

16th July 2012

PLANNING COMMITTEE - 25TH JULY 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 25th July 2012 in the Council Chamber, Town Hall, Rugby.

Site visit

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

3.00pm Lannys Lagoon, Bloores Spinney, Fosse Way, Stretton-under-Fosse.

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 4th July 2012.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) personal interests as defined by the Council's Code of Conduct for Councillors;

(b) prejudicial interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Planning Appeals Update.
6. Planning Agreements Update.
7. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
8. Delegated Decisions – 22nd June to 12th July 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 – 5) 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). Any specific queries concerning reports should be directed to the listed contact officer.

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

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 25TH JULY 2012
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

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

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

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R12/0894	Land adjacent to The Highlands, Rugby Road, Brandon, Coventry, CV8 3GJ. Erection of a new detached dwelling and associated access.	3
2	R11/2425	Rear of 61 Ratliffe Road, Rugby Erection of a detached 1.5 storey dwelling with access off Overslade Manor Drive.	9
3	R12/0921	11 Ferndale Road, Binley Woods Erection of a part two storey part single storey side and rear extension and a single storey front extension to form a porch, including provision of a pitched roof.	14
4	R11/0519	Lannys Lagoon, Bloores Spinney, Fosse Way, Stretton Under Fosse Extension to existing building to provide residential lodge accommodation for site warden.	18

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
5	R11/2409	Land rear of The Red Lion, 23 Main Street, Wolston Erection of a barn style mews comprising 4 two-bed dwellings and 4 one-bed flats with associated parking and landscaping.	23
6	R12/0556	Hunters Lane, Rugby Construction of footpath/cycleway from the viaduct over the A426 Leicester Road to the Black Path, including a ramp down the former railway embankment, as part of the Rugby Viaduct Cycleway scheme.	32

Reference number:

R12/0894

Site address:

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

Description of proposed development:

Erection of a new detached dwelling and associated access.

Case Officer Name & Number:

Nisar Mogul. 01788 533688.

Description of site

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

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

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

Description of proposals

This application is for the erection of a four bedroomed detached dwelling, with a double garage to the front elevation. The property will have a double gable feature to the front elevation and a gable feature to the rear elevation with the main body of the dwelling incorporating a half hip roof.

The proposed dwelling is to be constructed of Red/orange bricks and dark grey Rosemary Plain Tiles are proposed.

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

Third party comments

Brandon and Bretford Parish Council

- Object on the grounds that the site is Green Belt and not an infill area. This property does not meet the needs as expressed in the Brandon & Bretford Housing Needs Survey.

Neighbours (3) Objections - Development of this Green Belt would encroach on the rest of the Green Belt inasmuch as Council approval of the development would set a precedent . There are no derelict buildings on the site. Site is not environmentally undesirable and has wildlife including birds, pheasants, ducks, woodpeckers, bats and hedgehogs etc. Appendix 1 states site is 'overgrown eyesore' but the green belt is not about suburban neatness. There is little evidence of trespassers or security issues. Appendix 1 refers to the economic value of the development. The main beneficiaries would be Mr. Turner and the Landowner. Building a large dwelling does not help local needs for a affordable homes. The local petition in support of the application cannot be seen as relevant as few people who signed will have had the opportunity to consider the planning issues in depth. It would not benefit the rural amenity of the area – turning a smallholding into a suburban garden. This application is potentially quite threatening environmently and should be refused. Mr. Turner is clearly looking at the bigger picture and intends to use the 'in fill' idea at a later stage to build more dwellings behind the original plot (Green Belt Land).

Councillor Derek Poole - Wishes for the application to be determined by the Planning Committee.

Technical consultations

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

Relevant planning history

R80/2005/15768/OP - Refused 20.5.81.	Erection of dwelling and construction - of vehicular access
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R12/0147 Withdrawn 29.3.12.	Erection of a new detached dwelling - and associated access
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Other relevant information.

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

The current application is a re-submission of a previously withdrawn application for a similar dwelling. However, the main differences of this proposal to the previous application are that this property has been re-sited circa 3.9 metres away from the property known as Tara and the second floor element has been removed thereby reducing the overall height of the dwelling to circa 7.6 metres and reducing the number of bedrooms to four as apposed to five with a substantial study room.

Relevant planning policies & guidance

Core strategy :

CS1	- Development Hierarchy	-	Conflicts
CS16	- Sustainable Design and Construction	-	Conflicts
CS21	- Rural Exceptions Sites	-	Conflicts
NPPF	- Sec.9 – Protecting Green Belt Land	-	Conflicts

Saved Local Plan Policies:

E6	- Biodiversity	-	Complies
T5	- Transport	-	Complies

Assessment of proposals

The main issues in this application are firstly, whether the proposal amounts to inappropriate development in the Green Belt for the purposes of NPPF – section 9; and secondly, its effect on the openness of the Green Belt and on the character and appearance of the area. The impact on highway safety and neighbouring properties must also be assessed.

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

Para 9.89 of the NPPF – Protecting Green Belt Land – states that the construction of new buildings within the Green Belt constitutes inappropriate development unless it is for a specific range of uses. These are, agriculture & forestry; essential facilities for outdoor sport & recreation; limited extension, alteration or replacement of existing buildings; limited infill in existing villages (under specific circumstances) and limited infill of major developed sites (where these are identified in the Local Plan.)

Para 9.87 - states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Furthermore, it is for the applicant to show why permission should be granted. 'Very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

Inappropriate development will not be permitted unless there are 'very special circumstances' that will outweigh the harm by reason of inappropriateness. The applicant has submitted a planning statement which includes 60 signatures of support for the proposal. In addition the statement lists 'seven very circumstances'. These include limited impact of the openness of the Green Belt, limited contribution of the site to the purposes of including land in the Green Belt, suitability of the site for development, lack of alternatives for the site, sustainable development, local support for the development and economic development.

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

It is considered that the proposed development detracts from this positive role for use of land in the Green Belt. Although this parcel of land lies between two established properties it is considered due to the size, mass and bulk of the development the proposal will further harm the underlying character of the area, and the openness of the Green Belt and would result in an intrusive form of development.

However, notwithstanding the objection to the principle of the development it is considered that the design of the proposed dwelling is also considered to be un-acceptable due to its bulk and massing and height as it is considered that the proposal will have an adverse visual impact on the character and openness of the Green Belt and therefore it is considered that the proposal conflicts with CS16.

Policy CS21 refers to rural exceptions and states that development of affordable housing to meet identified local needs may be acceptable in countryside locations adjacent to existing settlements subject to a range of criteria. As the site is not located adjacent to an existing settlement, includes mostly market housing and no information regarding local need for affordable housing has been provided it is not considered a rural exceptions site. Furthermore, The Parish Council have commented on the proposal stating that the property does not meet the needs as expressed in the Brandon & Bretford Housing Needs Survey. The proposal is therefore contrary to policy CS21.

In relation to the impact on neighbours, the property to the northern boundary of the site, known as Tara, is set approximately 1.5 metres from its side boundary nearest to the application site. This as a two storey detached dwelling that has a flat roofed detached garage to the front of the main body of the house. The proposed dwelling would be sited within 5.2 metres of the side elevation of this property and the proposal will not conflict with the 45 degree guidance contained in the Sustainable Design and Construction Supplementary Planning Document (Appendix B). Similarly, the other neighbouring property, known as The Highlands is situated some distance away from the proposed dwelling and therefore it is not considered that this will have an un-acceptable impact on the these properties in terms of loss of sunlight or daylight.

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

Recommendation

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

DRAFT DECISION

APPLICATION NUMBER

R12/0147

DATE VALID

08/02/2012

ADDRESS OF DEVELOPMENT

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

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

Erection of a new detached dwelling and associated access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in NPPF – Sec 9 - Protecting Green Belt Land - not to grant planning

permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing dwellings and for limited infill in specified villages.

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

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a dwelling in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and guidance contained within NPPF – sec 9: Protecting Green Belt Land.

REASON FOR REFUSAL 2:

The proposal is considered by virtue of its size, siting, massing, height and prominent location to be unsympathetic to the appearance and character of the street scene and if approved would constitute a prominent and obtrusive feature within the street scene which would be detrimental to the visual amenities of the area and character of the area and openness of the Green Belt. The proposal is therefore contrary to Policy CS1 and CS16 of the Rugby Borough Core Strategy June 2011 and National Policy PPG2.

REASON FOR REFUSAL 3:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS16, CS21, E6, T5 and NPPF.

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

Reference number: R11/2425

Site address: Rear of 61 Ratliffe Road, Rugby

Case Officer: Chris Davies 01788 533627

Description: Erection of a detached 1.5 storey dwelling with access off Overslade Manor Drive.

History:

None

Proposal:

The applicant seeks planning permission to partition off part of the garden area to the rear of No.61 Ratliffe Road in order to create a building plot, and then to erect a 1.5 storey detached dwelling with access off Overslade Manor Lane.

Relevant Information:

The application is brought before the Planning Committee for consideration at the request of Councillor Mrs Kaur.

Ratliffe Road is a residential cul-de-sac that forms part of the Shakespeare Gardens estate.

The proposal site is located to the rear of No.61 Ratliffe Road, which itself is located at the terminus of the cul-de-sac. Access to the proposal site is presently only possible via the existing access serving No.61.

The proposal site is not presently physically separated from the area of rear garden to be retained by No.61, but it is fairly clear on site what the extent of the site would be, as only part of the rear garden has a maintained lawn.

Along the boundary with Overslade Manor Drive is a 2m high close boarded fence, with side boundaries screened by a mixture of hedging and more mature planting.

There are a few trees within the site, but none are mature.

The site is not directly overlooked.

Adjacent to the proposed access point is a strip of highway verge and a mature hawthorn tree.

Technical Consultation Responses:

WCC Ecology -	Nesting bird and native planting notes required.
WCC Archaeology -	No comments – verbally confirmed no objections.
WCC Highways -	Recommended conditions re access, surfacing and deleterious materials, and standard highway informatives.

Environmental Health - No comments except to recommend inclusion of an informative note re hours of construction.

Trees - No objection to loss of hawthorn provided a replacement tree planted (ideally an oak). concerns raised over parking on verge leading to damage, and a landscaping scheme would be required.

NB – as the recommendation is for refusal irrespective of landscaping it was not considered reasonable to insist on submission of a landscaping scheme.

Ward Consultation Response:

The application was called in to Committee by a Ward Councillor.

Neighbour Consultation Responses:

Objections (22 letters from 16 neighbouring properties) - out of character/pedestrian and highway safety/sets a precedent/loss of trees/decreasing property values/exacerbate existing on street parking issues in Overslade Manor Drive/loss of green space/compounding drainage problems on adjacent land/loss of natural habitat/concerns over impact on existing sewage pumping station/increasing housing density/proposed dwelling is too high.

Support (1) - good location for residential development and as there is no highway objection it should be supported.

Petition (51 names covering 26 addresses including 4 names and 1 address from outside the locality) - access onto a narrow road near a dangerous bend/may set a precedent leading to additional highway dangers from other new accesses/potential for loss of mature trees.

Planning Policy:

National Planning Policy Framework March 2012.

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

Rugby Borough Local Plan 2006 – Saved Policies
E6: Biodiversity Complies

Considerations:

Principle of Development

The site lies outside the extents of the Town Centre but within the urban area of Rugby. This is identified within Policy CS1: Development Strategy of the Rugby Borough Core Strategy as being the prime area for residential development. As such the proposed dwelling complies with this condition.

However Part 6 paragraph 53 of the National Planning Policy Framework March 2012 (NPPF) identifies the need for local authorities to consider resisting inappropriate development of residential gardens. On this basis a refusal could be supported by the NPPF if deemed inappropriate.

The other key considerations in determining this application are the impact of erecting a detached dwelling and creating a new access on a) the character and appearance of both the property and the locality, b) neighbouring residential amenity, c) highway safety, and d) biodiversity.

Character and Appearance

Part 7 paragraph 61 of the NPPF addresses the importance of considering not only visual appearance but also the integration of development into the natural, built and historic development.

As access to the site would be off Overslade Manor Drive rather than Ratliffe Road, it is the streetscene of this road that would be most affected; only limited views of the property would be afforded from Ratliffe Road, not sufficient to materially affect the character of the streetscene.

To the left of the site the nearest properties are on Rocheberie Way, and back onto the side boundary of the proposed building plot. There are no dwellings immediately to the right or opposite the access point.

As there are various examples of house and bungalow types within the streetscenes of Overslade Manor Drive and the adjacent Rocheberie Way, the concept of a dwelling with an upper floor is not entirely out of keeping. However there are no 1.5 storey dwellings within close proximity to the site.

The property would have no direct relationship to other properties on Overslade Manor Drive, and would appear isolated due to the distance between the access point for the proposed dwelling and the existing dwellings (the latter are clustered in quite close proximity to each other at the end of Overslade Manor Drive). Although closer to properties on Rocheberie Way, the proposed dwelling clearly does not form part of the Rocheberie Way streetscene as it is not on a similar orientation to these properties.

The proposed scheme therefore conflicts with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to appearance and design, and the principles of Part 7 of the NPPF.

Residential Amenity

The property most affected by the proposal would obviously be No. 61 Ratliffe Road itself, which would see its rear garden reduced by approximately $\frac{2}{3}$. This would clearly be a significant reduction in private amenity space, and as such would detrimentally affect the occupants of the existing property.

In terms of overlooking, the only windows facing towards the rear of No.61 Ratliffe Road would be at ground floor level, and as the proposed property would be almost 10m away from the new boundary and so should not result in

loss of privacy for occupants of the existing dwelling. There would be no conflict with policy CS16 in this respect in relation to the existing dwelling.

Looking further afield, the proposals would be unlikely to materially impact on the individual amenities of properties on Overslade Manor Drive due to the distance (the nearest property on Overslade Manor Drive is over 50m away from the proposal site).

Two properties on Rocheberie Way share their rear boundaries with the North-Eastern boundary of the site. Of these, the one with the most potential to be directly affected by the proposals would be No.1, a corner property adjacent to the junction of Rocheberie Way and Overslade Manor Drive.

No.1 has a triangular rear garden area, meaning that the property would be roughly 9m away from the proposed dwellings at its closest point. As a result of this, first floor side facing windows could potentially cause loss of privacy to the occupants of No.1. The scheme includes roof lights to serve the upper rooms on this side, although Building Regs require one of them to be low level to serve as an escape window. However as the maximum head height in the upper rooms is 2m, it would be possible for occupants of the rooms to look out through any of the proposed rooflights and into the adjacent rear garden of No.1.

The proposal would therefore lead to a loss of amenities for the occupants of this property in conflict with Policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011.

Highway Safety

The proposed access point would be close to the junction of Overslade Manor Drive and Rocheberie Way.

Concerns have been raised by neighbouring residents over the potential impact on highway safety and on street parking in Overslade Manor Drive.

The Highway Authority responded to formal consultation with no objections, but recommended a series of conditions relating to the access and also to deleterious material which may be taken onto the highway. Were the application to be approved and these conditions applied, there would be no objection on highway grounds.

Highway safety therefore cannot be justifiably used as a basis for a planning refusal reason, and as such refusal on highway grounds is not recommended.

Biodiversity

Several neighbours have raised concerns over the potential loss of protected trees in the vicinity. To clarify, the protected trees form part of a group Tree Preservation Order and are on the opposite side of Overslade Manor Drive to the proposal site and access.

The one tree likely to be lost within the frontage has been identified by the Tree Officer as being unworthy of retention and should the application be

approved a landscaping scheme would be conditioned which should include a replacement tree. The Tree Officer has asked that this tree be planted in the verge, but as this is highway land we could not insist upon this. The applicant would have to come to an arrangement with the Highway Authority about this.

Concerns have also been raised over the potential loss of natural habitat and the loss of a section of the green space to allow the access.

WCC Ecology were formally consulted on the proposals, and have confirmed they have no objections to the proposals; were the application to be approved, they only request that standard informative notes be included re bats and nesting birds.

Recommendation:

Refuse due to conflict with policy.

DRAFT DECISION

APPLICATION NUMBER

R11/2425

DATE VALID

03/05/2012

ADDRESS OF DEVELOPMENT

Rear of 61 Ratliffe Road
Rugby
CV22 6HB

APPLICANT/AGENT

Andrew Twigg
Andrew Twigg And Associates Limited
Lodge Cottage
Drayton Road
Medbourne
Market Harborough
Leicestershire
LE16 8DP
On behalf of Mr G Willett

APPLICATION DESCRIPTION

Erection of a detached 1.5 storey dwelling with access off Overslade Manor Drive.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

The proposed development, by virtue of its size, siting and scale, would constitute an incongruous development that is out of keeping with the streetscene of Overslade Manor Drive and does not relate to the pattern of development in the locality. As such the development would be harmful to the visual amenity of the locality to the detriment of its character and appearance. The proposed rooflights in the East facing roofslope would result in a loss of privacy to the adjacent dwelling which would lead to a detrimental impact on neighbouring residential amenity. It therefore conflicts with policy CS16 of the Rugby Borough Core Strategy 2011.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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 or at the Council Offices.

Reference number: R12/0921

Site address: 11 Ferndale Road, Binley Woods

Case Officer: Chris Davies 01788 533627

Description: Erection of a part two storey part single storey side and rear extension and a single storey front extension to form a porch, including provision of a pitched roof.

History:

R10/1581 Erection of a part two storey part single storey side and rear extension and a single storey front extension to form a porch.
Approved 02/02/11

Proposal:

Having previously gained planning consent for a similar scheme, the applicants now want to increase the amount of first floor accommodation, with associated alterations to the elevations and roof design. As the proposals would increase and materially alter what could be erected under their existing planning permission, a new application was required.

Setting:

No.11 Ferndale Road is a detached dwelling occupying a corner plot adjacent to the junction of Ferndale Road and Coombe Drive.

It appears to have originally been of a similar design to the adjacent No.11a, but has had a garage conversion and extensions that have significantly altered its appearance. The pitch of the roof is quite shallow, and extends over the garage conversion to the left to create a 0.5 storey extension over it.

The property has a flat roofed single storey extension to the front and a single storey pitched roof element to the rear.

The adjacent property (No.11a) is also a two storey dwelling and has a two storey rear extension with a large conservatory projecting from it. The side elevation of the property facing No.11 is blind.

The majority of the dwellings along Ferndale Road are bungalows, with the two storey dwellings being of contrasting designs.

The applicants have started work on the previously approved scheme, with exterior rear walls erected at ground floor level only. The site otherwise remains the same as when previously visited as part of R10/1581.

Technical Consultation Responses:

Natural England - An awareness of bats and other protected species is required.

WCC Ecology - Informatives required re bats and breeding birds.

Parish/Ward Responses:

Parish Council - No objections

Ward - No comments received.

Neighbour Responses:

Objections (2) - Loss of privacy, out of character, highway safety, loss of light, overlooking.

Planning Policy:

Rugby Borough Core Strategy 2011

CS16: Sustainable Design Conflicts

Considerations:

The principle of extending the property was established by the previous planning consent, which could still be actioned at this time.

The key considerations in determining this application are the impact of enlarging the previously approved scheme on a) the character and appearance of the property and the locality, and b) neighbouring residential amenity.

Character and Appearance

The previously approved scheme enabled the applicants to significantly enlarge their property. At the time of permitting the scheme, amendments had been negotiated to redesign their original plan in order to reduce the bulk and massing of the main part of the extension and its visual impact on the character of the locality, in particular the streetscene of Coombe Drive.

The latest proposals, though reducing the overall ridge height, results a level of extension that would no longer be considered to be subservient, not least because of the introduction of a large gable end in the side elevation.

The design also incorporates several roof elements which lead to a contrived roof plan and the need to include a section of flat roof in order to marry up the various angles and roof slopes.

Although some small features have been included to relieve the monotony of the side elevation facing Coombe Drive, it would still have a significant visual impact, dominating a streetscene which is otherwise primarily populated by bungalows and low level structures.

The proposals increase the visual impact of the substantial scheme already approved, to the detriment of the visual character of both the property and the locality.

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

Residential Amenity

Whilst concerns have been raised by neighbours over highway safety and the impact on the character of the area, the areas of specific concern in relation to residential amenity appear to be the potential for an overbearing impact on No.11a, leading to loss of light and privacy.

The proposed scheme would see a slight reduction in the depth of the first floor projection adjacent to the boundary with No.11a Ferndale Road, and a decrease of almost 1m. This would slightly improve the impact on the adjacent property in terms of access to light and reducing any sense of overbearing. As the approved scheme was considered appropriate in these terms, efforts to further improve the situation must be viewed in a positive light.

The proposed scheme would result in a slight reduction in the impact on the neighbouring resident versus the approved scheme, and as such complies with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

Recommendation:

Refuse due to conflict with Policy CS16 in relation to character and appearance.

DRAFT DECISION

APPLICATION NUMBER

R12/0921

DATE VALID

30/05/2012

ADDRESS OF DEVELOPMENT

11 Ferndale Road
Binley Woods
Coventry
CV3 2BG

APPLICANT/AGENT

Mr Shahid Ilyas
IlyaCAD Limited
25 Durbar Avenue
Coventry
CV6 5LW
On behalf of Mr Gurjit Sandhu

APPLICATION DESCRIPTION

Erection of a part two storey part single storey side and rear extension and a single storey front extension to form a porch, including provision of a pitched roof.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

The proposed development, by virtue of its design, massing and scale, would constitute an incongruous development that is out of keeping with the existing dwelling and the streetscene of Coombe Drive. As such the development would be harmful to the visual amenity of the locality to the detriment of its character and appearance. It therefore conflicts with policy CS16 of the Rugby Borough Core Strategy 2011.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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 or at the Council Offices.

Reference number: R11/0519

Site address: Lannys Lagoon, Bloores Spinney, Fosse Way, Stretton Under Fosse

Description: Extension to existing building to provide residential lodge accommodation for site warden.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the extension to the existing building to provide residential lodge accommodation within the extension for occupation in association with the on-site fishery operations. With a footprint measuring 5.2m x 10m, it will be 2.2m high to eaves and 3.2m to ridge level although there will be a height of 4.5m from ground to ridge level where a section of the building will be supported on elevated footings. The application forms detail it will be constructed of materials to match those of the existing dwelling with the accommodation comprising a living room, bedroom, kitchen and bathroom.

Further information has been received from the agent. It details that the existing Titan septic tank will continue to be used as well as responds to a number of points raised in the objection response from Rhodes Rural Planning.

A Protected Species Survey has also been provided.

Site History;

Use of land to provide angling centre, formation of car park and alteration of existing vehicular and pedestrian access.	Approved 10.08.94
Erection of single storey building and use to house fish farm with toilet facilities and toilet.	Refused 19.12.97
Retention of caravan and use as office and mess room with toilet building.	Approved 10.06.98
Erection of single storey building to provide office, toilet facilities and fish breeding tanks to serve existing fishery.	Approved 20.11.01
Creation of parking for disabled anglers and purpose built platforms for disabled anglers.	Approved 06.02.04
Siting of a mobile home.	Refused 22.09.05
Erection of 2 polytunnels for diversification of business in winter months.	Approved 16.01.06
Use of land for the siting of a mobile home (R09/0419/PLN) and dismissed on appeal	Refused 30.06.2009

Consultee Correspondence;

Highway Authority No objections

Environmental Health No objections Request septic tank details condition

Rhodes Rural Planning Objects On the grounds of the proposal not being justified and not meeting the special circumstances identified in paragraph 55 of the NPPF in relation to essential needs for workers to live permanently at or near their place of work. Further correspondence responding to agent comments still indicate an objection.

WCC Ecology No objections Request condition and informatives

Third Party Correspondence;

Stretton-Under-Fosse Support Have no objections to the proposal
Parish Council

Cllr Mrs S Bragg Requests committee determination if officers are minded to refuse the application under delegated powers.

Other Relevant Information;

The application will be the subject of a site visit prior to the meeting and is brought to your Committee at the request of Cllr Bragg.

Located outside of the designated settlement boundaries for Stretton-Under-Fosse, the site is located within the green belt surrounded on all sides by agricultural land although there are a number of small industrial units in proximity to the site.

There are 2 fishing lakes and a 'bringing on' pond on the site in addition to a couple of poly-tunnels and a small wooden building that provides a site office, storage room and WC's. Ground levels on the site, whilst being level where the lakes are situated, fall from the north and east into the site before continuing to fall to the south and west toward the adjacent canal.

Relevant Policies;

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

NPPF

Consideration;

The principal issue for consideration relates to the acceptability or otherwise of the proposal with subsequent issues relating to design, amenity and parking.

The site is located within the West Midlands Green Belt where the provisions of Core Strategy Policy CS1 detail new development will be resisted and only supported where national policy allows development to be permitted. National guidance on the green belt is contained within the National Planning Policy Framework (NPPF) which, as per the previous PPG2 on Green Belts, defines development within the Green Belt

as being inappropriate development harmful to its openness and character. Paragraph 89 of the NPPF details certain exceptional instances in which development may be acceptable with the list provided including for agricultural / forestry buildings and the provisions of facilities essential for outdoor sport and recreation. Although paragraph 55 refers to development in the countryside it details that new isolated homes in the countryside, including areas covered by the Green Belt, should be avoided unless there are special circumstances such as an essential need for a rural worker to live permanently at or near their place of work.

The application is for an extension to an existing facilities building (office, store and WC) used in association with the existing fishing lakes on site with the extension to be used as the wardens residential accommodation to thus provide on-site accommodation for the owner. From this it can be seen that as the proposed residential unit would be a facility associated with an outdoor, rural recreational business meaning it falls within the list of instances where development may be acceptable.

As part of the application a full assessment in relation to the NPPF and its predecessor, PPG2 Annex A, has been provided and assessed by the Councils Rural Affairs advisor, Rhodes Rural Planning & Land Management. The report of Mr Rhodes details that the proposal is not justified as in his opinion it is not essential for the applicant to live on-site.

In relation to this objection the agent provided a response addressing a number of points raised in Mr Rhodes report including the need to relate the development to social and environmental matters as well as just economic, the provision of on-site accommodation will allow for reduced travel costs as well as night fishing so allowing for increased economic benefits and the provision of greater security. Mr Rhodes has commented on the agents additional comments indicating his objection still remains on the grounds that the need for on-site accommodation is not required with the increased income levels still making the income at a low level, there not being a functional welfare need for on-site accommodation and that it is an isolated dwelling in the countryside and green belt for which there is not an essential need.

On this basis it is considered that whilst the proposal is in principal an acceptable use in the Green Belt, there is not an essential need for the dwelling resulting in it being an isolated development detrimental to the openness of the area. As such it conflicts with the requirements of policy CS1 and the NPPF.

Turning to the design and appearance of the proposal it is of a design that is in-keeping with the existing facilities building to which it would be attached. The eaves and ridge heights of the existing building have been carried through into the proposal as have the proportions of the openings. Its siting and orientation have been arranged so that the extensions length joins and runs at 90 degrees to the end of the existing building allowing for its scale, massing and bulk to be kept to a minimum. Both submitted plans and application forms detail it will be constructed of materials matching those of the building it will be attached to so allowing it to fit in visually with the existing building. The location of windows and doors are such that they would allow direct views of both lakes as well as the access road so allowing for improved security of the site.

The location of the building within the site taken in conjunction with the neighbouring sites comprising agricultural fields and paddocks there will not over-look, loss of privacy or impact upon any other form of amenity on either the application site itself or those neighbouring and surrounding it.

Within the site there is parking for in excess of 30 vehicles. There is therefore sufficient existing parking to be able to provide one space for the proposal and still leave sufficient other spaces for anglers.

Overall therefore whilst the design and appearance of the proposal is acceptable with it not impacting upon amenities, it is located within the green belt with there being no essential need for it to be located here resulting in it being inappropriate development.

Recommendation;
Recommend refusal.

Report prepared by: Richard Redford 19th June 2012

DRAFT DECISION

APPLICATION NUMBER

R11/0519

DATE VALID

27/03/2012

ADDRESS OF DEVELOPMENT

LANNYS LAGOON
FOSSE WAY
STRETTON-UNDER-FOSSE

APPLICANT/AGENT

Nigel Brotherton
Howkins & Harrison
7-11 Albert Street
Rugby
Warwickshire
CV21 2RX
On behalf of Mr John Lanwarne

APPLICATION DESCRIPTION

Extension to existing building to provide residential lodge accomodation for site warden.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1:

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

Whilst the proposed extension to provide a residential lodge accommodation would be occupied in connection with an existing appropriate use within the Green Belt, based on the information provided as part of the application and when assessed against the requirements of the NPPF the Council is not satisfied that there is an essential need that is required to justify the proposal. In the opinion of the Local Planning Authority, there are therefore no special circumstances, which would justify the granting of planning permission for the extension of the existing facilities building to provide a residential lodge accommodation for a site warden on the land in the face of a strong presumption against inappropriate development derived from the prevailing policies and it is considered that the development fails to preserve the

openness and character of the Green Belt. The proposed development is therefore contrary to Policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy Policies CS1 and CS16

NPPF

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

Reference number: R11/2409

Site address: Land rear of The Red Lion, 23 Main Street, Wolston

Description: Erection of a barn style mews comprising 4 two-bed dwellings and 4 one-bed flats with associated parking and landscaping.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the erection of a barn style mews providing 4 x two-bed units and 4 x one-bed flats within a U-shaped building. The 4 flats will be provided in 2 sections of the building with the upper floor flats contained within the roof slope served by dormer windows (facing into the courtyard style area) and roof lights facing out of the site where they will be 3.9m high to eaves and 6.1m high to ridge level. The 4 two-bed units will be in the main section of the building in a traditional 2-storey arrangement measuring 4.7m high to eaves and 7.3m high to ridge. 10 on-site parking spaces will be provided.

Additional information has been provided by the agent addressing concerns raised in respect of potential provision of one or more of the units in-line with the provision of the Housing Needs Survey.

Site History;

There are a number of historic decisions relating to advertisements on the site that are not relevant to this application.

Consultee Correspondence;

Highway Authority	No objections	Request conditions and informatives
Environmental Health	No objections	Request conditions and informative
Severn Trent Water	No objections	Request condition
Environment Agency	No objection	
Tree Officer	No objections	Request condition
RBC Strategic Planning	No objection	Request legal agreement
WCC Ecology	No objection	Request informative
WCC Archaeology	No objection	Request condition

Third Party Correspondence;

Wolston parish	Object	On the grounds of no affordable / local needs housing Council provided; amount of parking provision; and access concerns.
Neighbours (7)	Object	On the grounds of no details on type of fencing to be provided; protection of privacy; noise and disturbance concerns during evening; why has no cognisance been given to the Wolston Housing Needs Survey given the identified need; contrary to Housing Needs SPD; access and egress concerns from the site; blind exit

from the site posing highway safety concern; increased traffic levels to and from the site; pedestrian safety concerns; claim in submission that it represents a reduction in traffic flows is a false claim on basis the existing car park has allegedly never been full to its 34 space capacity; parking concerns on Main Street that it is reduced to single width at busy times; inadequate parking provision; out of character with the area; no farm building in the area with the architecture of a mews; add a new design to the village that isn't in keeping; disturbance to street scene of the village as can be viewed from footpaths and bridges in the locality; loss of privacy to the gardens of a Grade II listed building; will provide a juxtaposition in relate to the adjacent listed building; over-looking; inter-looking; general loss of privacy to adjacent bedrooms and bathrooms; increased noise levels; detrimental impact on public utilities; disproportionate number of houses proposed in relation to the cottages that line the culvert(5) that would represent a 160% increase with associated parking and traffic issues; is a commercial initiative to maximise income; will ruin the general aspect of the location; adverse impact on standard of living and quality of life; vehicle levels; detrimental impact on privacy; loss of trees; and massive impact on the rural landscape.

Other Relevant Information;

Located within the defined settlement boundaries of Wolston, the site is occupied by a vacant public house with associated on-site parking and play area comprising grass and play equipment. Situated within the Wolston Conservation Area access to the site is from Main Street over a stretch of brook that has a culvert over it. Ground levels fall slightly from the site to Main Street.

Relevant Policies;

NPPF

RBCS Policy CS1
RBCS Policy CS2
RBCS Policy CS13
RBCS Policy CS16
RBCS Policy CS20

Development Strategy
Parish Plan
Local Services & Community Facilities
Sustainable Design & Construction
Local Housing Need

Planning Obligations SPD
Wolston Conservation Area Appraisal 2010
Wolston Housing Needs Survey August 2011

Consideration;

The main issues for consideration relate to the principal of the development, its relationship with the Wolston Conservation Area, parking and then other material factors such as design, appearance and amenity.

The site is located within Wolston which, as detailed in policy CS1, is a main rural settlement. It is detailed in this policy within both the policy and supporting text that the development of housing within main rural settlements is acceptable although identified local housing needs will be prioritised over market housing. Wolston has a current, up-to-date housing needs survey.

Whilst the provisions of this policy indicate the principal of residential development on the site is acceptable, in this instance this principal is not immediately acceptable given that the authorised use of the site as a public house means it provides a local service / community facility where the provisions of policy CS13 are relevant as well as the provisions of policies CS2 on Parish Plans and CS20 on local housing need.

Policy CS13 requires such local services and community facilities are retained unless it can be shown that the existing use can't realistically continue for commercial and/or operational purposes, it has been marketed for a similar / alternative use that would benefit the community, and the existing use can be provided elsewhere in the locality. As part of the application details have been provided that serve to address the requirements of this policy. At present there are 2 other public houses in Wolston including one directly opposite the application site meaning the use is already provided elsewhere. Details provided as part of the submission for the period of October 2001 to present show falling levels of sales, periods where the pub was closed due to no landlord, information on letting and attempts to re-let, un-occupation of the pub etc all of which have been assessed by Strategic Development officers who are satisfied that the use cannot realistically continue and cannot readily be used for alternative community uses. On this basis it is considered that the provisions of CS13 have been met and the site can be developed for other purposes which in the context of the current application allow support for the residential re-development of the site.

Policy CS2 relates to Parish Plans and requires that where relevant parish plans or local documents, such as Housing Needs Surveys exist, they will be taken into account in the determination of planning applications. Policy CS20 relates to Local Housing Needs stating that in main rural settlements permission of local housing needs development will be permitted where it has been proven to meet the identified needs of local people. Wolston has an up-to-date housing needs survey in which it is identified that there is a need for 7 two-bed social rented homes, 4 two-bed shared ownership homes, 2 two-bed shared ownership bungalows, 1 two-bed market rent house and 1 two-bed open market bungalow. The current proposal seeks permission for 4 two-bed dwellings and 4 one-bed flats. Discussions with the agent has highlighted the applicants intention for these to be for rental purposes however the applicant has agreed to enter into a Section 106 Legal Agreement that one of the 2-bed houses be provided as a socially rented home thus reducing the identified need from 7 to 6 two-bed social rented homes. Whilst not meeting the overall identified need, through the submitted details it has been shown that this would contribute toward an identified local need whilst not impacting upon the viability of the proposal where as a greater provision would impact on viability. In this instance it is considered that this is acceptable given it will provide an element of the identified requirement as well as serving to prevent the site from deterioration given it is currently vacant and un-used.

Based on the above it can therefore be seen that the principal of the development is acceptable.

The proposal has been designed in a barn-style U-shaped mews with the longest section of the building having a higher eaves and ridge level. The four two-bed dwellings in this longest section have front and rear facing openings with roof space above for general storage. In relation to the four one-bed flats these are positioned with one ground floor and one first floor at each end of the main section with the upper flat being partly contained within the roof space. Openings in the projecting wings containing the flats have been kept at ground floor although the upper flats will have 2 high level roof lights in the roof slope positioned so as to ensure no over-looking or loss of privacy. It has been designed in a manner so as to try and fit in with the locality drawing on certain features including exposed rafter feet and high pitched roof to ensure appropriate relationships with the Conservation Area. Its scale, massing, bulk and proportions are orchestrated in a manner to be reflective and respectful of the immediate and wider areas so as to ensure it will not be out of keeping with the character of the area. The layout of the site has been arranged so as to ensure the proposed building is positioned reasonable distances away from site boundaries with openings in suitable locations to not impact upon amenities.

A total of 10 on-site parking spaces are proposed along with a tarmac area within it to afford turning and manoeuvring space for the cars. Parking standards are contained within the Planning Obligations SPD. Whilst the site is within 5 minutes walk of a bus stop the frequency of bus movements result in it being a low access area that for the proposal means a requirement of 1.5 spaces per unit equating to 12 spaces. Although the proposal, with 10 spaces, falls below this threshold it is borderline and considered to be acceptable given that there is space for informal parking on-site that would not hinder manoeuvring.

The site is located within the Wolston Conservation Area and within the area classified at Area 2 Main Street South in the Wolston Conservation Area Appraisal which details no single characteristic style of architecture where the density of development is higher with buildings to all sides. Although specific reference is made within the appraisal to the application site it is made in the context of the existing public house building and its relationship with Main Street. Section 12 of the NPPF relates to the conserving and enhancing the historic environment with reference made in the associated paragraphs that in developing strategies account should be taken of wider social, cultural, economic and environmental benefits conservation can make along with the desirability of new development making a positive contribution whilst not impacting upon identified qualities. In this instance it is considered that the proposal, given that its design has drawn upon a number of existing local features within the immediate area including other buildings in the Conservation Area, would serve to enhance the character and appearance of the conservation area whilst bringing the site more in-line with the higher density of the area highlighted in the appraisal as being a key feature in this part of the conservation area. Subject to the appropriate use of materials it would positively fit in with the area and contribute to the efficient re-use of a vacant site.

In respect of the objections not covered above the following are relevant. In respect of access and egress concerns from the site this has specifically been assessed by the Highway Authority who, having done site surveys at busy periods, are satisfied this is not an issue. Whilst close to a listed building the proposals siting and orientation will not result in a loss of privacy to the gardens of a Grade II listed building. Any potential impact on public utilities would be a matter to be resolved between the applicant and utility providers.

Therefore subject to a Section 106 legal agreement requiring a 2-bed socially rented home be provided and retained in perpetuity along with appropriate conditions the proposal is acceptable and recommended for approval.

Recommendation;

Recommend approval subject to a Section 106 Legal Agreement and conditions.

Report prepared by: Richard Redford 19th June 2012

DRAFT DECISION

APPLICATION NUMBER

R11/2409

DATE VALID

27/03/2012

ADDRESS OF DEVELOPMENT

LAND TO THE REAR OF THE RED LION
INN
23 MAIN STREET
COVENTRY
CV8 3HH

APPLICANT/AGENT

Mr Michael Thompson
Aplan Architectural Design Ltd
4 Whitnash Grove
Coventry
Warwickshire
CV2 3DF
On behalf of Mr Alan Robinson

APPLICATION DESCRIPTION

Erection of a barn style mews comprising 4 two-bed dwellings and 4 one-bed flats with associated parking and landscaping.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application forms, Design & Access Statement dated March 2012, site location plan numbered AP11.0619.GA.001 dated December 2011, drawings numbered 11.0619.GA.101a, 11.0619.GA.102, 11.0619.GA.103, 11.0619.GA.104, 11.0619.GA.105 and 11.0619.GA.111 dated January 2012, and plans numbered 11.0619.GA.110 and 11.0619.VIS.001 dated March 2012 all submitted as part of the application received by the Local Planning Authority on 27th March 2012;

REASON:

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

CONDITION 3:

No 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 including doors, windows and rain water goods, 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 unless otherwise agreed in writing by the Local Planning Authority.

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 wall, fence and gates, 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 first dwelling is occupied.

REASON:

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

CONDITION 5:

Full details, including elevations, of the design and materials of the proposed bin store 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 any of the dwellings unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of visual and residential amenity.

CONDITION 6;

The surface water and foul sewage drainage details shown on approved plan numbered AP11.0619.GA.110 dated March 2011 shall be implemented prior to any of the residential units approved as part of the development are first occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the drainage details are provided prior to occupation.

CONDITION 7:

No development shall commence unless and until a Phase II Contaminated Land Assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk (to the site users, buildings and environment) when the site is developed. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of health and safety.

CONDITION 8;

Before the development hereby permitted commences a full noise survey shall be undertaken with resultant report, to include mitigation measures where necessary, submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures agreed shall then be implemented prior to the first occupation of any of the units and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of amenity.

CONDITION 9:

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 10:

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

- a) A width of 5.0 metres and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 7.5 metres from the near edge of the highway carriageway.
- c) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres as measured from the centre of the access.
- d) 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 11:

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

REASON:

In the interests of public and highway safety.

CONDITION 12;

Before any work on site takes place, a scheme for the loading, unloading and storage of construction plant and materials to be used on site, the parking of all vehicles including the cars of construction employees and other people who will be working at or visiting the site and for ensuring that no mud or other materials are deposited on the highway shall be submitted for the written approval of the Local Planning Authority, in consultation with the Highway Authority. The proposed development works shall be carried out in accordance with the approved details.

REASON:

In the interest of highway safety.

CONDITION 13;

The development hereby permitted shall not be occupied until the "keep clear" markings have been renewed in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION 14;

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

REASON:

In the interests of Sustainable Development.

CONDITION 15;

No works shall take place until a scheme for the protection of ALL the retained trees on site (section 7, BS5837- Trees in relation to construction-recommendations - the Tree Protection Plan) has been agreed in writing with the LPA. This plan shall include the details and positions of the Tree Protection Barriers (section 9.2 of BS5837) for the development phase as per the respective root protection areas of the trees. No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA.

REASON:

To ensure the satisfactory protect of protected trees.

CONDITION 16:

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 and F 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.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy Policies CS1, CS2, CS13, CS16 and CS20
Planning Obligations SPD
Wolston Conservation Area Appraisal 2010
Wolston Housing Needs Survey August 2011
NPPF

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

REASON FOR APPROVAL:

The proposed development will result in the effective redevelopment of a vacant site no longer providing a local service or facility whilst also providing an identified local need dwelling with adequate parking facilities. It will be in keeping with the surrounding area and Wolston Conservation whilst not adversely impact on the residential amenity of neighbouring properties, in accordance with policies CS1, CS2, CS13, CS16 and CS20 of the Rugby Borough Core Strategy 2011.

INFORMATIVE 1;

This permission is the subject of a Section 106 Legal Agreement.

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;

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).

INFORMATIVE 5;

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 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, 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:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

Reference number: R12/0556

Site address: Hunters Lane, Rugby

Description : Construction of footpath/cycleway from the viaduct over the A426 Leicester Road to the Black Path, including a ramp down the former railway embankment, as part of the Rugby Viaduct Cycleway scheme

Case Officer Name & Number: Steve Parkes 01788 533633

Authorised Use

Former railway embankment and mixed use redevelopment site

Relevant Decisions

Redevelopment of land to provide a mixed use scheme comprising residential, employment and college development, a DIY retail store and a new spine road (Ref. R06/0064/MAJP)	approved (outline) 17.09.07
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Listed Building Consent for provision of hard surfacing along the centre of the viaduct in order to provide a link to the established cycleway (Ref. R12/0380)	approved 26.04.12
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Technical Consultations

WCC Highways	no objection	
WCC Ecology	no objection	subject to conditions covering the submission of a construction and environmental management plan and a combined ecological and landscape scheme

Third Party Consultations

No representations received

Other Relevant Information

This application is submitted on behalf of the Council's Head of Environmental Services under Regulation 3 of the Town and Country Planning General Regulations 1992.

Background

The proposed Viaduct Cycleway is a Sustrans Connect 2 project which forms part of the strategic cycleway network throughout the county. Sustrans is a charity which works with various partner organisations, including Local Authorities, promoting sustainable transport through a range of practical projects. In the case of the current scheme, partner organisations, some of whom are also contributing to the funding of the project, include the Borough

Council, Warwickshire County Council, British Waterways, Network Rail and the owner and developer of the neighbouring Leicester Road opportunity area, St.Modwen Developments.

The Viaduct Cycleway follows the route of the former railway from the Oxford Canal in the north to the Black Path in the south. The northern section between the canal and the viaduct over the A426 Leicester Road, including links to Quarry Close and the Glebe employment area, has recently been completed. Listed Building consent for surfacing works across the viaduct was granted in April 2012. A future phase to provide a ramped access link to the existing railway bridge at the southern end of the route where it joins the Black Path will be the subject of a separate planning application. The overall aim is said to be to create an attractive foot and cycle path route which will re-connect communities in the Newbold, Glebe, Cosford and Brownsover areas to Rugby's town centre.

The Application

The application covers the southern phase of the project which links the viaduct over the Leicester Road with the Black Path. The works comprise the construction of a 2.5m wide bitumen macadam surfaced path running from the viaduct and ramping down the former railway embankment to meet ground level near the end of Hunters Lane. It then continues at ground level and joins the Black Path with any existing perimeter fencing to the neighbouring St.Modwen site re-aligned as necessary to accommodate it.

The ramp down the embankment will be formed by way of cut and fill operations to achieve the necessary gradient and includes the use of materials already imported to the site from the earlier phase of construction of the cycleway. The path will be constructed with a slight crossfall to shed surface water which will drain away naturally. Though the scheme includes the erection of a 1.2m high post and rail timber fence along the lower edge of the ramped section, the applicant advises that this may be omitted following inspection with Sustrans Engineers during construction. No street lighting or any illumination of the route is proposed. The engineering operations will be carried out using tracked excavators, compactors and dumpers and it is anticipated will take between 8 and 10 weeks to complete.

The site comprises a section of a non-statutory site of nature conservation of County level importance, Ecosite 17/57 Railway (Rugby to Willey). A phase 1 habitat survey submitted with the application identifies predominantly species poor grasses, shrubs, scrub and ruderal vegetation on the embankment. The scrub and mature trees are identified as suitable habitat for foraging bats, rough areas of grass and scrub with potential to support common reptiles and the slopes suitable habitat for badger sett-building. Known badger setts are located over 100m away from the embankment.

Some scrub and minor self-seeded trees will be removed on the embankment to facilitate construction of the path though mature trees are to be retained. It is intended that small areas of flora identified by Warwickshire Wildlife Trust as being unique to the area are either to be transplanted under the Trust's

supervision or left in situ. No other mitigation is proposed and it is intended that on completion the embankment will be left to regenerate naturally together with some additional planting to assist in habitat creation and enhancement.

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS14	conforms	enhancing the strategic green infrastructure network
CS16	conforms	sustainable design

Rugby Borough Local Plan, July 2006 “saved” policies

GP2	conforms	landscaping
E6	conforms	biodiversity
A1	conforms	Leicester Road opportunity area

National Planning Policy Framework, March 2012 – parts 4, 7 and 11

Determining Considerations

The main considerations in this case are the contributions the proposal makes to sustainable development and the impact on the character and amenities of the locality, green infrastructure and ecology/biodiversity interests having regard to policies contained in the development plan and the National Planning Policy Framework (NPPF).

The NPPF sets out a presumption in favour of sustainable development and, in accordance with previous government guidance, continues to promote sustainable transport in order to broaden transport choice and to reduce carbon emissions. Cycling is a sustainable mode of transport and in this respect Rugby is generally considered to have a good cycle network with 14% of local residents travelling to work on foot or by bike. The further expansion of the cycle network in the Borough and improvement of public transport, however, was identified as one of the top four priorities for the development of sustainable transport in the public consultation carried out in connection with the Council’s Local Development Framework Core Strategy.

The proposed cycleway scheme takes advantage of the opportunity to put a former public transport route back into beneficial use by facilitating sustainable modes of travel by cyclists and pedestrians. The scheme will make a significant contribution to sustainable transport by providing the local population with wider choice about the way they travel and will result in improved accessibility to a range of services and facilities. The proposal is therefore wholly consistent with the NPPF’s key aim of contributing to the achievement of sustainable development.

The disused railway is located within one of the green infrastructure network corridors identified in policy CS14 of the Core Strategy. Disused railway lines are one of a number of principal assets of the strategic green infrastructure network. The construction and use of the proposed cycleway will have minimal impact on the intrinsic value and role of the disused railway as a green corridor whilst enhancing its use as a multi-functional green space and

improving linkages and accessibility at the local level for the benefit of the town as a whole. The proposal therefore accords with the objectives of policy CS14 which seek to protect, restore and enhance assets within the strategic green infrastructure network.

The scheme is also of an inclusive, sustainable design in accordance with Core Strategy policy CS16 and will make a positive contribution to making better places for people in accordance with the sustainable development aims of the NPPF. The gradient of the ramp is designed to take account of the needs of those with impaired mobility whilst the scheme as a whole will not cause any material harm to the quality, character and amenity of the area but will introduce positive benefits.

Though the site forms a section of a non-statutory site of nature conservation value, the phase 1 habitat survey indicates that this part of the disused railway does not contain any features of significant ecological interest and the nature of the works are such that there will be minimal disturbance to flora and fauna. The Warwickshire Wildlife Trust has been advising the Council on these aspects of the development. The landscape impacts have also been considered as an integral part of the scheme and the proposals will not have any significant impact on the landscape character of the locality. The natural regeneration of the embankment together with some proposed planting, which is covered by condition, will assist in enhancing the green infrastructure asset and ensure there is no net loss in biodiversity. A condition covering the submission of a construction and environmental management plan will ensure that there is no potential adverse impact on protected species. The proposals therefore accord with saved Local Plan policy E6 and the NPPF which seek to conserve and enhance the natural environment and minimise any impact on biodiversity, and saved policy GP2 in respect of landscaping.

With regard to saved Local Plan policy A1 in relation to the comprehensive redevelopment of the Leicester Road opportunity area, the scheme is consistent with proposals to improve existing pedestrian/cycleway links which pass through the site to the Black Path.

Recommendation: Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/0556

DATE VALID

31/05/2012

ADDRESS OF DEVELOPMENT

Hunters Lane
RUGBY
CV21 1DH

APPLICANT/AGENT

Mr Paul Mernagh
Rugby Borough Council
Works Services Unit
94 Newbold Road
Rugby
Warwickshire
CV21 1DH

APPLICATION DESCRIPTION

Construction of footpath/cycleway from the viaduct over the A426 Leicester Road to the Black Path, including a ramp down the former railway embankment, as part of the Rugby Viaduct Cycleway scheme.

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:

Design and Access Statement ref. VIA/PP/002 Rev B

Extended Habitat Survey Phase 1 (RSK Carter Ecological), August 2008 (pages 55 - 57 and 63 together with Fig.5c Phase 1 Habitat Map and Fig.6c Protected Vertebrate Survey and Constraints Map)

Proposed Ramp and Pathworks - dwg.no. VIA/PP/001B

Proposed Cycleway from Viaduct Sheet 2 - dwg.no. 11273/008B (plan of the works)

Proposed Cycleway from Viaduct - dwg.no. 11273/010E (plan view of the ramp)

Proposed Cycleway from Viaduct Sections Sheet 1 - dwg.no. 11273/011D (section profiles of the path)

Proposed Cycleway from Viaduct Sections Sheet 2 - dwg.no. 11273/012B (section profiles of the path)

Proposed Cycleway from Viaduct Sections Sheet 3 - dwg.no. 11273/013A (side view of embankment ramp)

Proposed Cycleway from Viaduct Full Section Sheet 4 - dwg.no. 11273/014A (side view of embankment ramp)

Provisional Route Information - dwg.no. 300-02-001 Issue P Rev C (entire cycle route map)

REASON:

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

CONDITION: 3

The development hereby permitted, including site clearance, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 4

Within a period of one month of the commencement of development a combined ecological and landscaping scheme shall be submitted to and thereafter approved in writing by the Local Planning Authority. Such scheme shall include all aspects of landscaping including habitat creation and enhancements for wildlife together with details of species of trees and shrubs to be planted. The approved ecological and

landscaping scheme shall be implemented no later than the first planting season following the completion of the development or the commencement of the use of the cycleway, whichever is the sooner. If within a period of 5 years from the date of planting any tree, shrub or hedgerow is removed, uprooted, destroyed or dies, or in the opinion of the Local Planning Authority becomes seriously damaged or defective, another tree, shrub or hedgerow of the same species and size originally planted shall be planted at the same place unless the Local Planning Authority gives its written agreement to any variations.

REASON:

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

REASON FOR APPROVAL:

The proposed operations will bring a former public transport route back into beneficial use as a sustainable cycleway/pedestrian transport link. It will enhance the multi-functional use of the green infrastructure network in the town, is of inclusive, sustainable design, will have minimal impact on biodiversity interests and is consistent with proposals to improve pedestrian/cycleway links in the Leicester Road opportunity area. The scheme therefore complies with Local Development Framework Core Strategy, June 2011 policies CS14 and CS16, Rugby Borough Local Plan, July 2006 saved policies GP2, E6 and A1, and parts 4, 7 and 11 of the National Planning Policy Framework, March 2012.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Local Development Framework Core Strategy, June 2011 - policies CS14 and CS16.
Rugby Borough Local Plan, July 2006 - saved policies GP2, E6 and A1.

National Planning Policy Framework, March 2012 - parts 4, 7 and 11.

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

INFORMATIVE:

With regard to condition 3, the plan should include details of pre-commencement checks for badgers, reptiles, bats, breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	25 th July 2012
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/04/2012 to 31/06/2012.

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

Planning Committee – 25th July 2012

Planning Appeals Update

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter (1st April to 30th June 2012) a total of 1 planning appeal was determined, this was allowed. A schedule of the appeal case for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 30th June 2012 there were 13 planning appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date Of Meeting: 25th July 2012
Subject Matter: Planning Appeals
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st APRIL 2012 - 30th June 2012

Application Ref No.	Location	Description	Appeal Decision	Planning Inspectorate Appeal Ref No.
				Decision Type
	5 Arundel Way Cawston RUGBY Warwickshire		Enforcement Hearing Allowed 17/05/2012 (Temporary 4yrs/personal)	APP/E3715/C/11/2167608

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.06.2012

Application Ref No.	Location	Description	Appeal Type	Planning Inspectorate Appeal Ref No. Decision Type
NL	Top Park Top Road Barnacle Coventry CV7 9FS	The change of use, without planning permission, of the land from paddock to a use for the siting of residential caravans, trailers and commercial vehicles.	Enforcement Inquiry	APP/E3715/C/11/2153638 Linked Appeal ref. APPE3715/C/11/2154137 APP/E3715/A/11/2153749(as below)
R10/2298 NL	Site at Top Park Top Road Barnacle Coventry CV7 9FS	The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)	Inquiry	APP/E3715/A/11/2153749 Committee – Refused 06/04/2011
R11/0141 CD	Land South of Telephone Exchange Coventry Road Wolvey Hinckley Leicestershire LE10 3LD	Outline planning permission for erection of a dwelling.	Written Reps	APP/E3715/A/12/2169184 Committee – Refused 30/09/2011
R11/2265 RR	Footpath at the Junction of Paddox Close and Hillmorton Road, CV22 5AU	Proposed 11.8m high telecommunication mast with equipment cabinet and electrical metre cabinet	Written Reps	APP/E3715/A/12/2171860 Delegated - Refused 11/01/2012
NL	Greenway Farm 41 Rugby Road Pailton Rugby, Cv23 0QH	Without planning permission the change of use of the land from agricultural to use as a private garden having a domestic character.	Enforcement Written Reps	Ref: APP/E3715/C/12/2168149 Delegated – enforcement action

R12/0023 KMcC	Unit 2 5 Castle Mound Way Rugby CV23 0WB	Display of 2 fascia signs	Written Reps	Ref: APP/E3715/H/12/2172702 Delegated - Refused 31/01/2012
R11/1974 CD	12 Regent Street Rugby	Retention of 1no. high level externally illuminated fascia sign and 1no. non-illuminated low level fascia sign at 12 Bank Street, Rugby.	Written Reps	Ref: APP/E3715/H/12/2175357 Committee - Refused 15/03/2012
R12/0032 NM	Site at Land Rear Of, Home Farm, Oxford Road, Coventry, CV8 3EP	Erection of a building to provide shelter for HGV Vehicles (Resubmission)	Written Reps	Ref: APP/E3715/SA/12/2174855 Delegated - Refused 03/02/2012
R11/1741 CD	The Coach House rear of 34 Hillmorton Road RUGBY Warwickshire CV22 5AA	Conversion of outbuilding known as The Coach House from ancillary office to a separate dwelling.	Written Reps	APP/E3715/A/12/2173245 Committee - Refused 10/02/2012
R11/1284 CD	Land at Burton Lane, Burton Hastings, CV11 6RJ	Installation of two flood lights of 6m height to the south west boundary of the existing ménage.	Written Reps	APP/E3715/A/12/2175819 Delegated - Refused 08/12/2011
R12/0018 OW	46 Broad Street Brinklow Rugby CV23 0LN	Erection of a new residential dwelling to the rear of number 46 Broad Street (resubmission of app ref R11/0407)	Written Reps	APP/E3715/A/12/2174669 Delegated – Refused 21/02/2012
R11/1424 CD	Ryton Mill London Road Ryton on Dunsmore Coventry, CV8 3DX	Retention of detached double garage with loft room over.	Enforcement Written Reps	APP/E3715/C/12/2172351 Delegated – Refused 23/12/2011

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	25 th July 2012
Report Title	Planning Agreements update
Portfolio	Economy, Development and Culture
Ward Relevance	All
Prior Consultation	None
Contact Officer	Mandy Wakelin-Lloyd (Section 106 Officer)
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	2 – Meet the housing needs of our residents now and in the future. 3 – Enable our residents, visitors and enterprises to enjoy, achieve and prosper. 4 – Enable and sustain an environment which our residents can take pride in and which impress out visitors.
Statutory/Policy Background	Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local government Act 1972
Summary	The Council holds considerable funds as a result of planning agreements. The report includes details of how contributions secured through planning obligations have been used to add value to projects and support the priorities of this Council. It is important to remember that planning obligations

cannot be sought from developers to support activity unrelated to the development proposed. Clear guidance on the use of planning obligations is provided in Circular 05/05 and the Council's Planning Obligations SPD.

Financial Implications

None

Environmental Implications

None

Legal Implications

None

Options

None

Recommendation

The report be noted.

Reasons for Recommendation

To update Planning Committee with current information relating to the monitoring of Section 106 Agreements

Planning Committee – 25th July 2012

Planning Agreements Update

Report of the Head of Planning & Culture

Recommendation

The report be noted.

1.1 INTRODUCTION

This report provides information on S106 related activity, including the balances currently held by Rugby Borough Council. This report sets out the situation as at 31st March 2012.

In April of this year, the Government introduced the National Planning Policy Framework, which provides clear steer regarding the use of S106 agreements; that is they should only be used where it is not possible to address unacceptable impacts through a planning condition. The NPPF also echoes the requirements in the CIL Regulations that such agreements must meet specific tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

1.2 BACKGROUND

Planning agreements are typically made under Section 106 of the Town and Country Planning Act 1990 (referred to as Section 106 agreements) and occasionally under Section 111 of the Local Government Act 1972. They are generally used to mitigate harm that may be caused by a development and are negotiated as part of the planning application process (see flow chart at Appendix 1) The Act allows for the Local Planning Authority and developers to negotiate a range of obligations under such an agreement, which either can be linked to financial contributions, be restrictive in nature or require specific works or actions to take place.

The individual agreements vary considerably in complexity from simple agreements restricting the future use of a building or land to those relating to the development of major housing or industrial areas. Due to the number of agreements and the large amount of detail contained within them, it is considered impractical to attempt to set out all of this in one schedule. Therefore the position is summarised in this report, however full details of all

outstanding agreements are held on the Section 106 database, and are available from the S106 Officer, and is continually updated. The Section 106 database has now been rolled out to interested departments within the Council, and a summary of the agreements is available on the website. http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=458

COMMUNITY INFRASTRUCTURE LEVY (CIL)

In April 2010, a new regime was introduced which empowered (but not required) local authorities to levy on most types of new development a charge to cover infrastructure costs. The Community Infrastructure Levy has been introduced to replace elements of Section 106 agreements, the intention being to provide a more transparent and effective means of using new development to support the delivery of related infrastructure.

Rugby Borough Council has made the decision to implement a CIL charging schedule. CIL charges are expressed as pounds per square metre. The CIL rate will be charged on the net additional internal area of the development. Charging Authorities have the ability to set out differential rates of the levy for different types of development and for different areas of the Borough dependent on economic viability.

A CIL has to be set out in a charging schedule that will identify the rates of the levy. The charging schedule is subject to consultation and examination prior to adoption. It is anticipated that the preliminary Draft Charging Schedule Consultation will be August/September this year, with the Draft Charging Schedule Consultation in November.

1.3 MAIN DETAILS OF THE REPORT

Since 2009 there have been 22 Section 106 Agreements agreed, which have enabled benefits to be secured for the residents of the Borough. In addition to monetary contributions which have been agreed, a number of other benefits have also been negotiated as part of these agreements, such as on-site provision of affordable housing.

EXISTING LIVE AGREEMENTS

Currently there are 128 live Section 106 Agreements where some action is still required, whether this be a matter of process e.g. an enforcement check for dwellings tied to agricultural use or various actions by developers, the Borough Council or Parish Council's to spend monies received. In the case of 42 Agreements, monies are held in Borough Council funds for various purposes including principally open space recreational provision and maintenance, highway improvements, affordable housing, CCTV and commuted car parking. At the end of the financial year (31st March 2012) the total amount held by the Council in balances amounted to just over £3.3 million.

Warwickshire County Council has been a signatory to a significant number of Agreements within the Borough and where developers have made

contributions these have principally related to highway improvements, public transport, libraries and education.

AGREEMENTS YET TO BE SIGNED

A total of 6 agreements were being negotiated but were not signed as of 31st March 2012 (and therefore planning permission not issued) these are:

- Cattle Market (Private residential) - Subsequently completed
- Land between Lawford Lane and Beech Drive – subsequently completed
- 45 Millfields Avenue
- 16-20 Lawford Road
- Gateway Leicester Road
- School Lane, Priory Road, Wolston

1.4 SUMMARY OF PROGRESS DURING 2011/2012

(1) Expenditure during year to 31st March 2012

There was expenditure of £265,000 during the last financial year. The largest expenditure was for the works to the replacement recreational facilities at Ryton on Dunsmore, and improvements at Featherbed Lane Recreation Ground.

(2) Summary of Funds held by the Council

Category/purpose of agreement	Balance (approx) £
(1) Open Space/ Recreation Purposes (including community facilities & maintenance)	1,827,094
(2) Commuted car parking	46,151
(3) Riverside Improvements	10,599
(4) Highways infrastructure	123,669
(5) Shop mobility	314,022 (allocated to Leisure Centre)
(6) Canal Improvement Works	20,664
(7) Affordable Housing	998,598
<hr/> £3,340,798 *Total Actually Held <hr/>	

*total may not add due to rounding

1.5 Examples of Capital Schemes Undertaken

The examples below are a representative sample of the range of work undertaken utilising developer contributions.

Open Space/ Recreation

Sport and recreation have for a long time been seen as important land uses, and well planned and maintained open space are essential to the desirability of a place, to promote healthy living, to provide informal areas of play and create more sustainable development.

The provision of open space generally does not just include more formal pitches and play spaces but areas of informal open space and amenity areas. They are often highly valued by residents. These informal open spaces and amenity areas may include areas to walk, areas which separate developed areas, areas which support wildlife and can be used for other functions such as picnicking and therefore fulfil a different role to the more formal play areas and sports provision.

Ryton on Dunsmore Recreation Ground – Featherston Crescent



This tennis court/ball play area (BEFORE) caused considerable noise nuisance to the residents of the adjacent properties, this equipment has since been removed to accommodate a new multi purpose games area, in a more suitable location, some of the original equipment has also been updated and a considerable amount of planting/landscaping has now taken place.



Featherbed Lane Recreation Ground, Hillmorton



This Play Area had been in need of modernisation for some time, and now caters for an older range of children than before, the Council has also utilised some redundant equipment from the Ken Marriott and put it to good use.



Highways Infrastructure

Warwickshire County Council currently holds £608,127 for the provision of highway improvements, provision of footways and cycle ways in the Borough (Cawston and Long Lawford), and Public Transport.

Affordable Housing

The Government believes that everyone should have the opportunity of decent home, which they can afford, within a sustainable mixed community. This means providing a wide choice of housing to meet the needs of the whole community in terms of tenures and price ranges. This should include different forms of Affordable Housing, such as social rented, shared ownership and intermediate housing. A total of £345,000 has been allocated towards the provision of the rural development programme which went to Cabinet in August 2010. (See extract from minutes below).

47. RURAL AFFORDABLE HOUSING PROGRAMME

Cabinet considered the report of the Sustainable Inclusive Communities Portfolio Holder (Part 1 – agenda item 12) concerning the Council's Rural Affordable Housing programme.

RESOLVED THAT –

(1) IT BE RECOMMENDED TO COUNCIL THAT £345,000 of developers' contributions for building affordable housing in Rugby be committed to assisting Warwickshire Rural Housing Association to implement a rural development programme to build 30 new homes in the Borough; and

(2) the Council supports the principle of adding Monks Kirby to the rural affordable housing programme subject to further consideration of the available development sites and agreement between the borough and parish councils of the exact level of housing need within the parish and the context of adopted planning policies.

Education

Since 2004 Warwickshire County Council has entered agreements worth £3,043,713 against which it has already spent £1,855,725 and has earmarked a further £811,146 for ongoing projects. WCC has £311,529 around which school or schools post 16 provision will be made. There are no unallocated sums for primary. All outstanding matters relate to secondary. More funding is due to be collected in this financial year through s106 trigger dates being met.

Library

All funding collected from previous agreements has been utilised at Rugby Library; there is no funding from S106 Agreements carried over into this financial year. However, it is anticipated a further £55,447 from 3 developments which have now started may fall due in this financial year.

Funds held for Parishes

A total of £169,667.09 is held on behalf of various Parish Councils throughout the Borough, the majority of which is for community facilities, public open space and recreation facilities.

1.6 CONCLUSION

Mindful of the NPPF and CIL Regulations the framework for negotiating S106 agreements has become challenging and there is a greater emphasis on evidencing how the tests set out in the regulations would be met. At this time officers are continuing to successfully negotiate such agreements.

During the last financial year Rugby Borough Council has received £1.1m from developers, mainly as a result of continuous monitoring of the

Agreements and being proactive in relation to the collection of funding due. On the whole it has been a successful year in relation to securing payments (especially considering the current financial climate) and in relation to the spend of funding; ensuring this is monitored closely to prevent funds being returned to developers, to date this has not been necessary.

In the light of the current national economic situation, certain requirements of some agreements have been, or may be, renegotiated following reassessment of the economic viability of the development proposed. For example in one instance it was agreed to phase payment of the s106 obligation, in some other cases it has been or may be agreed that the required charges of the s106 obligations could be reduced. However, it should be stressed that this is or would be subject to careful analysis of economic viability.

The level of detail now held in the database and the regularity of contact with both developers and the County Council has led to improved and better coordinated communication, which only helps to serve the residents of the Borough.

Name of Meeting: Planning and Highways Committee

Date Of Meeting: 25th July 2012

Subject Matter: Planning Agreements – update

Originating Department: Economy, Development & Culture

LIST OF BACKGROUND PAPERS

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

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

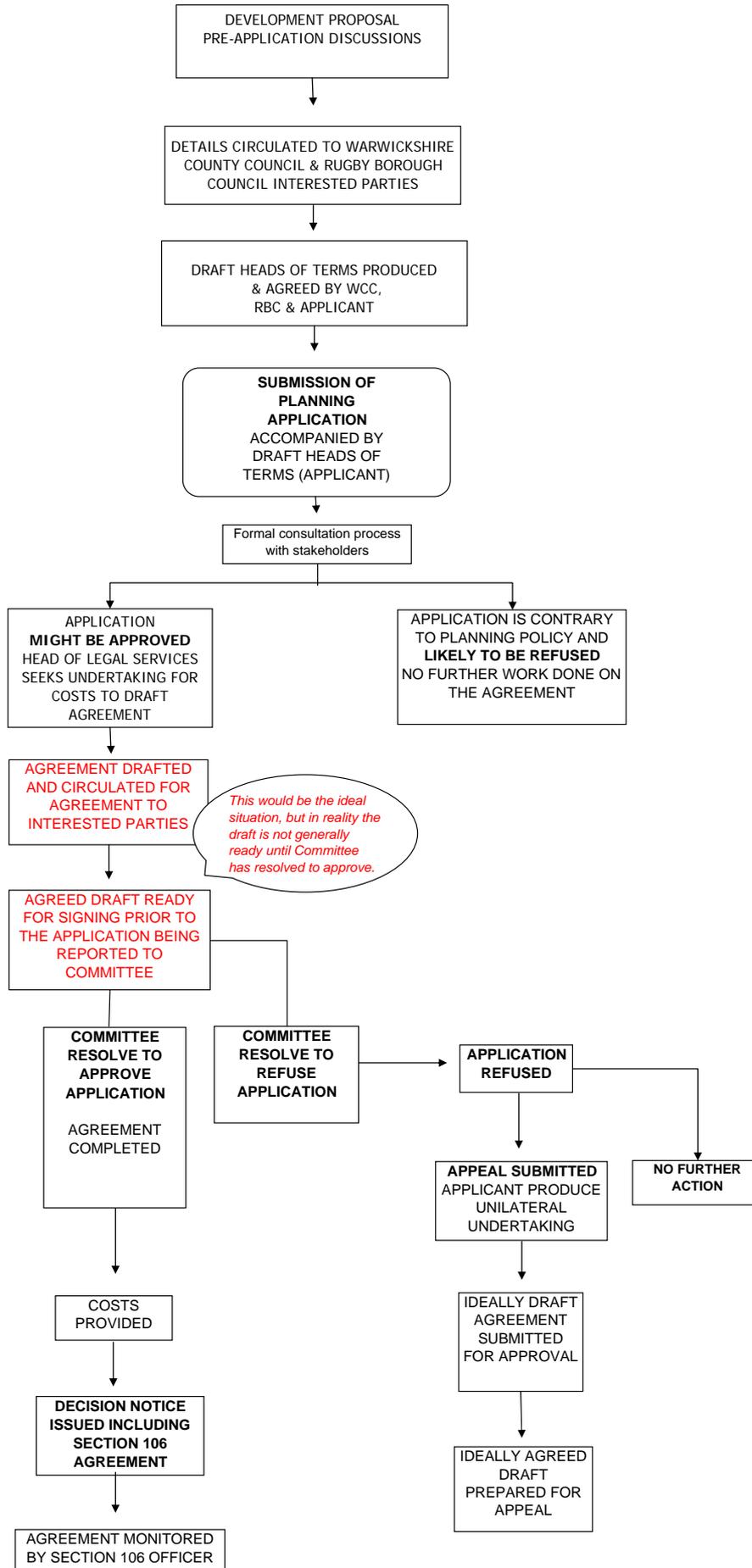
* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

S.106 PROCESS



AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	25.07.2012
Report Title	Delegated Decisions –22.06.2012 to 12.07.2012
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

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 – 25.07.2012

Delegated Decisions – From 22.06.2012 To 12.07.2012

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: 25.07.2012
Subject Matter: Delegated Decisions – 22.06.2012 to 12.07.2012
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 22.06.2012 TO 12.07.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/0740 Refused 21.06.2012</i>	25 Fareham Avenue Hillmorton	Erection of a first floor side extension.
<i>R12/0931 Refused 26.06.2012</i>	Siloam Cottage Little Lawford Lane Little Lawford	Erection of a two storey side extension
<i>R12/0743 Refused 26.06.2012</i>	22 The Ryelands Lawford Heath	Erection of a Two storey side / rear and a single storey rear extension
<i>R12/0574 Refused 11.07.2012</i>	Mill Road Express Mill Road Rugby	Change of use from A1 retail to a mixed use A1 retail and A5 hot food takeaway

**Applications
Approved**

<i>R12/0963 Approved 21.06.2012</i>	37 Alwyn Road Bilton	Single Storey Side and Rear Extension
<i>R12/0838 Approved 22.06.2012</i>	58 Spicer Place Bilton	Erection of a single storey front and side extension
<i>R12/0978 Approved 22.06.2012</i>	70 Church Road Ryton on Dunsmore	Demolish existing timber garage and erection of a single storey double garage.
<i>R11/2096 Approved 22.06.2012</i>	Former Newton Caterers (Rugby) LTD 12A Cambridge Street Rugby	Change of use from Class B2 (Catering Business) to 4 one bedroom apartments, including part demolition of the single storey wing and erection of a two storey wing, with associated works and parking spaces
<i>R12/0971 Approved</i>	20 Stanley Road Rugby	Erection of two storey side and front extension including a porch and a single storey rear

22.06.2012		extension (Amendment to a previously approved scheme under planning permission ref. no. R11/1366 granted 10th August 2011 for the erection of two storey side extension including a porch and a single storey rear extension).
R12/0954 Approved 22.06.2012	73 Bawnmore Road Rugby	Erection of a first floor side extension
R12/0976 Approved 22.06.2012	131 Townsend Lane Long Lawford	Erection of a single storey rear extension
R12/0975 Approved 25.06.2012	2A Livingstone Avenue Long Lawford	Loft conversion with dormer extension
R12/0950 Approved 25.06.2012	Princethorpe College Leamington Road Rugby	Siting of two temporary storage containers
R12/0704 Approved 26.06.2012	1 Cedar Avenue Ryton on Dunsmore	Conversion of part of the existing detached garage to ancillary living accommodation and associated alterations.
R12/0942 Approved 26.06.2012	281 Alwyn Road Bilton	Erection of a first floor side extension, and provision of a pitched roof over the existing ground floor front projection.
R12/0918 Approved 26.06.2012	Europark Watling Street Clifton Upon Dunsmore	Renewal of planning permission reference R09/0625/PLN (Erection of a two storey modular prefabricated office building with associated parking).
R12/1014 Approved 29.06.2012	180 Rugby Road Binley Woods Coventry	Erection of a conservatory to the rear of existing detached bungalow
R12/0877 Approved 02.07.2012	2 Cave Close Cawston	Erection of two-storey rear and side extension and alterations to property including windows and provision of roofs to front
R12/1034 Approved 03.07.2012	5 Coventry Road Wolvey	Erection of a rear conservatory.

<i>R12/0871 Approved 04.07.2012</i>	162 Lower Hillmorton Road Rugby	Erection of a two storey side and a single storey rear extension
<i>R12/0267 Approved 05.07.2012</i>	59 Heather Road Binley Woods	Erection of two storey side extension, single storey rear extension and new pitched roof
<i>R12/1028 Approved 05.07.2012</i>	Loudons Retreat Vicarage Lane Dunchurch	Erection of a two storey rear extension
<i>R12/1038 Approved 05.07.2012</i>	28 Paddocks Close Wolston	A single storey front extension by 2 metres to the front of the property.
<i>R12/0708 Approved 06.07.2012</i>	23 Regent Street Rugby	Continuation of use of existing premises for purposes within Classes A1 (retail), A3 (café) and A5 (hot food takeaway) of the Town and Country Planning (Use Classes) Order 1987.
<i>R12/0994 Approved 06.07.2012</i>	20 Morson Crescent Rugby	Erection of part two storey and single storey side extension and front porch and part two storey and single storey rear extension
<i>R12/0379 Approved 06.07.2012</i>	18 Lutterworth Road Rugby	Erection of two storey and single storey rear extensions and two storey side extension and front bay window
<i>R12/0109 Approved 06.07.2012</i>	1 Belmont Road Rugby	Erection of a part two storey, part first floor and a single storey side extension
<i>R12/1079 Approved 09.07.2012</i>	5 Lutterworth Road Brinklow	Erection of a single storey side extension to be used as a craft studio
<i>R12/1097 Approved 10.07.2012</i>	Oakleigh Main Street Bourton on Dunsmore	Erection of a single storey rear extension
<i>R12/0791 Approved 10.07.2012</i>	45 Plantagenet Drive Bilton	Erection of a new dwelling
<i>R12/1074 Approved 11.07.2012</i>	242 London Road Stretton on Dunsmore	Retrospective application for the erection of a new 3metre fence to the site boundary to replace existing fencing.

<i>R12/1081 Approved 11.07.2012</i>	25 High Street Ryton on Dunsmore	Erection of a single storey side extension
<i>R09/0387/PLN Approved 11.07.2012</i>	16-20 Lawford Road New Bilton	Erection of a 3 & 4 storey building comprising 9 (no.) 1 bed apartments and associated works
<i>R12/0867 Approved 11.07.2012</i>	37 Foxons Barn Road Brownsover	Erection of a 2m high boundary fence and relocation of the existing garden shed.
<i>R12/1106 Approved 11.07.2012</i>	9 St Marks Avenue Rugby	Erection of a single storey side extension to be used as an integral garage.

Listed Building Consents

<i>R11/1139 Listed Building Consent 29.06.2012</i>	The Old Halt The Green Dunchurch	Listed Building Consent application for replacement window and french doors
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Advertisement Consents

<i>R12/0802 Advertisement Consent 27.06.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Advertisement Consent for the installation of a Fascia Sign
<i>R12/0803 Advertisement Consent 27.06.2012</i>	The Former Merry Monk 132 Hollowell Way Brownsover	Installation of a Fascia, Vinyl and Projecting Signs
<i>R12/0956 Advertisement Consent 04.07.2012</i>	HSBC Bank PLC 15 Church Street Rugby	Display of 4 Advertisements
<i>R12/1026 Advertisement Consent 06.07.2012</i>	Scope 6 Church Street Rugby	Retention of 1 non-illuminated fascia sign and 1 non-illuminated projecting sign.

**Certificate of Lawful
Use or Development**

<i>R12/0911 Certificate of Lawful Use or Development 27.06.2012</i>	The Workshops Lodge Farm Bilton Lane Long Lawford	Certificate of Lawfulness for existing use of building known as the Workshops as a House in Multiple Occupation.
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**Agricultural
Determinations**

<i>R12/0974 Prior Approval 09.07.2012</i>	Brickhill Farm Birdingbury Road	Prior approval application for the erection of an agricultural storage building.
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<i>R12/1222 Prior Approval 11.07.2012</i>	Home Farm 3 Rugby Road Brinklow	Determination as to whether prior notification is required for erection of an agricultural storage building.
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**Approval of Details/
Materials**

<i>R11/0451 Approval of non- material changes 06.07.2012</i>	5 Coventry Road Rugby	Proposed two storey side extension, single storey attached garage and porch
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<i>R07/1337/MAJP Approval of Details 06.07.2012</i>	Plots 2 and 3 Zone C Central Park Castle Mound Way	Erection of two industrial / warehouse buildings with ancillary offices and gatehouses and use for purposes within Class B2 (General Industrial) and Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with the construction of vehicle accesses, parking and servicing areas, earthworks, landscaping and drainage works (submission of reserved matters pursuant to outline planning permission ref no. R95/0151/21330/OP dated 17th March 2000).
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<i>R10/1972 Approval of Details 10.07.2012</i>	Former Peugeot Works (Site B) Oxford Road Ryton on Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
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**Hazardous
Substances Consent**

R12/0471
Hazardous
Substances Consent
27.06.2012

H W Coates LTD
1-5 Roman Way
Glebe Farm Ind Est
Newbold

Hazardous Substance Consent for the Storage
of Hazardous Materials

**Withdrawn/
De-registered**

R12/0064
Withdrawn
15.06.2012

66 Rugby Road
Binley Woods

Outline planning permission for erection of a
detached two storey dwelling (to replace the
existing detached bungalow).

R12/0535
Withdrawn
02.07.2012

Hill House Farm
Birdingbury Road
Rugby

Siting of a mobile home for a period of three
years for use as a temporary rural worker's
dwelling (retrospectively).

R12/0098
Withdrawn
10.07.2012

17 Lawford Road
New Bilton

Change of use from Class D1 to Class C3
(residential) including the erection of a
boundary wall and gate.