Lawford</p>	<p>Reference 475. Erection of 99 dwellings, approval of reserved matters (layout, scale, appearance and landscaping) against outline permission R07/1454/MAJP.</p>
<p>R08/1349/CA Approval of Details 06.03.2012</p>	<p>Herbert Gray College Little Church Street Rugby</p>	<p>Demolition of St Andrew's Church House and Partial demolition of former Herbert Gray College, including boundary wall and Marjorie Hume House.</p>
<p>R10/0889 Approval of Details 07.03.2012</p>	<p>Former Roman Catholic Church Coventry Road Wolvey</p>	<p>Demolition of the existing church, and erection of 3 detached dwellings together with associated garaging and parking facilities. ( Renewal of extant planning permission Ref. R07/0924/PLN granted 21st August 2007)</p>
<p>R11/1070 Approval of Details 07.03.2012</p>	<p>Former Blockbuster Entertainment Ltd 213 Bilton Road Bilton</p>	<p>Change of use of premises from AI (retail) use to a Veterinary Surgery (Use Class D1) with ancillary retail counter.</p>
<p>R10/1273 Approval of Reserved Matters 08.03.2012</p>	<p>Former Cattle Market Site Land Bounded by Murray Road, Craven Road and Railway Terrace</p>	<p>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 affordable residential units (C3) together with associated access, parking and landscaping. Part outline planning permission for the erection of 69 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 2250 sq.m GEA) and the provision of public open space (0.95ha) - all matters reserved apart from access, and in the case of the residential units and public open</p>

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.

*R08/1353/LBC  
Approval of Details  
09.03.2012*

Herbert Gray College  
Little Church Street  
Rugby

Partial demolition and various internal works of former Herbert Gray College to facilitate erection of 4 storey office buildings and up to 4 storeys for 35 bedroom hotel with ancillary works.

*R08/1466/MEIA  
Approval of Details  
09.03.2012*

Herbert Gray College  
Little Church Street  
Rugby

Erection of 4 storey office buildings , including partial retail/cafe on ground floor and erection of new buildings, up to 4 storeys, and conversion of part of Herbert Gray College and Marjorie Hume House to form a 35 bedroom hotel with ancillary restaurant, conference and leisure facilities, with ancillary works including landscaping and highway works.

*R11/0753  
Approval of Non-  
Material changes  
12.03.2012*

80 Chapel Street  
Rugby

Erection of a single storey side extension, a new front entrance porch, utility room extension and car port, new rear conservatory and enlargement of driveway (material amendment to approval ref 360)