

1<sup>st</sup> June 2012

## **PLANNING COMMITTEE - 13<sup>TH</sup> JUNE 2012**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 13<sup>th</sup> June 2012 in the Council Chamber, Town Hall, Rugby.

### **Site Visit**

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

3pm Moor Lane, Willoughby (please meet at the farm gate adjacent to the western edge of the site).

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 23<sup>rd</sup> May 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 – 4<sup>th</sup> May to 24<sup>th</sup> May 2012.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2012/13 – 3) are attached.

### **Membership of the Committee:-**

Councillors Butlin (Chairman), Allen, Mrs Avis, G Francis, M Francis, Mrs New, Pacey-Day, Ms Robbins, Sandison, Srivastava, Mrs Walton and Wright.

***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 – 25<sup>TH</sup> JUNE 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
1	R10/0423	Land off Moor Lane, Willoughby, Rugby, CV23 8BT Use of land for crematorium including the erection of a crematorium building, landscaping and associated highway and ground works.	4

### Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R11/0876	The Woodhouse, Leamington Road, Princethorpe, CV23 9PZ Demolition of existing hotel and associated buildings, erection of a replacement hotel and function facility with associated landscaping and parking.	22
3	R11/1632	42 Lime Tree Avenue, Rugby, CV22 7QT Demolition of existing bungalow & garage and erection of two storey dwelling.	40
4	R11/2442	12 School Street, Wolston Change of use of existing building from retail and residential to a single 5 bedroom dwelling house including the alterations to the existing front elevation (retrospective).	51
5	R12/0782	RBC Works Services Unit, 94 Newbold Road, Rugby Siting of 2 no. temporary building units and use for ancillary office and training accommodation.	56

6	R12/0736	29 Weston Close, Dunchurch, Rugby Erection of a part two storey part first floor side extension incorporating conversion of the existing garage	60
7	R12/0455	Land to the rear of 13 – 29 Crick Road, Rugby, CV21 4DU Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road, Rugby.	64

**Reference Number: R10/0423**

**Site Address: Land off Moor Lane, Willoughby, Rugby, CV23 8BT**

**Description: Use of land for crematorium including the erection of a crematorium building, landscaping and associated highway and ground works.**

**Case Officer: Richard Holt 01788 533687**

**The Site and Surroundings:**

The application site is located close to the south west edge of the Willoughby settlement which is sited approximately 6 miles from Rugby and 5 miles from Daventry. The irregular shaped plot has an area of approximately 5.4 hectares and is made up of a section of a larger agricultural field which extends further northwards to the edge of the Willoughby village.

The existing larger agricultural field is open with little planting and has been split in to fields for the grazing of livestock. The west and south boundaries have generous landscaped boundaries which are effective in restricting views through to the site. This is particularly the case along the western boundary with Moor Lane. The only exception is the north west corner of the site which provides access to the footpath.

The current site is located on the edge of the flood zone which covers the majority of Main Street in Willoughby as well as the north west corner of the larger agricultural field.

The agricultural field within which the site is located forms part of a larger area of pronounced Ridge and Furrow which includes surrounding fields, one of which is the adjacent field across Moor Lane which has been designated as a Scheduled Ancient Monument.

**Application Background:**

The original application proposed the erection of a cemetery and crematorium facility on a larger 13.5 hectare site with the crematorium element and facilities building located to the south side of the site and the burial element to the north. As part of the consultation process the Environment Agency required extensive additional works to establish the impact of burials on adjacent watercourses as the north corner of the site falls within flood zone 3. Given the length of time it would take to carry out the exploratory works required to satisfy the Environment Agency the applicant amended the proposal by removing the cemetery element.

In September 2011 the applicant began to plough part of the field. Given this activity and the evidence before it Natural England have served a Stop Notice on the application site to prevent any further works as it may be protected under the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006 as amended.

A screening opinion was carried out to assess whether the development would need to be accompanied by an Environmental Statement which at that time was assessed under the Town and Country Planning (Environmental Impact Regulations) (England and Wales) 1999. Consultations with the relevant statutory bodies were carried out. None of the responses received expressed a view that the development did require

an Environmental Statement to be undertaken. A view was taken that the proposal was not of a size or nature that would trigger the need for such a statement.

**The Proposed Development:**

The amended application proposes the creation of a crematorium facility that comprises of;

- i) A crematorium building with associated facilities
- ii) An external burial area and memorial garden
- iii) A new access into the site leading to a 64 space parking area and access roads around the burial areas
- iv) Extensive additional landscaping around the site

The Crematorium Building:

The wing shaped building would have a maximum width of approximately 62 metres, a maximum depth of 21.5 metres and have a maximum height of approx 7.2 metres. The overall size takes account of generous overhanging roof which creates the wing shape. The total internal area of the facilities would be approximately 665 square metres. These facilities would include a chapel with associated foyer and toilet facilities, a kitchen, office, cremator area housing a double cremator and a store.

The walls of the building would comprise of oak cladding and glass walling as well as sections of living wall which includes a vertical planting system that supports a range of planting varieties and is erected with the planting fully established. The sloping roof would be covered with a green roofing system allowing grass or other natural planting to be grown on top.

The building would be sited close to the south east corner of the site. With the land sloping across the site from south to north the location would be one of the highest positions within the site and be on a level higher than the closest section of Willoughby village.

External Burial Area and Memorial Garden:

The external cremation burial area would provide space for approximately 7500 internments and would be sited within an oval area surrounded by a driveway to the west of the building. The memorial Garden would be sited to the south of the building alongside the southern boundary.

The Access and Highways Infrastructure:

The new access would be created approximately 250 metres from the south west corner of the revised site and approximately 60 metres from the north west corner. It would enter the site off Moor Lane and provide access to the car park, the building, and the burial area. A gate would be set back approximately 12 metres from the access. The car park would be positioned towards the east side of the site along side the boundary with the existing footpath. A footpath would be created along Moor Lane from the access to link in with the existing pedestrian path within the village.

The existing public right of way that runs from north to south across the larger site (R249a) would be extended across land within the applicant's control to include an additional section which leads to Moor Lane. This would allow the upgrading of the footpath, proposed by the applicant to be carried out within the larger site and not on 3<sup>rd</sup> party land. It would also provide access to the site. The original footpath would remain on its existing line and would not require a diversion order.

The car park would be sited on the eastern side of the site close to the boundary with the public footpath and would provide 64 spaces, including disabled.

Landscaping:

Additional tree planting is proposed around the majority of the site particularly along the western boundary with Moor Lane and sections of the southern boundary and around the Memorial Garden.

Hours of Operation:

The application details propose that the site would be open between the hours of 09:00 to 17:00 hours seven days a week. This would allow access to people wishing to pay their respects at weekends. Cremations would only take place between the hours of 10.00 and 15.00 Monday to Friday with an interval between each cremation allowing up to six cremations a day.

Other:

The applicant has proposed to run a pick up service down to the bus stop at the A45 in order to allow access by public transport.

**Policy Context:**

**NATIONAL:**

**National Planning Policy Framework:**

Since the submission of the application the National Planning Policy Framework has been published and replaced the previous Planning Policy Guidance Notes and Planning Policy Statements. It was published in March 2012 and brings together the wide-ranging Government guidance and objectives previously set out in the individual Planning Policy Guidance Notes and Planning Policy Statements. Its key aim is to promote a presumption in favour of sustainable development.

**DOE Guidance LG1/232/36 – The Siting and Planning of Crematoria (1978)**

This guidance promotes sites which are accessible by public transport and the private car, and that the site is well suited to the building and should not have any material effect on the immediate neighbourhood.

**REGIONAL:**

**Regional Spatial Strategy for the West Midlands:**

The relevant Policies are:

Policy QE1 – Conserving and Enhancing the Environment

Policy QE3 – Creating a High Quality Built Environment for all

Policy QE5 – Protection and Enhancement of the Historic Environment

Policy QE6 - The Conservation, Enhancement and Restoration of the Regions Biodiversity and Nature Conservation Resources

Policy QE7 - Protecting, Managing and Enhancing the regions Biodiversity and Nature Conservation Resources

Policy QE9 - The Water Environment

However, it should be noted that whilst the RSS remains part of the Development Plan its pending abolition means the actual weight apportioned to these policies is limited.

**LOCAL:**

**Rugby Borough Council Core Strategy 2011:**

The following Policies apply to the development:

**Policy CS1 – Development Strategy: - CONFLICTS**

Indicates that the location and scale of development should follow the settlement hierarchy which favours the larger more sustainable urban areas above the Main Rural Settlements which in-turn comes above Local Needs Settlements, below which is the countryside and then the Green Belt.

**Policy CS11 – Transport and New Development: - CONFLICTS**

Indicates that development will be permitted where sustainable modes of transport are prioritised and measures mitigating against the transport impacts which may arise from that development or cumulatively with other proposals are provided.

**Policy CS16 – Sustainable Design and Construction: - CONFLICTS**

States that all development will demonstrate high quality, inclusive and sustainable design and be of a scale, density and design that would not cause any material harm to the qualities, character and amenities of the areas in which they are situated. It also indicates that development should not impact upon the residential amenities of neighbouring properties and encourages the use of sustainable drainage systems and other technologies that will reduce the use of non renewable resources.

**SAVED LOCAL PLAN POLICIES**

**Policy GP2 – Landscaping: - COMPLIES**

Requires landscape aspects of the development to form an integral part of the overall design.

**Policy E6 – Biodiversity: - COMPLIES**

Requires developers to make provision for the protection and subsequent retention of natural features and supporting habitats. It indicates that long term management plans may be required.

**Policy T5 – Parking Facilities: - COMPLIES**

Planning permission will only be granted for development that incorporates satisfactory parking facilities.

**Warwickshire Landscape & Character Assessment (Rugby Borough), 2006**

**Rugby Borough Council Planning Obligations Supplementary Planning Document, March 2012 – Parking Standards**

**Relevant Planning History:**

R08/0181/AG – Prior determination for an agricultural building, measuring 30m x 15m, for the purposes of storing feed, produce and machinery - Prior Approval not required.

A Direction under Article 4 of the Town and Country (General Permitted Development) Order 1995 (as amended) was served on the site on the 27<sup>th</sup> April 2009. The Direction removed permitted development rights under Schedule 2, Part 2 Class A relating to minor operations (alterations to, or creation of gates, walls, fences, means of enclosure etc.) It was served in response to the proposed sale of

the land in 3 parcels with marketing suggesting that it may be possible to get consent for a dwelling on the land.

### **Consultations:**

#### ***Statutory Consultees***

English Heritage:

The proposal would not adversely affect the nearby ancient monument or its setting. However the ridge and furrow on the application land is an important element of the medieval landscape of which the moated site (the Scheduled Ancient Monument (SAM)) is also a part. To lose such high quality ridge and furrow would be extremely unfortunate and ought to be avoided if at all possible.

Natural England:

No comments on actual planning application received, however, whilst the Stop Notice associated with the Environmental Impact Assessment (Agriculture)(England)(No.2) Regulations 2006 has expired, any proposals to increase the productivity of the land for agriculture will require permission from Natural England.

Environment Agency:

Object – The applicant has not supplied adequate information to demonstrate that the risks of pollution proposed to the water quality can be safely managed particularly in relation to the foul drainage system for the site.

No objection in relation to flood risk issues subject to conditions.

Police Architectural Liaison Officer:

No objections to the proposal

Daventry District Council:

Objects to the proposal – unsuitable location given access to the site from the A45 – particularly unsuitable for slow moving vehicles and high volumes of traffic – disproportionate effect on the village – site within flood plain resulting in risk of flooding.

WCC Archaeology:

Object on the grounds that the development would have an unacceptable negative impact on a heritage asset of national significance, particularly in connection with existing ridge and furrow across the site, and that the scheme is not supported by an archaeological site evaluation.

WCC Highways:

Object on the grounds that the proposals would lead to the intensification in the use of a highway junction with substandard visibility which would be detrimental to highway safety.

WCC Rights of Way Officer

The proposed site is crossed by Public Footpath R249a - Any proposed changes to the surface of the footpath should be discussed with, and approved by, the Countryside Access Team prior to commencement.

- There should be no tree planting in the surface of the footpath, and any planting alongside the route should take account of the landowners legal responsibility to maintain an unobstructed path.

- There is reference in the application documents to the future use of the footpath by cyclists. The developer should be made aware that the use of a footpath by pedal cyclists is unlawful.
- The public Right of Way must remain open and available at all times throughout, and after any development. Temporary closures during development would require a legal order.
- The landowner/developer should be made aware of their duty of care to footpath users at all times.

**WCC Ecology:**

No objection subject to conditions requiring the submission and approval of a schedule of great crested newt migration, an 'Environmental Protection Plan for Construction' and a combined ecological and landscaping scheme prior to the commencement of development.

**RBC Access Officer:**

The proposal appears to have taken into account the needs of disabled people and the fire brigade access is sufficient – there may well be a need for the provision of a fire hydrant close to the building – otherwise no comments.

**RBC Environmental Health:**

Whilst various matters could be addressed by condition, still raise significant concerns. Insufficient information has been provided to adequately confirm the final stack height and emission levels.

**RBC Tree Officer:**

Object to hedgerow removal, spinney to southern boundary and oak to south western boundary – An Arboricultural Method Statement, including a tree protection plan should be submitted.

**RBC Landscaping:**

Proposals will result in significant change in landscape character across the site and at entrance to Willoughby village, however, landscape plan is acceptable and as such should provide some additional benefit to biodiversity in the locality.

***Third Parties***

**Willoughby Parish Council:**

Object to the proposal – increase traffic congestion – worsen highways safety around village particularly dangerous A45 access to village – traffic survey not representative – insufficient car / coach parking provision – increase existing flooding problem – flooding would prevent funeral corteges reaching the site – burial of bodies in flood plain could lead to contamination of water course – village has remained unchanged for many years – loss of ridge and furrow – potential for archaeological remains on the site – not a local facility but a commercial venture – would not improve the landscape or benefit the village – the proposal does not accord with Core Strategy Policy CS1 as the location is a fifth tier countryside location - its location causes it to conflict with National Policy within PPS7 and PPS4– the development relies heavily on the use of the private motor car causing conflict with Core Strategy Policy CS11 and PPS1– the locational criteria of CS13 have not been complied with – it would harm the character of the area and landscape and as such conflict with Policies CS16 – there is no reason why the proposal could not be located on the employment land within the Radio Station Site – It also fails to comply with saved policies LR1, GP2 as well as PPG17– saved policy E17 indicates that development will not be permitted where it would adversely affect the Historic Landscape – It would impact on

the enjoyment of the footpath – The impact on the historic landscape would also cause it to conflict with PPS5 – no measures to secure public access have been shown – the proposal would be within 50 yards of the public footpath and would therefore conflict with the Crematorium Act 1902 – Ashlawn Road is a more suitable site.

Jeremy Wright MP:

Object to the proposal – substantial development which would not be in-keeping with the rural character of the area – adverse visual impact on the surrounding countryside – increased traffic would impact negatively on highways safety – the A45 already has a disturbing accident record – traffic surveys are not representative given the time carried out – possibility of pollution given the high water table and potential drainage into the River Leam / Draycott Water.

Campaign to Protect Rural England:

Object to the proposal – does not comply with Policy E1 – it is not a use appropriate to the countryside – harm caused to the rural landscape and setting of the village of Willoughby – loss of ridge and furrow – flooding – contrary to the Environment Agency's policies – pollution – the proposal would worsen highway safety – loss of amenity.

National Farmers Union (Rugby, Coventry, & Lutterworth Branches)

Object to the application – the proposal will create increase traffic levels and increase highways dangers – the road through the village narrows and is used by large farm machinery – potential health hazards / pollution resulting in bodies being buried in a high water table – Would not comply with CS1 – harm to ridge and furrow – Ashlawn Road is a more suitable site.

Wolfhampcote Parish Council:

Object to the proposal – access via narrow country lane with insufficient space for cars and larger vehicles to pass easily – passing cars / vans are damaging road verges – highways dangers at A45 junction and at pinch points in village – the fields frequently flood – potential pollution caused by decomposing bodies passing into watercourses – will harm the visual amenities of the area – will conflict with Policies E1 and E4.

Broughton, Draycote and Frankton Parish Council (on behalf of the residents)

Object to the proposal – not a local facility – excess traffic on a single track road – flooding and high water table may cause pollution of watercourses and contamination of food chain.

Broughton, Draycote and Frankton Parish Council

Supports the much needed facility.

Grandborough Parish Council:

Object to the proposal – surrounding infrastructure is not adequate to take the level of traffic – increased highways dangers – too close to the Willoughby settlement – inappropriate development – discharge from the village will be carried over the village – not a local facility.

Barby and Onley Parish Council

Object to the proposal – the development is in open countryside on ridge and furrow land – disproportionate size – increased traffic will impact negatively on highways safety, particularly at the A45 junction – siting a cemetery on a flood plain.

Thurlaston Parish Council:

Object to the proposal – estimated number of funerals per day must be an underestimate – the site can not be adequately screened from the village – most crematoria are suited in rural areas - the site is prone to flooding therefore how can the site be made secure from ingress into the water table – will not provide a local service.

Leamington Hastings Parish Council:

Support Willoughby PC in the recommendation of refusing the application – will cause highways dangers – ongoing problems flooding.

Dunchurch Parish Council:

Object to the proposal - Dunchurch Village would be the preferred route for many of the corteges and visitors – would add pressure on the villages already busy junction – the site has flooded on numerous occasions, the building and car park hard standing will worsen this – the high water table could cause water contamination given the depth required for burials – will worsen highways safety particularly at A45 junction – loss of agricultural land – Contrary to Policies E1, E4, E5 and S3 – traffic survey date was not representative of the normal traffic levels – loss of ridge and furrow – not a local facility – the public footpath would not allow the site to be made secure – impact on the amenities of residents – concerned about the possibility of open cremations – not sustainable.

Birdingbury Parish Council – concerned about green belt and increase in traffic.

**Letters of Representation: Objection 309 letters received with regard to the original proposal and 705 received following the withdrawal of the cemetery element.**

- Too near the village of Willoughby
- It will harm the character of the rural area and the village itself
- Disruption to residents of surrounding villages
- No benefit to residents
- Loss of centuries old farmland and ridge and furrow
- Inappropriate change of use
- The proposed number of plots is excessive
- The proposed building is inappropriate
- There is the possibility of more than 6 funerals a day and it is likely that there will be more than 24 visitors
- There is no local need
- It is not farm diversification
- Non-sustainable location
- Advertised over a wide area
- Limited access by public transport
- The proposal does not comply with local and national policies
- It is a popular route for horse riders
- The proposal does not comply with Local Plan Policies
- The land is an important part of Willoughby's heritage
- Large increase in the amount of traffic travelling along the surrounding roads and through neighbouring villages increasing danger for villages (particularly as a large number of elderly people and children)
- Main Street is already a busy road
- The narrow bridge which has insufficient space for 2 cars to pass

- Parking on Main Street already narrows the road to a single lane as a result of limited off street parking
- Moor Lane is a narrow country lane
- The access to the site would be dangerous
- The increase in traffic will not just be by way of corteges but will also come from relatives visiting graves etc.
- The bus companies have withdrawn the service through the village because of the poor roads, the closest bus stop is too far for the elderly or infirm to visit
- Access to the village from the A45 is dangerous / the central turning lane is not large enough to take a cortege
- The surrounding country roads are not suitable for large volumes of traffic
- Construction traffic will worsen highways situation
- The roads are already being used as a shortcut between Daventry/Southam Road and the A45
- Highway verges are harmed by cars having to pull over to allow passing
- The traffic survey was taken during the holiday period and does not reflect real traffic movements
- There is no pavement leading to the site
- There is a large amount of Equestrian Traffic in the area
- There are no footpaths along Moor Lane
- The amount of car parking gives an indication of the number of expected visitors / traffic movements
- There will be 40 extra journeys per hour through the village
- The increased hardstanding will worsen the flooding problem
- The Moor Lane verge is in poor condition
- Traffic is already generated by visits to the prison
- People will park along the grass verge when the facility is closed, access can be gained by the existing public right of way
- No coach parking facilities
- Poor public transport links
- There is serious flooding on the junction of Main Street and Lower Street on a regular basis
- Sawbridge and Grandborough also flood
- The development of the site will worsen the flooding situation – close to a stream
- Carbon emissions will be increased
- The high water table will increase the risk of pollutants from bodies and metals getting into water courses and drinking water
- The site retains water and floods
- Farmers are not allowed to burry cattle because of contamination fears
- Prevailing wind will cause pollution problems
- There are no details of the chimney flues which would affect appearance of the building
- The village of Willoughby has lost its services (school, Post Office etc), this is a facility too far
- The development is a commercial venture that will not benefit Rugby
- The site is overly visible
- Proposal would impact upon the ecology of the area which contains a number of protected or notable species including great crested newts
- Site potentially contains architectural remains associated with a shrunken medieval settlement
- There are no details of the lighting, this could worsen impact

- Potential noise from machines digging burial plots
- The supporting information is inconsistent and ambiguous and it is unclear what hours it will be open and to whom
- It will not benefit the local community
- Devaluation of property
- Will result in the loss of top quality farm land
- Harm to the public right of way, conflict with saved policy GP7 - the presence of the right of way will not allow the site to be closed off as suggested in the supporting info
- The Council has identified Onley Lane site is more suitable for a cemetery
- Harm the quality of life for the residents
- Approval could set a precedent for future development
- Proposal is almost 50% of the village itself
- Noise pollution
- The proposed hours of operation and traffic movement figures are un-realistic
- No detailed assessment of the landscape impact
- It will result in an unacceptable urbanisation of the area
- It will impact on the village hall functions
- Previous activity of the applicant suggests that there will be significant marketing outside of the local area
- The ridge and furrow is of historical (potentially national) importance
- Applicants consultant is testing the water table already to allow application for cemetery
- Scale of building will detract from the character of the area
- In a location where temperature inversion occurs impeding the dispersion of combusted gases and air pollution
- The proposal would fail to comply with Core Strategy Policies CS1 & National Planning Policy PPS7
- Fine partial dust/hazardous substances would cause air pollution
- Damage to historic landscape
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A 39 Signature petition objecting to the proposal was received.

1 Letter of support – Such a service is long overdue in Rugby, but there are however highways issues and the developer should foot the bill for highways improvements.

**Background:**

Rugby Borough Council established a task group in 2009 to carry out a review on the need and potential viability for creating a crematorium and new burial ground for Rugby. The task group identified an urgent need for both a cremation unit and additional burial facilities within the area given the limited availability of burial land and the identified need within the Borough for a viable crematorium facility.

**Policy Principle:**

The application site is located in the countryside adjacent to the Local Needs Settlement of Willoughby. The proposed use as a crematorium facility is sui generis and is not specifically covered by any of the thematic policies from the Core Strategy or the saved policies of the 2006 Local Plan. Therefore the principle of development should primarily be judged against the development strategy of the Core Strategy and the relevant sections of national guidance. The proposed use has the potential to attract a significant number of visitors and therefore the accessibility of the location is fundamental to the acceptability of the principle.

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy." The proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations. Firstly, whether the proposed development is suitable to the countryside location and, secondly, whether it has been demonstrated that more sustainable locations have been effectively considered.

In relation to the first consideration, the approach of the Core Strategy is to defer to national guidance in order to determine the suitability of uses to the countryside. The National Planning Policy Framework (NPPF) states that one of the core planning principles is to recognise the intrinsic character and beauty of the countryside. It is considered that the proposal is potentially compatible to a countryside location because of its open nature and the limited amount of built development although the individual site characteristics need consideration to determine its impact on the character of the countryside within which it is proposed. The impact on the countryside will be considered later in the report.

It is accepted that there is sufficient need for a crematorium to be built within the Borough based on a report on the Review of the Feasibility of Creating a Crematorium and Burial Ground in Rugby Borough, 2010. However, case law has established where there is a proven need for an intended development but it would have significant adverse effects, it is appropriate to take into account the availability of more suitable sites elsewhere. Nevertheless, such circumstances normally only apply to major developments of national or regional importance and do not normally apply to housing or commercial developments. Recent judgements have reiterated previous court decisions where the need to consider alternatives only applies in exceptional circumstances, such as in cases where national guidance/policies make it relevant, and that in order for such alternatives to be considered there must be a likelihood or real possibility that they would come about in the future. The general principle is that alternatives will normally be immaterial or of insignificant weight.

The Development Plan has no specific planning policy requirement for the applicant to submit a sequential test to demonstrate that the chosen site is the most suitable, although such an appraisal can help assist the applicant in justifying their proposals. The applicant's have submitted information that seeks to demonstrate that the proposal site is the most sequentially preferable available. It is accepted that the scale of land required is highly unlikely to be available and deliverable within the town centre or within the defined urban area of the town; the only known areas of available land currently benefit from planning permissions or development allocations and would therefore be undeliverable for this use. It is therefore considered that the identified need for a crematorium is appropriate to a countryside location. However, in the context of this use it is not considered that all countryside locations should be considered equally.

The NPPF makes it clear that new development proposals should be sited in locations accessible to a range of means of transport to encourage sustainable development. This is particularly important for a use that has the potential to attract significant numbers of visitors and therefore it is important that sustainable transport can be promoted and safe and suitable access to the site can be achieved for all people. The guidance on the Siting and Planning of Crematoria (1978) reiterates that the site must have easy access by public transport. The site is not served by public transport and at present the village of Willoughby only has 1 bus a day Monday to Friday and 2 buses on a Thursday. Nevertheless, the applicant has

indicated that they would provide a pick up service to the bus stop on the A45 which is currently served by an hourly service Monday to Saturday. How effective this would actually be in practice in such an isolated rural location remains a concern.

The Council considers the location of a crematorium would be best served close to the edge of an established urban area which would be considered to be a much more sustainable location with greater potential to be effectively accessed by foot, cycle and public transport near a main centre of population minimising overall vehicle trips.

On the basis of the above, the proposal is in an isolated countryside location that is considered not to accord with Policy CS1.

#### **Impact on the character of the Countryside:**

The site lies with an area identified as Feldon Vale Farmlands in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers the landscape to be generally flat, low-lying with few roads and settlements and characterised by a largely intact pattern of medium to large-sized geometric fields bounded by hawthorn hedges with sparse tree cover allowing wide scale views.

As covered above, it is generally accepted that such uses can be located within the countryside given the limited likelihood of finding a suitably large site within an urban area. If it were to be considered that the location was acceptable in principle the limited visual impact of the burial plots, the highways infrastructure and paving would be predominantly screened by the landscaped boundaries and, on balance, it is not considered that these elements would materially impact upon the character of the surrounding countryside. The Council's Arboricultural Officer has raised concerns at the loss of the hedgerow along the western boundary of the site to facilitate access. However, a new hedgerow will be planted and the Council's Landscape Officer has stated that whilst the proposals will result in significant change in the landscape character across the site and at the entrance to Willoughby village, the landscape plan is acceptable and as such should provide some additional benefit to biodiversity in the locality. Overall it is considered, on balance, that the proposal accords with saved Policy GP2.

It is recognised that the building has to be a certain size to account for the chapel, crematoria and other related elements and has been designed in such away as to create an attractive building with an organic shape. The use of the natural materials and the flowing shape of the building would enhance its appearance and allow it to successfully assimilate itself into the environment. Whilst the building would be located on the higher section of the site it is understood that it would not be possible to locate it on the lower section within the flood zone.

Despite its generous size of the building and the raised nature of the site it is considered that the building itself could be built without causing undue adverse harm to the character and appearance of the surrounding area. The proposed landscaping enhancements would further screen the building from the surrounding area although it is likely to be visible from parts of the footpath and points along Moor Lane at the exit to the village.

An integral part of the design as indicated on the plans are the chimney stacks which are shown as having only a limited projection beyond the roof of the building. This is considered an important element in the design as larger chimney stacks, which projected further beyond the roof would interrupt the organic appearance of the building and be at odds with the principles behind the design. The Council's Environmental Services Department has indicated that insufficient information has

been submitted in relation to emissions discharge to allow an accurate consideration of the likely stack heights, although there is a possibility that they could be 3.5 metres higher than that proposed. The relevant calculations have been requested but not received. Given the extent of the harmful aesthetic impact that may result from significantly increased stack heights it is considered that the overall impact of the proposal on the character of the area cannot be adequately assessed at this time and could result in visually intrusive features that would harm the appearance of the rural landscape. Therefore, the proposal would be contrary to Policy CS16 and the NPPF.

#### **Residential Amenities:**

The cremation building would be sited some 450 metres from the closest residential dwelling within Willoughby Village. Whilst the building would be sited on the higher end of the field, the separation distance is considered sufficient to avoid any undue impact on residential amenity.

The Council's Environmental Health Section has assessed the proposal and raised no objections on the grounds of noise and disturbance, subject to a number of control conditions being placed on any approval including full details of any extraction equipment. Concern has been expressed over the sewerage disposal proposals although such a concern falls within the Environment Agency's remit. As detailed above, it has also been indicated that insufficient information to allow an adequate assessment of the chimney stack height has been submitted. The applicant will have to apply to the Council for a permit for the proposed cremator and its associated equipment which will assess its quality and suitability for the proposed scheme, therefore the overall principle of the proposal they do not object to as the permit is normally applied for after planning permission has been granted.

Nevertheless, the NPPF does clearly state that Local Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local Planning Authorities should assume that these regimes will operate effectively.

#### **Highways:**

There are two potential accesses to and from the village via the A45. These comprise of the main junction between the A45 and Main Street and the smaller junction between the A45 and Woolscott Road. The Highways Authority considers the proposal will lead to additional vehicle movements and has identified shortfalls in the visibility splays related to both of these junctions and has concluded that access to and from the village via the A45 and Main street would not be acceptable in respect of the proposed use of the site due to the inadequate visibility splays harming highways safety. The Highway Authority considers that the sub-standard junction with Woolscott Lane and the A45 could be resolved by installing suitable signage to direct traffic away from it. However, this would not resolve the highway safety concerns of using the A45 and Main Street junction which would have the effect of increasing the likelihood of conflict and thereby of an accident occurring. Therefore safe and suitable access to the site cannot be achieved and thus the proposal would conflict with the NPPF and Policy CS11. In addition, guidance on the Siting and Planning of Crematoria states such facilities should be from or to local distributor roads and appropriate sight lines should be provided.

The Planning Obligations Supplementary Planning Document refers to Parking Standards and whilst crematoriums are not specifically identified it states such development would be judged on an individual basis. However, the applicant has stated that additional grasscrete spaces could be added if it becomes a problem. Therefore, achieving a satisfactory level of parking for the site is not judged to be a concern and could be controlled via planning conditions and thus the proposal would accord with saved Policy T5.

Public footpath R249a is adjacent to the eastern boundary of the crematorium site. A pedestrian link is proposed from the crematorium site onto public footpath R249a via a timber pedestrian gate. It appears that the applicant owns the land carrying the section of public footpath that the link would connect to, and therefore would not be inviting access onto third party land. The consent of the County Council would have to be gained for any changes to the footpaths surface, however they raise no objection to the proposal subject to a condition.

#### **Pollution and Sewage Treatment:**

The planning application submitted states that foul sewage will be disposed of via a septic tank. The Environment Agency has objected to the proposal on the grounds the application does not contain any details regarding the proposed septic tank system as no information has been provided regarding the anticipated discharge volumes and proposed discharge location. As such, the risk to the water environment cannot be assessed. They consider that water levels in the soil on site may make the use of a septic tank unfeasible for this development. A discharge from the septic tank to surface water would not be acceptable as a satisfactory level of treatment would not be provided. The Environment Agency's first option for the disposal of foul drainage should be via a foul sewer connection. Their records show that the nearest foul sewer is approximately 200 metres from the site. This would also need investigation to ensure that the capacity of this sewer is capable of accommodating the increased demand.

The NPPF states that in order to prevent unacceptable risks from pollution decisions should ensure that new development is appropriate for its location. The effects of pollution on health and the natural environment or general amenity should be taken into account. The explanatory text to Policy CS16 refers to sustainable water supplies and treatment of waste water which are an important consideration in new development. Policy QE9 of the RSS also refers to protecting and improving water quality and where necessary significantly reduce the risk of pollution and reduce any adverse affects of development on the water environment.

With out the detailed information requested there are no assurances that the proposed method of sewage disposal is adequate and would not result in the pollution of the water environment. This was also a concern raised by the Council's Environmental Services Department. As these details have not been forthcoming the proposal remains contrary to Policy CS16 and the NPPF.

The Environment Agency is happy with the proposal in relation to flood risk subject to a number of conditions.

#### **Heritage Assets / Archaeology:**

The site forms part of a larger area of pronounced ridge and furrow, closely related to the Willoughby settlement and surrounding villages, which would be destroyed if the development were to go ahead. The County Council's Archaeology Department considers that the ridge and furrow that survives across this site forms part of a wider area of ridge and furrow which, while not statutorily protected as a Scheduled

Monument, is of demonstrably National Significance and therefore worthy of conservation. This is a view that was shared by English Heritage in an assessment of the site and surrounding area which resulted in the Scheduling of the adjacent moated site.

The NPPF defines a heritage asset as including a building, monument, site, place or area of landscape identified as having a degree of significance meriting consideration in planning decisions and includes assets identified by the Local Planning Authority. It also states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. Therefore based on the above, it is considered that the ridge and furrow should be assessed as a heritage asset.

Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. The NPPF stipulates that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy CS16 states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. Policy QE5 of the RSS also refers to protecting, conserving and enhancing the regions diverse historic environment, including historic rural landscapes. It is considered that the revised development would result in the destruction of a large portion of the ridge and furrow which presently survives across the application site. In addition to this direct impact, the loss of this portion of ridge and furrow would also have a negative impact upon the significance of the wider area of ridge and furrow which survives across this parish.

Despite a significant move towards arable production in recent years, the WCC Landscape Assessment specifically states that Feldon Vale Farmlands character still has extensive areas of permanent pasture with well-preserved areas of ridge and furrow.

Given the above information, the Warwickshire County Council Archaeology Section therefore objects to the proposal as it will have an unacceptable negative impact on a heritage asset of national significance.

As mentioned above, in September 2011 the applicant began to plough the field which destroyed an element of the ridge and furrow. The NPPF states where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be a factor taken into account in any decision.

English Heritage has assessed the impact of the proposal on the adjacent Scheduled Ancient Monument and the nationally significant area of ridge and furrow. It concluded that the scheme would not adversely affect the nearby Ancient Monument or its setting. However, it does state that the ridge and furrow on the application land is an important element in the medieval landscape of which the moated site is also part. The loss of such high quality ridge and furrow would be extremely unfortunate and ought to be avoided if at all possible.

It is understood that ridge and furrow is not considered schedulable on its own under the Ancient Monuments and Archaeological Areas Act 1979. Where areas of ridge and furrow have been scheduled in the past it has been as part of a wider area, for example an area of medieval settlement where a portion of ridge and furrow has been Scheduled along with the village remains in order to demonstrate the relationship between the settlement and field system. Therefore, English Heritage's decision not to schedule in this instance should not be taken as evidence that these features are not worthy of conservation, it rather reflects the (present) lack of a demonstrable relationship between the settlement and the ridge and furrow.

There is also potential for the proposed development to impact upon other archaeological deposits which survive across this site. These may include archaeological deposits of regional or national importance, which may be worthy of conservation. The applicant was therefore requested to arrange for an archaeological evaluation (comprising geophysical survey and trial trenching) to be undertaken before the application is determined. This fieldwork would have helped to define the character, extent, state of preservation and importance of any archaeological remains present. The requested assessments have not been undertaken and the County Council's Archaeology team have therefore been unable to assess the impact the proposal would potentially have a significant archaeological deposits. In his case, the absence of an archaeological evaluation is sufficient for a reason for refusal as it would not accord with the NPPF.

#### **Ecological and Biodiversity Implications:**

A phase 1 habitat survey has been submitted with the application. This has been assessed by the Warwickshire County Council's Ecology Section which has raised no objections to the proposal subject to the mitigation methods proposed and the preparation of an Environmental Protection Plan for the area covering for the following protected species - badgers, all reptiles and amphibians, nesting birds, bats and the existing habitats including hedgerows, trees and water bodies.

It is recognised that ridge and furrow grassland can be rich in wildlife and its value for biodiversity (in particular wildflowers and invertebrates) can be successfully enhanced as long as it is managed appropriately. The development will result in the loss of ridge and furrow grassland habitat, and in light of this it is suggested that the future management of the site within the blue line boundary is secured if the application is to be approved.

It is also suggested that a condition requiring a combined ecological and landscape plan and a great crested newt mitigation plan is placed on any decision for approval. Therefore, the proposal is not considered to conflict with saved policy E6.

Natural England served a Stop Notice on the applicant and requested information to assess the land under the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006 (as amended). The Regulations protect uncultivated or semi natural areas from being damaged by agricultural work comprising physical and chemical cultivation. Land is considered to be uncultivated if it has not been subject to physical or chemical cultivation in the last 15 years. Natural England have confirmed that they regard the land to fall within the remit of the Regulations and permission would be required from them before any works take place to increase the productivity of the land for agricultural purposes. In addition, Natural England can request that physical remediation is carried out to restore the land to its previous condition, however, this is dependant upon the planning application being refused as

it is understood that the regulations cannot apply to land once it has planning permission.

**Conclusion:**

Given the details as outlined above, it is considered that the proposed development would be located in an isolated and unsustainable location in the countryside that would result in an increase in vehicle movements at a sub-standard junction jeopardising the safety of other road users. In addition, the proposal would result in the loss of nationally significant ridge and furrow and that the submission fails to provide sufficient information to allow an adequate assessment of the potential archaeological deposits present within the site. Furthermore, it has not been demonstrated that the proposal would result in a risk of pollution to the water quality of the area, particularly in relation to foul drainage, and inadequate information has been provided to determine the final chimney stack/flue heights that could adversely impact upon the final appearance of the proposed building and surrounding rural landscape.

**Recommendation:**

The application be refused.

Prepared by: Matt McConville & Richard Holt

**DRAFT DECISION**

**APPLICATION NUMBER**

R10/0423

**DATE VALID**

27/10/2010

**ADDRESS OF DEVELOPMENT**

Land off  
MOOR LANE  
WILLOUGHBY  
RUGBY  
CV23 8BT

**APPLICANT/AGENT**

Mr Gary Acton  
Cadman Design  
793 Sutton Road  
Barr Beacon  
Walsall  
WS9 0QJ  
On behalf of Mr Aamer Waheed

**APPLICATION DESCRIPTION**

Use of land for crematorium including the erection of a crematorium building, landscaping and associated highway and ground works.

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

REASON FOR REFUSAL 1:

The proposed development will be sited in a countryside location which is a 5th tier priority location as identified in Policy CS1 of the Rugby Borough Core Strategy 2011 where new development will be resisted. Policy CS1 states it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy and insufficient information has been submitted to justify the development of this isolated rural unsustainable location. Therefore, the proposal is contrary to Policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL 2:

The proposed development would have an unacceptable impact upon the high quality ridge and furrow that survives across the site and insufficient information has been submitted to allow an adequate assessment of the impact of the proposed development upon archaeological deposits of importance across the site. In addition, the scheme is not supported by an archaeological site evaluation which would have enabled a proper and detailed assessment of the character and extent of any further archaeological deposits of importance likely to be threatened by the proposed development. This could include archaeological deposits of regional or national importance, which may be worthy of conservation. Therefore, the proposal is contrary to Policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

**REASON FOR REFUSAL 3:**

The proposed development does not contain sufficient details regarding the proposed use of a septic tank to dispose of sewage and no information has been provided regarding the anticipated discharge volumes and proposed discharge location. As such, the risk to the water environment cannot be adequately assessed as it is understood that water levels in the soil on site may make the use of a septic tank unfeasible for this development as a discharge from the septic tank to surface water would not be acceptable as a satisfactory level of treatment. It is therefore considered that the proposal does not comply with Policy CS16 of the Rugby Borough Core Strategy and the NPPF.

**REASON FOR REFUSAL 4:**

The proposed development would result in the intensification of the junction of Main Street, Willoughby and the A45, London Road through additional vehicle movements. This is a substandard junction with inadequate visibility and therefore the proposed development would jeopardise highway safety and increase the likelihood of conflict with other road users. On this basis the proposal fails to comply with Policy CS11 of the Rugby Borough Core Strategy and the NPPF.

**REASON FOR REFUSAL 5:**

Insufficient information has been submitted in relation to the potential emissions discharge from the proposed development to confirm the final height of any chimney stacks/flues. It is considered that such details are an important element in assessing the overall visual impact of the building on the character of the surrounding area as the design principles and overall prominence of the building would be affected by the height of the chimney stacks/flues. Therefore, the proposed development could result in visually intrusive features that would harm the appearance of the rural landscape and therefore conflict with Policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

**Reference number: R11/0876**

**Site address: The Woodhouse, Leamington Road, Princethorpe, CV23 9PZ**

**Description: Demolition of existing hotel and associated buildings, erection of a replacement hotel and function facility with associated landscaping and parking.**

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

### **Description of proposals**

This application is for the demolition of the existing hotel and outbuildings and the erection of a replacement hotel with function suite.

The hotel has been designed to take advantage of the sloping nature of the site and to take advantage of the sweeping views to the rear of the site. From the front the building will appear as a two storey building in the style of a country house. From the rear rooms within the roof space are visible as is the function suite which will be constructed at basement level.

The function suite will extend to the rear and parts of this would be below ground level. The roof of the function suite would be at a similar level as the ground floor of the building and would form a landscaped garden area.

There will also be a mezzanine level including a small function room and a meeting room however this will be screened by the function suite.

The proposals includes 40 bedrooms.

The rear, south east, elevation of the function suite will be glazed and include a door in the rear elevation allowing access to the gardens.

The building will be built of red brick with a tiled roof and will include elements of buff render and stone detailing.

There are currently 2 vehicular accesses to the site and the northern access will be closes. A new parking area is proposed to the front of the building and an overflow car park is proposed to the rear.

### **Description of site**

The Woodhouse is located within the Green Belt and countryside. The hotel consists of a range of buildings that have been altered and amended over time.

The hotel closed in December 2010 and is currently vacant, some works have been undertaken to clear the buildings and remove internal fittings.

The original part of the hotel building comprises a timber framed former agricultural building that is thought to have been built in the 18<sup>th</sup> century, this was extended in the 19<sup>th</sup> century with a large Victorian extension. Other more modern flat roofed extensions were added during the 20<sup>th</sup> century. There are also a range of former stable buildings that were previously used as hotel accommodation on the site frontage.

The site is surrounded by agricultural land and has a range of boundary treatments including hedgerows and post & rail fencing. There are mature trees on the site, some of which would be removed by the proposed development.

The area of the proposed overflow car park is the site of the marquee that previously has temporary consent to be used as a function suite.

There are 2 public Rights of Way which cross the site, in the eastern and northern corners of the site.

### Third party comments

#### Princethorpe Parish Council Comments

- consider applicant should have contacted Parish re: proposals,
- bus service runs once a week and WCC refused to increase frequency,
- there are 2 Rights of Way crossing site, these should be maintained,
- photographs of building are out of date,
- noise assessment should include all nearby properties,
- functions until 2am is excessive, should cease at 1am,
- vehicles should not park outside of the site,
- flora and fauna should be considered by authorities' and the Committee,
- why is reference made to Premier Inns?
- should consult Severn Trent, could pumping station cope?

#### Neighbours (2) Comment

- do not object to principle of new build, however sorry to see the loss of the building,
- to prevent disturbance to neighbours consider function suite should be emptied by midnight during the week and 12.30am on Fridays & Saturdays,
- will the Council restrict construction hours?
- lighting may be detrimental to wildlife, especially bats, who will ensure lighting is acceptable and carry out monitoring?
- doors in the function suite could lead to noise pollution, this would need to be addressed,
- smoking area could lead to noise problems,
- since current own took over the site rubbish has been thrown into adjoining fields, this is dangerous to livestock, would like discussions with the owners to prevent this reoccurring,
- trees planted near boundary can be harmful to livestock, future planting should be away from the fence,
- conditions attached to previous permissions have not been complied with and site has not been restored to former state,
- any conditions related to this application must be monitored and enforced,
- once hotel is built future expansion could cause noise and traffic disturbance,
- public footpath close to road not mentioned in application, this should remain open,
- fireworks and Chinese lanterns should not be allowed, these cause noise and light pollution, are a fire risk and are dangerous to livestock.

### Technical consultation responses

Severn Trent	No objection	
WCC Archaeology	No objection	Subject to condition
WCC Highways	No objection	Subject to conditions & informatives
WCC Ecology	No objection	Subject to conditions & informatives
Natural England	No objection	Subject to condition
Tree Officer	No objection	Subject to conditions
Landscape Officer	No objection	Subject to condition

Environmental Health	No objection	Subject to conditions & informatives
WCC Rights of Way	No objection	Subject to informative
Environment Agency	No objection	Subject to condition
Wildlife Trust	No comments received	
Ramblers	No comments received	

### **Relevant planning history**

The site has an extensive planning history dating back to the early 1960's. Consent was granted, and renewed in 1995, 2000 and 2005 for single storey front, side and rear extensions.

Permission was granted in 2008, R08/0945/PLN, for the retention of a marquee, used as a function suite, and temporary car parking area. This was subject to a condition that required the removal of the marquee by 31<sup>st</sup> August 2010.

Planning permission was granted in August 2012 for an extension to the hotel to provide a function suite (to replace the temporary marquee.)

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

#### Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS2	Complies	Parish Plans
CS11	Complies	Transport and New Development
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	Complies	Tourism and visitor facilities and attractions

Planning Obligations SPD, March 2012  
National Planning Policy Framework, March 2012  
Guidance on Transport Assessment, March 2007  
Princethorpe Parish Plan, 2008

### **Assessment of proposals**

The key issues to assess in relation to this application are whether the principle of the proposed development is acceptable in this Green Belt, countryside location, outside of the town centre. The impact in terms of visual amenity, impact on neighbours, protected species, highway safety and car parking must also be assessed.

Policy CS1 states that within the Green Belt development will only be permitted if allowed by national policy. Guidance within the NPPF states that inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

This goes on to state that the construction of new buildings is inappropriate unless they are for agriculture or forestry, outdoor sport and recreation, limited extension of existing buildings, limited replacement of existing buildings, by a building in the same use, limited infill in existing villages, limited affordable housing or redevelopment of

previously developed sites, provided there is no greater impact on the openness of the Green Belt.

The proposal involves the replacement of the existing hotel with a new hotel and as such could be considered appropriate development. However, this is subject to the replacement building not being materially larger than the building that it replaces.

The application is accompanied by information regarding the volume of the existing hotel and outbuildings and the volume of the replacement hotel, these consider the volume above ground level and therefore do not include the basement level. The proposals involve an above ground volume increase of 118% above the volume of the existing hotel and outbuildings.

Consideration must be given to the previously approved function room extension which could be added to the hotel. This allowed for a volume increase of around 90% above the volume of the existing hotel and outbuildings.

However, the proposed replacement hotel will increase the above ground volume over and above the existing buildings and previously approved extension by 1,406 cubic metres, 14% of the volume of the existing buildings and approved extension. It is considered that this would result in the replacement building being materially larger than the building it replaces, this is therefore considered inappropriate development within the Green Belt.

This will not be acceptable, unless very special circumstances exist that outweigh the harm caused to the Green Belt.

The previous application, for the function suite extension, was accompanied by information that showed that this extension was necessary to ensure the viability of the business and that the extension would allow the business to expand, whilst addressing issues of noise and disturbance that occurred when the marquee was being used to hold functions. This information was considered very special circumstances to allow the function suite extension.

The current application is accompanied by further supporting information which shows that the hotel was operating at a loss until it closed in December 2010. The applicant states that since the previous approval further market research has been carried out and that this shows that the projected revenue associated with functions has decreased as the demand for functions and weddings has decreased due to the current economic climate.

It was previously envisaged that the holding of functions would be the main part of the hotel's operation and profitability, however due to the reduction in projected revenue this is no longer possible. A review of the existing hotel accommodation was therefore undertaken. This concluded that the existing bedroom accommodation is substandard and that some of the bedrooms have issues such as being detached from the main building, being used as fire exits and having restricted headroom.

The applicant also advises that the public and back of house space are currently poorly laid out and that this does not allow the efficient operation of the hotel. The previously approved extension would also result in separate service areas for the function suite extension and hotel which would prevent shared staffing arrangements and would not be efficient.

The applicant advises that to ensure the viability of the business in the current economic climate the profitability of the hotel accommodation side of the business must be improved alongside the function side of the business. This cannot be done with the current outdated accommodation. The applicant seeks to enter a partnership arrangement with a companion operator to ensure suitable levels of bookings are received, to secure this 40 bedrooms and a 3-star rating are required, this cannot be achieved with the current building.

The applicant has also provided information that shows that a companion operator and 40 bedrooms are necessary to ensure the viability of the business. This is due to a hotel requiring a certain level of staffing to operate, regardless of the number of bedrooms, in addition costs including marketing, fuel, insurance, rates and finance are not directly proportional to the size of the hotel.

The applicant advises that the proposed replacement hotel and function suite will allow the business to continue and expand with benefits for the local economy including the creation of up to 52 jobs associated with the hotel and a further 14 associated with functions.

It is considered that the information submitted by the applicants demonstrates that the business would not be viable without the replacement hotel and function suite and that the volume increase to allow 40 bedrooms is also necessary to secure the viability of the business. It is considered that the information provided demonstrates very special circumstances to outweigh the presumption against inappropriate development within the Green Belt and the principle of the development is acceptable in accordance with policy CS1 and the guidance in the NPPF related to Green Belts.

The Town and Country Planning (Consultation) (England) Direction 2009 requires some applications for development in the Green Belt to be referred to the Secretary of State if a Council is minded to grant planning permission. As the proposed development constitutes inappropriate development and the floor space is over 1000 sq. m. it would be necessary for the application to be referred to the Secretary of State if the Council are minded to approve the application.

The applicant has advised that the proposed replacement hotel has been designed to minimise the impact on the openness of the Green Belt and visual amenity. The application site slopes down away from the existing hotel and parts of the building are proposed below ground level to minimise the bulk of the structure.

From the front the building will appear to be two storey and is designed to resemble a country house. The building will be at a lower level than the road and this will reduce the prominence when viewed from the front.

At the rear the building includes more modern elements such as the glazed elevation of the function suite and the glazed atrium feature above the stairwell. The roof of the function suite will be landscaped to provide a garden area, formal gardens will also be provided at the rear of the building. The landscaping scheme will also retain existing trees and include additional tree planting. This landscaping scheme will help to soften the appearance of the proposed building.

Although the building will be visible from land to the south and from Oxford Road it will be a significant distance from this road and the impact on the character of the countryside and visual amenity of the area is not so significant as to warrant a recommendation of refusal.

A landscape masterplan plan was submitted with the application and amended following comments made by the Council's Tree and Landscape Officers. The Landscape Officer requested a condition requiring details of the landscaping to the site frontage to be agreed prior to the occupation of the development.

The additional car parking area will be located to the rear of the proposed building and it is considered that this area could have an impact on the visual amenity of the area. However, the landscape masterplan shows this area with a bound gravel surface and with a native hedgerow and trees on the boundary. It is considered that these proposals are in keeping with the character of the countryside.

The proposals involve the removal of some trees to the rear of the existing hotel. The Tree Officer has no objection to the removal of these trees subject to a condition relating to the submission of a tree protection plan.

The landscape plan shows bollard lighting around the overflow parking area. However, no specific details of the type of lighting proposed or operating hours have been submitted. As external lighting could have an adverse impact on the character of the area and it is considered necessary to add a condition to require any lighting to be agreed by the Council.

It is therefore considered, subject to conditions, that the impact on the proposals on the openness of the Green Belt and on visual amenity, landscaping and character of the area are acceptable, policy CS16, saved policy GP2 and guidance within the NPPF are therefore complied with.

Policy CS16 also states that sustainable drainage systems should be incorporated into developments. The flood risk assessment submitted with the application states that soakaways may be used and that surface water will outfall into a ditch and pond. The Environment Agency have no objection to the application, subject to a condition and informative relating to surface water drainage. This is in accordance with this requirement of policy CS16.

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 proposals will increase the energy efficiency and that a variety of efficiency methods, such as ground source heat pumps and solar panels will be utilised, the requirements of policies CS16 and CS17 can be controlled by condition, the proposals therefore comply with the requirements of policies CS16 and CS17.

The Princethorpe Parish Plan makes reference to the Woodhouse and mentions that the gardens and hotel are popular for wedding parties. There are no specific objectives in the Parish Plan connected to the proposed development. However, this does state that sympathetic contemporary developments may be acceptable. It is therefore considered that the design of proposed extension is in keeping with this plan and policy CS2.

Saved policy LR10 of the Local Plan refers to tourism and visitor attractions, including hotels, this states that where there is a need for hotel development locations should be considered in a sequential order with town centre sites considered first, then edge of centre sites, sites within the urban area and then sites outside the urban area. It is also necessary for the applicants to demonstrate proposals would not adversely impact on town centres, for the development to be appropriate to the location and for it to involve previously developed land. In addition outside of the urban area facilities should be located close to settlements, existing visitor attractions and/or public transport.

Guidance contained within the NPPF, also requires applicants to carry out a Sequential Test to assess whether the proposals could be accommodated within a sequentially preferable location.

The applicants have provided a sequential test which assesses available sites within Rugby Borough, Coventry and Leamington Spa. This concluded that there were no suitably sized vacant sites available, buildings that did provide sufficient floorspace were generally in employment use and the planning policies in the relevant areas would prevent the conversion to hotel and function uses. It is therefore accepted that there are no suitable sequentially preferable sites available.

The NPPF also states that an impact assessment should be provided to assess the impact on existing town centres for developments for leisure uses that are out of town centres, not in accordance with the development plans and would be likely to have a significant impact on other centres. As the replacement hotel will replace the existing hotel and previously approved extension it is not considered that the impact on existing town centres would significantly alter and an impact assessment is not required in this case.

The proposed hotel will replace the existing hotel buildings and the development would be contained within the grounds of the existing hotel. This constitutes previously developed land and the principle of the replacement hotel, with function suite is therefore considered acceptable in accordance with saved policy LR10 and guidance contained within the NPPF.

In terms of the impact on neighbours there are no residential properties immediately adjacent to the proposed replacement hotel that would be adversely affected in terms of overlooking or loss of privacy and light. However, there is the potential for neighbours to be adversely affected by noise from the hotel and function suite and this has been a problem in the past when functions were carried out in the marquee.

The applicants have provided a noise report with the application and this has been considered by Environmental Health. Environmental Health have advised that this report is acceptable and they have no objection to the development subject to conditions.

A neighbour has raised concerns regarding the proposed operating hours of the function suite which are proposed as, 0830-midnight Monday – Thursday, 0830-0030 Sundays and bank holidays and 0830-0200 Fridays and Saturdays. However, Environmental Health have confirmed that they do not object to the proposed hours.

It is therefore considered that the amenity of neighbouring properties will not be adversely affected and policy CS16 and guidance contained within the NPPF in relation to noise are complied with.

The NPPF states that travel plans and transport assessments will be required where developments could generate significant amounts of vehicle movements. The Planning Obligations SPD refers to Transport Assessments and states these will be required in accordance with a Government document, Guidance on Transport Assessments. This states that hotels with less than 75 bedrooms will not require an assessment and the proposed hotel complies with this. The proposals also include the function suite, however as there was previously a marquee used for functions on the site and a function suite extension was previously approved it is not considered that these reports are required in this case.

The road adjacent to the site has a 60mph speed limit and the Highway Authority initially commented that the visibility from the site access was not sufficient. The applicants then commissioned a speed survey which showed that the 85 percentile speeds, are just below 50mph. The Highways Authority confirmed that the visibility requirements can therefore be relaxed to the 50mph standards. These can be achieved and the Highways Authority has no objection, subject to conditions and informatives, this is therefore in accordance with policy CS11.

The proposed include the retention of the existing car park and the provision of a car park between the building and the road, an overflow car park is also proposed at the rear. In total the development proposes 120 car parking spaces. In addition cycle and motorcycle parking and a coach drop off point are also proposed.

The Council's parking standards, contained within the Planning Obligations SPD would require 1 space per 5 sq. m. for the restaurant, 1 per bedroom for the hotel and 1 space per 5 seats for the function suite. This would lead to a requirement of 60 spaces for the restaurant and 40 for the hotel. The applicants have advised that the proposed function suite could accommodate up to 400 guests, this would lead to a car parking requirement of 80 spaces. This results in a total requirement of 180 spaces and 120 spaces are proposed. However, it is considered that some of the customers who are using the restaurant and function suite are also likely to stay at the hotel and that customers will also arrive at the hotel by taxi or coach. It is therefore considered that the proposed level of car parking is acceptable. Cycle parking is proposed although no details of the number of stands of the design have been provided at this stage, a condition can be attached to require these details to be agreed by the Council. It is therefore considered that policy T5 is complied with.

There are public rights of way which crosses the south eastern and northern corners of the site. The landscaping scheme has been amended to ensure that these are not obstructed. WCC Rights of way have requested an informative to ensure that these remain accessible, this is considered in accordance with guidance within the NPPF relating to Rights of Way.

The application was accompanied by a bat survey of the existing buildings. Natural England has no objection to the application subject to mitigation for the impact on bats. WCC Ecology commented on the application and requested details of proposed bat mitigation and a further bat survey of trees prior to the determination of the application. Details of a bat mitigation, including a timber roost building and bat boxes and tubes on the proposed building and existing trees have been provided. WCC Ecology have commented that this appears to acceptable and in keeping with good practice, however they state that further detail in relation to the mitigation will be required by Natural England in relation to the European Protected Species Licence and request a condition requiring further surveys and mitigation details. Given that suitable mitigation can be achieved and that this is require in relation to the licence it is not considered reasonable or necessary to impose this as a condition.

WCC Ecology also requested informatives relating to nesting birds, badgers, reptiles and amphibians. Subject to conditions and informatives the impact on protected species is considered acceptable in relation to saved policy E6.

**Recommendation**

Officers be given delegated powers to approve the application, subject to referral to the Secretary of State.

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/0876

**DATE VALID**

07/12/2011

**ADDRESS OF DEVELOPMENT**

THE WOODHOUSE  
LEAMINGTON ROAD  
PRINCETHORPE  
CV23 9PZ

**APPLICANT/AGENT**

Sally Stroman  
Wilbraham Associates Ltd  
18a Regent Place  
Rugby  
Warwickshire  
CV21 2PN  
On behalf of

**APPLICATION DESCRIPTION**

Demolition of existing hotel and associated buildings, erection of a replacement hotel and function facility with associated landscaping and parking.

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

**CONDITION: 1**

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

**REASON:**

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

**CONDITION: 2**

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

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Site Location Plan	R100:10:25	7th December 2011
Site Plan 1 of 2	R100:10:22	7th December 2011
Site Plan 2 of 2	R100:10:23A	6th February 2012
Building Elevations 1 of 2	R100:10:21B	9th February 2012
Building Elevations 2 of 2	R100:10:24A	9th February 2012
Floor Plans	R100:10:20C	6th February 2012
Bat Survey Mitigation	R100:10:27A	6th February 2012
Landscape Masterplan	WDH1C01	9th February 2012
Roof Terrace Planting Scheme	WDH1C02	7th December 2011

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

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

**CONDITION: 4**

Full details of the siting, design and materials of the proposed bin and cycle stores shall be 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 the hotel.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION: 5**

No development shall commence unless and until details of all proposed walls, fences and gates 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: 6**

Unless otherwise agreed in writing the function suite shall not be operated other than between the hours of 0830 - midnight Monday to Thursday; 0830 - 0200 Friday and Saturday; and 0830 - 0030 Sunday and Bank Holidays.

**REASON:**

To protect the amenity of nearby properties.

**CONDITION: 7**

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

**REASON:**

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

**CONDITION: 8**

Notwithstanding the details shown on the Landscape Masterplan, details of the landscaping to be provided between the hotel building and Leamington Road shall be 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 LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

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

**CONDITION: 9**

The landscaping scheme, as detailed on the Landscape Masterplan - WDH1C01, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

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

**CONDITION: 10**

All tree works shall be carried out in accordance with the Wharton Arboriculture Ltd Arboricultural Implications Assessment - 161111-0069-S02-AIA-V2-00-012 received by the Local Planning Authority on 7th December 2011. 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 BS3998:2010 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

**REASON:**

In the interest of visual amenity.

**CONDITION: 11**

No development shall commence, unless and until a scheme for the protection of the retained trees has been submitted to and approved in writing by the Local Planning Authority.

Works shall not be carried out other than in accordance with the approved scheme.

**REASON:**

In the interest of visual amenity.

**CONDITION: 12**

The Arboricultural works permitted shall proceed in accordance with the detailed mitigation measures for bats as set out in the Recommendations section of the document 'Survey of Bat Roost Potential of Trees at the Woodhouse Hotel, Princethorpe' prepared by Philip Irving and received by the Local Planning Authority on 6th February 2012. The approved mitigation measures shall be implemented in full.

**REASON:**

To ensure that protected species are not harmed by the development.

**CONDITION: 13**

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and verge have been reinstated in accordance with the standard specification of the Highway Authority.

**REASON:**

In the interest of highway safety.

**CONDITION: 14**

The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON:**

In the interest of highway safety.

**CONDITION: 15**

The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and enter the public highway in a forward gear.

**REASON:**

In the interest of highway safety.

**CONDITION: 16**

The development shall not be commenced until space has been provided within the site for the parking/loading/unloading of vehicles.

**REASON:**

In the interest of highway safety.

**CONDITION: 17**

The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site.

**REASON:**

In the interest of highway safety.

**CONDITION: 18**

The building 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: 19**

Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of the 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 the building prior to the first occupation and then retained in working order in perpetuity.

**REASON:**

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

**CONDITION: 20**

Unless otherwise agreed in writing by the Local Planning Authority details shall be provided 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: 21**

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION: 22**

No development shall commence unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details.

The scheme shall include:

- limited surface water discharge to 56.4l/s as detailed in the Flood Risk Assessment ref 6368/ DH/001/02 received by the Local Planning Authority on 7th December 2012;
- provision of storage as detailed in the Flood Risk Assessment ref 6368/ DH/001/02 received by the Local Planning Authority on 7th December 2012, the use of SUDs should be the first consideration.
- details of how the scheme shall be maintained and managed after completion

**REASON:**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system

**CONDITION: 23**

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 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.

**CONDITION: 24**

Unless otherwise agreed in writing by the Local Planning Authority the following noise mitigation measures shall be incorporated into the function room:

- Use of Pilkington Optiphon 8.8/6-20/12.8 glazing to all external windows (including curtain wall) of the function room, with appropriate seals to retain the acoustic performance;
- The thickness of the inner block work within the building construction of the function room being 200 mm; and
- All joints which may affect the acoustic performance of the structure are well sealed.

**REASON:**

In the interest of amenity of neighbouring residents.

**CONDITION: 25**

Unless otherwise agreed in writing by the Local Planning Authority the noise levels associated with external plant and services shall not exceed those contained within Section 5.3 of the Noise Assessment, produced by ANV Acoustic Consultants dated October 2011 and received by the Local Planning Authority on 7th December 2011.

**REASON:**

In the interest of amenity of neighbouring residents.

**CONDITION: 26**

Unless otherwise agreed in writing by the Local Planning Authority within 3 months of the first occupation of the hotel and function suite a report detailing the final noise levels, when the function suite is in use, shall be submitted to and approved in writing by the Local Planning Authority. If any additional noise mitigation is deemed necessary these details shall be submitted to and agreed in writing by the Local Planning Authority and provided in accordance with the approved details.

**REASON:**

In the interest of amenity of neighbouring residents.

**CONDITION: 27**

No development shall commence unless and until details of a suitable fume extract system 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:**

In the interest of amenity.

**CONDITION: 28**

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

**REASON:**

In the interests of the amenities of neighbouring properties.

**CONDITION: 29**

Prior to the first occupation of the premises details of measures to prevent grease, fat and food debris from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of amenity.

**CONDITION: 30**

No development, including demolition, shall commence unless and until an Asbestos Survey of the existing buildings 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 interests of health and safety.

**REASON FOR APPROVAL:**

The development represents a departure from the Development Plan owing to its location within the Green Belt outside any defined settlement boundary and represents inappropriate development, which by its nature is harmful to the Green Belt. However, it is considered that the development is justifiable in the Green Belt and out of the town centre. It is considered that the submitted evidence does justify the grant of planning permission that would be sufficient to overcome the harm caused by inappropriateness or other harm to the Green Belt and thereby complies with policy CS1 of the Rugby Borough Core Strategy 2011, saved policy LR10 of the Rugby Borough Local Plan and guidance contained within the NPPF.

It is considered that, subject to conditions, the proposals would provide satisfactory levels of car parking, not adversely affect neighbours or protected species and be visually acceptable in the countryside. Therefore, the proposal would accord with policy CS16 of the Rugby Borough Local Plan 2011 and saved policies GP2, E6, LR10 & T5 of the Rugby Borough Local Plan, 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Core Strategy 2011 - CS1, CS2, CS11, CS16, CS17  
Rugby Borough Local Plan 2006, Saved Policies - GP2, E6, T5, LR10  
Planning Obligations SPD, March 2012  
National Planning Policy Framework, March 2012  
Guidance on Transport Assessment, March 2007  
Princethorpe Parish Plan 2008

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**

Public Rights of Way R204 and R205 cross the site, these must remain open and unobstructed at all times.

**INFORMATIVE: 2**

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

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

Saturday - 8.30 a.m. - 13.00 p.m.  
NO WORK ON SUNDAYS & BANK HOLIDAYS.

**INFORMATIVE: 3**

The applicant is advised that compliance with planning conditions does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

**INFORMATIVE: 4**

Subject to planning permission being granted, it is recommended that the applicant contact the council's Public Health and Licencing Team on (01788) 533882 to discuss relevant licences they will need to require and the proposed layout of the new kitchen.

The applicant should be advised that conditions attached to such a premises licence may require the installation of a noise limiter set to an approved level and a noise cut out if the curtain wall is open.

**INFORMATIVE: 5**

The applicant is advised that a protected species licence from Natural England will be required to undertake the works. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Species Licensing Service on 0117 3728000.

**INFORMATIVE: 6**

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 inclusive, 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.

**INFORMATIVE: 7**

Badgers and their setts (communal place of rest) are protected under the 1992 Badgers Act, making it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136.

**INFORMATIVE: 8**

In view of the nearby records and ponds, 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 Warwickshire Museum Ecology Unit 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: 9**

The conditions above require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. 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 / developer 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.

**Reference number: R11/1632**

**Site address: 42 Lime Tree Avenue, Rugby, CV22 7QT**

**Description: Demolition of existing bungalow & garage and erection of two storey dwelling.**

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

This application is being reported to Planning Committee as the applicant is related to Councillor Mrs. Kaur.

### **Description of site**

This application relates to a detached bungalow which is located on Lime Tree Avenue. This is sited on part of Lime Tree Avenue which is narrow and unadopted with lime trees to either side, these are covered by a Tree Preservation Order

The existing bungalow is built of buff bricks with a hipped roof with brown tiles. There is a large rear garden which is mostly grassed, there is a garden and parking to the front.

There are a mix of house types and styles on Lime Tree Avenue and there are two storey houses opposite the site.

Number 40 is a two storey house. The siting of this is unusual as it is set at 90 degrees to the road. The rear elevation which includes windows to habitable rooms at ground and first floor and a conservatory looks towards number 42's rear garden. The kitchen and bedroom which are closest to the road also have windows in the side elevation facing the road. There is a conifer hedge, around 3m high on the boundary and a detached garage adjacent to the boundary.

To the other side, number 44 is a bungalow which is set slightly forward of number 42. This has a pitched roof and conservatory to the rear.

### **Description of proposals**

This application is for the demolition of the bungalow and the erection of a dwelling.

The plans originally submitted were for a two storey dwelling and also included a basement level with a sunken courtyard leading to an underground gym and entertainment room in the rear garden. Amended plans have been received which omit the below ground works.

The dwelling proposed is a two storey house with red bricks and grey roof tiles. It will have a half hipped roof with gables above the first floor windows and a central gable feature to the front and rear.

The property will have 3 bedrooms, each will have a dressing room and ensuite. At ground floor a lounge, dining room and large study are proposed.

### Relevant planning history

R06/1876 – Demolition of existing bungalow and erection of detached dwelling - Withdrawn

### Technical consultation responses

WCC Ecology	No objection	Subject to condition and informatives
WCC Highways	No objection	Subject to condition
WCC Archaeology	No objection	Subject to condition
Severn Trent	No objection	Subject to informative
Tree Officer	No objection	Subject to conditions & informative
Environmental Health	No objection	Subject to condition

### Third party comments

#### Original plans

Dunchurch Parish Council                      Objection

- plans are very ambitious and involve a large basement,
- structure will be built on sand, the water table is 3 feet and the basement will be less than 3m from the neighbours boundaries,
- large amounts of spoil will need to be removed,
- the Avenue is narrow and tree lined,
- no structural report covering areas of risk during construction or in the future has been provided.

Neighbours (6)                      Objection

- Planning Committee should visit the site,
- development is overwhelming,
- design does not reflect neighbouring properties and will be imposing,
- will be out of proportion with the plot,
- side facing windows will affect neighbours' privacy,
- no provision for a fence or wall between 42 and 44,
- large subterranean parts of development will require extensive excavation very close to neighbours' boundaries and may affect neighbouring properties,
- estimate that removal of soil could take 70-100 20 ton lorries,
- protected Lime trees may be affected during construction, the applicant's tree report refers to possible compaction damage to the roots,
- construction vehicles will not be able to pass between the protected trees without damaging them,
- this part of Lime Tree Avenue is a private road owned & maintained by residents,
- road surface may be damaged,
- Lime Tree Avenue is a public footpath,
- Lime Tree Avenue is narrow and has no turning facilities, this may be blocked during construction as HGVs cannot pass or turn,
- there is often a traffic problem at the other end of Lime Tree Avenue which is worsened by parked cars,
- disruption and disturbance to residents during construction,

- will need pumps to stop basement flooding, this will lead to noise,
- proposed house is very high and will be higher than neighbour,
- consider development should not be allowed until technical reports have been received regarding the concerns regarding neighbouring properties, trees and access,

Neighbours (4) Comment

- lime trees must be protected, both within the site and along Lime Tree Avenue,
- large amount of soil will be removed to construct basement,
- the access road is narrow, how will traffic pass construction vehicles,
- it is unacceptable for the road to be blocked at any point,
- proposal to site skips outside neighbouring properties is not acceptable,
- any damage to the private road must be repaired,
- need information to show basement will not affect water table.

Neighbours (2) Support

- dwelling is designed to minimise impact on streetscene,
- houses on Lime Tree Avenue are all unique,
- previously used these builders who have a good reputation, are sure they will be considerate of neighbours,
- removal of spoil and stability in construction can be controlled by the relevant Council departments,
- removed over 1500 cubic metres of spoil in own development,
- property is well designed,
- basement will not impact on the Avenue,
- modernising properties that are in disrepair is a benefit to the area,
- when submitted own application was subject to similar unwarranted objections,
- consider benefit to area outweighs short term inconvenience.

Amended plans

Neighbours (1) Comment

- relieved that proposed basement has been removed,
- other concerns regarding road surfacing, fencing etc remain,
- side facing windows would affect neighbour property, these should be removed or required as frosted glass,

Dunchurch Parish Council No objection

**Relevant planning policies and guidance**

Rugby Borough Core Strategy 2011

CS1 Complies Development Strategy

CS16 Complies Sustainable Design

Rugby Borough Local Plan 2006 – Saved policies

GP2 Complies Landscaping

E6 Complies Biodiversity

T5 Complies Parking facilities

### **Assessment of proposals**

The key issues to assess in relation to this application are whether the principle of the proposed development is acceptable and whether there would be an adverse impact on visual amenity, neighbouring properties, highway safety and protected species.

The site is located within the Rugby Urban area which is defined in the Core Strategy as the primary focus for meeting strategic growth targets. The proposed development will replace an existing dwelling with a larger property and the principle of this is considered acceptable, in accordance with policy CS1.

Lime Tree Avenue has a wide variety of house types, styles and ages. The proposed dwelling will be located between a bungalow and a two storey house and there are two storey houses opposite. The building is proposed with a central gable and lower half hipped roofs, this reduces the bulk of the building adjacent to the neighbouring houses. There are other locations within the area where bungalows are sited adjacent to houses and the design is considered acceptable.

There are also a range of materials used in dwelling in the area. The applicant has advised that red bricks will be used with concrete roof tiles but have not provided specific details of these, however this can be controlled by condition and are considered acceptable. The impact of the proposals on visual amenity is considered acceptable.

A previous application for a dwelling on this site was submitted in 2006, Officers were concerned about the impact of the proposals on the side facing windows at number 40 and this application was withdrawn.

The current application proposes the dwelling further forward than number 40. This ensures that the proposed dwelling will not be sited directly in front of the side facing windows at number 40. The dwelling will conflict with the 45 degree guideline which is contained within the Residential Design Guide in the Sustainable Design and Construction SPD. However, the dwelling will replace the existing bungalow and when assessing the 45 degree guide the dwelling will be around 15m from these windows. It is therefore considered that number 40 will not be adversely affected in terms of loss of light or overshadowing. If outbuildings or extensions were erected in the future these could impact on the amenity of number 40 and a condition removing permitted development rights is proposed.

The 45 degree guideline is complied with from the front and rear windows at number 44. The proposal includes 2 side facing windows at first floor window looking towards this property. These are secondary bedroom windows and

the plans show these windows as obscure glazed and this can be controlled by condition.

The dwelling will be around 40m from the property opposite and the impact on residential amenity is considered acceptable in accordance with policy CS16.

CS16 also refers to the use of sustainable drainage systems and water conservation standards. The application states that surface water will be disposed of via soakaways and this is considered acceptable. This also states that the water conservation standards will be met and this can be secured by a condition. This is considered acceptable in accordance with policy CS16.

There are lime trees on the site frontage which are subject of a tree preservation order. Neighbours have expressed concern that it will not be possible to construct the dwelling without adversely impacting on these trees. A Tree Survey was submitted with the application which also included details of the tree protection during construction. The Council's Tree Officer has no objection to the application subject to conditions requiring tree protection and the lower branches to be pruned to prevent damage. Subject to these conditions the impact on these trees is considered acceptable in accordance with saved policy GP2.

The proposals do not involve changes to the access to the site, which is from an unadopted part of Lime Tree Avenue. The Highway Authority, Warwickshire County Council, have no objection to the development, subject to a condition preventing mud or debris on the highway. Neighbours have raised concerns that the surface of the unadopted part of the road may be damaged and that this road may be blocked during demolition and construction. These are essentially private matters between the applicants and the owners of the unadopted road. However, as the basement area is no longer proposed the amount of material to be removed from the site is significantly reduced reducing the impact on the road.

A parking area is shown to the front of the property with 3 parking spaces. The Council's parking standards, contained within the Planning Obligations SPD require 2 spaces for a three bedroom unit in this location. The level of parking is therefore considered acceptable in accordance with saved policy T5.

WCC Ecology initially requested additional information regarding the impact of the development on bats and great crested newts. A bat survey was provided and no evidence of bats was found. However, WCC Ecology advised that the roof has potential to be used by bats and requested a condition that tiles be stripped by hand in the presence of a bat worker. As no evidence of bats was found it is not considered reasonable to impose this condition and that an informative would be more appropriate. Subject to a condition relating to newts and informatives the impact on protected species is considered acceptable in accordance with saved policy E6.

**Recommendation**

Approval – subject to conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/1632

**DATE VALID**

12/01/2012

**ADDRESS OF DEVELOPMENT**

42 LIME TREE AVENUE  
BILTON  
RUGBY  
CV22 7QT

**APPLICANT/AGENT**

Derek Hartwell  
Ds Hartwell Building Contractor  
The Coach House  
Merttens Drive  
Rugby  
Warwickshire  
CV21 7AE  
On behalf of Mr J Biryah

**APPLICATION DESCRIPTION**

Demolition of existing bungalow & garage and erection of two storey dwelling.

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

**CONDITION: 1**

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

**REASON:**

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

**CONDITION: 2**

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

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Location Plan	LTA42/01/A	20/02/2012
Site, Block & Roof Plan	LTA42/05/B	24/04/2012
Proposed Elevations	LTA42/07/B	24/04/2012
Proposed Plans	LTA42/06/B	24/04/2012
BS5837 Tree Survey		16/12/2011

**REASON:**

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

**CONDITION: 3**

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

REASON:

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

CONDITION: 4

Full details including elevations of the proposed walls and fences, shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first occupied.

REASON:

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

CONDITION: 5

No development shall commence in any phase unless and until full details of the finished floor levels the dwelling 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: 6

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

REASON:

In the interest of visual and residential amenity.

CONDITION: 7

Other than those shown on the approved plans no new windows or rooflights shall be formed in the side elevations or roofslopes of the proposed dwelling, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 8

The first floor windows to be formed in the south west (side) of the proposed dwelling shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 7

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: 8**

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION: 9**

Before the commencement of any works on site, including demolition, protective barriers should be erected in a position equal to 6 metres from the central stems of Lime trees to the frontage of the property to create a root protection area within the existing front garden and also around the protected Lime tree in between house no's 40 and 42 as shown on Tree Protection Plan - C926/mh/3 contained within the approved tree report.

The protective barriers shall consist of a scaffold framework in accordance with Figure 2 of BS5837:2005 (Trees in relation to Construction). The protective fencing shall comprise a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

The protective barrier should remain in place until completion of all construction works.

Root protection areas should be treated as sacrosanct with no building activity or storage of building materials taking place within them.

**REASON:**

To safeguard the stems/rooting area of the protected Lime Trees.

**CONDITION: 10**

Before the commencement of any works, including demolition, the two lower branches from the two lime trees located either side of the existing driveway should be pruned back to source to effectively crown lift the trees by 4 to 5 metres to facilitate access. All tree works shall be carried out in accordance with BS3998:2010 (recommendations for tree work). No retained tree shall be cut down, uprooted, destroyed or damaged, 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 written approval of the Local Planning Authority.

**REASON:**

To prevent damage to trees from passing vehicles and to facilitate access.

**CONDITION: 11**

the development shall be timetabled and carried out to wholly accord with the detailed method statement for the safeguarding of great crested newts within the site as set out in the document Great Crested Newt Mitigation Methods Statement prepared by Martin Ecology, received by the Local Planning Authority on 14th May 2012.

**REASON:**

To ensure that protected species are not harmed by the development.

#### CONDITION: 12

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 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.

**CONDITION: 13**

Unless otherwise agreed in writing by the Local Planning Authority the dwelling hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (i.e. a maximum indoor water consumption of 105 litres per person per day.)

**REASON:**

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

**REASON FOR APPROVAL:**

The proposed replacement dwelling will be located within the Rugby Urban Area and the principle of the development is considered acceptable in accordance with policy CS1 of the Rugby Borough Local Plan 2011.

The development will not have an adverse impact on visual amenity, neighbouring properties, highway safety, existing trees or protected species and a suitable level of car parking is provided. This is in accordance with policy CS16 of the Rugby Borough Local Plan 2011 and saved policies E6, T5 and GP2 of the Rugby Borough Local Plan 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

CS1, CS16

Saved policies E6, T5, GP2

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

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**

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003 and you may not build close to, or directly over, or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

**INFORMATIVE: 2**

Prior to the commencement of development a site meeting should be arranged with the Council's Tree Officer, the agent and a designated arboricultural representative responsible for the site to inspect the tree protection measures and tree works.

**INFORMATIVE: 3**

It is recommended that the development is undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be demolished. All roofing material should be removed carefully by hand.

Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice.

**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 for their presence immediately before work starts, especially if during the breeding season.

**INFORMATIVE: 5**

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. Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity, in accordance with the National Planning Policy Framework. Such as bat and bird boxes which can be used by a variety of species or native species planting of hedges. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

**Reference number: R11/2442**

**Site address: 12 School Street, Wolston**

**Description: Change of use of existing building from retail and residential to a single 5 bedroom dwelling house including the alterations to the existing front elevation (retrospective)**

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

### **Description of proposal**

The application has been submitted retrospectively and the change of use has already occurred, with the ground floor and first floor in use for residential purposes.

Works to the external front elevation is part retrospective in that the external door used as the entrance to the shop has been removed. However, the large glazed shop windows currently remains in situ, and the proposed includes removing this window and inserting a smaller window identical to existing windows on the building.

The application has been requested to be determined by members of the Planning Committee as the site is within the Wolston Conservation Area.

### **Description of site**

The property is a two storey building within the defined settlement boundary of Wolston and lies within the Wolston Conservation Area. The property is attached to a building that is currently being used for A1 Retail use. This property was once part of the application site but is now separate.

Historically a small part of the ground floor as show on the plan submitted was used for A1 purposes as a Fancy Dress Shop which operated by appointment only. This use ceased in February 2007 and the retail use has remained empty and unused since.

To the rear of the site is an amenity area and a single garage in which access to the garage is off Dyer Lane.

### **Relevant planning history**

R01/0937/09965/CL Certificate of Lawfulness of use of building as a Approved  
retail shop (at ground level) and as a one bedroom 17.12.2001  
Flat at first floor level

### **Third party comments**

Neighbours - No Objection

Parish Council – No Objection subject to neighbour consultation

### **Technical consultation responses**

WCC Highways – No objections

Environmental Services – No comments

## **Planning policies and guidance**

### RBC LDF Core Strategy 2011

CS1	Development Strategy	complies
CS13	Local Services and Community Facilities	complies
CS16	Sustainable Development	complies
Cs20	Local Housing Needs	complies

RBC LDF Planning Obligations SPD March 2012

### RBC LDF 'saved' Local Plan Policies 2006

T5	Parking Facilities	complies
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### National Planning Guidance

National Planning Policy Framework 2012

## **Assessment of proposal**

### Principle

The application seeks to create a single dwelling house through the conversion of an existing building used a retail on the ground floor with residential above. Wolston is defined as a main rural settlement as defined by Policy CS1 as contained within the Core Strategy 2011. Policy CS20: Local Housing Needs state that marketing housing in Main Rural Settlements will be permitted in line with Policy CS1 but any development should seek to deliver any local housing need dwellings before market housing will be permitted. In this case as the building exists in the area the principle of the conversion to bring it into use would be acceptable without the local connection criteria being evident. The effort could be made however to secure the property for local people in the future with the addition of a restrictive condition adhering the dwelling to a local need. It is therefore considered that the building can be converted for a resident without local need criteria whilst providing a dwelling for local need for future occupiers in compliance with policy CS1 and CS20 of the Core Strategy 2011.

Policy CS13 seeks to assist in curbing the decline in community life and improves the quality of people lives or work within the Borough by seeking to protect and provide access to daily facilities such as shops, health centres, cultural and recreational and employment opportunities. The application site is attached to a building used for A1 purpose (pharmacy) and adjacent to this is another building used for A1 purposes (co-op). Given the historical use of the building as a fancy dress shop in which customers visited the shop on an appointment basis, this cease in 2007 and since such time it has not been utilised for any A1 use, together with the small floor space of the retail unit, its loss and conversion to residential use would not deprive the local community of a local service or facility. It is therefore considered that the proposed change of use of this property to residential would not conflict with policy CS13.

The National Planning Policy Framework 2012 paragraph 51 states that Local Planning Authorities should identify and bring back to use empty buildings, and approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. For the reasons outline above that a condition will be attached to secure the property for local people in the future and that the loss of the retail element would not have a significant impact upon the local community and economy that change of use accords with provisions outlined within The Framework.

### Visual amenity

The external alterations proposed include the removal of the shop entrance door and replacing this with a single door and the removal of the large glazed shop window with a smaller window as show on the submitted drawing. The external alterations proposed are sympathetic to the existing building, the replacement window mirror existing windows in the front elevation. The alterations would not appear out of character within the Conservation area and as such the works proposed are sympathetic to the existing building and the Conservation Area. The proposal therefore complies with Policy CS16 which seeks to ensure that development doe not have a material harmful impact upon the local area in which it is situated within. The proposed alteration also accords with the National Planning Policy Framework 2012 which seeks to ensure that development within a historical environments does not have a significant impact upon the heritage asset.

### Parking

There is accommodation for one vehicle within the application site to the rear of the site within the existing garage. The standards outline Within the Rugby Borough Council Local Development Framework Planning Obligation SPD 2012 stipulates a minimum of 3 parking spaces. Given the existing links to public transport, residential properties within this locality are typically served by street parking only, it is considered that parking provisions are sufficient on site and which any further parking of more then one vehicle would have to be accommodated through on-street parking it would not be to the detriment of highway safety. The proposal therefore accords with 'saved' Local Plan policy T5 and the Planning Obligation SPD.

Following consultation with WCC Highway no objection has been raised to the change of use.

### Residential Amenity

It is not considered given the distance of nearby residential dwelling and that the first floor has always been used for residential purposes the change would impact adversely upon residential amenities of nearby residential dwelling house. The change of use therefore conforms with policy Cs16 of the Core Strategy.

### **Recommendation**

Approval (subject to no additional neighbour comments)

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R11/2442

### **DATE VALID**

02/04/2012

### **ADDRESS OF DEVELOPMENT**

12 SCHOOL STREET  
COVENTRY  
CV8 3HF

### **APPLICANT/AGENT**

Michael Smiton  
Aplan ARCHITECTURAL DESIGN Limited  
4 Whitnash Grove  
Coventry  
CV2 3DF  
On behalf of Mr Matthew Rainey

**APPLICATION DESCRIPTION**

Change of use of existing building from retail and residential to a single 5 bedroom dwelling house including the alterations to the existing front elevation (retrospective)

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

CONDITION: 1

In respect to the change of use this permission shall be deemed to have taken effect on 13th June 2012

REASON:

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

CONDITION: 2

The external works to the front elevation 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: 3

The facing materials to be used on the external walls of the front elevation shall be of the same type, colour and texture as those used on the existing building.

REASON:

In the interest of visual amenity.

CONDITION: 4

The development shall not be carried out other than in accordance with the plan 10.0104.GA.02 received by the Local Planning Authority on 22nd February 2012.

REASON:

For the avoidance of doubt.

CONDITION: 5

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

REASON:

In the interest of residential amenity.

CONDITION: 6

Subsequent to the first occupation, the dwelling shall not be occupied other than by an "approved person" unless and until the property has been marketed for a period of 3 months, no approved person has expressed an interest and details of the

marketing process have been submitted to and approved in writing by the Local Planning Authority.

In this condition, an approved person shall be deemed to a person who immediately prior to such occupation:

\* Has resided within the Parish or adjoining Parish for five years or more within the last 20 years

\* Is required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care or due to age, ill health and /or infirmity;

\* Has essential functional need to live close to his or her work in the Parish or adjoining Parish

REASON:

To ensure that Local housing needs are met

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

RBC LDF Core Strategy 2011  
CS1 Development Strategy  
CS13 Local Services and Community Facilities  
CS16 Sustainable Development

RBC LDF Planning Obligations SPD March 2012

RBC LDF 'saved' Local Plan Policies 2006  
T5 Parking Facilities

National Planning Guidance  
National Planning Policy Framework 2012

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:

It is considered that the conversion of this building to residential use is acceptable in line with policies CS1 and CS20 as outlined within the RBC LDF Core Strategy 2012 and guidance outlined within the NPPF. It is not considered that its conversion and the loss of an A1 use would deprive the local community of a local service or facility given the historical use of the site, the small retail element associated with the building and the existing A1 units within close proximity to the building. The proposed external alterations are considered sympathetic to the existing building and would not appear out of character within the Conservation Area. The development therefore complies with policy CS16 as outlined within the Core Strategy 2012. It is not considered that the proposed change of use would have a significant impact upon the amenities of nearby residential dwelling houses. It is considered that parking provisions are sufficient and as such complies with 'saved' Local Plan policy T5 and the Planning Obligation SPD.

**Reference number: R12/0782**

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

**Case Officer: Chris Davies 01788 533627**

**Description: Siting of 2no. temporary building units and use for ancillary office and training accommodation.**

**History:**

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

R11/2431 02/02/12 Erection of an extension to the existing maintenance building, and a lean-to adjoining that extension (resubmission). Approved

**Proposal:**

The Council seek permission to site 2no. temporary office units on land within the existing Work Services Depot site. One unit would be sited on top on an existing similar unit, with the other being sited at right angles to the existing unit.

**Other Relevant Information:**

As part of restructuring and re-organisation of departments within the Council, the Depot site has seen an increase in the number of employees based there. This has led to an increasing demand for office and training space.

The current site comprises 2no. main buildings (one primarily office building and one vehicle maintenance building), a service yard with associated storage areas, parking zones and an existing portacabin.

The proposal site itself is located to the rear of the office building, between it and the maintenance building. Part of the site is currently set aside for 5no, parking spaces.

The only views available from outside the site would be from the first floor rear windows of No.'s 96-102 Lawford Road, 4no. residential dwellings located on a slip road next to the Avon Mill pub. The proposal site cannot be viewed from either Newbold Road or Hunters Lane.

**Technical Consultation Responses:**

No responses have been received to date. The consultation period expires on 06 June 2012, so any technical consultation responses received after the issuing of the agenda will be reported verbally to the committee as part of the Case Officer's presentation.

**Ward Consultation Responses:**

No responses have been received to date. The consultation period expires on 06 June 2012, so any Ward consultation responses received after the issuing of the agenda will be reported verbally to the committee as part of the Case Officer's presentation.

**Neighbour Consultation Responses:**

No responses have been received to date. The consultation period expires on 06 June 2012, so any neighbour consultation responses received after the issuing of the agenda will be reported verbally to the committee as part of the Case Officer's presentation.

**Planning Policy:**

Rugby Borough Core Strategy:  
CS16: Sustainable Development                      Complies

**Considerations:**

The key considerations in determining this application are the impact of siting 2no. temporary buildings within the site on a) the character and appearance of the locality, and b) neighbouring residential amenity.

**Character and Appearance**

As the units are to be located in a well screened area of the site, and reflect the appearance of the existing unit, they will have no material impact on either the setting or the wider locality in terms appearance.

In terms of character, the proposed use of the buildings in entirety in keeping with the existing operations of the main office building on the site.

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

**Residential Amenity**

The only residential properties likely to be affected by the proposals would be No.'s 96-102 Newbold Road.

The proposed units will slightly intensify the level of development in the immediate locality, but will not lead to an increase in unsociable emissions (such as fumes or noise) or anti-social operations (such as overnight use).

The units themselves will have a minimal impact on the operation of the site and so will not lead to a material increase in the impact that the existing site has on the amenities of neighbouring residents.

In terms of privacy, the units will be a minimum of 30-40m away from the adjacent dwellings and so will not lead to a loss of privacy due to the inclusion of windows or the platform at the top of the stairs serving the elevated unit.

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

**Recommendation:**

Approve subject to appropriate conditions.

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0782

**DATE VALID**

09/05/2012

**ADDRESS OF DEVELOPMENT**

Rugby Borough Council Works Services  
Unit  
94 Newbold Road  
Rugby  
CV21 1DH

**APPLICANT/AGENT**

Wayne Knighton  
Rugby Borough Council Works Services  
Unit  
94 Newbold Road  
Rugby  
Warwickshire  
CV21 1DH

Unit

**APPLICATION DESCRIPTION**

Siting of 2no. temporary building units and use for ancillary office and training accommodation.

**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 (received by the Council on 27 April 2012)

Typical Plasticol Cabin Specification (received by the Council on 03 May 2012)

Flood Risk Assessment (received by the Council on 01 May 2012)

Drawing number 200-03-003-01 D (received by the Council on 01 May 2012)

Drawing number 200-03-003-02 D (received by the Council on 01 May 2012)

Drawing number 200-03-003-03 D (received by the Council on 01 May 2012)

Drawing number 200-03-003-04 D (received by the Council on 01 May 2012)

Drawing number 200-03-003-05 D (received by the Council on 01 May 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:**

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall only be occupied and used for purposes linked to the operational use of the Rugby Borough Council Works Services Depot and for no other purpose.

**REASON:**

In the interests of the amenities of the locality and to ensure the proper development of the site.

**REASON FOR APPROVAL:**

The proposed units and their intended use will be in keeping with the existing site 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.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policy CS16: Sustainable Development of the Rugby Borough Core Strategy 2011

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

**Reference number: R12/0736**

**Site address: 29 Weston Close, Dunchurch, Rugby**

**Case Officer: Chris Davies 01788 533627**

**Description: Erection of a part two storey part first floor side extension incorporating conversion of the existing garage.**

**History:**

R04/0622/23580/P Erection of a two storey side extension, Planning approved 14/07/04

provision of a pitched roof to the garage and erection of a front porch.

**Proposal:**

The applicant seeks planning permission to erect a part two storey part first floor side extension incorporating conversion of the existing garage. A similar scheme was granted in 2004 but does not appear to have been implemented.

**Relevant Information:**

The application has been brought before the Committee for consideration as the applicant is related to Councillor Francis.

Weston Close is a cul-de-sac off Bilton Lane in Dunchurch. The streetscene comprises primarily two storey semi-detached dwellings with attached side garages, all of a similar style.

No 20 is located on what is effectively a corner plot. It has a driveway to the front capable of accommodating 1-2 vehicles in addition to the existing garage.

**Technical Consultation Responses:**

WCC Ecology - Bat and nesting bird notes required.

**Parish/Ward Consultation Response:**

Parish - No objections.

Ward - No comments received.

**Neighbour Consultation Responses:**

None

**Planning Policy:**

Rugby Borough Core Strategy 2011

CS16: Sustainable Design Complies

**Considerations:**

The key considerations in determining this application are the impact of erecting a part two storey part first floor side extension incorporating

conversion of the existing garage on a) the character and appearance of the property, and b) neighbouring residential amenity.

### **Character and Appearance**

The proposed scheme is similar to that approved in 2004. Although local and national policy has changed in the intervening years, the design and appearance of the proposed extension still follows the ideals of current policy.

It reflects the size and scale of the existing dwelling and as such would not detrimentally affect the contribution that the dwelling presently makes to the streetscene of Weston Close.

Whilst there are few similar examples of such extensions in the locality, there are varying examples of single storey or smaller two storey extensions, and the variety between these properties provides relief within a streetscene predominated by a singular house type.

The proposals are therefore in compliance with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to appearance and design.

### **Residential Amenity**

The location of the property is such that neither of the adjacent neighbouring properties on Weston Close would be affected by the proposed extension; the existing dwelling would screen the proposal from the adjoining No.30, and the extension would only afford views across the open frontage of No.28 (which is at 90<sup>o</sup> to No.29).

The extension therefore has most potential to affect No.8 Buccleuch Close, which backs onto the side boundary of the property adjacent to the proposal site. At the closest point the rear elevation of this property would still be at least 13m from the proposal site. The proposed first floor side facing window would be conditioned to be obscure glazed and fixed so as to preserve the privacy and amenity of the occupants of the adjacent property.

The proposed extension complies with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

### **Recommendation:**

Approve subject to appropriate conditions.

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0736

**DATE VALID**

19/04/2012

**ADDRESS OF DEVELOPMENT**

29 Weston Close  
Dunchurch  
Rugby  
CV22 6QD

**APPLICANT/AGENT**

Mr Peter Halfpenny  
56 Hawksworth Crescent  
Chelmsley Wood  
Solihull  
B37 6UL  
On behalf of Mr Ian Francis

**APPLICATION DESCRIPTION**

Erection of a part two storey part first floor side extension incorporating conversion of the existing garage.

**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 amended plan number T180-002 A, received by the Local Planning Authority on 02 May 2012.

**REASON:**

For the avoidance of doubt.

**CONDITION 3:**

The facing materials to be used on the external walls and roof of the extension shall be of the same type, colour and texture as those used on the existing dwelling.

**REASON:**

In the interest of visual amenity.

**CONDITION 4:**

Other than those shown on the approved plan, no new windows shall be formed in the side elevation of the proposed extension unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 5:**

Notwithstanding any details shown on the approved plan, the window to be formed in the side elevation of the proposed extension at first floor level shall be installed so that it is fixed, and shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**REASON FOR APPROVAL:**

The proposed 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.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011

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

**INFORMATIVE:**

Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.

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 should work take place during this time period, then the site should ideally be checked for their presence before work commences.

**Reference number: R12/0455**

**Site address: Land to the rear of 13 – 29 Crick Road, Rugby, CV21 4DU**

**Description: Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road.**

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

This application is being reported to Committee at the request of Councillor Lawrence and was subject of a Committee site visit on 23<sup>rd</sup> May 2012.

### **Description of site**

This application site is land which currently forms the gardens of properties on Crick Road and Browning Road.

Planning permission was granted in 2011 for the demolition of number 21 Crick Road and the erection of a total of 8 dwellings. This development has been carried out and some of the approved dwellings are nearing completion, one of these is currently occupied.

These dwellings are two storey, some with additional rooms in the roof space and are built of red brick with grey roof tiles.

There are a range of dwelling types and styles on Crick Road including two storey houses, bungalows and chalet bungalows. These include a mix of pitched and hipped roofs and a range of materials including brick, render and pebbledash.

Other recent developments have been completed or are under construction which create cul-de-sacs accessed from Crick Road, these include Wiggins Close opposite the site, land to the rear of 8-16 Crick Road and Orchard Gardens which is adjacent to the site, this includes the rear gardens of 31 and 33 Crick Road and the site of 35 which was removed.

Properties on Browning Road are semi-detached brick houses with hipped roofs. Part of the boundary between the site and properties on Browning Road is marked by a tall wall, around 4m high.

The rear gardens included within the site include a range of planting.

### **Description of proposals**

This application is for the erection of 8 dwellings, utilising the access between numbers 19 and 23 which serves the existing development. One dwelling is proposed to the east of the existing development, to the rear of 29 Crick Road and seven dwellings are proposed to the west of the existing development, to the rear of numbers 13 – 19 Crick Road.

The proposed dwellings will be similar to those already constructed. These will have the appearance of two storey houses, although 5 of these will include second floor accommodation within the roof space. The dwelling proposed on plot 10 is a different design, this will have a render finish and will have a lower ridge line with gable features over the windows. Plots 14 and 15 are also proposed with rendered projections to add variety to the development. The house proposed on plot 3A will be L-shaped with a projection to the front with rooms over the garage. Six of the proposed dwellings would have 5 bedrooms, one would have four bedrooms and one would have six bedrooms.

The properties will have ridge heights between 7.8m and 8.6m. The properties will include gable features and canopies and will have curved headers and brick detailing to the front elevations.

Detached garages are proposed to plots 9, 10, 11 and 12, the other plots would have integral garages with driveways to the front. Two visitor spaces are also proposed as part of this application.

### **Relevant planning history**

R06/1974/PLN           Refused  
Erection of 5 detached dwellings

R07/2057/OPS           Approved  
Outline application for the demolition of 13 Crick Road and the erection of 9 dwellings to the rear of 13-19 Crick Road

R08/1307/ARM           Approved  
Approval of reserved matters, erection of 9 dwellings to the rear of 13-19 Crick Road

R08/0180/OA Refused and Appeal Dismissed  
Outline application for the erection of 3 houses and 2 bungalows to the rear of 21-25 Crick Road

R08/0454/OA Refused  
Outline application for the erection of 3 houses and 2 bungalows to the rear of 21-25 Crick Road

R09/0558/OA Approved  
Outline application for the erection of 5 dwellings to the rear of 21-25 Crick Road  
The 2006 and 2008 applications proposed a vehicular access between numbers 23 and 25 and the reason for refusal included the impact of this access on the adjacent properties. The 2009 application, which was approved, proposed the access through the adjacent approved development, to the rear of 13-19 Crick Road.

R10/2148                Approved  
Demolition of 21 Crick Road, erection of 7 detached dwellings, new access and associated works.

R11/1450                Approved  
Erection of 1 detached dwelling (rear of 19 Crick Road)

R12/0638                Resolved to approve subject to amendment to s106 agreement  
Variation of condition 2 of planning permission R10/2148 (Demolition of 21 Crick Road, erection of 7 detached dwellings, new access and associated works) to change housetype on plot 3 and omit garage for plot 3, reposition plot 4, make alterations to approved housetypes B, G, H & J and amend parking arrangements.

### **Technical consultation responses**

WCC Highways informatives	No objection	Subject to conditions &
WCC Ecology	No objection	Subject to informatives
WCC Archaeology	No comment	
Environmental Health	No objection	Subject to condition
Severn Trent	No objection	Subject to condition
Tree Officer	No objection	

Fire Service	No objection	Subject to condition
RBC Refuse	No comments received	
WCC Planning	No comments received	

### Third party comments

Councillor Lawrence Objection

- Government is against back garden development;
- continued development is dramatically changing character of Crick Road;
- housing estates are being built either side of the road, there have been 3 developments with 43 houses on one side and 3 developments on the other side;
- this is creeping development, if the applications were submitted as one officers and the Committee would have realised the intrusive nature of the developments;
- volume of traffic is increasing and there are lengthy waits to access the main road;
- dispute traffic surveys and consider traffic calming is a priority;
- a child was knocked down on the crossing which highlights the issue;
- development would create a crossroads with Wiggins Close and extra traffic;
- dwellings overlook neighbouring properties;
- members should visit the site to see the accumulated impact on residents;
- should listen to the views and needs of local residents.

Councillor Sewell Objection

- there have been 6 back garden developments in Crick Road, houses have also been replaced by larger dwellings;
- this results in 70 new houses resulting in 300-400 traffic movements per day;
- cumulative impact on traffic in the area, combined with DIRFT traffic;
- will be further traffic from masts site and DIRFT expansion;
- is difficult for residents to access the A428;
- drivers waiting to turn right have been rear ended, however these minor accidents are not reported or recorded;
- there have also been serious accidents and people knocked down on the crossing;
- development would increase traffic and add a further hazard by forming a cross roads;
- impact on privacy of neighbouring properties;
- Committee should visit the site and properties on Browning Road;
- this will lead to a development of 16 houses, 5 affordable dwellings should be provided but is not mentioned in application;
- housing needs should not outweigh needs of residents;
- Government has stated it is against back garden development.

Neighbours (10) Objection

- will ruin well conserved area;
- further loss of green land, there is little rural landscape remaining;
- development will be visible from Crick Road above existing properties and will be large and obtrusive;
- loss of privacy to properties on Orchard Gardens, Browning Road and Crick Road both in homes and gardens;
- loss of light and outlook;
- noise, pollution and disturbance during development and when complete;
- construction leads to noise before 7:30 and at weekends;
- air pollution will affect residents health;

- increased traffic on Crick Road, combined with traffic from previous developments and the mast site;
- increased traffic risk to safety of local school children;
- lorries associated with the development have blocked Crick Road and prevented access to properties;
- road within the site should include a footpath for pedestrian safety;
- development is not needed as there have been other recent developments nearby and the mast site is proposed;
- does not consider existing hedge which contains ash trees, building close to these trees will harm them;
- trees are used by wildlife and are part of local landscape which has been affected by other developments;
- understand central Government have stopped back garden developments;
- permission should not have been granted in the first place;
- all previous objections were ignored;
- have three storey houses a few feet from the sides of the garden and to also to the rear;
- has resulted in a loss of light to the garden including a greenhouse and out buildings which are used for growing plants;
- should visit neighbouring properties;
- object to any further development;
- believe some approval has been given as materials are on site;
- if application for whole development had been submitted as one may have been viewed differently;
- there are mature trees on the site, this must make it a conservation area;
- was previously leafy area and is now a concrete block;
- ground level and ridge of plot 3A will be higher than the house on the adjacent development leading to loss of privacy, light and amenity, understand the developer is going to amend this and trust these plans will be considered by Committee;
- amendments to housetypes and layout do not overcome objections.

Neighbours (1)            Comment

- wall on the rear boundary of 4 and 6 Browning Road is a party wall owned by Browning Road properties;
- wall should not be altered or damaged in any way;
- if permission is granted ownership of the wall should be specified in deeds of new houses.

**Relevant planning policies and guidance**

Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS10	Complies	Developer Contributions
CS16	Complies	Sustainable Design
CS19	Complies	Affordable Housing

Rugby Borough Local Plan 2006, Saved policies

GP2	Complies	Landscaping
GP6	Complies	Safeguarding development potential
E6	Complies	Biodiversity
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area

LR1	Complies	Open Space Standards
Sustainable Design and Construction SPD, 2012		
Planning Obligations SPD, 2012		

### **Assessment of proposals**

A key issue to assess in relation to this application is whether the principle of the proposed development is acceptable in this location. The impact on matters including amenity of neighbours, visual amenity, highway safety and protected species must also be considered.

Policy CS1 sets out a hierarchy for development within the borough. This site is located within the Rugby Urban Area which is identified as the primary focus for meeting strategic growth targets. The principle of residential development in this location is therefore considered acceptable.

The impact on the character of the area and visual amenity must be assessed and this matter has also been referred to in objections. Crick Road was initially a predominantly linear development of residential properties with long rear gardens. However, recent developments have introduced cul-de-sacs and it is considered that the proposals reflect this.

The proposed development is a similar form to the existing development. An L-shaped property is proposed on plot 3A which forms an end stop within the site. The proposed dwellings relate to each other and it is considered that the form of proposed development creates a cohesive grouping and which is acceptable.

The proposed dwellings would be two storey, although some will have rooms within the roof space, and will be constructed of red brick and render with grey roof tiles. The proposals include gable features and canopies with curved headers and brick banding to the front elevation. These reflect the existing development and materials and features found on other properties in the area, the design of the properties is considered acceptable.

Therefore, the impact of the proposals on visual amenity and the character of the area is considered acceptable in accordance with policy CS16.

Saved policy GP6 states that development should not prejudice the development potential of other land from being realised. The site is immediately adjacent to other large gardens and it is considered possible that proposals for the development of these may be submitted in the future. The submitted layout would allow the road to be extended to accommodate development of adjacent land if this becomes available. The garage to plots 11 and 12 would have to be removed if land to the west were to be accessed though this site, however if the development of this adjacent land were proposed alternative parking could be provided. The proposals therefore comply with saved policy GP6.

As the application involves the development of rear gardens it will result in the loss of landscaping and trees and this has been raised as an objection by local residents. The Council's Tree Officer has commented on the application and has no objection to the proposals. A condition could be attached to any consent to ensure a suitable landscaping scheme is provided and subject to this condition it is considered the proposals comply with saved policy GP2.

Objectors have stated that the proposals would have an adverse impact on neighbouring properties in terms of loss of privacy and light to homes and gardens.

The dwellings proposed on plots 3A, 13, 14 and 15 have a single storey projection to the rear. The distance from upper floor windows to the boundaries of neighbouring gardens ranges from around 9.5m to around 10m. This will impact on the level of privacy in these rear gardens, however it is considered that this is not to such an extent to warrant a recommendation of refusal.

Ground floor windows will be between around 8m and around 10m from neighbouring gardens, as these are at ground level fences could be erected to ensure these do not impact on privacy.

Plots 9 and 11-14 include rooms within the roof space and rooflights on the rear roofslope which would face towards neighbouring properties. These are high level rooflights and the impact on the neighbouring properties is considered acceptable.

The rooms within the roofspace, and first floor rooms are served by windows in the side elevations. To prevent loss of privacy to the neighbouring gardens it is considered that a condition is required to ensure the side facing windows in plot 12 which look towards the adjacent gardens, are obscure glazed and to prevent the creation of additional windows where these would impact on neighbouring properties.

Comments have been made that the proposals would impact on the privacy in the surrounding dwellings themselves. However, the properties would be over 30m from houses on Browning Road. Plot 10 is proposed closest to properties on Crick Road, however, this property is set at 90 degrees to these houses so there would be no direct overlooking of the dwellings themselves.

The side elevation of plot 10 would be around 21m from the rear elevation of number 23 Crick Road. This level of separation is considered acceptable and it is not considered there will be a significant loss of light to the neighbouring dwellings themselves.

The dwelling proposed on plot 3A will be immediately adjacent to a recently completed dwelling in an adjacent development. The projecting element of plot 3A will be adjacent to a single storey projecting element and garage in the adjacent property. Therefore the projection at plot 3A will not impact on this property in terms of light or enclosure.

Neighbours at the rear commented that the ground level and ridge height of plot 3A should reflect those in the neighbouring development to reduce the impact on neighbouring homes and gardens. Amended plans have been received which reduce the plot levels in this part of the site resulting in the development being better related to the adjacent house.

It is considered that the distance between the rear of the proposed dwellings and the surrounding gardens is sufficient to ensure these gardens are not adversely impacted in terms of loss of light. The side elevation of plot 12 is close to the adjacent garden. However, this is adjacent to the areas of garden furthest from the dwelling, which is unlikely to be as intensively used as the areas close to the dwelling itself, the impact on this garden is therefore considered acceptable.

Subject to the conditions detailed above it is considered, on balance, that the impact on the amenity of neighbouring properties is acceptable in accordance with policy CS16.

Policy CS16 also states that development should incorporate sustainable drainage systems and comply with the water conservation standards. Compliance with water conservation standards and a suitable drainage scheme can be secured by condition and this is considered acceptable in accordance with policy CS16.

The Highway Authority, Warwickshire County Council, initially objected to the application on the grounds that there was the potential for conflict with nearby junctions. They also raised concerns that a visitor space close to Crick Road could lead to vehicles reversing off the site, that there was potential for conflict between vehicles and pedestrians and that large vehicles would not be able to pass.

The applicants provided a highway report including data on vehicle movements in the area. In addition the plans were amended to omit the visitor space closest to Crick Road, to widen the access in places and provide a pedestrian footway. Warwickshire Highways have confirmed that these amended plans overcome their concerns and have no objection subject to conditions, including a requirement for a traffic calming feature where the access meets Crick Road and bollards within the highway to prevent parking on the grass verge. Subject to these conditions the impact on highway safety is therefore considered acceptable.

Warwickshire Highways also recommended that the Fire Service and the Council's Refuse Collection Team be consulted on the application. This was done and the Fire Service have no objection subject to a condition. No comments were received from the Refuse Team, however the applicant has advised that if necessary a bin collection area will be provided, this can be controlled by condition.

The proposed dwellings will each have 3 or 4 car parking spaces and 2 visitor spaces are proposed on the access road. The Council's car parking standards contained within the Planning Obligations SPD require 3 spaces for 4 bedroom properties in this location but do not contain a specific standard for 5 or 6 bedroom properties. It is considered that the proposal to provide each dwelling with 3 or 4 spaces is acceptable.

The previously approved development included 2 spaces to the front of plot 3 which are to be removed to provide access to plot 3A, these are being replaced by 2 spaces on the access road which is considered acceptable. The level of parking proposed is considered acceptable in accordance with saved policy T5.

When the previous application was determined the threshold for affordable housing contained within the Local Plan was 6 or more dwellings. The Council were satisfied that evidence within the Council's Affordable Housing Viability Assessment (June 2010) showed that the provision of affordable housing would have made the development unviable and it was not considered reasonable to require affordable housing.

The Council's Core Strategy has now been adopted, policy CS19 states that affordable housing should be provided on developments of 15 dwellings or more. This goes on to state that where the provision of affordable housing would threaten the viability of the development a reduction will be considered.

Although the current application is for 8 dwellings this will lead to an overall development of 16 dwellings, it is therefore considered useful to consider the development in the context of policy CS19. The applicant has provided a Viability Appraisal of the overall development and this has been assessed by the Council's Development Strategy team. This appraisal shows that, even without the provision of

affordable housing, the level of profit generated is less than industry norms and less than that contained within the Council's own Affordable Housing Viability Appraisal. It is therefore not considered reasonable to require the provision of affordable housing in relation to this application.

Saved policy H11 states that on developments of 6 or more dwellings within the urban area open space provision should be made in accordance with the open space standards contained within saved policy LR1. Policy CS10 states planning obligations may be necessary to mitigate against the impact of developments.

A play and open space contribution was required in relation to the previous developments. This requirement also applies to the current application and a contribution is required to improve public open space within the area. The level of contribution required has been discussed with colleagues in Parks and Development Strategy and has been set at a level that would not threaten the viability of the development. This will be secured by a s106 agreement and is in accordance with the relevant policies.

Although the current proposals would result in an overall development of more than 10 dwellings no education contribution request has been received from Warwickshire County Council.

Warwickshire County Council Ecology Unit commented on the application and raised no objection, subject to informatives. It is therefore considered the proposals will not have an adverse impact on protected species and that saved policy E6 is complied with.

Environmental Health have no objection to the application subject to a condition regarding site investigation and an informative regarding construction hours. Subject to the suggested condition it is considered the proposals comply with guidance contained within the NPPF.

### **Recommendation**

Officers be given delegated powers to grant permission, subject to conditions, following the completion of a legal agreement relating to a contribution to play and open space.

## **DRAFT DECISION**

**APPLICATION NUMBER**  
R12/0455

**DATE VALID**  
16/04/2012

**ADDRESS OF DEVELOPMENT**  
LAND REAR OF 13 TO 29  
CRICK ROAD  
HILLMORTON  
RUGBY

**APPLICANT/AGENT**  
Mr Ian Gidley  
lg Land & Planning  
1 Thornton Close  
Crick  
Northamptonshire  
NN6 7GE  
On behalf of , Parkroy Ltd

### **APPLICATION DESCRIPTION**

Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road.

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

#### CONDITION: 1

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

#### REASON:

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

#### CONDITION: 2

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

Plan	Reference	Date received
Site Location Plan	T168-PL-01/D	16/5/2012
Site Layout	T168-PL-02/E	28/5/2012
House Type B	T168-PL-08/B	30/4/2012
House Type D	T168-PL-09/C	30/5/2012
House Type D1	T168-PL-06/C	30/5/2012
House Type E	T168-PL-03/C	30/5/2012
House Type H	T168-PL-07	29/3/2012
House Type K	T168-PL-05/B	30/5/2012
House Type L	T168-PL-04/B	30/5/2012
House Type N	T168-PL-12/B	30/4/2012
Garage Plan & Elevations	T168-PL-11	29/3/2012

#### 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 development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

#### REASON:

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

#### CONDITION: 4

No development shall commence unless and until details of all proposed walls, fences and gates 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: 5

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: 6**

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

**REASON:**

In the interest of residential and visual amenity.

**CONDITION: 7**

Other than those shown on the approved plans no new windows shall be formed in the south (front) or east (side) elevation of plot 3A, the south (side) elevation of plot 10 or the west (side) elevation of plot 12 and no new rooflights shall be formed in the rear roofslope of any plot, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION: 8**

The windows to be formed in the east (side) elevation of plot 3A, the south (side) elevation of plot 10 and the west (side) elevation of plot 12 shall not be glazed or reglazed other than with obscure glass.

**REASON:**

To protect the residential amenity of neighbouring properties.

**CONDITION: 9**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting that order, the garages serving the proposed development shall not be converted to living accommodation.

**REASON:**

In the interest of highway safety.

**CONDITION: 10**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in

writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

**REASON:**

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

**CONDITION: 11**

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

- a) A minimum width of 5.0 metres with a gradient not steeper than 1 in 15, and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway.
- b) The access not reducing the effective capacity of any highway drain, and not allowing surface water to run off the site onto the highway.

**REASON:**

In the interest of highway safety.

**CONDITION: 12**

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

**REASON:**

In the interest of highway safety.

**CONDITION: 13**

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

**REASON:**

In the interest of highway safety.

**CONDITION: 14**

No new dwelling shall be occupied until pedestrian and vehicular access serving it have been provided.

**REASON:**

In the interest of highway safety.

**CONDITION: 15**

The development hereby permitted shall not be occupied until the applicant has provided Sustainable Welcome Packs for each household.

**REASON:**

In the interest of highway safety.

**CONDITION: 16**

No dwelling shall be occupied unless and until a 'traffic calming' feature has been constructed within the access (outside the extents of the highway), in accordance

with plans to be approved by the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interest of highway safety.

**CONDITION: 17**

The development hereby permitted shall not be occupied unless and until suitable bollards have been provided within the highway verge fronting numbers 19 and 23 Crick Road, in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interest of highway safety.

**CONDITION: 18**

No development shall commence unless and until details of the proposed refuse collection arrangements, and if required details of the design and location of a bin collection area, have been submitted to and approved in writing by the Local Planning Authority.

The approved refuse collection arrangements shall be put in place prior to the first occupation of the development.

**REASON:**

In the interest of highway safety and visual amenity.

**CONDITION: 19**

Unless otherwise agreed in writing by the Local Planning Authority the dwellings hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (i.e. a maximum indoor water consumption of 105 litres per person per day.)

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

**CONDITION: 20**

The development hereby permitted shall not be 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: 21**

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

(a) An investigation and risk assessment, including gas monitoring, 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, archaeological 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 site is within the urban area of Rugby where the principle of the development accords with policy CS1 of the Rugby Borough Core Strategy 2011.

The development would not prejudice development of adjacent land, provides satisfactory access and parking and is considered to be in keeping with existing development in the area and would have an acceptable relationship with neighbouring dwellings in terms of residential amenity. In addition the proposed

development would not have an adverse impact on protected species. The proposal therefore accords with policy CS16 of the Rugby Borough Core Strategy 2011 and saved policies T5, E6 & GP6 of the Rugby Borough Local Plan 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Core Strategy 2011 - CS1, CS10, CS16, CS19

Rugby Borough Local Plan 2006, Saved policies - GP2, GP6, E6, T5, H11, LR1

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

National Planning Policy Framework, 2012

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**

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or Contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Crick Road A428, Chamberlain Road D3330 or Bucknill Crescent D3331). Adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

**INFORMATIVE: 2**

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

**INFORMATIVE: 3**

In 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: 4**

The developer is required to contribute £50 per dwelling for Sustainable Welcome Packs and to help promote sustainable travel in the local area For further information regarding Sustainability Welcome Packs, contact Nicola Small, Sustainable Project Officer on 01926 412105.

**INFORMATIVE: 5**

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

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

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

**NO WORK ON SUNDAYS & BANK HOLIDAYS**

**INFORMATIVE: 6**

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

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

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

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

#### INFORMATIVE: 7

The applicant is respectfully advised that as 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. Tree and shrub planting along site boundaries will provide wildlife corridors and increase the value of the site for biodiversity, in accordance with PPS9.

#### INFORMATIVE: 8

In view of the nearby records, 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: 9

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the urban environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Preservation of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

#### INFORMATIVE: 10

The drainage scheme required by condition 10 should consider the use of Sustainable Drainage Systems for surface water drainage.

**INFORMATIVE: 11**

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	13 <sup>th</sup> June 2012
<b>Report Title</b>	Delegated Decisions – 4 <sup>th</sup> May to 24 <sup>th</sup> May 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 – 13<sup>th</sup> June 2012**

**Delegated Decisions – 4<sup>th</sup> May to 24<sup>th</sup> May 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: 13<sup>th</sup> June 2012  
Subject Matter: Delegated Decisions – 4<sup>th</sup> May to 24<sup>th</sup> May 2012  
Originating Department: Planning and Culture

### **LIST OF BACKGROUND PAPERS**

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER  
DELEGATED POWERS FROM 04.05.2012 TO 24.05.2012

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R12/0345 Refused 04.05.2012</i>	6 Devonshire Close Cawston	Garage conversion including external alterations and the creation of a hardstanding area to form an additional car parking space.
<i>R12/0597 Refused 15.05.2012</i>	41 Orchard Way Bilton	Retention of container to provide garden store
<i>R12/0788 Advertisement Consent Refused 23.05.2012</i>	Navigation House Longdown Lane Willoughby	Retention of two free standing non-illuminated signs
<b>Applications Approved</b>		
<i>R12/0439 Approved 03.05.2012</i>	Willowbank Farm Smeaton Lane Stretton Under Fosse	Conversion of the existing garage and room over to form a residential annexe, erection of a two storey rear extension, and associated alterations.
<i>R12/0663 Approved 04.05.2012</i>	12 Brambling Close Rugby	Two storey extension to side, two and single storey extension to rear.
<i>R12/0598 Approved 08.05.2012</i>	53 Pytchley Road Rugby	Erection of part two storey and single storey rear extensions and detached garage.
<i>R12/0669 Approved 08.05.2012</i>	5 Avonmere Newbold	Erection of first floor extension to side/rear and single storey extension to rear.
<i>R11/2317 Approved 09.05.2012</i>	Britvic Soft Drinks Ltd Aventine Way Brownsover	Erection of a 20m high sugar silo with associated foundations, pipework etc.

<i>R12/0307 Approved 09.05.2012</i>	356 Hillmorton Road Rugby	Single storey rear extension.
<i>R12/0667 Approved 09.05.2012</i>	Wheelwrights Barn Easenhall Road Harborough Magna	Erection of single storey extension and sun room.
<i>R12/0459 Approved 10.05.2012</i>	Area R Whitefriars Drive Cawston	Erection of 9 dwellings and associated garages and works - substitution of house types approved under approval of details ref. R04/1118/21371/D, dated 9th November 2005, on plot nos. 602, 603, 604, 605, 606, 638, 639 and 641 including sub-division of plot 606 to provide additional dwelling (plot 606A).
<i>R12/0666 Approved 10.05.2012</i>	27A Bridget Street New Bilton	Erection of a part first floor and part single storey rear extension
<i>R12/0289 Approved 10.05.2012</i>	7 Percival Road Rugby	Erection of two storey rear and single storey side extension
<i>R12/0659 Approved 10.05.2012</i>	9 Staveley Way Brownsover	Retrospective application for the conversion of the integral garage into ancillary living accommodation
<i>R12/0103 Approved 11.05.2012</i>	Streamside Main Street Withybrook	Erection of a side conservatory
<i>R12/0019 Approved 11.05.2012</i>	31 Frobisher Road Bilton	Provision of a pitched roof over an existing flat roof to a detached garage
<i>R11/1510 Approved 11.05.2012</i>	Cattle Market Craven Road Rugby	Development comprising 90 residential apartments (66x2bed & 24x1bed) together with associated access, parking and landscaping - revision to details approved under planning permission reference R10/1273 to increase height of buildings from three to four storeys and number of apartments from 69 to 90.
<i>R12/0684 Approved 14.05.2012</i>	51 Percival Road Rugby	Erection of extension to front and side, including accommodation within the roof space and porch to side.

<i>R12/0489 Approved 14.05.2012</i>	53 Crick Road Hillmorton	Demolition of lean to rear extension and erection of a part single storey part one and half storey rear extension
<i>R12/0351 Approved 14.05.2012</i>	43 Somers Road New Bilton	Alterations to the front elevation of a building with the installation of 3 windows and a door
<i>R12/0334 Approved 14.05.2012</i>	2 Meadow Cottages Main Street Grandborough	Erection of single storey rear extension, formation of new vehicle hardstanding with surface treatment to match existing hardstanding area and widen existing vehicular access
<i>R12/0546 Approved 14.05.2012</i>	The Wharf Tomlow Bridge Calcutt Lane Calcutt	Revised and retrospective application for installation of solar photovoltaic system to south-western elevation of barn roof
<i>R12/0658 Approved 15.05.2012</i>	32 Beech Drive Rugby	Erection of a detached dwelling with a detached garage
<i>R12/0714 Approved 17.05.2012</i>	Grove Farm Wolds Lane Wolvey	Variation of condition 2 of planning permission Ref. No. R10/0928 granted 22nd September 2010 (Conversion of existing attached farm building into living accommodation for use as ancillary to the main dwelling) to include a new door in place of a window to a switch room area and an additional window in the same elevation and a single storey extension to bedroom area.
<i>R11/0418 Temporary Planning Permission Approved 18.05.2012</i>	Coombe Abbey Hotel Brinklow Road Binley	Erection of a temporary marquee
<i>R12/0773 Approved 18.05.2012</i>	Electricity Substation Coombe Fields Road Ansty	Increase height of boundary fence from 1.8 metres to 2.4 metres (amendment to the details approved in ref R09/0338/MAJP)
<i>R11/2452 Approved 21.05.2012</i>	Allotment Grounds Building to the North of the Bungalow High Street Marton	Change of use of agricultural building to a residential bungalow and raising of roof.

<i>R12/0309 Approved 21.05.2012</i>	153a Rugby Road Binley Woods	Erection of an enclosed front porch and a single storey side extension (resubmission).
<i>R12/0472 Approved 21.05.2012</i>	25 The Green Bilton	Change of use of vacant premises from Class A2 (former bank) to Class A5 (takeaway) of the Town and Country (Use Classes) Order 1987, including erection of a single storey front extension to form a new shopfront.
<i>R12/0771 Approved 21.05.2012</i>	33 Ilmer Close Rugby	Erection of a two storey side extension with a single storey element to the front.
<i>R12/0722 Approved 21.05.2012</i>	219 Norton Leys Bilton	Erection of a single storey rear extension.
<i>R11/0772 Approved 22.05.2012</i>	Gable End Southam Road Toft	Proposed conversion of garage into an annexe to include the addition of roof lights and amendments to windows.
<i>R12/0727 Approved 22.05.2012</i>	144 Hillmorton Road Rugby	Erection of a single storey side and rear extension.
<i>R12/0661 Approved 22.05.2012</i>	Shoulder of Mutton Inn Sawbridge Road Rugby	Erection of a rear conservatory
<i>R12/0083 Approved 22.05.2012</i>	19 Hawthorns Way Bilton	Erection of a detached garage
<i>R12/0091 Approved 22.05.2012</i>	Land Adjacent Magpie Lodge Farm (Belonging to Clifton Hall Farm) Lilbourne Road Rugby	Erection of extension to agricultural building
<i>R12/0775 Approved 22.05.2012</i>	Spinneybrook Glebe Farm Road Draycote	Variation of Condition 2 of planning permission R10/1206 to amend approved scheme (proposed use of weatherboard cladding on parts of South and East elevations of new dwelling)
<i>R12/0442 Approved 23.05.2012</i>	4 Grandsire Drive Hillmorton	Erection of a conservatory

<i>R12/0799 Approved 23.05.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Installation of ATM and associated works
<i>R12/0800 Approved 23.05.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Installation of plant and associated fencing
<i>R12/0795 Approved 23.05.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Frontage alterations, associated access ramp and minor alterations to elevations
<i>R12/0801 Approved 23.05.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Erection of a rear loading port
<b>Listed Building Consents</b>		
<i>R12/0484 Listed Building Consent 22.05.2012</i>	18 Bilton Road Rugby	Retrospective internal alterations to a listed building
<i>R12/0665 Listed Building Consent 22.05.2012</i>	Shoulder of Mutton Inn Sawbridge Road Rugby	Listed Building Consent for the erection of a sun room to the rear.
<b>Advertisement Consents</b>		
<i>R12/0730 Advertisement Consent 23.05.2012</i>	Quartzelec Ltd (Plot 1) Castle Mound Way Rugby	Installation of 2 non-illuminated fascia signs.
<b>Agricultural Determinations</b>		
<i>R12/0850 Prior Notification not required 11.05.2012</i>	Burnthurst Farm Burnthurst Lane Rugby	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 general purpose agricultural building
<i>R12/0881 Prior Notification not required 16.05.2012</i>	Lawford Heath Farm Lawford Heath Lane Rugby	Prior Approval application for the erection of extension to grain store

<i>R12/0913 Prior Notification not required 22.05.2012</i>	Oak Tree Farm Cord Lane Rugby	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 grain store
<b>Demolition Works</b>		
<i>R12/0739 Prior Notification of proposed demolition works Not required 10.05.2012</i>	Rolls Royce Ltd Coombe Bank Lane Ansty Coventry	Prior Notification of proposed Demolition Works {Town & Country Planning ( General Permitted Development) Order 1995 Schedule 2 Part 31}
<b>Approval of Details/ Materials</b>		
<i>R11/2178 Approval of Details 08.05.2012</i>	The Design Bruno Ltd 13 Whitehall Road Rugby	Erection of two-storey rear/side extension (following removal of existing glazed structure).
<i>R10/2278 Approval of non-material changes 09.05.2012</i>	385 Dunchurch Road Rugby	Variation of Conditions 2 and 8 and deletion of Condition 7 of planning permission 963 dated 17th August 2010 (amended).
<i>R12/0206 Approval of Details 09.05.2012</i>	Bryants Bungalow Brandon Lane Coventry	Extension to the existing Gypsy Caravan site including the erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding.
<i>R08/0783/PLN Approval of Details 10.05.2012</i>	Boundary Farm Wolfhampcote Road Nethercote	Erection of a two storey agricultural workers dwelling
<i>R06/0064/MAJP Approval of Details 11.05.2012</i>	Land at Leicester Road Leicester Road Rugby	Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540 dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works.

<i>R11/2405 Approval of Details 17.05.2012</i>	Dunsmore Home Farm Watling Street Rugby	Erection and installation of a single 50kW Wind Turbine with a hub height of 36.4 metres and a blade diameter of 19.2 metres.
<i>R12/0396 Approval of Details 21.05.2012</i>	The Queens Diamond Jubilee Centre (Rugby Leisure Centre) Bruce Williams Way	Revised application for the demolition of existing leisure centre and erection of new leisure centre, including enlarged sports hall, café, parking, ancillary facilities, external works and temporary car park
<b><i>Withdrawn/ De-registered</i></b>		
<i>R10/0396 Withdrawn 01/05/2012</i>	Ground Floor 38 Abbey Street Rugby	Change of use of the ground floor from Class A1 (vacant shop) to Class C3 (residential flat) of the Town and Country Planning (Use Classes) Order 1987, including erection of a single storey front extension to form a bay window.