

17th September 2012

PLANNING COMMITTEE - 26TH SEPTEMBER 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 26th September 2012 in the Council Chamber, Town Hall, Rugby.

Site visits

Site visits will be held at the following times and locations.

3.45pm Willow Bank Farm, Smeaton Lane, Stretton-under-Fosse
4.15pm Land off Ashlawn Road, Rugby (proposed crematorium site)

Andrew Gabbitas
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary 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 non-pecuniary 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 5th September 2012.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.

6. Delegated Decisions – 24th August – 13th September 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 – 8) are attached.

Membership of the Committee:-

Councillors Butlin (Chairman), Allen, Mrs Avis, G Francis, M Francis, Mrs New, Pacey-Day, Ms Robbins, Sandison, Srivastava, Helen 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 – 26TH SEPTEMBER 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	R12/1334	Willow Bank Farm, Smeaton Lane, Stretton under Fosse Conversion of the existing garage and room over to form a residential annexe, erection of a two storey rear extension, and associated alterations.	5
2	R12/0907	17 Lawford Road, Rugby Change of use from a church parish office (class D1 use) to a centre and emergency hostel for homeless and badly housed people (sui generis use).	10
3	R12/0972	Land at Gypsy Lane, Wolvey Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions (resubmission of previously withdrawn application ref: R12/0025 dated 28th March 2012).	20

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
4	R11/0330	Land south of Ashlawn Road, Rugby The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.	33

5	R12/0920	11 Bell Lane, Monks Kirby Erection of a detached single storey garage.	75
6	R12/1466	Ashlawn School, Ashlawn Road, Rugby Erection of a three storey extension to form a new performing arts centre and classroom facilities including the formation of a new multi use games area, the conversion of the existing tennis courts into a car park and the erection of welded mesh panel fencing with gates around the perimeter of the school.	80
7	R12/0753	21 Dunsmore Avenue, Rugby, CV22 5HD Erection of 6 dwellings (in lieu of part of previously approved development) with associated access, car parking and landscaping, amended parking arrangements for previously approved dwellings on plots 1-6.	91
8	R12/1162	Former BT Repeater Station, Daventry Road, Willoughby Change of use to dwelling & erection of single storey extension to rear.	102
9	R12/1418	Black Path, off Technology Drive, Rugby Erection of a steel-framed access ramp from the Black Path up to the Network Rail footbridge as part of the Rugby Viaduct Cycleway scheme.	109
10	R12/0066	Newton Bridge and Park, Newton Lane, Newton, Rugby. Remedial works to Newton Bridge and adjacent land comprising earthworks including excavation and re-deposition of materials and re-profiling of embankments together with realignment of footpath and alterations to pedestrian and vehicular accesses.	116
11	R12/1478	Boat Inn, Birdingbury Wharf, Rugby Road, Birdingbury New picket fence to front to enclose new garden area and close board fence to side.	124

12	R12/1426	19 Langton Road, Rugby Proposed two storey and single storey extensions to side and rear.	130
13	R12/0657	64 Overslade Lane, Rugby Erection of a two storey side extension, first floor rear extension, a single storey rear extension to link the existing garage to the main dwellinghouse and conversion and alteration to existing garage.	136

Reference number: R12/1334

Case Officer: Chris Davies 01788 533627

Site address: Willow Bank Farm, Smeaton Lane, Stretton under Fosse

Description: Conversion of the existing garage and room over to form a residential annexe, erection of a two storey rear extension, and associated alterations.

History:

R04/0479/11572/OP Erection of agricultural dwelling.
Approved 05/07/04

NB - This decision removed PD for extensions and placed an agricultural tie on the property.

R12/0439 Conversion of the existing garage and room
Approved 03/05/12
over to form a residential annexe, erection of a two storey rear extension, and associated alterations.

Proposal:

Following the granting of planning permission to convert the existing garage and room over to a granny annexe and extend the existing dwelling house, the applicant now seeks permission for a larger scale scheme that would see an increase in the level of extension to the main house.

Other Relevant Information:

This application has been called before the Planning Committee for consideration at the request of Councillor Gillias.

Willow Bank Farm comprises land located between Smeaton Lane in Stretton under Fosse (to the North) and Barr Lane in Brinklow (to the South). The site lies entirely within the West Midlands Green Belt.

Whilst there is a secondary access off Barr Lane, the primary access to the site for vehicles is via a right of access over land adjacent to Bungalow Farm. This property has a detached bungalow located adjacent to the highway (Smeaton Lane), and the access road leads past it, through farm land and a farmyard to the rear.

The existing farm house relating to Willow Bank Farm is located near the top of a hill that rises steeply behind Bungalow Farm, and it is set well away from other buildings. The closest structure is a poultry shed, used by the applicant as an egg production facility. This is some 130m to the North of the dwelling, further down the hill towards Bungalow Farm. The remaining land around the building comprises pastureland and paddocks, and appears to be used predominantly for the grazing of horses and exercising of chickens.

The house itself is of an oak frame and infill panel design, and is two storeys high. A former car port/garage that is linked to the main house by a single storey element has been converted to form an annexe in accordance with a previously approved scheme. To the rear is a single storey sunroom with a pitched tiled roof.

Although the loft space above the garage was used by the applicant as a farm office prior to the annexe conversion (served by an external staircase and door, the only means of access), there were no windows or rooflights, and as such it would not have been considered to be a habitable room. Part of the loft space was also formerly used as a store/dressing area serving one of the three bedrooms in the main house.

Parish Council/Ward Consultation Responses

Coombe Fields Parish - No objections.

Brinklow Parish - No comments received.

Ward - Ward Councillor called in the application (Councillor Gillias).

Ward Councillor supported the proposals – supporting rural business and as the house is in the Green Belt the extension would not be excessive (Councillor Timms).

Technical Consultation Responses:

WCC Ecology – Same as for previous application (breeding bird and bat notes required).

Planning Policy:

Parts 9 and 12 of the National Planning Policy Framework March 2012
Conflicts

Rugby Borough Core Strategy 2011

CS1: Development Strategy Conflicts

CS16: Sustainable Design Conflicts

Considerations:

The remote location of the property means that the proposed alterations and extension (as amended) would not directly impact on the amenities of neighbouring residents. It therefore complies by default with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

The concept of enlarging the property (to a limited extent) and converting/adapting the garage to form a granny annexe was established by the previous planning consent (see R12/0439 above).

The key considerations in determining this application are therefore the impact of further extending the property (beyond the level previously approved) on the openness of the Green Belt and the character and appearance of the locality.

The original design proposed for the previously approved scheme (R12/0439) was for a large two storey rear extension in addition to the alterations required to convert the garage. Whilst the garage element of the proposals was fairly unobtrusive, such an increase in volume of the main dwelling would have had as significant effect on the open character of the Green Belt of which the proposal site formed a part.

The *approved* scheme saw the garage element remaining largely unaltered from the original scheme, but with the extension element limited to a single storey rear extension.

This scheme would see further enlargement of the previously approved rear extension to create additional space within the main house. Whilst it also includes details of the annexe these reflect the previously approved scheme.

The proposed scheme would see a significant increase in volume at first floor level, enabling 3no. double bedrooms to be accommodated in addition to an existing double bedroom being set aside for the farm office (which until recently was housed in the loft space above the garage).

Whilst the front elevation of the main house remains unaffected (with changes being limited to the former garage from this viewpoint), the proposals would see a significant alteration to the rear elevation with associated increase in the depth of the building generating alterations in the right side elevation.

Although the rear elevation faces towards the rising hillside behind the house, the extent of the proposed scheme would still constitute a significant increase in the visual impact of the property, which is already a dominant feature within the locality due to its isolated and elevated location.

Part 9 of the National Planning Policy Framework March 2012 (NPPF) states that very special circumstances will not exist unless the potential harm to the Green Belt can be clearly outweighed by other considerations. This is supported by Policy CS1: Development Strategy of the Rugby Borough Core Strategy 2012.

The applicant has put forward a case for loss of office space and a reduction in bedroom size as very special circumstances, with the primary reason being the need to provide annexe accommodation to house an elderly relative.

Whilst it is acknowledged that the loft space over the garage and the storage area to one of the bedrooms have been “lost” to the approved annexe, it should be noted that the loft space needed to be enlarged in order to accommodate the annexe; prior to this work the loft space would not have been considered to be a habitable room due to the substandard internal height and the complete lack of natural light or ventilation when the door was closed. Whilst the applicant previously chose to use this space as a farm office, this does not change the fact that it was not intended for habitation. The “loss” of the loft space to the annexe is not therefore considered to

equate to the loss of a habitable room or justify the “need” to enlarge the main dwelling in order to accommodate its replacement.

The bedrooms used by the applicant’s children are compact, but (with the exception of a reduction in storage to one of the bedrooms, again to accommodate facilities in the annexe) remain as originally designed when the dwelling itself was proposed and approved. The design of the house (with a galleried landing resulting in an area of “waste” space around the stairs) is the primary reason for these small rooms, and yet the applicant clearly accepted this when seeking planning permission for the dwelling in the first place. Personal preference for larger bedroom accommodation for the children cannot in itself justify the inappropriate enlargement of a dwelling in the Green Belt.

The proposed extension would significantly increase the bulk and massing of the dwelling, increasing its visual impact on the opened of the Green Belt and thus causing harm.

The proposed scheme therefore conflicts with the principles set out in Part 9 paragraph 88 of the National Planning Policy Framework March 2012, and the elements of Policies CS1: Development Strategy and CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 which relate to appearance and design.

Recommendation:

Refuse due to conflict with Policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and Parts 9 and 12 of the NPPF.

DRAFT DECISION

APPLICATION NUMBER

R12/1334

DATE VALID

18/07/2012

ADDRESS OF DEVELOPMENT

Willowbank Farm
Smeaton Lane
Stretton under Fosse
Rugby
CV23 0PS

APPLICANT/AGENT

Mr Larry Milne
Willowbank Farm
Smeaton Lane
Stretton Under Fosse
Rugby
Warwickshire
CV23 0PS

APPLICATION DESCRIPTION

Conversion of the existing garage and room over to form a residential annexe, erection of a two storey rear extension, and associated alterations (resubmission of R12/0439).

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 the NPPF 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 buildings and for limited infill in specified villages.

It is considered that the proposed extension would significantly increase the impact of the dwelling on the openness of the Green Belt. Therefore the proposed extension 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 this extension 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 Part 9 of the National Planning Policy Framework March 2012.

REASON FOR REFUSAL 2:

The proposal would increase the visual impact of the dwelling to the detriment of the rural character of the locality. It therefore conflicts with policy CS16: Sustainable Development of the Rugby Borough Core Strategy 2011 and Part 12 of the National Planning Policy Framework March 2012.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Parts 9 and 12 of the National Planning Policy Framework March 2012

Policies CS1: Development Strategy and CS16: Sustainable Development of the Rugby Borough Core Strategy 2011

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

Reference number: R12/0907

Site address: 17 Lawford Road, Rugby

Description: Change of use from a church parish office (class D1 use) to a centre and emergency hostel for homeless and badly housed people (sui generis use)

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee at the request of Councillor Mistry and McNally and also due to the significant public interest in the application.

Site Description

The property number 17 Lawford Road is a large two storey property currently used as a Church Centre in relation to St Matthews church. The building is an attractive property built from red brick with blue brick detailing along within the elevations mainly upon the two chimney breasts. The property has bay windows to the front with a ground to first floor bay window to the side.

The property sits on the corner of Lawford Road and Vicarage Road with the main frontage on the Lawford Road. The rear of the property at present is a car park which is accessed from Vicarage Road. A small dwarf wall surrounds the side of the building with landscaping situated between the building and wall.

The street scene along Lawford Road is varied with a mixture of uses from residential, retail, commercial premises and a petrol station leading to a varied character. The street scene along Vicarage Road is more traditional with residential properties of a similar style and appearance. To the rear of the property along Vicarage Road is a small garage which is positioned along the rear boundary between the property and the neighbouring building

Proposal Description

The proposal is for the change of use of a building last used as a church centre to form a centre and emergency hostel for homeless and badly housed people.

The centre will be run by the charity Hope 4 (Rugby) Ltd and will be used to provide food for those in need, to act as a centre for referred guests and also to provide emergency overnight accommodation for those in desperate need. The charity has a base within the town centre, but is only a first floor accommodation above a restaurant. The centre has now been active for two years however, the need has come to expand into larger premises as the charitable work develops.

The applicants have supplied estimated numbers of people who will be attending the centre. They have indicated the new centre will be similar to those in the current Hope Centre on Church Street of up to 15 guests a day at any one time plus a support worker and two or three volunteers. The attendance figures for the Hope 4U food ministry are also likely to be similar to those who currently gather in St Andrews Church three evenings a week which will be between 20 and 30 people each evening they are open. The timings and usage has been also been clarified by the charity. The main service they plan to offer will be those of a daytime referral centre open from 11am to 2pm during the week from 9am to 11am on Saturday and from 1pm to 4pm on Sunday. The food ministry will be occurring on three weekday evenings from

6pm to 7pm Monday, Wednesday and Friday. Other uses of the centre would be for administrative and storage purposes and for occasional REVIVE meetings. The Rugby Food Bank will continue to operate from other premises in the town and not the new Hope Centre.

Originally there were no plans to alter the external appearance of the building however in order to try and provide an area to which people can wait, a single storey extension has been proposed to the rear of the building. The extension will project out 4.7 metres and will be attached to the existing single storey projection which forms the outbuildings. The extension will have a flat roof with a false pitch added which will be extended to the rear to create an over hang which will form the smoking shelter. The internal layout of the building will not alter with the rooms being utilised for different uses of the centre which includes three bedrooms for the emergency hostel.

The parking area to the rear would be utilised by trustees, staff and volunteers. There will be approximately 6 spaces available to the rear of the premises which are accessed from Vicarage Road however it appears that some of the car parking spaces have become compromised by that of the new extension. Another addition to the original submission is that of a wall and railings around the site and also the addition of CCTV to the building to try and improve security of the site.

Relevant Planning History

R76/1781/2791/PB – Use as a hotel, erection of ground floor interconnecting passage and provision of car parking accommodation – Approved 4/05/77 (Nos 21, 19 and 17 Lawford Road)

R85/1035/2791/P – Erection of rear lobby entrance and provision of bathroom at ground and first floor level – Approved 29/11/85

R89/0727/2791/P – Use of existing hotel to provide 3 separate dwellings – Approved 20/09/89 (No's 21, 19 and 17 Lawford Road)

R07/1999/PLN - Change of use of building to use as a recovery home – Refused Permission 03/01/08 (4 Vicarage Road)

R12/0098 - Change of use from Class D1 to Class C3 (residential) including the erection of a boundary wall and gate - Withdrawn

Technical Consultation Responses

Environmental Services – No objections

WCC Highway Officer – No objections (after receiving amended plans)

Police Architectural Liaison Officer – No objections (after receiving amended plans)

Fire Service – No objections

Third Party Responses

Neighbours (50) – Objection

- No support services to deal with problems e.g. CCTV, police patrols, town rangers; There are parking problems in the area already and intensification of the building will only increase this problem.
- Fear for our safety and safety of other vulnerable residents due to the loitering and congregation of unknown people outside the centre.
- Noisy environment created to the rear garden and any designated smoking area close to the boundary with residential property would affect the amenity of neighbours.
- Fear of crime, the kind of people using the centre may go to all measures to obtain drink, cigarettes etc.
- When people are turned away due to bad behaviour what will they do or who would they take it out on?
- Think this location is not suitable and is ill considered by the charity.
- There are many out of school activities that happen close by in Vicarage Road such as Scouts, Brownies, Dance Classes and Toddler Groups, this use would not be suitable in this area.
- Policing in the area is already thin due to increase crime.
- Disappointed the charity did not consult with the local residents prior to the application.
- The centre will be open 24/7 giving no rest bite to the local residents.
- There is likely to be an expansion of the services, when this occurs the problems will only increase.
- Proven risk assessment shows that people using hostels are aggressive and have other issues relating to drugs and alcohol.
- The current facility in the town centre does not allow clients to use the toilets for obvious reasons, where will they go in our gardens?
- Concerned about people begging outside of the corner shop and off license.
- Soup kitchen operates on first come first served basis, large numbers of people will hang around to get first in line; Hill Street Community Centre is available, whilst it may need adapting it is a much better location within the town centre and close to the police station.
- Aware this is an urban neighbourhood however adding unknown quantities of homeless individuals to the neighbourhood would be too much.
- Full costs of the proposal should be quantified before an approval is considered. Whether costs would relate directly to the centre/hostel or indirectly to minimising impact on neighbours, CCTV, increased policing patrols etc.
- Understand the good work that the charity Hope 4 does in Rugby and it has respect of the community however believe it should not be located in a residential area.
- There is a gun shop and off license close by, is this right use to locate close to these uses?
- Council were minded to refuse an application for a rehab clinic at number 4 Vicarage Road for a reason relating to the welfare of residents, this would be a similar application; Information on the website states that reports show 89 guests were referred to the centre with 3654 visits made, feel that the centre is not equipped for the numbers visiting the site and its not the right area.
- Times of opening will conflict with the times that dance classes run.
- There are no benches or seating for people like in the town centre so they will start to use garden walls etc to wait.
- The centre will be in close proximity of schools and nurseries shown by the location of the lollipop man outside 17 Lawford Road, the introduction of many strangers will make area unsafe for children.

- The application proposes a previously untested combination of services currently offered.
- A food bank will further intensify the use especially in terms of traffics and the transportation of the goods
- The centre would affect businesses, employment and regeneration prospects of the area
- The charity does not have experience of running a hostel.
- National planning policy states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion
- Why are there five bedrooms shown for an emergency shelter?
- The hostel windows would overlook into the garden impacting on the privacy
- The new centre would impact on house prices in the area.
- The area is already disadvantaged and was part of the recent “renewal programme” undertaken by the Council. The introduction of this would undo all the good work already done in the area.
- Article 8, the right to respect for private and family life, needs to be taken into consideration.
- Over intensification of services in one building especially in a residential area.

Councillors Mistry and McNally - Objection

- Adverse effect on the residential amenity of neighbours by reason of loss of privacy, disturbance, possible noise because of unacceptable high use of the premise.
- Effect of the change of use on the character of the neighbourhood.
- Uncertainty over balance of use between storage and precise amount of over night emergency accommodation.

Neighbours (7) plus small petition of 9 signatures after submission of additional information and amended plans – Further objection

- The introduction of railings and CCTV appears to be an admission by the applicants that they expect some level of disruption to the lives of residents in Lawford Road and Vicarage Road from its client base
- Clearly, Hope 4 is more than aware that its proposed use of 17 Lawford Road would have a detrimental impact on the overall amenity of a quiet, residential area.
- Hope 4’s own figures from website provides great concern about the increased risk of anti social behaviour of what could be 50 plus homeless and badly housed people waiting for hostel to open.
- The website also confirms that some of these people are alcoholics or drug users who would not be compatible with the residential area. These would be the people who are badly behaved and get turned away
- Surely the waiting room will only encourage more people to turn up earlier and hang around outside.
- The proposals will have great impact on the residents at 19 and 21 Lawford Road and 1, 2 and 4 Vicarage Road due to increased disturbance, noise and cigarette smoke wafting into the gardens.
- Parking has been a constant issue along Vicarage Road. The parking spaces proposed is still not enough for this use.

- This area has never see a use that required such attention before, and that is deemed necessary to have high railings and CCTV to contain a use.
- It remains a concern that this new use appears so likely to bring problems where they do not exist.
- The addition of the waiting area reduces the usable parking spaces on site therefore on street parking by people working at the centre will occur.
- The addition of the waiting area will not solve the problem of people loitering around as they will do so before the waiting room opens.
- The site location is being portrayed as a semi commercial area however this is not the case as it is at present a peaceful and quiet environment and new use would affect the amenity spaces that we enjoy
- The applicants fail to offer any justification for the suitability of the location of no.17 for the proposed use.
- The applicant's are anxious to point out that not all their visitors have serious issues. However they also state that a significant percentage does have a serious drug or alcohol dependency.
- The applicant's policies are that their staff should not disclose personal information to visitors, no surnames and certainly not addresses. Why should this use be considered acceptable which brings an as yet unknown number of people with serious issues practically to my front door?
- The town centre is equipped to deal with these issues, and help is immediately on hand when they arise.
- Thirty or more clients congregating at and around the property will inevitably lead to noise being generated inside and outside.
- The need for Town Rangers and greater Police presence in our small, residential community is inappropriate.
- This is an ill considered and opportunist application. It appears to be based on a misunderstanding of the basic facts relating to the property and the applicants have not either understood or addressed residents concerns.
- After assessing the numbers involved it shows that there would be a minimum of 5 to 6 cars a day when open coming back and forth in an area close to our house and garden.
- It had been observed at the existing Hope 4 Centre that two people were turned away and went into the adjoining cemetery and proceeded to have alcoholic drinks upon a grave. The charity did not seem concerned with this when questioned. If this is within a residential area where would they do this?
- Statistics widely available to the public inform us that homeless persons are a difficult client group with many issues ranging from alcohol or substance abuse, mental illness or other special needs. It is short-sighted and unhelpful for Hope 4 to deny any such difficulties and the impact that bringing these people into a community will have upon that community. Their denial is somewhat undermined by their own risk assessment, inclusion policy and volunteer handbook.
- Hope 4 gives conflicting information on the subject of expansion which is worrying.
- People who volunteers for Hope 4 have said that they feel threatened by some of the clients who attend the charity.
- The hidden intentions to use the premises for unquantified REVIVE activities and meeting on top of the stated hours of use for soup kitchen etc will compound the loss of amenity.

Relevant Planning Policies and Guidance

Core Strategy 2011

CS1 – Development Strategy
CS13 – Local Services and Community Services
CS16 – Sustainable Design

Guidance

Rugby Borough Council, Local Development Framework Planning Obligations SPD 2012

National Planning Policy Framework

Assessment of Proposals

The determining issues to take into account in this case would be whether the principle of the change of use is acceptable in this location, whether the proposed extension and boundary treatment would have an impact on the character and appearance of the building and the impact that the proposed use will have upon the neighbouring amenities and highway safety.

Principle of Use

Policy CS1 of the Core Strategy looks to direct development towards the town centre and urban areas to try and achieve a more sustainable form of development. Locating development into the town centre is given 1st priority within the hierarchy. The new Hope Centre will be located just outside of the town centre within the urban area however as this use will be a sui generis use and would not be classed as a town centre use no sequential test would be required to demonstrate that there are no other suitable locations within the town centre therefore would comply with policy CS1 of the Core Strategy. Policy CS13 states that the existing local services and community facilities should be retained unless it can be demonstrated that there is no realistic prospect of the existing use continuing for commercial and/or operational reasons, the site has been actively marketed for a similar or alternative type of service or facility that would benefit the local community; and the existing service or facility can be provided in an alternative manner or on a different site in the local area. The existing church centre is not classed as either a community use or office use as the property is owned by the church and no member of the public visits the centre for a community use therefore would comply with policy CS13 of the Core Strategy 2011.

Character and Appearance

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The National Planning Policy Framework states in paragraph 17 that planning should always seek high quality design. The main alteration to the building is the addition of the rear extension to form the waiting area and the other noticeable change is that of the wall and railings. The proposed extension to the rear of building will be clearly visible from the public domain due to the open aspect of the rear of the property and due to the positioning of the rear car park. The extension projects out and is attached to the outbuilding of the existing which has hipped roof leading to gable end which lies

along the boundary with number 19 Lawford Road. The outbuilding is linked by a small lobby with a shallow pitched roof. The proposed flat roof with false pitched roof of the extension would not be in keeping with the original design and appearance of the property and would clearly appear from the street scene to be a poorly designed addition resulting in a material harm to the qualities and character of the building and area contrary to CS16 of the Core Strategy 2011. The wall and railings which are being introduced to replace the small walls surrounding the car park would improve the appearance of the site. The amount of wall and railings around the site would be minimal to still allow cars to enter and exit the car park to the rear therefore would not dominate the street scene.

Amenity

Policy CS16 also refers to amenity and states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The National Planning Policy Framework also states in paragraph 17 that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. The existing church centre is currently vacant however when the church centre was active the building was used for administrative purposes of the church with the vicars office, associate vicars office and meeting room located within the building on the first floor along with associated living accommodation spread over the ground floor and second floor. The activity generated around this use would have been relatively low and would not have conflicted with neighbouring residents. The new proposed use of the Hope Centre would significantly alter the activity in and around the premises due to the numbers that would be attracted to the centre. The times and days to which the charity have specified the centre is open for the varying uses would confine the use of the building helping to scale back its impact. However the building is located in close proximity to residential properties (most notably next door) which would due to the number of people visiting the premises albeit at allocated times during the day and evening would result in a detrimental impact upon the residential amenities with regards to noise and general disturbance especially in the evenings between 6pm and 7pm when people are more likely to be home.

The existing Hope centre in the town centre at present works very well due to its location within the town centre where residential dwellings/apartments are not located close by and there are facilities and services within the centre to which the clients of the charity can use e.g. benches, public toilets etc. There are also services to which help cater and manage the clients of the charity such as the church centres, Town Rangers and Police. Although the premises at 17 Lawford Road is located just outside of the town centre and in an area that appears to be a mixed use area the underlying majority use in the area is residential. The building number 17 Lawford Road and its curtilage is adjoined on two sides by residential dwellings with another located opposite across Vicarage Road. The main access to the building in terms of waiting room and car park will be off Vicarage Road therefore the activity in and around the residential properties both by car and foot would be heightened conflicting the residential character of the area to the detriment of the neighbouring amenities.

The addition of a waiting room would to an extent reduce the number of people that congregate around the property before it opens however this would not completely eradicate the situation with some people opting to wait outside to either smoke etc or people arriving early in anticipation of it opening. As the property is within close proximity of residential properties the inevitable congregation of people outside both before and during the use would lead to general disturbance and noise within the area to the detriment of the neighbouring amenities that are currently enjoyed. The proposed use would therefore due to the intensification of activity in and around the

site result in a detrimental impact on the neighbouring amenities contrary to policy CS16 of the Core Strategy 2011.

An application for a recovery home for drug abusers which was made at the property 4 Vicarage Road two properties away from 17 Lawford Road was also refused in 2008 and a reason given was the detrimental impact on the amenity of neighbouring residents. The Hope Centre arguably would have a higher activity rate than that of the recovery home with more people visiting the site and whilst each application is considered on its individual merits the reasoning would be consistent with previous decisions made of this kind of use within a residential area.

The overlooking aspect from the property to the neighbouring gardens was highlighted by a neighbouring resident as a concern as they felt it would invade their privacy. The rooms to the rear elevation would not alter in their use with offices located at first floor and bedrooms on the second floor so therefore the situation would not alter in terms of overlooking.

Within the National Planning Policy Framework there is guidance upon promoting healthy communities. Paragraph 69 of the framework states that planning policies and decisions, in turn should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The amount of public objection to the use already highlights the general air of discontent in the area regarding this use. The main reasons given were that of the use within close vicinity to their homes and the fear of crime. The existing centre as already highlighted is located within the town centre where there isn't any residential properties close by so therefore there no comparison or any indication can be given to the potential impact this use would have upon the amenities of residents. Neighbours have observed the existing centre and witnessed anti social behaviour by clients of the centre in and around the site. Whilst this leads to some concern by the Council it can not use one example and cast a net over all other clients that use the centre as there is not substantive evidence to prove otherwise.

The use and activities are an unknown entity in a location such as this and there is no evidence to prove that these uses lead to an increase crime rate within the areas that they are located. When assessing case law, it came apparent that the applications which have been refused on fear of crime and increased crime have been instances where factual police evidence has been used regarding the use to back the reason for a refusal reason. As a local authority, under our obligations from Section 17 of the Crime and Disorder Act 1998, the impact on crime and disorder of all decisions made should be considered, and therefore whilst this planning application can not be wholly supported on the basis that it is likely to increase community tensions there is not substantive evidence to warrant a refusal upon the grounds of increased crime.

Parking

As this use is Sui generis the parking standards for the centre are not indicated within the planning obligations SPD. Where the standards are not highlighted each case has to be considered on its own merits. The parking indicated for the proposed use shows 6 spaces available, which does not alter the number of spaces provided for the original use. However the addition of the rear extension to the building over develops the rear courtyard area compromising 3 of the parking spaces towards the rear of the car park and making them unusable. Taking into consideration the number of staff and volunteers who would be attending the centre the number of people using

the car park is likely to increase above that of the previous use therefore as there is a reduction in the number of spaces provided it would inevitably lead to on street parking.

The neighbouring residents have already highlighted that Vicarage Road has got its problems with parking and that the centre if opened would create more problems. The Warwickshire County Council Highways department have indicated the road is within an area of very high historic parking demand and that the Local Planning Authority should therefore consider the level of parking provision set against its published parking standards. Although the services the centre are providing have allocated times which may avoid the rush hours in the morning and evening, the staff and volunteers would arrive before and stay after the services have been provided and there are also other uses that have to be considered consisting of other occasional REVIVE meetings. Taking this into account is the Councils opinion that there is not sufficient usable off street parking spaces provided to support the new centre which, would therefore lead to further on street parking which would exacerbate existing parking problems on Vicarage Road to the detriment of highway safety and neighbouring amenity contrary to policy CS16 of the Core Strategy and the parking standards set out within the Rugby Borough Council Planning Obligations SPD.

Recommendation

Refuse Permission

DRAFT DECISION

APPLICATION NUMBER

R12/0907

DATE VALID

09/05/2012

ADDRESS OF DEVELOPMENT

17 LAWFORD ROAD
NEW BILTON
RUGBY
CV21 2EB

APPLICANT/AGENT

Mrs Lilian Francis
Maplewood
6a Essen Lane
Kilsby
Rugby
Warwickshire
CV23 8XO
On behalf of , Hope 4 (Rugby) Limited

APPLICATION DESCRIPTION

Change of use from a church parish office (class D1 use) to a centre and emergency hostel for homeless and badly housed people (sui generis use) including a single storey rear extension and proposed new wall and railings.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL: 1

The proposed change of use would result in an intensification of activity in and around the property and due to close proximity and relationship of the proposal with adjacent properties (notably Nos19 and 21 Lawford Road and also 2 Vicarage Road)

is such that by reason of noise and general disturbance it would be detrimental to the amenities that the occupiers of those properties could reasonably expect to continue to enjoy. The proposal is therefore contrary to Policy CS16 of the Rugby Borough Core Strategy and the guidance within paragraph 17 of the National Planning Policy Framework which seeks to ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

REASON FOR REFUSAL: 2

The proposed single storey rear extension by virtue of its poor design and appearance would result in a detrimental impact upon the character and appearance of the building and also surrounding area therefore contrary to policy CS16 of the Rugby Borough Core Strategy 2011 and guidance set out in paragraph 17 of the National Planning Policy Framework which seeks high quality design and proposals that of a scale, design and scale that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

REASON FOR REFUSAL: 3

The proposed rear extension would lead to an over development of the rear parking court compromising three parking spaces rendering them unusable which would result in the parking of cars upon the highway which would exacerbate the existing parking problems within Vicarage Road to the detriment of highway safety and amenity therefore contrary to policy CS16 of the Rugby Borough Core Strategy 2011 and also the guidance contained in the Rugby Borough Planning Obligations SPD

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS13 and CS16 of the Rugby Borough Core Strategy 2011, Saved policy T5 of Rugby Borough Local Plan 2006 and the guidance contained in the National Planning Policy Framework.

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: R12/0972

Site address: Land at Gypsy Lane, Wolvey

Description: Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions (resubmission of previously withdrawn application ref: R12/0025 dated 28th March 2012)

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Proposal

The application seeks the change of use of land from an existing pasture/paddock to the siting of two mobile homes, and one day room together with the formation of a hardstanding area, and parking provisions. Both the mobile homes proposed will be static measuring 32m². The proposed day room measure approximately 66m³. The application also seeks the formation of a gravelled area of hard-standing together with parking provisions for four vehicles.

The application is a resubmission of previously withdrawn planning application R12/0025

In terms of supporting information the applicant's agent has produced a statement that makes the following points:

- The application will provide accommodation for Sam Gorman who is currently of no fixed adobe
- Mr Gorman is separated from his wife and have an agreement that their children will live with him permanently
- Mr Gorman has 2 children aged 3 & 4 years. The eldest is enrolled in Wolvey pre-school and due to start in September
- The application will provide accommodation for Mr Gormans sister Esmeralda Gorman who is of no fixed abode
- The application will provide accommodation for Mr Gormans brother Jerry Gorman who currently resides at Aston Firs with his mother but it due to be married soon. When married he will not be permitted to live at Aston Firs with his new wife and there is a waiting list of 16 families so would be unlikely to be able to reside at Aston Firs
- The special circumstances that the applicant considers are relevant is that to above mentioned people are or will be soon homeless
- With the application supporting information has been received with include:
 - Three emails from different estate agencies, based in Rugby, Nuneaton and Hinckley confirming that they do not currently have land for sale suitable for gypsy and traveller accommodation, with the exception of one site in Ryton-on-Dunsmore which is for sale in the Green Belt and currently has authorised use for agriculture
 - An email from Emma Rolfe dated 18th April 2012 (Rugby Borough Council, Estate Management Team Leader) confirming that there are no pitches available for rent at Woodside Park, Ryton-on-Dunsmore at the time the email was written

- Letters have also been submitted by the applicant's agent from Baldy District Council, Aston Firs Site Manger, North-west Leicestershire and Hinckley and Bosworth Borough Council confirming that there are no available pitches within their area
- Written letters have been submitted from Leicestershire County Council Multi Agency Travellers Unit confirming that the personal circumstances of the applicant are correct.
- Written confirmation from Wolvey School that the eldest child is due to enrol in the pre-school in September
- Written confirmation from Burbage Surgery that the above mentioned people are registered at the surgery
- Within the Design and Access Statement the applicants states that;
 - the appearance of mobile homes would not affect surrounding properties as the site screen with established planting.
 - access is considered acceptable
 - the proposed use complies with current policies within the NPPF and PPS for traveller site in that i) it has good, safe convenient access to the road network, ii) the site is conveniently located for schools and community facilities iii) the site does not visually encroach into the open countryside, iii) the use would not detract from convenient, safe and enjoyable use of public right of way, v) the site has substantial screening, vi) the requirements of the appropriate design policies are met, vii) hard standing will be provided and the site will have the basic facilities, viii) the site is situated so that it neither affects the visual amenity or character of the area or nearby residents nor is it affected by any environmental hazards which may affect the residents' health or welfare.

Description of Site

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

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

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

Relevant Planning and Enforcement History

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

purpose other than pasture/paddock without first obtaining permission from the Local Planning Authority.

Relevant policies and guidance

Regional Spatial Strategy

Policy CF5 Delivering affordable housing and mixed use communities
Policy QE1 Conserving and Enhancing the Environment
Policy QE6 The conservation, enhancement and restoration of the Region's landscape

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

Rugby Borough Council LDF Core Strategy 2011

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

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

Third party comments

- Neighbours (30 Objections) - Inappropriate development within the Green Belt
- Harms the fundamental aim of the Green Belt which is to prevent urban sprawl by keeping land permanently open.
 - Not in keeping with the locality
 - Traffic issues
 - Set a precedent
 - Built structures do not appear temporary
 - Not in keeping with the character of the area
 - If planning permission is granted it should be for 3 year
- Wolvey Parish Council - inappropriate development within the Green Belt
- The fact that the site is in the Green Belt is the final option to be
 - considered in line with policy CS22
 - The Parish Council can not find any evidence to show that any sites with a) Urban Area; b) Main Rural Settlement; c) the Countryside have been explored prior to this application in the Green Belt. Therefore the PC does not consider that any special circumstances should be applied to this application.

- Over-concentration of similar sites in the area within a few miles of Wolvey
- Set a precedent in this area
- The site has history of activity without planning permission
- Not within the settlement boundary of Wolvey
- If RBC consider approving this application the PC request a temporary period of 3 years, this should include conditions relating to drainage and visual screening.

Technical consultation responses

WCC Highways	No objection subject to conditions relating to access arrangements, surface treatment of access, details submitted relating to car parking and manoeuvring area.
RBC Environmental Services	No objection subject to conditions restricting the number and mix of caravans/mobile home, conditions preventing any sub division of defined plots, no commercial activity, limiting the size of vehicles parked, stationed or stored on the land.
Severn Trent Water	no comments
WCC Ecology	No objections subject to informatives
RBC Development Strategy	The applicant has not sufficiently met the provision of CS22 or the PPTS and therefore cannot justify residing on the site in question. The significant impact on the Green Belt that this site clearly has can only be outweighed, on a temporary basis, by a clear identified and evidenced need to be in this location which despite the submission of additional information the applicant cannot.

Assessment of proposal

Main issues

The key issues to assess in relation to this application are as follows:

- Policy Background
- The harm to the Green Belt that would result from the granting of a planning consent for the permanent use of the site as 10 pitches for gypsy families.
- The future timescale for the production of the Gypsy & Travellers Site Allocation DPD (Development Plan Document), which will seek to identify and allocate suitable sites in the Borough for additional Gypsy and Travellers pitches.
- Any other matters

Gypsy Status

It is accepted that the appellants and the occupiers are gypsies and travellers in terms of planning policy and falls within the definition of gypsies and travellers in Annex 1 to the PPTS. Leicestershire County Council Gypsy Liaison Officers confirm this.

Policy Background

The 'dominant' policy for the consideration of the merits of this application as contained within the Core Strategy is Policy CS22.

The first part of this policy states that 'the Council will allocate land to accommodate the following requirements for Gypsies and Traveller' 48 residential pitches and 5 transit pitches within the time frame of 2007-2012. These figure are informed by the 2008 Gypsy and Traveller Accommodation Assessment (GTAA). Within this time frame the Council has granted permission for a total of 19 pitches leaving a shortfall of 29 pitches.

The allocation of pitches pursuant to the provision of Policy CS22 is to be informed by updating the GTAA on a regular basis and as such the pitch allocation requirements will be updated through the 'GTAA process'. Presently the LPA is undertaking a local needs assessment. A 'call for sites' commenced in June 2012 as part of the preparation of the Gypsy and Traveller Site Allocation DPD.

Policy CS22 acknowledges that 'the outcome of the future GTAAs (or local assessments) will assist the Council, if necessary, in identification and allocation of land for sites for pitches in the Gypsy and Traveller Site Allocations DPD, and in the determination of applicable planning applications.

The Borough Council's Cabinet approved the Local Development Scheme on 18th April 2011, which sets out the timetable for the future preparation of Development Plan Documents.

The future timetable for the preparation of the Gypsy & Travellers Site Allocations DPD was reviewed following on from the Local Development Framework (LDF) Core Strategy Examination which ended in mid January. It is now expected that the Borough Council will progress this DPD along the following timetable:

- Needs Survey – Autumn 2011
- Call for Suitable Sites for inclusion in the DPD – Spring/Summer 2012
- Consultation – Nov 2012 to Jan 2013
- Submission of DPD to Secretary of State – Sept 2013
- Examination – Jan 2014
- DPD Adoption – May 2014

Policy CS22 adopts a sequential approach to site location 'having regard to need, and the site suitability, availability and viability in the following order of preference. A site situated within Green Belt as is the case of this application site is the least preferable. This sequential approach for Gypsy and Traveller sites is consistent with the spatial strategy of the NPPF. This is a criteria based policy that states that permanent sites will be permitted provided that the following criteria are clearly satisfied:

- The site will be assessed on a sequential approach to its location having regard to need (as identified in the GTAA or local assessment), and the sites suitability, availability and vitality, in the following order of preference:
- The site is within an urban area; before
- The site is within a Main Rural Settlement; before
- The site is within the Countryside;
- The site is within the Green Belt.

The policy requires evidence to be submitted with any planning application to demonstrate compliance with the requirements of the sequential approach.

A site situated within Green Belt as is the case of this application site is the least preferable. This approach is consistent with the Development Strategy as contained within CS1. Policy CS22 requires 'evidence to be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach'.

Issues relating to the sequential approach to development locations and in particular the impact on the Green Belt is covered in section 2 below.

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

2. Green Belt.

Around two-thirds of the administrative area of Rugby Borough lies within the Green Belt. The application site itself is located within the Green Belt. Within the Framework, the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. Policy E of the Planning Policy for Traveller Sites states that traveller sites in the Green Belt are inappropriate development. The Applicant's Agent does not address Green Belt policy and the actual harm to the Green Belt in his Design and Access Statement.

In the context of its lawful use for agriculture, the actual harm to the Green Belt is substantial. Apart from the stable block, and the close boarded fencing, the appeal site is relatively undeveloped. The form of development proposed is incongruous to the character of the Green Belt. The 2 mobile homes proposed would introduce static structures which would materially reduce openness. The presence of vehicles and domestic paraphernalia further reduces openness. Any level of development

reduces the openness of the Green Belt to some extent and the appellants does not address the actual harm to the Green Belt in any of the submitted documents.

One of the five purposes served by the Green Belt is to assist in safeguarding the countryside from encroachment. By reason of the development proposed, the scheme would encroach into the countryside. The development does not contribute to any of the objectives for the use of land in Green Belt.

Underlying objectives for the use of land in the Green Belt include:-

- To provide opportunities for access to the open countryside for the urban population
- To retain attractive landscapes, and enhance landscapes, near to where people live

This form of development, would detract from the 'positive' roles for the use of land in the Green Belt.

Local and national planning policies places a very high planning hurdle to overcome when inappropriate development in the Green Belt is proposed.

The Core Strategy places the Green Belt as the least preferred location for new development, including the provision of gypsy sites. Policy CS22 places a specific requirement on the applicant to demonstrate compliance with the sequential approach to the selection for Gypsy and Travellers sites. No substantial evidence has been submitted to demonstrate that a site search and assessment has been carried out, to meet the requirements of Policy CS22, before submitting the latest planning application. Therefore, the proposal as submitted does not comply with Core Strategy Policy CS22.

The Framework provides that inappropriate development should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As an inappropriate form of development in the Green Belt, the onus falls on the appellant to demonstrate that there are 'very special circumstances' why planning permission should be granted that is harmful to the Green Belt.

Limited information has been submitted with this application relating to the personal circumstances of the applicant and his extended family. The family are registered at the local surgery and have been for some time, but have not provided information of existing special health needs that are being met and need to continue to be met by the GP.

The 'material consideration' advanced by the applicants are:

- The applicants are or soon to be homeless
- The applicants daughter is enrolled at Wolvey pre-school.

The applicants advance that they are homeless or soon to be homeless and yet there does not appear to be any serious efforts by the applicants to find a more suitable site or put themselves on waiting lists for accommodation on Council owned sites within and outside of the borough. Mr Jerry Gorman must have know for sometime that his is to be married and would no longer be able to stay at Aston Firs, and yet no

serious efforts have been undertaken to find a more suitable site. Therefore, it is not considered that this constitutes sufficient justification to be located in the Green Belt, particularly when the applicant has failed to provide any information about their previous location and how long have they been 'homeless'.

The oldest child is enrolled at Wolvey school and due to start in September 2012. Wolvey Primary Pre-School have confirmed that this child has en-rolled and attended the first day of pre-school. The applicants do not live within the immediate area and as such the daughter currently travels to and from Hinckley to attend school. The appellant's agent acknowledges that the applicants Mother who resides at Aston Firs, Hinckley will be taking and collecting the child to/from School. There is no established schooling need to be living in the locality and should planning permission be refused there is no reason why this schooling could not continue, and as such the need for this site for the education needs of the applicant's daughter carries limited weight. Within the Design and Access statement it states that Mr Gorman and his wife have a legal agreement that their children will live with him permanently. However, in a letter from Mr M Bagley (Unit Coordinator Muti Agency Travellers Unit Leicestershire County Council) submitted by the applicants dated 9th August 2012 in support of their application, Mr Bagley states that 'The site will not accommodate his wife but will provide a safe and secure environment for his two children whom he has regular access'. There appears to be two contradictory statements creating an element of uncertainty as to whether the site will provide permanent accommodation for the children.

It is considered that the 'material considerations' advanced by the applicants either taken individually or collectively do not amount to very special circumstances to outweigh the harm by way of inappropriateness and any other harm. It is therefore considered that the proposed development fails to comply with Core Strategy Policy CS22 and national planning guidance on Green Belts as set out with the Framework.

3. The general need for, and provisions of traveller site in the Borough

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

It has been accepted by various appeal Inspectors that there is an unmet need within the Borough for Gypsy and Traveller pitches. The Council accept that there is a general need and that the level of provision identified has not been met. However, the Borough Council has an adopted Core Strategy which sets out within policy CS22 the provisions for sites that is to be met – subject to updated assessment of needs. A timetable has been set out for the preparation of a Site Allocations Document, which commenced in June of this year. The Council is also undertaking a local assessment that will assist the Council in the identification and allocation of sites for Gypsy and Traveller pitches.

The PPTS Policy H paragraph 25 states that if Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Paragraph 28 states that paragraph 25 only applies to applications for temporary planning permission for traveller sites made 12 month after this policy come into force. Whilst

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

4. Availability of alternative sites for the applicant

The applicants have approached three estate agents one in Rugby, one in Nuneaton and one in Hinckley, to enquire about land for sale suitable up to 3 acres suitable for gypsy and travellers. These response from these estate agencies are that there are no suitable accommodation. However, it does appear from the email correspondence that they have only explored locations within Rugby Borough and presumably would only consider locations near to current application site, which would all be within the Green Belt and consequently would also be contrary policy. It is considered that the applicant has not fully explored non Green Belt locations through this means.

The applicant has approached Rugby Borough Council to identify is pitches are available at Woodside Park and an emailed response from Emma Rolfe (Rugby Borough Council, Estate Management Team Leader) confirming that there are no pitches available for rent at Woodside Park, Ryton-on-Dunsmore at the time the email was writing. However, it is noted as stated within the applicants Design and Access Statement that Mr Gorman is not willing to live on Woodside Park.

Letters have also been submitted by the applicant's agent from Baldy District Council, Aston Firs Site Manger, North-west Leicestershire and Hinckley and Bosworth Borough Council confirming that there are no available pitches within their area.

The Council has on the 19th July written to the applicant's agent to draw to their attention to the fact that the Council own a large portion of land at Woodside Park which has valid planning permission for a specific style of development, however as yet this area remain undeveloped. The land could be developed with a different layout, to suit potential residents. The area of land is approximately 160m x 23m. The majority of the site infrastructure provision and connections are already established, so the cost of development is likely to be comparatively lower than a new site. The letter invites the applicant to contact the Council should they be interested in developing this area. The applicants have not contacted the Council to discuss development of this land. A letter has been submitted by the applicant's agent on the 01st September 2012 stating that the applicants consider that such land should be offered to those families currently on the existing expressions of interest list that operate at Woodside Park. In addition to this the applicants state that Woodside Park is not suitable given that it is of a significant distance from where the applicants mother lives at Aston Firs. The applicant states with the Design and Access Statement that Mr Gorman would be unwilling to move to Woodside Park as it is pre-dominantly occupied by Irish Travellers. However, this is not the case in fact out of 12 Council-owned pitches 9 are rented to Romany Gypsies with a further 3 temporarily rented to Romany Gypsies and out of the 18 pitches 9 are owned by Romany Gypsies. The applicant also states that his family will be are server risk on the site, however, there is a full-time warden on site and CCTV cameras installed on the site.

The applicants would have to invest a significant amount in terms of developing the site in accordance with the site layout plan submitted. This includes the laying of

additional hard-standing, erection of an amenity building and the installation of a sewage treatment package. The land that is available at Woodside has the infrastructure in place such as sewage treatment, as such it would be more cost-effective for the applicants to develop the land at Woodside Park as oppose to the application site. Which Woodside park is situated within the Green Belt the lawfulness of the use, through the grant of permanent planning permission is a fundamental distinction with the application site. The land at Woodside Park, is a site that is suitable, available, affordable and acceptable for the applicants.

Other Material Consideration

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

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

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

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

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

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

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

Policy CS16 require a development's scale, density and design to avoid material harm to an area's character and amenity.

The site lies within an area identified with Warwickshire County Council, Landscape Assessment of the Borough of Rugby as High Cross Plateau, Open Plateau. This study describes these areas as remote, large-scale, open, rolling plateau dissected by broad valleys, characterised, for the most part, by wide views and a strong impression of "emptiness" and space.

The character of this area along Gypsy Lane is characterised by flat open fields and paddocks with a hedged landscape. Where fields are used as paddocks such as the

application site and Field View, equestrian buildings have been erected. The residential properties along Hinckley Road are also visible within the landscape. There is also viable within the landscape a touring caravan at Field View, which it is understood is used ancillary to the permitted equestrian use on the site.

The current use of the land is pasture/paddock with a stable block currently on site and is bounded along the south and west by 2m close bordered fence which was erected under Permitted Development. The current use forms a part of the established rural scene and compatible overall agrarian character.

The proposed development would be visible from Gypsy Lane at the sites access and filtered through the hedges. The development of this land would have some impact over the wider area and a significant impact upon the immediate area. The use of the site as a residential caravan site is harmful to the underlying character of the area and would result in an intrusive form of development, comprising of two mobile homes, brick built amenity building with associated domestic paraphernalia, hard surfacing and car parking. The use intrudes upon the rural characteristics of the landscape and the 'openness' (not built upon) of the Green Belt which is intended to be its essential feature. The development would suburbanise the area and introduce built development and features not characteristic of the rural area. The development would create an isolated residential use in a rural landscape. When viewed from the road, the development on this site could not be assimilated into the landscape. This breaches a criterion of policy CS22. It is not considered that a comprehensive landscaping scheme would overcome the significant harm that this development would create to the visual amenity and openness of the area. In any event, such screening would be undesirable for reasons of social isolation. Planning policy for Traveller Sites indicates that new travellers site development in open countryside should be strictly controlled but sites should not be so enclosed that it gives the impression of deliberate isolation.

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

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

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

Temporary Planning Permission

PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applicant for the grant of temporary planning permission. Within the Applicant's Design and Access Statement it specifically states that the proposal is to establish a permanent residence and makes no reference that the LPA should consider a temporary permission if the LPA consider that the proposed development is not acceptable on a permanent. The harm identified above including inappropriateness, openness and conflicts with one of the Green Belt purpose as well as the character and visual amenities would be

reduced by a time limited permission. However, it is not considered that the 'material considerations' advanced by the applicant are sufficient to outweigh the harm the development causes, even on a temporary basis, when no evidence has been submitted to show that such a need could not be met beyond the Green Belt, or met from an existing authorised site within the Green Belt, so as to avoid a new incursion into the Green Belt. The Council has identified alternative land for the applicants that could be developed by themselves, as such alternatives are available to the applicant.

Human Rights

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

Recommendation

Refusal

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 the NPPF 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 buildings and for limited infill in specified villages.

It is considered that the proposed change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt. The proposal conflicts with one of the purposes the Green Belt serves, which is to assist in safeguarding the countryside from encroachment.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for the change of use of land as proposed 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 the NPPF.

REASON FOR REFUSAL 2

The development would have a harmful impact on the rural character and appearance of this location by introducing substantial built development and other features, together with associated activity that would be contrary to policy CS16 of the Rugby Borough Core Strategy 2011.

REASON FOR REFUSAL 3

It is considered that suitable, available, acceptable and affordable alternative accommodation is available to the applicant's.

REASON FOR REFUSAL 4

Policy CS22 requires evidence to be submitted with any planning application to demonstrate compliance with the requirements of the sequential approach outlined within this policy. It is considered that the applicant's have failed to demonstrate compliance with the sequential approach.

Report prepared by: Nathan Lowde 10 September 2012

Reference number:

R11/0330

Site address:

Land south of Ashlawn Road, Rugby

Description:

The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site is located to the south of the Rugby Urban Edge off the Ashlawn Road, B4429, approximately 1.5 miles (2.5 kilometres) south-east of the town centre. The site area equates to approximately 12.8 hectares which comprises predominately of agricultural farmland. The existing fields are relatively open and the site drops by approximately 18 metres from the northern to the southern edges.

Immediately along the northern edge of the site is a modern barn, allotment gardens and St Andrews Rugby Football Club which includes both a clubhouse and sports pitches. To the immediate west is a former railway line set within a landscaped cutting that is now designated as a Local Nature Reserve, Ashlawn Cutting, which forms part of the Great Central Walk. To the south and south-east lies more agricultural land that extends down to Rains Brook, whilst to the east lies further agricultural land.

The entrance to the site will be off the access to the Rugby Football Club which is lined by mature lime trees. In the north-west corner of the site there is an existing pond surrounded by a small group of mature and semi-mature deciduous and coniferous trees. The existing barn and associated yard is surrounded by a small bund to its eastern, western and southern sides.

Description of Proposals:

This is a full application for the formation of a cemetery and crematorium facility. The site will comprise of a crematorium building, car parking, 3 hectare cemetery with approximately 6,800 burial plots which is intended to serve Rugby for approximately the next 50 years, garden of remembrance and areas for interment of ashes together with areas of general landscaping and ash scattering. A network of paths will link the areas together whilst providing a new pedestrian route alongside the existing access road to Ashlawn Road.

The crematorium building will include two ceremony rooms, one with 126 seats and the other with 50 seats. It will also include two separate waiting areas, a crematory, administration offices, toilets and book of remembrance room. Along part the southern side of the building will be a covered floral tribute area whilst along the western edge will be a service yard. The building will be located approximately 220 metres south of Ashlawn Road and will be partly dug into the slope of the ground. This will result in the northern (front) elevation of the building being approximately 7.1 metres above ground level at its highest point with the chimney rising approximately 1.6 metres above this. Although the chimney will be set back approximately 23

metres from the front of the building, it will actually stand approximately 10.2 metres above the adjacent ground owing to the drop in levels. Based on the drop in ground levels, the building when viewed from the south will appear to rise approximately up to 9.9 metres above the ground level with the chimney rising above.

The crematorium building will have a series of differing flat roofed elements. The external walls will be finished in a variety of materials including render (predominately), timber, blue brick and pressed metal. Powdered coated aluminium windows will be used and the large windows serving the main ceremony room on the southern elevation will have louvered brise soleil. Stone filled gabions will lie along the southern section of the crematorium building. The majority of the building is on one level, although a section of the building will comprise of a basement comprising of part of the crematory and coffin storage area.

100 car parking spaces are proposed, including 10 disabled spaces. A further 6 funeral car spaces are also proposed together with 4 coach parking and 20 cycle parking spaces. An additional 50 car parking spaces are also being sought as part of a future phase should the need for the extra parking arise. The car parking spaces will arc around in a northerly direction from the eastern side of the building and be interspersed with soft landscaping. Areas of mixed native woodlands are also intended to be planted on the western and north-eastern parts of the site.

Alterations to the existing vehicular access onto Ashlawn Road and realignment of the adjacent pavement will be required together with the widening of the existing access road to the Rugby Football Club. An electricity sub-station, gabion walling, chain link fencing and barrier will also be provided near the entrance to the site.

The development is envisaged to employ approximately 4 full-time jobs and the crematorium and burials will take place between 9am to 5pm on Mondays to Fridays and 9am to 12 noon on Saturdays.

The applicant's agent has also submitted a Planning, Design & Access Statement (incorporating a Statement of Community Engagement & Sequential Assessment) and subsequent Addendum (incorporating reference to the National Planning Policy Framework), Public Consultation Event Summary, Photomontages, Landscape Statement & Management Strategy, Flood Risk Assessment, Archaeological Field-Walking & Geophysical Surveys, Archaeological Desk Based Assessment & Evaluation Report, Cremator Flue Gas Abatement System Statement, Geo-Environmental Desk Study & Assessment, Extended Phase 1 Habitat Survey, Reptile & Great Crested Newt Surveys, Arboricultural Report and Transport Statement & Additional Technical Note Addendum.

Relevant Planning History:

The majority of the planning history in the immediate area relates to St Andrews Rugby Football Club. Whilst both the proposed development and the Club will share the same vehicular access, the planning history which relates more to the application site is as follows:

Construction of farm track

Approved 07/09/1995

Prior approval for erection of corn dryer building

Prior Approval Not
Required
16/07/1996

Use of land for the erection of an agricultural building for storing grain	Refused 31/01/1996 Appeal Dismissed 14/01/1997
Erection of agricultural building and use for purposes of grain storage	Approved 10/12/1997
Change of use of part of building from agricultural storage to furniture storage	Approved 17/04/2003

Technical Consultations:

Original submission

Warks Police	No objection	
Warks Fire Service	No objection	Subject to condition
Severn Trent Water	No objection	Subject to condition
RBC Tree Officer	No objection	Subject to condition
WCC Rights of Way	No objection	
RBC Landscape Officer	Support	
RBC Parks	Support	
Warks Wildlife Trust	Objection	Require further survey work
WCC Ecology	Objection	Require further survey work
Natural England	Comment	Require further surveys
WCC Highways	Objection	Require further information
Environment Agency	Objection	Require further information
RBC Environmental Health	Comment	Require air quality assessment, request conditions/informative

CPRE Comment

Support principle of development, however consider boundary should be further north with burials extended to sides, object to location of crematorium, this should be closer to the road and should replace the existing agricultural building, do not consider proposals would affect recreational use of area or would be affected by sports fields.

Amended and additional submission

Warks Police	No objection	
Warks Fire Service	No objection	Subject to condition
Severn Trent Water	No objection	Subject to condition
WCC Rights of Way	No objection	
Warks Wildlife Trust	No objection	Subject to conditions
WCC Ecology	No objection	Subject to conditions
Natural England	No objection	Subject to standing advice
WCC Highways	No objection	Subject to conditions and informatives
Environment Agency	No objection	Subject to conditions
RBC Environmental Health	No objection	Subject to conditions

Third Party Consultations:

Prior to the submission of the application a public consultation event was conducted in July 2011 regarding the proposals for a new crematorium and cemetery on Ashlawn Road in Rugby. Based on the documents submitted by the applicant's agent it is understood 150 written responses were received with 29% indicating general support, 50% objecting and 31% expressing mixed views. Additional comments were also received from Cllr New raising concerns.

Following the submission of the planning application the additional responses that have been received are detailed below. It should be noted that there are many instances where different members of a household have submitted responses and where the same individuals have sent many different letters. The number stated in brackets below reflects the total number of individuals who have responded whilst the other figure relates to the total number of letters received.

Since the submission of the planning application, it is understood that a 1388 valid signatory petition has also been received by the Council in relation to resisting development in Rainsbrook Valley and designating it as a site of nature conservation and environmental stewardship. As this petition made no specific reference to this planning application it has not been registered against it, but is noted on the Council's web site in accordance with the Council's Petition Scheme.

Original Plans & Documents:

Total number of letters of objection - 658

Third parties (402) Objection

PRINCIPAL/CHARACTER

- contrary to Core Strategy;
- development will result in loss of beautiful undulating countryside with stunning views;
- detrimental to visual amenity from all viewpoints;
- memorials would affect unspoilt view;
- proposed modern building is not in keeping with the locality and will be prominent;
- lack of screening;
- not an attractive site with recycling bins, barn and club buildings;
- reasons given to discount other sites would also apply to this site;
- this site has been chosen as no land would be purchased increasing profits;
- should be provided on a brownfield site that would benefit from the development;
- there must be more suitable sites;
- could be provided on Radio Mast Site, near Onley prison, at DIRFT, near Cawston or at vacant sites on the A45;
- facility is too big for number of funerals suggested;
- do not believe facility is needed, this is a commercial exercise;
- there is not sufficient demand for the facility to be viable;
- loss of Green Belt land;
- is not unique as there is a similar proposal in Willoughby;
- is last countryside that has not been allocated for development;
- Willoughby site is more suitable;
- is to meet Daventry's needs so should be within their area, or closer to Daventry;

RECREATION/USE/ECOLOGY

- this area is a valuable local amenity used intensively by local residents for recreation;
- site was bought by Council for recreation use and has been used for over 40 years, this recreational use would be stopped;
- recreational use would conflict with mourners;
- is one of the few remaining open green spaces;
- loss of high quality agricultural land, contrary to policy E4;
- reduced food production capacity and livelihood for farmer;
- loss of habitat used by a wide range of wildlife including owls, foxes, badger, deer, butterflies, insects, reptiles, invertebrates and rare bird species;
- will affect pond habitat and fish;
- ecological reports are insufficient;
- landscaping will not enhance existing;
- trees will be affected;
- will affect adjacent Great Central Nature Reserve;
- broken promise of country park;
- Council should buy some land and plant trees for use for recreation;

TRAFFIC

- Ashlawn Road is currently busy and dangerous, area is accident blackspot, there have been fatal accidents;
- traffic from Daventry will significantly increase traffic and congestion in Dunchurch and High Street, Hillmorton;
- corteges will use residential roads which already have on-street parking;
- road already has speed bumps and cameras to address issues, bumps will affect corteges;
- will increase congestion in area;
- people will not be able to leave their homes;
- access will affect cycle path which is used by children;
- facility for large corpses will attract traffic from outside of the area;
- slow traffic could affect bus services and result in their cancellation;
- roads are already busy due to schools and nursery, especially at school times;
- school is expected to expand in the future leading to further traffic;
- road is also used by hospital traffic, horse boxes, refuse vehicles, school buses, HGVs, agricultural vehicles and emergency vehicles which could be held up by funeral traffic;
- parents taking children to school ignore traffic restrictions and park dangerously;
- roads are already dangerous for pedestrians, children and the elderly will be most at risk;
- rugby club already leads to parking issues and driveways being blocked;
- turning into site will be dangerous, right turn lane should be provided;
- there is not sufficient visibility when leaving site;
- vehicles, including hearses, will not be able to pass on access road and may have to reverse onto Ashlawn Road;
- vehicles will park inconsiderately, how will this be managed?
- traffic survey should be redone with school operating at capacity;
- consider there are a range of flaws and errors in the Transport Assessment including that estimates for number of vehicles in traffic assessment may be incorrect, population is based on 2001 census, accident data may be incomplete;
- recording equipment was initially placed part way down the access drive missing some vehicles;
- traffic counts should be done at Percival Road junction;

- corteges will use Percival Road and this could not be prevented;
- if Percival Road becomes congestion traffic will move to other local roads;
- will lead to increased traffic in Barby;
- drivers may try to overtake slow traffic leading to accidents;
- believe number of funerals and vehicles per funeral will be higher than expected;
- when wakes are held at rugby club can have over 60 vehicles;
- use of sports club at the same time as funerals will increase traffic problems;
- development proposed at the Radio Station and other developments will also increase traffic, the infrastructure cannot cope;
- developer should fund a by-pass;
- danger from construction traffic;
- coaches will add to congestion;
- coach spaces are unnecessary, people do not go to funerals in coaches;
- services will occur at all times of day and night, including at peak traffic times;
- two roads leading to the site are in the WCC Casualty Reduction Scheme;
- other applications in the area have been refused on traffic grounds;
- traffic will increase over time as more people visit site on key occasions such as Mothers Day, birthdays, Christmas etc;

ENVIRONMENTAL HEALTH

- nearby sports uses involve tannoy systems and other noise, mourners would be disturbed and this is not a suitable site;
- proposed too close to residential areas and schools;
- pollution from crematorium chimney cannot be properly managed;
- pollution from increased traffic emitting nitrogen dioxide;
- there will be a wide range of gaseous and chemical emissions;
- proximity to school will lead to asthma;
- mercury will be emitted, this has a toxic effect on humans and can lead to birth defects, kidney disease, multiple sclerosis and harm brain development;
- siting the facility to the south of the town will result in pollution blowing over the built up area;
- will lead to health problems due to incomplete combustion;
- stack too low for proper dispersion;
- impact on organically grown crops and food grown in allotments and gardens;
- need consent from the Environment Agency to ensure groundwater is not affected;
- impact of scattering of ashes on crops and habitats, including pond;
- OTHER
- local residents pay high rates for poor services;
- house prices will be reduced and people will not choose to live in the area;
- would set precedent for development of nearby land;
- facilities would be vandalised;
- psychological impact of seeing funeral corteges;
- an Environmental Impact Assessment should be carried out;
- RBC could not manage the project, this was shown by the delays and over budget costs of the by-pass;
- information provided by Crematorium Committee is incorrect and misleading to downplay concerns;
- believe "sweeteners" have been offered to people including the rugby club, this is criminal and makes residents wonder to what extent this occurs;
- what is situation with rumoured stadium proposal;
- council has changed its mind on the use of facilities money;
- Rugby is becoming Northamptonshire's dumping ground;

Third parties (1) Comment

- consider a roundabout would be more suitable than a t-junction;
- recycling centre should be relocated.

Third parties (5) Support

- facility is needed in the Rugby area;
- site is peaceful and appropriate for a crematorium;
- will provide employment;
- may slow down traffic;
- valley may hide development;
- proposals are tasteful;
- should ensure funerals do not affect school traffic;
- everyone will need this facility;

Councillor Dodd Objection

- weekend use is impractical due to high usage of sports ground, allotments and recycling centre;
- should restrict use during peak traffic periods;
- size of nearby school will increase;
- there have been 2 fatalities in the last 10 years, would increase likelihood of driver error;
- development will impact on nearby roads and junctions;
- Ashlawn Road junction will be dangerous;
- pedestrians will have to cross the busy road;
- slow moving traffic could affect bus routes;
- could not control routes of funeral traffic;
- comments made by WCC Highways have not been addressed;
- contrary to policy;
- impact on visual amenity, building will be prominent in landscape due to lack of screening;
- loss of agricultural land;
- impact on existing pond, ecology and wildlife;
- area was to be a countryside park;
- air pollution;
- could lead to further development.

Councillor New Objection

- will add congestion and slow moving traffic to an over used road;
- will exacerbate existing problems of gridlock, air quality and high accident rates/deaths;
- provides photographs of recent accident;
- road is used by school traffic, emergency vehicles, farm vehicles, HGVs and cars;
- volume of traffic is likely to increase considerably;
- to reduce risk of accidents local junctions should be improved;
- pedestrian crossing will be necessary;
- affect on air quality and heath from traffic and crematorium;
- will contaminate surrounding land, water bodies and groundwater;
- site is currently used for recreation, although access may remain character will be affected;
- increase in anti-social behaviour;
- site should be used for nature conservation;
- is not necessary to meet local need;
- loss of high quality farmland;
- contrary to Local Plan policies.

Dunchurch Parish Council Objection

- will create additional traffic in the centre of Dunchurch through an already very busy junction;
- survey showed 17,000 vehicle movements in 12 hours;
- the proposals do not include plans to improve this junction;
- specialist facilities proposed could lead to traffic from all over the UK;

Cllr Sandison on behalf of Sustainable Rugby Objection

- support the principle of a cemetery and crematorium somewhere in the borough;
- however, should be located in or near existing sustainable extensions;
- no evidence that it could not be provided on the mast site;
- believe large amounts of land on the mast site will be transferred to the Council, this site could be used;
- local area has a deficit of recreational space;
- area is within the countryside and is protected by CS1, a previous appeal prevented development in the body of the field;
- land was purchased by the Council in 1967 to provide a buffer between Rugby and Dunchurch;
- proposal is not unique as Council had a similar application;
- loss of high quality agricultural land;
- development and landscaping could harm the landscape;
- development would impact on wide range of habitats, flora and fauna including the pond;
- if Council are minded to approve layout should be amended, the bottom of the field should not be used, headstones should not be white to blend in with the landscape; hedging should be used instead of woodland; building should be set back and located on the site of the grain store, which could be relocated;
- there is a right of access through the site;
- car park should be relocated to the rugby club;
- car park and paths should be chipped stone which is more in keeping with the area and allows better drainage;
- concerns regarding proposal for a single access and egress, cars currently queue on the road, funeral traffic will add to frustration of motorists;
- should provide a separate exit, perhaps close to Charter Road;
- site is some distance from the bus stop, which is on the other side of Ashlawn Road, a crossing should be provided;
- Ashlawn Road has a high accident rate, particularly at the cross roads, this should be upgraded to traffic lights or a filter junction;
- local roads are identified as high traffic impact due to the mast site.

Residents for the Protection of Rainsbrook Valley Objection

- proposal conflicts with national and local policies;
- open space has been used for recreation for over ¾ of a century;
- Council have protected the area since it was acquired in 1945, a previous application and appeal for a grain store were refused due to the impact on the character of the countryside, a golf course was resisted and the Council intended to create a country park;
- policy CS14 protects Green Infrastructure and open space, the proposal is contrary to this;
- development will harm wildlife and biodiversity;
- development will result in loss of high quality agricultural land, this has not been considered;

- should be located within the urban area in accordance with CS1, is also not in accordance with national policy;
- is larger than the previously refused barn and this is a material consideration;
- an appeal decision in 2005 relating to a cemetery and crematorium concluded that landscaping is not a substitute for open space and that crematoria are not appropriate in the Green Belt;
- believe Mast site or Coton House would be more suitable sites as they are easily accessible and would not cause traffic problems, are brown field sites; the prevailing wind would distribute emissions away from built up areas; would allow separate entrances for staff and visitors; allow the gates to be set back from the highway; would allow 2 cremators to be installed for maintenance and overhaul; would allow a house and main office at the entrance; distribution of ashes could be safely organised so it does not harm the land;
- development in the Green Belt is not acceptable without "very special circumstances" have these been applied to the application?

Barby Hill Archaeological Project Comment

- site is close to Barby Hill and Northamptonshire and this should be considered in archaeological work;
- archaeological work may have implications for work regarding Barby Hill and would appreciate seeing the findings.

Amended Plans/Additional Information Comments:

Total number of letters of objection - 1114

Third parties (309) Objection

PRINCIPAL/CHARACTER

- proposals are in countryside and contrary to the Core Strategy and local development framework;
- formal garden of rest is out of character with countryside;
- should not be located in a residential area;
- is last remaining open countryside;
- area has outstanding views;
- building will be too prominent in the landscape, there is a lack of screening;
- crematorium is needed to fund the cemetery, however Council's own cemetery policy states that a new cemetery is not needed;
- loss of high quality agricultural land contrary to government policy, other sites should be considered first; and
- use of agricultural land is contrary to policy E4.

RECREATION/USE/ECOLOGY

- will lead to loss of high quality agricultural land that should be safeguarded;
- impact on nature;
- there will be an impact on the adjacent Local Nature Reserve;
- site is widely used for recreation;
- local residents choose to live in Rugby as they value the easily accessible countryside; and
- mercury will affect rivers, streams and ponds.

TRAFFIC

- consider traffic report is flawed and key facts are ignored, no methodology is included;
- vehicles are likely to use Onley Lane which is in a poor condition and contains sharp bends;

- the impact on the Onley Lane/Barby Lane cross roads is not appreciated by the applicant, this junction will need to be improved;
- slow moving traffic turning right from Ashlawn Road will increase risk of accidents and errors;
- there is no right turn lane;
- is 1 of 3 routes in the Borough classed as an accident recovery route by WCC;
- traffic is already a problem in the area, this will worsen situation;
- will increase traffic on surrounding residential streets;
- there is on street parking in the area;
- funeral traffic will have to negotiate cycle lane;
- traffic will also increase due to other developments such as DIRFT and the mast site;
- infrastructure is not suitable for development of this size;
- there have been a lot of accidents including fatalities in the area, development will lead to an increased risk of accidents;
- there is a fixed speed camera at the B4429 junction, this means the road already has accidents and speeding traffic, a new entrance close to this junction is dangerous;
- people already drive dangerously and too fast;
- already traffic from rugby club and school;
- school is due to expand leading to further traffic;
- why is a coach park proposed, people do not go to funerals in coaches;
- risk to pedestrians including children and cyclists;
- would lead to additional traffic in nearby villages;
- closest bus stop is half a mile from the crematorium, this is too far for people to walk;
- no pedestrian crossing is proposed;
- wood is also proposed which would lead to additional traffic;
- in winter drivers are blinded by low sun;
- are only using accident figures for 5 years, in the last 10 years there have been 3 fatalities; and
- voluntary route for funeral traffic would not be used.

ENVIRONMENTAL HEALTH

- noise and light pollution;
- should be planning policies on air quality in Core Strategy;
- will poison everyone with toxic deposits, including mercury, nitrogen dioxide;
- increased traffic will also cause air pollution;
- mercury can cause cancer;
- crematoriums are reluctant to install expensive filtration devices;
- how will ovens be powered, fossil fuels lead to emissions;
- emissions will blow over residential areas;
- residents are also affected by cement works;
- will also effect soil, pollutants will affect food chain and health due to food grown in gardens and allotments;
- documents state that local residents and school children will be affected;
- there is also a risk to employees;
- is only proposed because there are no air quality policies, Rugby is already affected by the cement works;
- residents chose not to live in Lawford because they didn't want to live under a chimney;
- other countries use non-polluting systems;
- Drainage Report and Geo-Environmental Report should be updated to reflect recent heavy rain;

- water measurements are flawed as work was carried out during a period of drought;
- Air Quality report under estimates the number of cremations;
- will affect homes that are proposed for the future;
- wood is proposed nearby, is this to try and soak up pollution?

OTHER

- could open the floodgates for future developments;
- there are other more suitable sites such as in Daventry, on the outskirts of the town, the mast site, near the A5, Coton House, on disused wasteland, in the open countryside away from homes;
- will lead to increase in crime;
- already have issues with youths and motorbikes on the fields;
- should not be located close to high value homes as they will be devalued;
- will Council Tax be reduced?
- is not "Clean, Green or Safe";
- will be upsetting for elderly residents;
- cannot forgive Council for turning home into a hell;
- is only piece of land left in Rugby;
- proposal is causing arguments and destroying friendships;
- residents should have a say;
- Willoughby crematorium was refused;
- at a meeting in 2010 residents were advised how to oppose the Willoughby application but spoke about the Onley Lane site, this seems a conflict of interests;
- Rugby and Daventry Councils must take responsibility for any environmental issues or accidents that occur;
- profit appears to come before local residents;
- people in favour do not live in the area;
- Council's have not involved community in discussions of proposals, this is contrary to the NPPF;
- do not receive replies to letters; and
- RBC think money is more important than residents or their descendants.

Third parties (1) Comment

- consider a roundabout would be more suitable than a t-junction; and
- amendments required to road network to reduce delays and accidents.

Third parties (4) Support

- great idea;
- support on-going efforts to resolve issues;
- site and proposed design are suitable for the purpose;
- public will still be able to enjoy the environment;
- to abandon the proposal would be a loss to the community;
- needs to go somewhere, scenery around Hillmorton ideal;
- not everyone can drive miles to Coventry;
- funeral corteges should not go past when schools are coming out;
- should have enough parking so it does not interfere with the rugby club;
- local vicar conducts 1 funeral a week and the only person who has spoken against the proposal was canvassing the petition;
- people should not be shielded from the appropriate realities of life and death, seeing hearses should not cause undue distress; and
- believe technology will allow facility to operate safely.

Cllr Sandison Comments

- concerns over impact on pond conservation from surface water – important habitat status;
- impact on ground water sources from cemetery, especially pond;
- increased water acidity from sulphur;
- chemical impact on vegetation and reproduction of wildlife leads to deformities;
- more detailed information needed on water flow for surface and ground waters;
- 'unofficial access' is an established access since 1945;
- Council formalised right of access with gates and bins;
- site purchased by Council for recreational use;
- environmental stewardship corridor managed to encourage habitats;
- Council's website considers Ashlawn Recreation Ground has striking views across landscape, which is supported by Natural England with strong visual amenity and open aspect;
- Previous application to build on site dismissed by Planning Inspectorate at appeal because it would have detrimental impact on visual amenity;
- Landscape value of site been dubbed down; and
- No sustainable mitigation measures.

Cllr New Objection

- Site located on Grade 2 arable land, only 15% in Warwickshire and building on land of this quality should be resisted in favour of poorer quality land;
- Rugby Radio Mast site has soil of lower grade and more suitable site for crematorium;
- Technical reports do not show there is a risk to controlled waters;
- Assessments in relation to soil and ground water done during a severe drought – therefore flawed;
- Parts of site prone to flooding;
- Previous appeal decision for grain store refused by Planning Inspectorate as it would harm character and appearance of landscape and conflict with Development Plan;
- Approval would establish a precedent;
- Concerned at area for scattering ashes close to pond as well as site being surrounded by a school, allotments, playing fields, sports pitches, residential properties and future woodland with potential picnickers;
- No accurate information on chimney flue height or how gases will be dispersed;
- No details of entrance barrier to site or how it will operate;
- No details of bus stop locations or timetables;
- No provision for a pedestrian crossing across Ashlawn Road which is extremely busy and dangerous at peak times;
- Funeral processions could hinder and delay ambulances getting to Walsgrave along Barby Road; and
- No information or consultation details in relation to Forestry Commission EIA yet – woodland should not appear on landscaping scheme and should be considered separately.

Cllr Sandison on behalf of Sustainable Rugby Objection

- Sequential test not fair with regards to Mast Site or Southern Relief Road egressing at Clifton/Butler's Leap;
- Mast Site cannot all be waterlogged otherwise why being developed – sequential test for Mast Site should be broken down into sections;

- believe large amounts of land on the mast site will be transferred to the Council, this site could be used;
- 3 crematoria within 30 to 45 minutes of Rugby;
- Development should be in urban area or sustainable urban extension;
- area is within the countryside and is protected by CS1;
- Site only suitable for agricultural land as high quality Grade 2;
- Significant environmental stewardship corridor running around arable site – good habitats
- Development not compensated for loss of habitat or recreational open space;
- Rugby Borough Council previously refused planning permission on the site and Planning Inspectorate dismissed an appeal due to visual amenity;
- Landscape impact important as acknowledged by Natural England;

If approved:

- Site should not be overplanted with trees on horizon but hedges strengthened;
- Semi-mature trees should be planted – recommended by CPRE;
- Development should be reconfigured to minimise visual impact and aligned closer to grain store and St Andrew’s Club;
- White building will be an eyesore, needs to be natural in colour;
- Scattering of ashes will have adverse impact on pond;
- Building too close to pond, needs to be 15-20m ecological buffer zone;
- Grass cutting machinery will easily kill or injure soft bodied creatures – needs to be only done outside of breeding and migration season;
- Impact on pond from deteriorating coffins, especially from nitrates;
- Ground water from cemetery needs to flow into ditches as less harmful to wildlife;
- Concerned at only one access point;
- Long walk to access site for elderly and frail;
- Secondary access to site opposite Heath Way should be made and enhanced;
- Pedestrian crossing needed across Ashlawn Road;
- Environmental Stewardship corridor needs to run along boundary of grain store to provide better linkages and prevent irregular trails across site forming, including dog faeces;
- Rugby Borough Council has poor track record in terms of maintaining civic amenities; and
- Off-site contributions should be sought to maintain recreational amenities, such as Great Central Nature Reserve, Sustrans Route 41 and if successful Diamond Jubilee Wood.

Residents for the Protection of Rainsbrook Valley Objection

- sufficient space at existing cemeteries and churchyards across Borough, no need for development;
- no data to support argument that burial spaces insufficient and need to make space until 2312, serious overestimation;
- residents in western and northern parts of Borough will use Canley and 43% of Daventry’s population closer to another facility;
- Council’s Cabinet already concluded no need for development and not viable;
- conflicts with Policy CS1, site is 5th tier in countryside, same as Willoughby;
- Rugby Gateway & Mast Sites ignored as well as other sites that would be more sustainable and proposals not included in Core Strategy or County Council’s Transport Plan;
- failure by Council to not include provision for this development in Sustainable Urban Extensions;
- site next to Hillmorton not Rugby Urban Area;

- no evidence criteria from Siting & Planning Crematoria 1978 has been used;
- the most sequentially preferable sites have not been selected, criteria not applied fairly or consistently - site selection process seriously flawed and skewed to favour Ashlawn Road site;
- Ownership of land by Council been applied to selection process despite being not a planning issue;
- development site is in an area that has significant chance of flooding;
- crematoria at Leamington Spa, Nuneaton, Kettering, Banbury, Milton Keynes, Northampton and Coventry all on or in close proximity to major road networks;
- site cannot be accessed by sustainable forms of transport – scheme fails to support reductions in greenhouse gases, reduce congestion or promote sustainable transport modes – conflicts with NPPF;
- site is on a B-road, shared with a 1700+ secondary school and recommended access to crematorium is only via residential roads and through local villages;
- nearest bus stop is a mile return walk from site on Balcombe Road;
- no public transport links at all to and from site in the evening, Sundays or public holidays;
- no direct rail links between Rugby & Daventry or direct bus links to surrounding communities and villages;
- majority of visitors to site will not have low emission vehicles;
- no charging points for vehicles identified;
- scheme will adversely affect road safety in area;
- Council's own documents state crematorium at Willoughby biggest threat to viability of Rugby crematorium;
- no Daventry sites selected for considered;
- tranquillity and dignity of location will be affected by events at Rugby Football Club;
- Warwickshire County Council Landscape Assessment states site is highly sensitive and highly visible, particularly the escarpment to the south of the town which is an important feature – this document identifies other sites selected as having less sensitive locations, although document has been given little weight;
- failure to consider fragility of site in terms of inherent character which is moderate and landscape visibility and overall sensitivity which is high;
- essential character and fabric of landscape, together with its condition and sensitivity, would be lost by the intrusive building and planting – documents submitted fail to address this;
- Planning Inspector previously dismissed an appeal for a grain store as it would cause demonstrable harm to character and appearance of open countryside;
- Appeal decision relevant as proposals are big;
- Under the Crematorium Act 1902 the site area for the crematorium would equate to 6.08 hectares and not the stated 0.2 hectares – new build crematorium would take up larger proportion of site than previously stated;
- emission of fumes and prevailing winds not taken into account in site selection;
- installation of gas abatement system will not abate all toxic gases;
- site is Grade 2 agricultural land, one of the best soil qualities;
- no sequential test has been done in relation to agricultural land as required by the NPPF;
- other sites such as Rugby Gateway & Mast Site would be more preferential in soil quality terms as lower quality Grades;
- development would result in a tragic waste of fertile, high quality agricultural land – an irreplaceable asset;

- impact of Rugby Mast site development been underestimated by applicant – weaknesses of road system around Ashlawn Road not accurately identified;
- crematorium building will be too prominent on landscape and represents a brutal industrial design not in keeping with landscape or local vernacular or even the neighbouring agricultural barn – conflicts with NPPF;
- no attempt made to use landscape to utilise building's shape – fails to be a good design solution and will date quickly;
- it is a large scale development in terms of size of building and extent of land causing material harm to qualities, character and amenity of the area;
- exposed location that can be viewed from wide range of areas including Barby, Kilsby & the Grand Union Canal;
- consistent architectural style throughout ridge and valley, with 15 traditional farms characteristic of the area and other buildings of note such as Bilton Grange School, Dunchurch Park Hotel & Ashlawn House (all predominately red brick);
- red brick of St Andrews Rugby Club 'disappears' well into surroundings;
- 1930s Ashlawn Estate also manages to stay in keeping with wider area of Rainsbrook Valley;
- crematorium building is a disappointing design for a highly visible building, however other examples given very good;
- poor entrance to crematorium past recycling point, allotments and Rugby Club – results in lack of respect to visitors;
- new building will be 121 times larger than refused agricultural barn;
- scheme will be new build on virgin agricultural land changing the use of the land;
- landscape character of site and setting of area will change;
- design fails to cater for horse drawn hearses, noise and people from adjacent funeral parties will clash and communal areas do not adequately separate different funeral groups;
- chimney height needs to be sufficient to disperse and dilute pollutants – insufficient data been submitted to ascertain height;
- technical assessments submitted not been able to show conclusively that there is no risk to controlled waters;
- concern that sampling & monitoring investigations undertaken during period of severe drought and that presence or absence of groundwater has not be established (Oct 2010-May 2012 W Midlands & Welsh Borders received below 65% of average rainfall and 2nd driest such period for the Midlands since 1910) ;
- hydrology assessments need to be undertaken again at current water table levels;
- believe pond on site may be connected to other ponds in area – potential pollutants could be transferred;
- run-off from building will go to pond – heavy waste, ash particles & hydrogen dioxide emissions from building will be transferred to water having negative impact on wildlife;
- pond ecosystem requires protecting – do not consider applicant's solutions will secure health of wildlife in area;
- ecology report fails to draw attention to rarity of common toads which are a Biodiversity Action Plan priority species – proper care of their habitat needs safeguarding;
- ash scattering area near pond should be removed and 20 metre ecological/environmental buffer zone next to pond formed;
- skylarks observed by residents, but no recordings in ecology report – urgent investigation needed;

- large majority of residents of Rugby want to preserve land as open space – Council disregarding this;
- heavy reliance on overstretched road network, such as Warwick St Gyrotory and its approach roads and the A428 at Whitehall Rd, Bruce Williams Way roundabout;
- two of the main access routes to site, A45 & B4429, form part of WCC Accident Reduction Scheme;
- traffic levels already heavily burdensome through historic village of Dunchurch at the heart of a Conservation Area;
- Junction of B4429 Ashlawn Road/Onley Lane/Barby Road – accident black spot;
- Ashlawn Road is a B road, not A road and accident data fails to include total vehicle collisions in assessment;
- no provision for pelican crossing or drop kerbs on Ashlawn Road;
- slow moving funeral corteges will frustrate other drivers and affecting congestion and traffic flows;
- impact of cemetery traffic on local roads, schools, hospital and Polo Club been downplayed;
- traffic growth needs careful management as town continues to grow eg Cawston Grange, Coton Park, Swift Valley and Asda, especially as population of Borough likely to rise just under 22%;
- previous Council reports identified concerns over traffic growth;
- Rugby Southern Relief Road will cut right through site and Diamond Jubilee Wood, so this means road may now not be built;
- impact on air quality, particularly by crematorium/funeral traffic coming through areas where nitrogen dioxide levels has been exceeded eg Dunchurch & Warwick Street Gyrotory;
- to avoid speed humps all crematorium/funeral traffic from Daventry will have to come through Dunchurch (49% of all such traffic, 3-6 corteges a day);
- failure to mention air quality for wider access routes;
- crematorium will not achieve objective of improving air quality in area as sought by Council documents;
- satellite navigation systems will send users along Ashlawn Road over speed humps and past school and doesn't send vehicles along Onley Lane or Barby Road;
- traffic studies desk based with no real knowledge of local road usage;
- cortege routes contradict Stakeholder Funeral Directors objectives;
- users of Dunchurch Road roundabout by Sainsburys & petrol station could also conflict with corteges;
- highly unlikely that funeral corteges would use Barby Road past hospital and Myton Hospice owing to potential vociferous protest;
- Barby Road used primarily to access hospital so not representative of through traffic – not factored into transport assessment;
- funeral corteges will have an adverse impact on surrounding road network, including those through the centre of Rugby;
- refute transport assessment statement in relation to existing corteges using Percival Road – this only happens for funerals of the residents of Percival Road as normally they use Fisher Avenue and then Ashlawn Road;
- to avoid speed humps and Barby Road, 43% of cortege traffic will use Percival Road (13-23 per week) – unacceptable escalation of use of an unclassified residential road;
- transport assessment omits and lacks supporting original data – not accurate, transparent or realistic;
- query methodology used to collect traffic figures – should be verified by impartial 3rd party;

- transport assessment contains many contradictions, figures do not correlate with one another;
- concerns transport assessment has not taken account of churches without graveyards or car parks;
- failure to understand that traffic flows will be concentrated waves;
- figures only include those attending interments/burials and not funeral service – may explain why traffic predictions for crematorium are low;
- Croop Hill cemetery only one in Rugby for designated Muslim burials;
- figures don't take account of other religions such as Hinduism, Sikhism, Buddhism & Jainism;
- generous parking for proposed development will encourage more people to drive;
- traffic figures do not take account that 70% of people are now cremated than buried and increasing number of people have joint ceremony/cremation services;
- no demand for large ceremony room based on Council's records;
- lack of visibility for coaches in relation to lay-bys, access and entrance/exit – potential conflict between coaches;
- coaches have to cross centre line of Ashlawn Road, particularly when travelling to and from Dunchurch direction; and
- larger coaches may be used and those could increase disruption on Ashlawn Road interrupting and stopping flow of traffic.

Barby Hill Archaeological Project Comment

- no account of archaeological records given outside Warwickshire eg Northamptonshire;
- consider further archaeological interest on site, particularly in north-east corner and possibly pre-dates ridge and furrow;
- potential findings in north-east part of site been overlooked;
- Roman period pottery finds similar to other finds in area;
- significant Roman period finds around Barby Hill; and
- report does not address significance of Roman period finds in area and associated activity.

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan, 2006 Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
T5	Parking Facilities	Complies

Rugby Borough Core Strategy 2011:

CS1	Development Strategy	Complies
CS11	Transport & New Development	Complies
CS12	Strategic Transport Improvements	Complies
CS14	Strategic Green Infrastructure	Complies
CS16	Sustainable Design	Complies

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012 (Appendices 2 (Transport) & 3 (Air Quality))

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Warwickshire County Council Landscape Assessment of the Borough of Rugby, 2006

West Midlands Regional Spatial Strategy:

- QE1 Conserving & Enhancing the Environment
- QE3 Creating a High Quality Built Environment for all
- QE4 Greenery, Urban Greenspace & Public Spaces
- QE5 Protection & Enhancement of the Historic Environment
- QE6 The Conservation, Enhancement & Restoration of the Region's Landscape
- QE7 Protecting, managing and enhancing the Region's Biodiversity & Nature Conservation Resources
- QE9 The Water Environment
- T2 Reducing the Need to Travel

The Government intends to abolish the West Midlands Regional Spatial Strategy (RSS) shortly and this is a material consideration in the assessment of this planning application. However, at this moment in time, the RSS is still a relevant document although the weight that can be apportioned to it is limited.

National Planning Policy Framework, 2012

Department of the Environment – The Siting & Planning of Crematoria, 1978

Assessment of Proposals:

General Principles

The application site is located in the countryside which under Core Strategy policy CS1 would be a fifth priority location for development. This states that new development will be resisted and only where national policy on countryside locations allows will development be permitted. The policy states that it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy. Therefore, two key aspects to consider are whether the development is suitable to a countryside location and whether it has been demonstrated that more sustainable locations have been considered.

One of the core planning principles of the National Planning Policy Framework (NPPF) is to recognise the intrinsic character and beauty of the countryside. It is considered that the proposal is potentially compatible to a countryside location because a large proportion of the development would be free from built form although the individual site characteristics need consideration to determine its impact on the character of the countryside in which it will lie.

The NPPF makes it clear that new development proposals should be sited in locations accessible to a range of means of transport to encourage sustainable development. This is particularly important for a use that has the potential to attract significant numbers of visitors and therefore it is important that sustainable transport can be encouraged and safe and suitable access to the site can be achieved for all people. The site is located immediately adjacent the Urban Edge of Rugby which is the primary focus for meeting strategic growth targets and is an established populated area.

The guidance on the Siting and Planning of Crematoria (1978) reiterates that the site must have easy access by public transport. Although no bus route runs pass the entrance to the site, a regular service between Mondays to Saturdays does operate along Balcombe Road and Percival Road through Rugby Town Centre approximately 560 metres, just over one third of a mile away.

It is considered that the location of a crematorium and cemetery would be best served close to the edge of an established urban area which would be considered to be a much more sustainable location with greater potential to be effectively accessed by foot, cycle and public transport near a main area of population. Therefore, it is considered that the proposal would not be in conflict with one of the underlying core principles of the NPPF in relation to sustainable development.

In addition, the 1902 Cremation Act which is reiterated in the Siting & Planning of Crematoria 1978 guidance states no crematorium shall be constructed nearer to any dwellinghouse than 200 yards (c183 metres) without the owner/occupier's written consent, so this constraint further restricts the likelihood that such a facility would be suitable in an urban area.

Need & Sequential Assessments:

In 2009 a Crematorium Feasibility Study was commissioned by Rugby Borough Council and in 2010 a report was produced on the Feasibility of Creating a Crematorium & Burial Ground in Rugby Borough. This concluded that there is a sufficient need for a crematorium and cemetery within the Borough and that a sensible proposition would be to have both facilities on the same site. It also concluded that there appeared to be a commercially sound basis for the Council to commission and operate the crematorium itself.

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

Whilst Policy CS1 states it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy, the Core Strategy has no specific planning policy requirement for the applicant to submit a sequential test to demonstrate that the chosen site is the most suitable, although such an appraisal can help assist the applicant in justifying their proposals. The applicant's have submitted information that seeks to demonstrate that the proposal site is the most sequentially preferable available. It is accepted that the scale of land required is highly unlikely to be available and deliverable within the town centre or within the defined urban area of the town; the only known areas of available land currently benefit from planning permissions or development allocations and would therefore be undeliverable for this use. It is therefore considered that the identified need for a crematorium is appropriate to a countryside location, however, in the context of this use it is not considered that all countryside locations should be judged equally.

As part of the submitted documents, the applicants have included a Site Suitability & Sequential Assessment which includes a total of six sites, including the application site. These are Rugby Gateway, Rugby Radio Station, Land west of Long Lawford, Land south of Ashlawn Road, Land east of Onley Lane and Land north of the A45 adjacent Cawston, which have all been chosen based on their proximity to an urban area with a large population.

With regard to Rugby Gateway and Rugby Radio Station sites these have both been allocated and adopted in the Rugby Council Core Strategy as Sustainable Urban Extensions to the town for new housing and employment development. Following their assessment as strategic development allocations until 2026 by the Planning Inspectorate as part of the examination into the Rugby Borough Core Strategy Development Plan Document in 2011, neither of these sites made provision for a crematorium and cemetery facility. In addition, the Local Planning Authority has now received outline planning applications for both sites and the Rugby Gateway site has been resolved by the Planning Committee to approve subject to a legal agreement. Notwithstanding this, if these sites were now used to provide a crematorium and cemetery the Council could fail to meet its future residential and employment development requirements. Overall it is considered that the land contained within these Sustainable Urban Extensions would be undeliverable for a crematorium and cemetery use as outlined above.

The site located to the west of Long Lawford lies within the Green Belt and much of the land is within Flood Zones 2 & 3. These factors alone make the site least sequentially preferable and would not be encouraged by the Local Planning Authority. Land to the south west of Rugby also forms part of the adopted Core Strategy as a future growth delivery area if it is demonstrated that there is a significant shortfall in the supply of the strategic housing or employment development targets as set out in the Core Strategy. Planning Committee in early September 2012 resolved to grant planning permission for up to 600 houses, subject to a legal agreement, on a portion of land within this future growth delivery area, known as the South West Broad Location. On the submitted plan identifying potential site options, this area selected also includes land beyond the identified South West Broad Location closer to the A45. However, this part of the site would be approximately 2.5 miles (4km) outside the town centre and approximately 1 mile (1.6km) from the current Urban Edge of Rugby in an isolated countryside location.

It is understood that a further site to the south of the current application site accessed off Onley Lane was also considered. Concerns on access, infrastructure installation costs and further distance from the edge of Rugby Town resulted in the dismissal of this option by the applicants. However, they also felt the proposed application site was better than the Onley Lane site as it had the potential for dual use parking with the Rugby Club that may help to alleviate current parking problems experienced at weekends.

The applicant's agent has also made reference to a proposed crematorium and cemetery planning application outside the village of Willoughby between Rugby and Daventry. This application was altered to just a crematorium and was refused by the Planning Committee in June 2012 on the grounds of an unsustainable isolated rural location, potential impact on archaeology, potential risk to the water environment and highway safety. Therefore, it is not considered that the Willoughby site is suitable for such a facility.

The applicant's agent has also referred to the point that the Borough Council does not own any suitable land in any of the above locations which adds further doubt to their suitability because of issues with availability and deliverability.

In the guidance note on the Siting & Planning of Crematoria (1978), reference is made to the consideration of the direction of the prevailing wind which should be taken into account when selecting a crematoria site. Environmental Services have stated that since the publication of this guidance other legislation is now in place governing the operation of such sites and whilst they accept concerns have been

raised regarding prevailing wind, such factors are less important owing to the advancement of modern plant. They continue to state that prevailing wind is a difficult concept to assess as wind direction can change significantly and wind data for 2011/2012 shows significant variation in dominant wind direction. Whilst they acknowledge emissions will still be released and will be transported by the wind, evidence so far from the air quality report and from similar plant is that they will be at levels significantly below known health or odour related standards. On this matter alone it is not considered that this should dictate whether such a location for a crematorium is suitable or not.

The Council's Development Strategy Team refers to the details the applicant's agent has provided in connection with alternative sites in compliance with policy CS1. They accept that in light of the above, it is considered that the most available and deliverable sequentially preferable site on the edge of Rugby Urban Area is the chosen site of land to the south of Ashlawn Road.

Design & Visual Impact:

The site lies within an area identified as Dunsmore Plateau Farmlands and Fringe in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers it to be a very distinctive gently rolling and undulating landscape characterised by both intensively farmed agricultural land with poorly defined field patterns and closely cropped hedgerows with geometric field patterns and mature trees and woodlands with few roads and settlements. Reference is also made to meandering river valleys and that the southern escarpment is moderately sensitive in ecological terms whilst in visibility terms is judged to be high, which overall is in strong condition making it an important feature to the south of the town.

The crematorium building will be clearly visible from the south and across the valley from both Onley and Barby Lanes, the M45 and the network of public rights of way across the Rains Brook Valley. However, by positioning the building approximately 220 metres south of Ashlawn Road this will result in a finished internal ground floor level of the proposed building approximately 4.5 metres lower than the edge of Ashlawn Road. The proposed building will lie approximately 70 metres further south down the edge of the valley from the existing barn. This will result in the ridge height of the existing barn being approximately 3 metres higher than the top of the chimney stack and the ridge line heights of the adjacent Rugby Football Club buildings being approximately 0.5 metres above the top of the chimney stack of the crematorium building. In addition the row of existing lime trees already provide a backdrop to the barn and this would continue with the proposed crematorium building.

In 1997 the Planning Inspectorate dismissed an appeal for the erection of an agricultural building on land off Onley Lane close to Rains Brook. The Inspector considered that the building would not be in harmony with its surroundings thereby harming the character and appearance of the open countryside. However, that building was to be located approximately 600 metres further south of the proposed crematorium building towards the bottom of the valley in an isolated location away from any other built structures. In comparison, the proposed crematorium building will be located in relatively close proximity to existing buildings and therefore would not appear as an isolated feature in the countryside.

Although the presence of the crematorium building in the landscape will be reduced in the light of the above, the strong angular lines finished predominately in render could result in a bold feature in contrast to the surrounding countryside, particularly in the initial years prior to the soft landscaping becoming established in an area that has been identified as highly visible. The NPPF states that good design is indivisible

from good planning and should contribute positively to making places better for people. However, it also considers that decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative but also reinforce local distinctiveness. It is accepted that design is a subjective matter and whilst it is clear that the building would make a statement within the landscape this is reduced to some extent by setting it partly down the side of the valley.

The proposal would form a unique building and owing to the changes in ground levels a substantial portion of the southern elevation will be viewed in context with a stone gabion wall which will be seen along the base for the majority of that elevation. The finished external render colour, especially to the southern elevation will be key to the appearance of the building and its setting within the wider landscape. Based on the significance of this final colour a condition would be imposed on any permission forthcoming to ensure it can be agreed with the Local Planning Authority prior to application. The northern (front) and side elevations of the building will not be seen to rise out of the ground so much owing to the change in ground levels compared with the southern elevation. The use of geometric horizontal and vertical shapes of glazing, render, metal and timber assist in breaking up the elevations of the building into smaller elements providing interest and rhythm. By retaining flat roofs throughout the development the height of the building is minimised and overall on balance the design of the building is considered acceptable.

The layout of the cemetery and areas to scatter ashes will follow the contours of the site and drop down steadily towards the southern edge of the application site in the direction of Rains Brook. By using the natural topography of the site this reduces the need for any significant earthworks enabling the overall form of the valley to be retained despite a change in character and function within this section of the landscape.

On balance the proposal is considered to accord with policy CS16, policies QE1, QE3 & QE6 (RSS) and the NPPF.

Agricultural Land Classification:

The application site is located on Grade 2 (very good) of the best and most versatile agricultural land. The best and most versatile land is defined as Grades 1 (excellent), 2 (very good) and 3a (good) with the remaining agricultural land is graded as 3b (moderate), 4 (poor) and 5 (very poor). According to Natural England's statistics approximately 12% of land, 23,692 hectares in Warwickshire is Grade 1 or 2. In Rugby Borough there is no Grade 1 land but there is 4,186 hectares of Grade 2 land which equates to 11.8% of land within the Borough.

Para 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land and where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of the higher quality land. Although no sequential approach has been undertaken by the applicants with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land.

When the Borough is considered as a whole, the most common Agricultural Land Classification is Grade 3. The next most common is Grade 2 and there are smaller areas of Grade 4 of which the largest amount forms part of the Rugby Radio Station Site. A significant proportion of land adjacent to the Rugby Urban Area is Grade 2 in the cases where it is not land allocated through sustainable urban extensions in the Core Strategy, located within the Green Belt or Flood Zones 2 & 3. Notwithstanding this the proposed development is not in the most sequentially preferable location when the best and most versatile agricultural land is considered in isolation of other factors.

As stated above there is 4,186 hectares of Grade 2 land within the Borough. 12.8 hectares of this would be lost by the proposed development, which equates to approximately 0.3% of Grade 2 land within the Borough and 0.05% within Warwickshire. This loss is considered minimal and is a further factor in the consideration of this application.

Natural England have produced a technical note in 2009 entitled Agricultural Land Classification: protecting the best and most versatile agricultural land. Although the note was produced to support guidance contained within the now superseded PPS7, it is the most up to date information Natural England have published on agricultural land classification. In this Natural England make it clear that although developing on the best and most versatile agricultural land is not ideal, it is not the sole consideration and other factors may need to be taken in to account.

The general principles of development referred to above identify a lack of alternative sites within higher tiers of the hierarchy of policy CS1 which the applicant has demonstrated. The aforementioned land allocations or constraints to development make those locations unsuitable for the proposed development and as such the proposed site of the crematorium and cemetery is suitable when considering other locations.

Overall, the Council's Development Strategy Team consider that although the site is located on Grade 2 agricultural land, which is not sequentially preferable, when constraints such as the Green Belt, flood zones and the location of urban extension allocations are considered the proposed location of the crematorium and cemetery would be located in a suitable location in the context of the Development Plan and the NPPF.

Highways:

A Transport Statement and a supplementary technical note were submitted in conjunction with the proposal. The Highways Authority have reviewed both these documents together with many of the representations raised by local residents, particularly in connection with existing accident issues, traffic impact and growth, suitability of the local road network and site operations.

It is considered that the main impact of the development in highway terms will be during off-peak hours and that the total traffic amounts potentially generated by the development during those off-peak times would still remain below the traffic levels experienced on the same highway network during peak times. It is understood that records show that there has only been one recorded accident at the Barby Road/Onley Lane/Ashlawn Road crossroads since the installation of enforcement cameras and whilst other accidents have been brought to the attention of the Highway Authority, they can only consider those that are officially recorded.

Significant representations have been received highlighting the potential impacts that the proposed Rugby Radio Station (RRS) development could have on the area. The Highway Authority has stated that guidance considers that committed developments should be included when assessing the impact of a development, including any allocations. Nevertheless they judge that the impact of the proposed crematorium will be primarily at off-peak times and at present the traffic generation of the RRS site is still unknown and not agreed with the Highway Authority. On this basis, it would be unreasonable to expect the applicant for the proposed crematorium and cemetery application to carry out the level modelling required to assess the impact of the RRS site with the crematorium and cemetery. The scale of the RRS means the level of impact on the local road network is likely to be significantly higher than that of the crematorium and cemetery and therefore when considered as a percentage impact of this application with the RRS traffic applied to the network would be considerably lower.

The Highway Authority considers that the distribution of traffic to and from the site is likely to fall between those assumptions made by the applicant and those raised by third parties. The Highway Authority has undertaken several site visits, including during school leaving time. At all times they witnessed two way traffic being maintained even when larger vehicles passed each other and that very few children from the school crossed Ashlawn Road outside of the formal crossing point.

Traffic calming is in place on the eastern section of Ashlawn Road but not in the vicinity of the application site access, however, the access is located within a 30mph section of the road. However, speed surveys have shown that 85% of drivers travelled at 37mph and 38mph or below and on this basis a visibility splay of 120 metres is being provided. Although reference has been made to drivers getting frustrated at slow moving corteges, the Highway Authority considers that the impact of the development cannot be considered on the assumption that drivers will willingly undertake unsafe manoeuvres as should this occur it will be a matter for the police to enforce/ take action. They also believe that not every cortege would travel along the 50 mph section of Ashlawn Road and therefore any 'frustration' would not occur at all times of the day.

The Highway Authority has assessed the impact of the development on the surrounding highway network, especially Barby Road, Onley Lane, Ashlawn Road and Percival Road and considered that the impact is acceptable. They specifically mention Percival Road and state that as it is a bus route it is suitable for manoeuvring large vehicles but the bus service providers are unlikely support traffic calming. However, they do not consider that the development would directly lead to speeding traffic, particularly as corteges are unlikely to be travelling at speed.

As the wider site accessed from Ashlawn Road is under the ownership of Rugby Borough Council, the Highway Authority consider they can manage any potential conflict of services and uses across the site. They also welcome the proposed formalised parking areas as this will provide opportunities for vehicles to park clear of the access and Ashlawn Road and reduce issues currently experienced by special events.

Concerns were previously raised by the Highway Authority regarding the ability for a car and coach to pass within and on the approach to the site access to avoid conflict. A revised plan has now been submitted that satisfies these previous concerns.

Overall, the Highway Authority considers that the proposal is acceptable subject to conditions. One of these conditions will require the installation of a dropped kerb tactile crossing point on the B4429 Ashlawn Road between the site access and Percival Road to match the other dropped kerb tactile crossing point on the other side Percival Road.

The proposed use does not fall within any specific form of development detailed in the Local Planning Authority's parking standards. Therefore, such schemes are assessed on their own individual merits although the general thrust of the Council parking standards for non-residential development is to seek a maximum car parking standard. The capacity of both ceremony rooms, including standing would be 226 people. Initially 100 car parking spaces are proposed to serve the site, however, an additional 50 car parking spaces have been indicated for the future development in case extra space is required. 10% of the car parking spaces will be allocated for disabled car parking, which will fall to 6% if the second phase of car parking is added. 20 cycle and 4 coach parking spaces are also shown. This level of parking provision is deemed to be acceptable and as the site and adjoining site is owned by Rugby Borough Council any future problems could be resolved by careful management.

As stated above, no bus route runs pass the entrance to the site. Between Mondays to Saturdays a service does operate along Balcombe Road and Percival Road through Rugby Town Centre approximately 560 metres, just over one third of a mile away from the site. Currently from Balcombe Road into Rugby Town Centre the buses start at 07:27 (Mondays to Fridays) and 08:08 (on Saturdays) and finish at 19:50. During the day the intervals the buses run at varies but is generally every 15 to 20 minutes and every 40 to 45 minutes. Whilst no buses run on Sundays or Bank Holidays the level of service provided is considered to be regular and could potentially cater for some users of the site.

Overall the proposal is considered to accord with saved policy T5, T2 (RSS) and policy CS11 and the NPPF.

Noise, Air Quality & Amenity:

The crematorium building would be sited approximately 235 metres in a southerly direction from the closest residential property on Ashlawn Road. The Council's Environmental Services Section consider that matters relating to noise generating plant and equipment, hours of construction and the prohibition of external speakers can all be addressed satisfactorily by condition to avoid any adverse impact on the amenities of nearby properties. Based on the siting of the crematorium building and the associated layout of the development and cemetery plots it is considered that owing to the distances between the site and surrounding properties, including residential, sufficient distances exist for the development not to overshadow or have an overbearing impact upon those nearby properties.

A Cremator Flue Gas Abatement System Statement and an Air Quality Report have been received in conjunction with the application. The Council's Environmental Services Section has confirmed that if planning permission is forthcoming other regulations governing the requirement for an Environmental Permit will be required. Such a permit is issued by Rugby Borough Council's Environmental Services Section and will include the most up to date guidance associated with crematoria. They have stressed that as it is a new built development it will be required to meet the latest standards for emissions, including mercury abatement. They have also stated that whilst the guidance on the Siting & Planning of Crematoria (1978) is still relevant, crematoria have been subject to integrated pollution prevention and control

measures and are also assessed under the air quality review and assessment regime in the Environment Act, 1990.

Environmental Services have stated that emissions will be released and will be transported by the wind, but they consider that the evidence from the air quality report and from similar plant is that they will be at levels significantly below known health or odour related standards. They have stated that the knowledge about the type of plant which intends to be used in the crematoria is high and therefore the information provided to date is sufficient enough for planning purposes. The chimney stack height and modelling will be required for the permit, however, current evidence suggests that in connection with air quality, Local Air Pollution Prevention and Control and a permit application that the required legal standard is achievable. This does imply that the chimney stack at its proposed height may be acceptable and not need any changes.

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

The proposed development is located within an Air Quality Management Area for nitrogen dioxide. Environmental Services accept that there would be a reasonable contribution to vehicle movements in the area generated from the site. The air quality report advises that the development would result in an imperceptible increase at the majority of receptor locations considered and that the assessment confirmed that the concentrations of nitrogen dioxide and particulate matter would be below the relevant statutory objective levels at all locations considered. The report concludes that the impact of road traffic generated by the proposed development is considered to be negligible for nitrogen dioxide and neutral to negligible for particulates. Environmental Services accept that the conclusions of the report.

Emotional and psychological harm can be a material planning consideration which may be taken into account as part of the planning process. The material weight given to such concerns has been tested at planning appeal and it has been established that provided efforts are made to minimise sight of the activities most likely to cause offence (such as embalming), it is not considered that the perceived psychological implications would be sufficient reason to warrant the refusal of the application. Based on the location of the building and its design it is not judged that the proposal would result in undue emotional and psychological harm.

On the basis of the above, the proposal is considered to accord with policies CS11 & CS16, QE4 (RSS) and the NPPF.

Drainage, Flood Risk & Hydrology:

The site is agricultural land and historically significant development has not occurred on it. The Environment Agency has confirmed that there are no licensed groundwater abstractions within 1 km of the site boundary but there are six surface water abstractions within 1 km of the site all at Lower Rainsbrook Farm and Bilton Fields Farm for general agriculture spray irrigation purposes.

Dunsmore Gravel is understood to lie under part of the north west corner of the site which is permeable strata that is capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. The solid geology which is present under the entire site and wider area

is Charmouth Mudstone which is judged to have low permeability that has negligible significance for water supply or river base flow.

The Environment Agency accepts the content of the reports that no contamination of soil and groundwater was found on the site. They have stated that cremated ashes generally do not contain contaminants with the potential to significantly impact on the chemical quality of soil or controlled waters (surface water or groundwater). Additionally the reports have confirmed low sensitivity of the site with respect to controlled waters receptors. On this basis, the Environment Agency considers cremated ashes will represent no risk to controlled waters. Nevertheless, the applicant's agent has advised that the final extent of the ash scattering areas will be addressed via the landscaping details.

Tests have confirmed the low permeability of the Charmouth Mudstone and therefore it is not anticipated that such strata will readily transmit significant quantities of groundwater, however, the Environment Agency have stated that generally speaking recorded water levels are below the depths of single and double grave depths and whilst there is one exception to this it is outside the application site further down the valley. They consider that if a continuous body of groundwater is present within the Charmouth Mudstone groundwater flow will be influenced by topography and will flow in a generally southerly direction towards Rains Brook.

The site is not located in a groundwater Source Protection Zone and no groundwater abstractions have been recorded within 2km. The Environment Agency consider surface water ponds identified within and close to the site will not be in continuity with groundwater within the Charmouth Mudstone, water will be held in place due to the low permeability of the underlying strata. Whilst it is possible that one of these ponds in the north of the site receives groundwater discharges from Dunsmore Gravels to the north, no discharges have been reported and no burials will take place within the Dunsmore Gravels, so there is no risk to water quality in these ponds. The Environment Agency have also stated there are no groundwater dependent designated ecological sensitive features identified within 1km of the site and therefore there are no groundwater dependent receptors at risk from the proposed development.

The Environment Agency has stated that a conservative assessment of environmental risk posed by estimating annual contaminant loading provides an estimate of the risks to groundwater immediately under the site. The methodology used in the reports reflects the approach recommended in the Environment Agency Guidance. This assessment indicates that groundwater in the Charmouth Mudstone could theoretically be impacted by a limited number of substances classified as hazardous and non-hazardous substances.

Although the overall potential to impact on Controlled Water receptors is low, the number of annual burials and the proposed long term operation of the site increases the potential risk. The Environment Agency now considers that the risk to groundwater, particularly within the Charmouth Mudstone and the Rains Brook can be adequately addressed by conditions and therefore they no longer object to the proposal.

Severn Trent Water have raised no objection to the proposal subject to the imposition of a condition in relation to surface water and foul drainage.

Overall the proposal is considered to accord with policy CS16 and policy QE9 (RSS) and the NPPF.

Ground Contamination:

A geo-environmental desk study was conducted and the findings of which the Environmental Services Section confirmed they generally supported, although they did state intrusive ground investigation was required for the site. This document has now been submitted and Environment Services have assessed the report and concluded that no pollutant linkages have been identified at the site that represents a risk to human health. They consider that should any localised hotspots of contamination be encountered during earthworks or construction, an appropriate assessment of the potential risks could then be undertaken.

In order to address other aspects of the report conditions can be imposed and several have been suggested by the Environment Agency in relation to controlled waters (groundwater or surface water) and potential contaminant concentrations in soil associated particularly with human health.

With regard to the Engineering Assessment section of the report, Building Control whose jurisdiction such matters fall within has confirmed that this element of the report is acceptable.

Therefore, the proposal is considered to accord with policy QE9 (RSS) and the NPPF.

Ecology:

An extended phase 1 habitat survey accompanied the application which identified the site as having good potential for both great crested newts and reptiles. A great crested newt and reptile survey was subsequently undertaken. No great crested newts or reptiles were found, but a large number of toads, frogs and smooth newts were present. Whilst the WCC Ecology Unit considers there are no over-riding ecological issues associated with the application, they recommend that suitable protective measures are implemented during the construction phase of the development in order to protect areas where amphibians are likely to be present. Warwickshire Wildlife Trust also considers that an appropriate buffer zone should be maintained along the western edge of the site adjacent to the Local Nature Reserve of Ashlawn Cutting in order to ameliorate any risks to habitats during construction works. These requests are reasonable and would form part of an ecological method statement for construction works condition.

Warwickshire Wildlife Trust and WCC Ecology Unit have stated that the Landscaping Masterplan indicates the creation of broad-leaved woodland, glades and wildflower areas, which overall will benefit the biodiversity value of the site and result in a net gain in biodiversity. This would be in line with one of the aims of the NPPF and Green Infrastructure Policy CS14.

No evidence of badgers was found on the site, however, WCC Ecology Unit recommend that an updated badger survey is carried out prior to the construction works commencing. Overall Natural England, WCC Ecology Unit and Warwickshire Wildlife Trust raise no objection to the application subject to the imposition of various conditions, including an ecological method statement for construction works and a habitat management plan.

Overall the proposal is considered to accord with saved policy E6, RSS policy QE7 and the NPPF.

Green Infrastructure, Trees & Landscaping:

An Arboricultural Report has been received which identified 61 individual trees and 6 groups of trees. It acknowledges that the most important tree feature within the site is the avenue of lime trees leading to the main part of the development from Ashlawn Road. Whilst no retention category A trees have been identified, the report does state the avenue of lime trees when considered as a group should be regarded as retention category A, rather than their individual classifications as retention category B. These trees are in generally good condition and collectively constitute a valuable amenity and landscape feature in the local area.

Regrettably one of these trees will have to be removed in order to re-configure the vehicular access. However, the Council's Arboricultural Officer has confirmed that the loss of one tree at the end of the line of lime trees will have a minimal impact on the group as a whole. Three further trees have been identified along the access road as potentially being impacted upon by the proposed access road layout. Two of these are lime trees considered retention category B trees, with the third being a Robinia graded retention category C. Following crown lifting and dead wooding it may be possible that some or all of these trees can be retained. In order to make a full assessment of the access works on the trees an arboricultural method statement, including a tree protection plan, will need to be submitted before development commences. Nevertheless, it is intended that the avenue of trees will be extended further south either side of the new access road into the site.

Concerns have been raised regarding the potential impact of the proposed new footpath under the canopies of the mature trees lining the existing access. However, the arboricultural statement shall also include methodologies for incorporating new hard surfacing in close proximity to any retained trees, which should address these possible issues. Together with other conditions in relation to tree works, root protection areas and construction exclusion zones, the impact on existing trees is considered acceptable.

A Landscape Masterplan and Landscape Plan have been submitted showing extensive mixed native woodland planting and wildflower meadows in the northern, north-western and eastern parts of the site. Further focal and avenue tree planting will also be proposed across the site together with bands of planting, including hedgerows, around the car parks and cemetery plots. They also show two access points on the western boundary of the site to link to the Ashlawn Cutting Local Nature Reserve. Nevertheless, these plans have not been finalised and more detail will be required. Therefore, these matters can adequately be addressed by condition. The Landscape Management Strategy & Implementation document implies that owing to the scale of the site the landscaping will be implemented over a five-year period, which is considered reasonable in principle and also gives the opportunity for any failures in the earlier phases to be easily replaced in later phases.

Part of the site lies within and adjacent to a Strategic Green Infrastructure Network. The site is also considered to form part of an area of search for a new accessible natural greenspace. Policy CS14 refers to enhancing the Green Infrastructure Network and where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local Green Infrastructure networks or assets, where present. As stated above, both Warwickshire Wildlife Trust and WCC Ecology Unit consider the intended soft landscaping for the site, which will form part of a Landscaping Masterplan, will benefit the biodiversity value of the site and result in a net gain in biodiversity.

This will undoubtedly boost the Green Infrastructure of the immediate locality and assist in providing further wildlife habitats. This Council is considering the potential for the Community Infrastructure Levy to create a fund for the enhancement of Strategic Green Infrastructure in the future. This matter is ongoing and to date nothing has been finalised. Therefore, it is considered that the degree of landscaping proposed would accord with the principles of Policy CS14.

As stated above, the site lies within both the Dunsmore Plateau Farmlands and Fringe in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers it to be a very distinctive gently rolling and undulating landscape characterised by both intensively farmed agricultural land with poorly defined field patterns and closely cropped hedgerows with geometric field patterns and mature trees and woodlands with few roads and settlements. Whilst the southern escarpment in visibility terms is judged to be high, it is considered that the use of landscaping throughout the site will also over time assist in providing a degree of visual amelioration with the surrounding area and when subsequent landscaping conditions are considered they can ensure that native species of ecological value are used. On this basis, the proposal would also comply with the general principles of saved Policy GP2.

The proposal would also comply with policies QE4 & QE6 of the RSS.

Archaeology:

The proposed development lies within an area of significant archaeological potential. Initially two phases of archaeological evaluation were undertaken involving a field walking exercise and geophysical survey across the site. This survey work produced a rectilinear anomaly within the western portion of the site within the proposed cemetery area. Owing to the potential significance of this feature further evaluative fieldwork was undertaken in the form of trial trenching.

This additional fieldwork identified ditches from the middle Roman period, a Roman pit and several undated post holes. The quantity and type of pottery recovered during the fieldwork, along with the presence of chaff in the environmental samples taken, suggests that the site is in close proximity of a low-status Roman settlement, which may have been a farmstead.

Based on the results of the field walking, geophysical survey and trial trenching that have been undertaken to date, WCC Archaeology consider that it would not be appropriate to require any further evaluative fieldwork at this stage. However, they would seek a programme of archaeological work to be undertaken across the site should planning permission be forthcoming and that this should be done in a phased approach with the first element undertaking further trial trenching. On this basis the proposal would not be in conflict with policy QE5 (RSS) and the NPPF.

Sustainable Design & Construction:

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The Sustainable Design & Construction Supplementary Planning Document (SDC SPD), 2012 states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.

Policy CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDS are also referred to in saved Policy GP2. SUDs will be used for the

site that will limit surface water run-off from impermeable areas and it is understood that the existing pond on the western boundary of the site will be utilised. The submitted Flood Risk Assessment encourages the use of SUDs compensation measures such as swales, filter trenches and permeable surfaces, although based on the subsequent Hydrological Study soakaway drainage may not be feasible owing to the low permeability of the ground below. Therefore, the installation of land drains may be needed in the burial area. As detailed above, the Environment Agency has raised no objection to the development subject to the imposition of conditions, which include a land drainage scheme. This policy also states that all new non-residential development shall demonstrate water efficiency of the relevant BREEAM (Building Research Establishment Environmental Assessment Method) very good standard. The applicant's agent has stated that water efficient devices, particularly in relation to toilets and taps, will be used in order to achieve a very good rating for the development. It is considered that a condition can be imposed to any planning permission securing these requirements.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 1000 sqm of non-residential floor space or more shall include equipment to reduce carbon dioxide emissions by at least 10%. The intended floorspace of the building will be below 1000 sqm, however, the applicant's agent has confirmed that the building will incorporate various energy saving devices. These include providing heating and hot water via heat reclaimed from the cremation process and air source heat pumps. Whilst there is no planning policy requirement to insist upon the installation of this technology, its inclusion is laudable and would accord with the general thrust of policy CS17 and the SDC SPD.

Other Matters:

Concerns have been raised about the potential conflict between the proposed development and the adjacent Rugby Football Club. The Council's Parks Department have commented that Whinfield Cemetery has successfully operated since the 1940s which is situated next to Council's biggest sporting ground, Whinfield Recreation Ground and Rugby Town Football Club. Therefore, it is considered that the recreational use of the Rugby Football Club and the cemetery and crematorium could co-exist alongside one another without any adverse impact. In addition, they have stated that as the crematorium and burials at the cemetery would not operate on Saturday afternoons, Sundays or Bank Holidays the proposed car park would be able to be used by the Rugby Football Club during these times and thereby solving a parking problem that has occurred in the past. Nevertheless, as Rugby Borough Council would be the landowner for both sites any conflicting problems that may arise could be carefully managed and resolved.

A Site Waste Management Plan which identifies the types of waste that the development may generate and estimated amounts, together with potential for recycling materials and dealing with inert and hazardous waste throughout the construction process is likely to need to be submitted to Rugby Borough Council. Ultimately, the acceptance and enforcement of such a Plan is governed by separate legislation dealt with by the Council's Environmental Services Section. A note to applicant will be added to any decision to advise the applicant of their duties.

WCC Fire & Rescue have raised no objection to the proposal subject to the imposition of a condition in relation to adequate water supplies and fire hydrants necessary for fire fighting purposes. WCC Police and WCC Paths raised no objection to the application.

Immediately to the south of the site on approximately 60 acres (24.3ha) the Borough Council in conjunction with the Woodland Trust is proposing a new woodland to mark the Queen's Diamond Jubilee. This proposal lies outside the application site for the crematorium and cemetery and is subject to a separate consultation exercise. Nevertheless, it is not considered that the intended woodland would adversely impact upon the proposed development.

Recommendation:

Overall based on the aforementioned assessment it is considered that on balance the proposal would accord with the Development Plan and national planning guidance. Therefore, the recommendation is for approval subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R11/0330

DATE VALID

05/09/2011

ADDRESS OF DEVELOPMENT

Land the South of Ashlawn Road
Hillmorton
RUGBY
Warwickshire

APPLICANT/AGENT

Jolande Bowater
Barton Willmore
Regent House, Prince's Gate
4 Homer Road
Solihull
B91 3QQ
On behalf of Robert Saunders, Daventry
District Council

APPLICATION DESCRIPTION

The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.

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:

Plans:

Location Plan 110104 09 Rev A received by the Local Planning Authority on 5th September 2011;

Elevations Sheet 1 110104 T-52 Rev G;
Building Sections Sheet 2 110104 T57 Rev C;
Building Sections Sheet 3 110104 T58 Rev B; and
Floral Tribute Canopy 110104 T74 Rev A;
all of the above received by the Local Planning Authority on 20th June 2012;

Site Plan 110104 T-50 Rev G;
Block Plan 110104 T-75 Rev G;
Elevations Sheet 2 110104 T-53 Rev H;
Basement - GA 110104 T-55 Rev G; and
Ground Floor - GA 110104 T-56 Rev H;
all of the above received by the Local Planning Authority on 25th June 2012;

Swept Path Analysis 0149/ATR/015 Rev A received by the Local Planning Authority on 19th July 2012;

Documents:

Arboricultural Report September 2011;
Archaeological Desk-Based Assessment September 2011;
Cremator Flue Gas Abatement System Statement September 2011;
Extended Phase 1 Habitat Survey September 2011;
Flood Risk Assessment September 2011;
Geo-Environmental Desk Study September 2011;
Landscape Statement & Management Strategy September 2011;
Transport Assessment September 2011 (excluding plans);
all of the above received by the Local Planning Authority on 5th September 2011;

Archaeological Field Walking Survey September 2011 and Archaeological Geophysical Survey September 2011 both received by the Local Planning Authority on 1st November 2011;

Great Crested Newt Survey May 2012 received by the Local Planning Authority on 30th May 2012;

Transport Statement - Technical Note Addendum April 2012 and Presence/likely absence reptile survey September 2011 both received by the Local Planning Authority on 31st May 2012;

Geoenvironmental Assessment April 2012 received by the Local Planning Authority on 1st June 2012;

Tree Felling Works WSP Memorandum ref 22967 dated 15/06/2012;
Air Quality Assessment June 2012;
Tier 2 Preliminary Quantitative Risk Assessment June 2012 (Hydrogeological Assessment);
all of the above received by the Local Planning Authority on 20th June 2012;

Specification for Archaeological Evaluation May 2012 received by the Local Planning Authority on 21st June 2012; and

Archaeological Evaluation Report July 2012 received by the Local Planning Authority on 13th August 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:

Notwithstanding the details submitted, no development shall commence on any building or structure (including the proposed sub-station) unless and until full details of the colour, finish and texture of materials to be used on all external surfaces, together with samples of the facing materials, including render, timber, brise soleil, stone gabions, windows and doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 4:

Notwithstanding the details submitted, full details (including elevations) of the design and appearance of the treatment of the northern site boundary, including fencing, walling and entrance barrier shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, details agreed in accordance with this condition shall be carried out prior to the date on which the development is first brought into use.

REASON:

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

CONDITION 5:

Prior to the building being first brought into use, details of water efficiency measures to be incorporated into the design of that building to meet the standards below in accordance with Policy CS16 shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall then be incorporated into the design of the building prior to it first being brought into use and then retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to BREEAM very good standard.

REASON:

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

CONDITION 6:

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

REASON:

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

CONDITION 7:

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

REASON:

In the interests of fire safety.

CONDITION 8:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

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

CONDITION 9:

Prior to the commencement of burials at the site the applicant must agree a groundwater and surface water monitoring scheme and a shallow land drainage scheme, designed to reduce the possibility of accumulation of surface water on the site so as to minimise its ingress into graves, with the Local Planning Authority. Those schemes shall be implemented in accordance with the approved details.

REASON:

To protect the quality of controlled waters in the local area and to minimise the need to manage water on site.

CONDITION 10:

Unless otherwise agreed in writing with the Local Planning Authority, all burials in the cemetery shall be:

- a minimum of 50 metres from a potable groundwater supply source;
- a minimum of 30 metres from a water course or spring;
- a minimum of 10 metres from fields drains and ditches; and
- no burial into standing water and the base of the grave must be above the local water table.

REASON:

To protect the quality of controlled waters in the local area.

CONDITION 11:

In addition to Condition 8 of this decision notice, no infiltration of surface water drainage into the ground within the operational burial areas is permitted other than that agreed in writing with the Local Planning Authority prior to such drainage measures occurring. The Local Planning Authority may give express written consent for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON:

Low permeability of ground conditions would make infiltration systems impracticable and potentially increase the risk to controlled waters.

CONDITION 12:

Prior to the installation of any external lighting, full details of the design and appearance of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed and operated in accordance with the approved details.

REASON:

To prevent unnecessary light pollution in the countryside and in the interests of the amenities of the area.

CONDITION 13:

No development shall commence unless and until an Ecological Method Statement for Construction has been submitted to and approved in writing by the Local Planning Authority. This shall include details of checks to be undertaken for badgers, bats, breeding birds, reptiles and amphibians, details of a buffer to prevent works or storage having an adverse impact on the Ashlawn Cutting Local Nature Reserve and appropriate working practices and safeguards for wildlife and sensitive habitats to be employed whilst works are taking place on site. The development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure that protected species are not harmed by the development

CONDITION 14:

No development shall commence unless and until a Habitat Management Plan of the site is submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and / or constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for the implementation of the plan; and
- Monitoring and remedial/contingencies measures triggered by monitoring.

The development shall not be carried out other than in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority.

REASON:

To protect and enhance the ecological character of the area.

CONDITION 15:

Unless otherwise agreed in writing with the Local Planning Authority, the access to the site onto Ashlawn Road B4429, including footway alterations, shall be laid out in accordance with plan ref 0149/GA/002 Rev B and the alterations to the internal roads, including widening, parking restriction markings and coach waiting areas shall be laid out in general accordance with plan ref SK-003 Rev A, both plans received by the Local Planning Authority on 31st May 2012. The aforementioned works shall be

implemented prior to the development of the site and/or building first being brought into use.

REASON:

In the interests of highway safety.

CONDITION 16:

The development shall not be first brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

CONDITION 17:

The development shall not be first brought into use until a dropped kerb tactile crossing point on the B4429 Ashlawn Road between the site access and Percival Road has been provided. Full details of the crossing, including precise location, shall be submitted to and approved in writing by the Local Planning Authority prior to installation and the dropped kerb tactile crossing shall then be installed in accordance with those approved details.

REASON:

In the interests of highway safety.

CONDITION 18:

In addition to Condition 13 of this decision notice or to form part of it, before development commences on site, the applicant is required to submit a construction management plan to the Local Planning Authority. This shall include details of how construction traffic will be managed to and from the site, including routes times and types of measures to mitigate the possibility of mud and debris being deposited on the highway as a result of construction traffic leaving the site. The plan shall then be carried out in accordance with the approved details.

REASON:

In the interests of highway safety and amenities of the locality.

CONDITION 19:

Before development commences an arboricultural method statement including a tree protection scheme and plan (BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- how retained trees will be protected during development without impacting upon them adversely;
- methodologies for incorporating new hard surfacing in close proximity to retained trees;
- tree works schedule specifying all proposed felling, pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons;
- details of all crown lifting (for vehicular access) and dead wooding of all the avenue of lime trees flanking the access; and
- details that all tree works shall be carried out in accordance with BS3998: 2010, Recommendations for tree work.

Works shall then be carried out in accordance with the approved statement.

REASON:

In the interests of visual amenity and to protect the health of any retained trees.

CONDITION 20:

Notwithstanding the details submitted, no development shall commence unless and until a comprehensive phased hard and soft landscaping strategy and scheme has been submitted to and approved in writing by the Local Planning Authority, including a phasing plan and defined ash scattering areas. The first phase of the approved hard and soft landscaping strategy and scheme shall be implemented no later than the first planting season following the development first being brought into use. If within a period of five years from the date of planting of that phase, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 21:

Notwithstanding any of the details submitted as part of the application and prior to the development first being brought into use, details including appearance and location of secure and both covered and uncovered cycle storage facilities for both staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The cycle provision shall be implemented in accordance with the approved details and made available for use prior to the development first being brought into use.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 22:

In relation to the construction of the crematorium building, no plant or machinery shall be operated, no construction process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 07:30 hours to 18:00 hours Monday to Friday and 08:30 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Public/Bank Holidays unless approved in writing in advance with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality, including neighbouring properties.

CONDITION 23:

Prior to the first occupation and use of the crematorium building, details of the operation noise from all mechanical and noise generating plant emitting noise externally, together with measures for acoustically treating such equipment, including those within the service yard, shall be submitted to and approved in writing by the Local Planning Authority. The mechanical and noise generating plant together with associated mitigation measures shall be carried out in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 24:

Unless otherwise agreed in writing with the Local Planning Authority no external speakers shall be used within the planning application site boundary.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 25:

No external cremations shall take place outside the building, hereby approved, within the planning application site boundary.

REASON:

In the interest of the amenities of the locality.

CONDITION 26:

Unless otherwise agreed in writing with the Local Planning Authority, no cremations or burials or associated services shall take place outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 14:00 hours on Saturdays. No cremations, burials or associated services shall take place on Sundays or Public/Bank Holidays.

REASON:

In the interests of the amenities of the locality.

CONDITION 27:

No development shall commence unless and until a contaminated land assessment associated with works to the existing bund adjacent to the barn at the northern part of the site 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 and environment) when the site is developed. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of health and safety.

CONDITION 28:

No burials shall take place within the vicinity of Trial Pit 3 (TP3) identified on Figures 3 & 4 of the GeoEnvironmental Assessment dated April 2012 received by the Local Planning Authority on 1st June 2012 until additional investigations to identify potential contamination in the ground has been assessed. The findings of those additional investigations shall be submitted to and approved in writing by the Local Planning Authority before any burials take place in the vicinity of Trial Pit 3 (TP3) and works shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of health and safety.

CONDITION 29:

Prior to any burials taking place, further human health risk assessments shall be undertaken in addition to those identified within Section 6 of the GeoEnvironmental Assessment dated April 2012 received by the Local Planning Authority on 1st June 2012, to ensure operational staff are protected during the digging out and infilling of graves. These assessments shall be submitted to and approved in writing by the

Local Planning Authority before any burials take place and burials shall then be carried out in accordance with the approved details.

REASON:

In the interests of health and safety.

CONDITION 30:

Prior to the proposed sub-station being constructed and in addition to Condition 3 of this decision notice, full details of the sub-station's design, appearance and location shall be submitted to and approved in writing by the Local Planning Authority. The sub-station shall be built in accordance with the approved details.

REASON:

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

REASON FOR APPROVAL:

The proposed development involves the creation of a cemetery and crematorium facility in the countryside adjacent to the Urban Edge of Rugby. The Rugby Urban Area is the primary focus for meeting strategic growth targets and is an established populated area. It is considered that the location of a cemetery and crematorium is compatible with a countryside location close to the edge of an established urban area, and a proven need and sequentially preferred location has been addressed. On this basis the proposal is considered to accord with Policy CS1 of the Rugby Borough Core Strategy, 2011. The design and appearance of the proposal would comprise of a unique building visible across the Rains Brook Valley. However, the building would be viewed in conjunction with other buildings, it would be set down within the valley side and the additional landscaping will add to the appearance and biodiversity of the area and enhance Green Infrastructure networks, linkages and assets without adversely affecting protected species. The proposal will therefore accord with saved Policies E6 & GP2 of the Rugby Borough Local Plan, 2006, Policies CS14 & CS16 of the Rugby Borough Core Strategy, 2011, Policies QE1, QE3, QE4, QE6 & QE7 of the West Midlands Regional Spatial Strategy (RSS) and the National Planning Policy Framework (NPPF). It has been demonstrated that the loss of Grade 2 Agricultural Land is acceptable on the grounds of a lack of alternative sites and therefore would accord with Policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF. The relationship of the proposal with adjacent properties and land uses will not adversely affect their amenities or have an unacceptable impact on the surrounding infrastructure, including air quality, noise, ground contamination, highways and drainage. The proposal is therefore considered to accord with saved Policy T5 of the Rugby Borough Local Plan 2006, Policies CS11 & CS16 of the Rugby Borough Core Strategy 2011, Policies T2, QE4 & QE9 of the RSS and the NPPF. The proposed development will incorporate water efficiency measures and there would be no adverse impact on significant archaeology. Thereby the proposal would accord with Policy QE5 of the RSS, Policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Saved Policies of the Rugby Borough Local Plan, 2006 - GP2, E6 & T5;
Policies of the Core Strategy, 2011 - CS1, CS11, CS12, CS14 & CS16;
Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012;
Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012;

Warwickshire County Council Landscape Assessment of the Borough of Rugby, 2006;
Policies of the West Midlands Regional Spatial Strategy - QE1, QE3, QE4, QE5, QE6, QE7, QE9 & T2;
National Planning Policy Framework, 2012; and
Department of the Environment - The Siting & Planning of Crematoria, 1978.

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

INFORMATIVE 1:

Separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

INFORMATIVE 2:

The applicant/developer's attention is drawn to the Site Waste Management Plans Regulations, 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

INFORMATIVE 3:

With regard to Condition 9 of this decision notice, any scheme should reflect the minimum requirements of the Environment Agency's Guidance for operational sites, detailed in Environment Agency, April 2004, 'Assessing the Groundwater Pollution Potential for Cemetery Developments.'

INFORMATIVE 4:

With regard to Conditions 15 & 17 of this decision notice, works will be required to be carried out within the limits of the public highway. The applicant/developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE 5:

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications 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 6:

The applicant/developer is advised that an environmental permit will be required for the operator to legally operate the facility. Consultation is recommended with the Pollution Prevention Control Officer, Dean Taylor, in the Council's Environmental Services Section (01788 533857).

INFORMATIVE 7:

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

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

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

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

INFORMATIVE 8:

With regard to Condition 19 of this decision notice, the applicant/developer is advised to contact the Council's Arboricultural Officer, Dave Gower, on 01788 533634 prior to commencing any tree works or works within the vicinity of any existing trees on site.

Reference number: R12/0920

Site address: 11 Bell Lane, Monks Kirby

Description: Erection of a detached single storey garage

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the erection of a detached single storey garage with a footprint measuring 9.15m by 6m that will be 3.6m high to eaves and 8.5m high to ridge level of the dual pitched roof. It will provide a triple garage.

Amended plans have been received reducing the footprint of the proposal to 6m x 7m with it being 3.5m high to eaves level and 7.5m high to the ridge level. It will still be located in the position originally sought albeit with this reduced footprint and height whilst also being a double garage as opposed to the triple garage originally sought.

Further amended plans have been received reducing the height of the building so that it will be 2.2m high to eaves level and 6m high to ridge level.

Site History;

Use of land for erection of detached dwelling (R92/0682/14408/OP)	Refused 08.07.1989 Appeal dismissed
Outline application for demolition of stables and erection of a dwelling (R05/0096/14408/OP)	Withdrawn
Outline application for the conversion and extension of the existing stables to form a local needs dwelling (R05/0777/14408/OP)	Approved 07.09.2005
Retrospective application for the erection of a single storey rear Extension (R10/1971)	Approved 24.11.2010

Consultee Correspondence;

Highway Authority No objections

Third Party Correspondence;

Monks Kirby Parish Council	Object	On the grounds of the size of the proposed garage being too large; height dominating the streetscene; height insufficiently subservient to
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main dwelling; site is in the green belt with proposal further encroaching into the green belt than the dwelling it will serve; is in the Monks Kirby Conservation Area; is outside of the village envelope; and insufficient information provided to visualize the proposal.

Relevant Policies;

RBCS Policy CS16	Complies	Sustainable Design
Sustainable Design & Construction SPD		
NPPF		

Other Relevant Information;

The application is brought before your committee for determination as the applicant is related to Cllr Garcia.

The site is occupied by a substantial detached dwelling located outside the village boundary of Monks Kirby, within the Green Belt and in Flood Zone 3. The application site is well screened by landscaping on the northern and eastern boundary, to the south of the site is open countryside, and to the west of the site on the opposite side of Bell Lane is The Bell Inn.

The dwelling on the site was granted consent in 2005 at committee on the basis that the proposed development was necessary to meet the needs of a local rural business and as such was considered to be acceptable development within the Green Belt.

Consideration;

The key considerations to assess in the determination of this application is the affect the proposed garage has on the openness of the Green Belt, its affect on neighbouring properties residential amenity and the sites location within the Conservation Area.

Located within the Green Belt within which local and national policy indicates all development is inappropriate unless falling within certain appropriate use, both policies indicate that extensions or alterations are acceptable so long as they are not disproportionate additions over and above the size of the original dwelling. It can therefore be seen that the principal of a garage to serve the dwelling is acceptable.

As originally submitted the proposal was a considerable size but has been reduced as a result of amended plans provided following negotiations. Its footprint is now of a size to allow to vehicles to park in it with sufficient room for the doors to be able to open thus ensuring it is capable of use as a garage. The reduced eaves and ridge height has resulted in the bulk, massing and height being reduced whilst the roof slope matching that of the main dwelling

ensures it relates to the dwelling it will serve and fit in with the immediate visual environment. Both the application forms and amended plans detail it will be constructed of materials to match those of the dwelling it will serve so enabling it to fit in with the area further.

Within the site the proposal is to be situated in close proximity to the site entrance approximately 30m from the dwelling. Ideally it would be better sited adjacent to the dwelling however the 2 locations beside the house it could go would result in it either being in a brook or outside of the defined residential curtilage, neither of which is considered acceptable. The position proposed is located within the approved residential curtilage of the dwelling in an area of grass which can give way to the proposal without impacting upon the residential garden of the dwelling. It will also be screen from view from users of Bell Lane and the adjacent pub, The Bell Inn, due to the established landscaping on the sites boundary with Bell Lane as well as the entrance wall into the site.

It will be visible within the green belt from the adjacent fields to the south and east due in part to limited planting along the site boundary as well its height. However, given the above it is considered that it would not impact on the open nature of the green belt given that it will be seen against the dwelling it will serve and is therefore acceptable.

With regards to neighbouring sites the dwelling is the last residential dwelling on the road. The position of the garage is such that it will not impact upon the amenities of the dwelling itself or the adjacent pub on the other side of Hall Lane.

The proposal will provide 2 covered parking spaces on the site in addition to the 4 spaces available immediately to the front of the dwelling that will result in sufficient parking spaces in according with the levels detailed in the Planning Obligations SPD. Subject to a condition restricting its use for parking purposes associated with the main dwelling it is considered acceptable visually.

The site is located within the Monks Kirby Conservation Area with the provisions of the NPPF detailing Local Planning Authorities should take account of, amongst other things, sustaining and enhancing heritage assets. As indicated above the proposal is considered to be of an appropriate design, appearance, scale, massing and bulk with it relating well to the dwelling it will serve. Situated toward the edge of the designated conservation area it is considered that the proposal will as a minimum sustain the character, appearance and historic nature of the conservation area.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 11th September 2012

DRAFT DECISION

APPLICATION NUMBER

R12/0920

DATE VALID

14/06/2012

ADDRESS OF DEVELOPMENT

11 BELL LANE
MONKS KIRBY
RUGBY
CV23 0QY

APPLICANT/AGENT

Mr Peter Randall
60 Sheepy Hall House
Sheppy Magna
Atherstone
Warwickshire
CV9 3QP
On behalf of Mr Francisco Garcia

APPLICATION DESCRIPTION

Erection of detached single storey garage.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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 and site location form submitted as part of the planning application and received by the Local Planning Authority on 14th June 2012; and

Amended drawings numbered 2 and 3 submitted to and received by the Local Planning Authority on 3rd August 2012; and

Amended elevational drawings numbered 4 and 5 submitted to and received by the Local Planning Authority on 7th September 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:

The garage hereby approved shall only be used for the purposes of parking cars in association with the main dwelling known as 11 Bell Lane, Monks Kirby and for no other purposes.

REASON:

To ensure the development is used for the purposes used to justify the proposal and for the avoidance of doubt.

CONDITION 4;

No doors, openings or windows other than those shown on the approved plans shall be inserted in the building hereby approved.

REASON;

In the interests of amenity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy policy CS16

Planning Obligations SPD

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 garage will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties whilst also not impacting upon the Monks Kirby Conservation Area, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

Reference number: R12/1466

Site address: Ashlawn School, Ashlawn Road, Rugby

Description: Erection of a three storey extension to form a new performing arts centre and classroom facilities including the formation of a new multi use games area, the conversion of the existing tennis courts into a car park and the erection of welded mesh panel fencing with gates around the perimeter of the school

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee due to its status as a major application

Site Description

Ashlawn School is located to the South East of Rugby town centre within the urban area of Hillmorton. The school fronts the Ashlawn Road and consists of a large grouping of buildings spanning approximately 300 metres wide. There is a large playing field to the rear of the school extending the full width of the site which backs on to the Rainsbrook Valley and open countryside.

The school has been extensively extended throughout its time which has led to different designs, styles and types of materials being used leading to a very varied appearance throughout.

Proposal Description

This proposal is for the erection of a three storey extension which will provide a new performing arts centre and classroom facilities. The proposal is to include the formation of a new multi use games area, which will be located adjoining an existing play area which will allow the conversion of the existing tennis courts into a car park. There will also be new fencing and gates erected around the perimeter of the site.

The proposed new performing arts centre and classrooms will be sited to the far west end of the school and will project out backwards from the existing school before turning 90 degrees and extending further out forming an 'L' shape. The extension will be a three storey extension which will be above that of the existing two storey flat roof section of the school it is to project from. The extension will have a shallow pitched hipped roof and will use a mixture of materials from brick, timber cladding and fibre cement cladding panels. To add visual interest different colour panels have been added across the elevations with the colours taken from the badge of the school. The proposed extension will encroach approximately 4 metres into the playing field resulting in the relocation of the rounder's pitch further into the playing field.

The proposed new extension will extend around the edge of the existing tennis courts. The original proposals looked to convert the existing tennis courts into a car park with areas of soft landscaping introduced however after consultations with Sport England the number of car parking spaces has been reduced and the tennis courts reconfigured to provide a multi use games area. There will be now a total of 38 new parking spaces provided on top of that of the existing parking.

As a result of the formation of the new car park and reconfiguration of the tennis courts the school proposes to provide a new multi use games area. This will be located on the opposite side of the school and will adjoin an existing area of hard surfaced play area to form one large area instead of two individual areas on different sides of the school. The new MUGA will take up an area of playing field however will not affect any existing pitches.

The introduction of the fencing around the perimeter of the school is has been proposed as a result of the OFSTED report on the school. The fencing is to be a welded mesh panelled fence which has an open aspect allowing views through. The fencing to the front of the site will be 2.4 metres in height and will have 6 gates within it, 2 for vehicular access and 4 for pedestrian. The fencing to the side and rear of the site will be 3 metres in height.

Relevant Planning History

Several Applications for varying sizes of extensions have been applied for and approved by the Warwickshire County Council. Now the school has academy status the Borough Council now has control.

R12/1460 – Erection of a single storey extension to dining hall facilities – Approved

Technical Consultation Responses

Environmental Services – No objections subject to conditions

WCC Highways – No objections

Tree Officer – No objection subject to conditions

Sport England – No objections subject to condition regarding community use

Third Party Responses

Neighbours (3) – Objection

- Main concern is in relation to the lack provision of 'accessible' parking proposed.
- Fisher Avenue residents have to tolerate a range of problems including inconsiderate parking blocking private drives, illegal parking on the junction of Ashlawn Road and Fisher Ave, volume of traffic, Students cycling on the path, knocking over young children and putting themselves at risk from reversing residents
- The worst problem is the traffic congestion at 3.30 which develops where Fisher Ave joins St. John's Ave
- At quieter times Fisher Ave turns into a rat run when vehicles of students, parents and members of staff speed to the school, well above the 30 speed limit.
- Increasing concerned about the safety at the top end of Fisher Avenue leading into Ashlawn Road due to the amount of cars parked during the day, students hanging around during the day and dropped litter.
- Difficult to liaise with the school on such matters of parking in streets as they will not engage in any dialogue

- This week, I know of 2 (albeit minor) accidents in Fisher Avenue, at the end of the school day, due to volume and speed of traffic travelling down Fisher Avenue. Most school days, any large vehicle, (fire engine) would find it extremely difficult to pass down Vernon Avenue.
- Would ask the Planning Committee to build some restrictions in, covering start and finish times and weekend and bank holiday working so that local residents can have some respite from constant noise and traffic

Relevant Planning Policies and Guidance

Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

Saved Local Plan Policies

E6 Biodiversity

Guidance

Rugby Borough Council Planning Obligations SPD

National Planning Policy Framework

Assessment of Proposals

The determining issues to take into account in this case would be the principle of the development, impact on the character and appearance of the building and surrounding area, the impact on the neighbouring amenities and parking.

Principle of Development

The proposed extensions are required to enable the school to improve and upgrade the existing on site facilities, primarily accommodation for performing arts and extra classroom accommodation.

Part 8 paragraph 72 of the National Planning Policy Framework March 2012 states that Local Planning Authorities should give great weight to the need to create, expand or alter schools. As the proposals directly reflect the existing established use of the site and do not deviate from existing on site activities, the principle of development is already established. These works will consolidate the educational opportunities for existing students and provide better functionality within the school both in terms of the drama and arts centre and also the new multi use games area. The proposals therefore complies with the principles set out in Part 8 paragraph 72 of the National Planning Policy Framework March 2012.

Character and Appearance

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The National Planning Policy Framework states in paragraph 17 that planning should always seek high quality design. The existing school features various build designs and external

materials that reflect the techniques and architectural preferences of the periods in which the various elements were built. This includes the use of a combination of timber cladding and facing brickwork, which is a prominent feature of the existing three storey block.

The proposed three storey block picks up on this and also includes facing brickwork and timber cladding, but in modern style. The result would be a structure that is in keeping with the surrounding elements of the school and yet has its own character, adding another page to the structural history of the school and following the tradition of incorporating current architectural styles and techniques into the design of new structures on the site.

The clean lines and complimentary materials serve to integrate the new structure with the remainder of the school whilst also creating a visual feature that significantly improves the appearance of the school site. This element of the scheme is functional yet attractive and provides harmonious balance between design and practicality. The extension is set back from the highway by approximately 85 metres into the site so would not appear overly prominent within the street scene although three storeys in height. The new car park will sit in front of the building with soft landscaping areas replacing an area of the existing tennis courts which will be reconfigured into a new multi use games area.

The new multi use games area will be an extension of the existing games area and will take on a similar form in terms of surfacing and surrounding fencing. The increase in size of the area would not have a significant impact on the appearance of the surrounding area as the new section would be viewed in context with the existing and will be positioned to the rear of the school so not visible from the Ashlawn Road.

The new fencing which will span the full perimeter of the school grounds will alter the appearance of the school as the existing boundary treatment to the front only consists of a hedgerow and metal railing gates. The new fence will be located behind the hedgerow which stands between 1.5 metres to 2 metres high so therefore the fence would be visible behind. The fencing will have an open aspect to it so therefore would allow views through therefore not appearing as prominent. The green colouration of the fence would allow it to blend in with the hedgerow to the front and also the tree lined rear boundary. Whilst the fence would have an impact on the visual appearance of the surrounding area the open aspect and colouration of the fence would reduce its impact and there is a need of the school to provide the fencing for security purposes.

Taking the above into account it is considered that the proposed extension, multi use games area and fencing would have minimal impact on the character and appearance of the area complying with paragraph 17 of the NPPF and the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to character and appearance.

Residential Amenity

Policy CS16 also refers to amenity and states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The National Planning Policy Framework also states in paragraph 17 that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. The curtilage of the school adjoins very few residential properties however is situated opposite residential dwellings which align the Ashlawn Road. The proposed three storey extension is located approximately 85 metres into the site

away from the highway therefore well over 100 metres away from the closest residential dwellings. Although the extension is three storeys high the distance between the extension and residential dwellings would diminish any impact had upon the neighbouring amenities.

The new car park would help alleviate the issues of people associated with the school parking on, in and around the nearby streets of the school improving the amenities of the residents.

The new multi use games area will be positioned along the boundary which adjoins allotment grounds so therefore would be well away from the neighbouring residents having no impact their amenities.

The new fencing would have little impact on the neighbouring amenities of the properties opposite on Ashlawn Road. The only property it would affect is the neighbouring bungalow which sits almost within the grounds of the school. The new fencing would project along the curtilage of the dwelling and forward of the bungalow however the bungalow is within the ownership of the school so therefore the impact would not be significant.

Taking the above into account it is considered that the proposals would have minimal impact on the amenity of neighbouring residents complying with policy CS16 of the Core Strategy and also the guidance contained in the NPPF.

Parking

The Rugby Borough Council Planning Obligations SPD March 2012 recommends parking provision for schools at a ratio of 2 spaces for staff and visitors per classroom. The existing parking facilities provide 135 spaces and would be increased to 173 spaces with the addition of the extra that is being provided as part of this application.

The SPD does not require provision to be made for parents delivering/collecting pupils, but indicates that provision for parking to serve the further education aspect of the school (namely the 6th form) should be considered on the individual merits of the proposal.

It has been highlighted by neighbours that on street parking in and around the school is an issue however as the number of parking spaces is going to be increased and the size of the school in terms of numbers of pupils is not increasing the additional parking will provide some relief to the issues raised by the neighbouring residents. It is considered that parking provision within the site is of an acceptable level and therefore considered to comply with the relevant element of the Rugby Borough Council Planning Obligations SPD March 2012 and Saved Policy T5.

Reducing Carbon Emissions

A sustainability appraisal and energy statement has been submitted as part of the application to demonstrate how the development would minimise energy consumption in accordance with policy CS17 which requires developers to demonstrate how developments over a certain threshold will reduce energy consumption. Whilst further details are required which can be submitted via conditions the statement and appraisal demonstrates that water conservation and reduced energy consumption can be achieved. The proposed development therefore

complies with policy CS16, CS17 and the Rugby Borough Council Local Development Framework Sustainable Design and Construction SPD February 2012.

Other Considerations

As part of the consultation with Sport England information has been submitted showing the layout of the sport pitches both in the winter and summer periods. The negotiations also led to the multi use games area being reconfigured around the new car park so as not to lose the play area. Although Sport England are now happy with the proposals they have insisted that a condition be attached which requires the school entering into a community use scheme which allows the school sports facilities to be utilised by sport groups but not on pay and play basis. If the facilities were to be utilised by sports groups or community groups the facilities would be used outside of school hours therefore not impacting upon the parking situation around the school. As part of the condition it has requested details of the scheme that shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The condition will only be discharged once the planning, leisure and environmental services department are satisfied including the impact on the neighbouring amenities.

Recommendation

Grant Permission Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1466

DATE VALID

09/08/2012

ADDRESS OF DEVELOPMENT

ASHLAWN SCHOOL
ASHLAWN ROAD
RUGBY
CV22 5ET

APPLICANT/AGENT

Mrs C Carter
Ashlawn School Academy Trust
Ashlawn School
Ashlawn Road
Rugby
Warwickshire
CV22 5ET

APPLICATION DESCRIPTION

Erection of a three storey extension to form a new performing arts centre and classroom facilities including the formation of a new multi use games area, the conversion of the existing tennis courts into a car park and the erection of welded mesh panel fencing with gates around the perimeter of the school

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

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

REASON:

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

CONDITION: 3

Within 6 months of the date of decision, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

REASON:

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with NPPF (Condition 17)

CONDITION: 4

Tree protection measures during the development phase should be undertaken in accordance with BS5837:2012 (Trees in relation to design demolition and construction: recommendations) and the specific arboricultural report relating to the approved design details to create fenced root protection areas around all retained trees. Protective measures should remain in place until completion of all construction works. Root protection areas should be treated as sacrosanct with no building activity, ground disturbance, storage of building materials or parking/passage of vehicles taking place within them.

REASON:

To protect all retained trees during the development phase.

CONDITION: 5

The landscape scheme shown on plan ROC/523/PD/011 received by the Planning Authority on 11th September 2012 shall be implemented no later than the first planting season following completion of development. If within a period of 5 years from the date of planting, any tree is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

To maintain continuity of mature tree cover and to maintain screening within the site

CONDITION: 6

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

REASON:

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

CONDITION: 7

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 order to ensure that satisfactory parking and access arrangements are maintained within the site

CONDITION: 8

The accommodation for car parking shown on approved plan reference ROC/523/PD/004A shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the school and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking arrangements are maintained within the site.

CONDITION: 9

Notwithstanding details indicated within the Sustainability Building Statement prior to the first occupation of the new performing arts centre and classroom facilities details of water efficiency measures to be incorporated into the design of buildings to meet standards equivalent to BREEAM very good standard shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall

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

REASON:

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

CONDITION: 10

Notwithstanding details indicated within the Sustainability Appraisal and Energy Statement prior to the first occupation of the new performing arts centre details of the technology to be incorporated into the design of the buildings to achieve the carbon reduction shall be submitted to and include the submission of an Energy Performance Certificate to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be: 10% carbon emissions reduction efficiency

REASON

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

CONDITION: 11

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

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION: 12

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

Plan ROC/523/PD/011 received by the Local Planning Authority on 11th September 2012

Plan Nos. ROC/523/PD/004A, ROC/523/PD/007A, ROC/523/PD/008A and Design and Access Statement revision C received by the Local Planning Authority on 10th September 2012

Plan No ROC/523/PD/006 received by the Local Planning Authority on 3rd September 2012

Tree Report ref Forestry Project 2988 received by the Local Planning Authority on 15th August 2012

Fence Details received by the Local Planning Authority on 9th August 2012

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Policies CS16: Sustainable Development of the Rugby Borough Core Strategy 2011. Saved Policies GP2, E6 and T5 of the Rugby Borough Local Plan 2006. Rugby Borough Council Planning Obligations SPD March 2012 and the National Planning Policy Framework.

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 extensions will allow for the accommodation of improved student facilities and an increase in sports provision available to the local community, in accordance with Part 8 paragraphs 70 and 72 of the National Planning Policy Framework March 2012. The proposed extensions will be in keeping with the existing school setting and will not adversely impact on the residential amenity of neighbouring properties, in accordance with paragraph 17 of the National Planning Policy Framework and policy CS16 of the Rugby Borough Core Strategy 2011. The proposed landscaping will enhance the appearance of the site and provide opportunities for increased biodiversity in accordance with saved Policies GP2 and E6 of the Rugby Borough Local Plan 2006. Parking provision within the site is in accordance with the relevant section of the Rugby Borough Council Planning Obligations SPD March 2012 and Saved Policy T5 of the Rugby Borough Local Plan 2006.

INFORMATIVE: 1

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE: 2

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

INFORMATIVE: 3

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species and native species planting of shrubs or berry-producing species. The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required

INFORMATIVE: 4

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

Monday - 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: R12/0753

Site address: 21 Dunsmore Avenue, Rugby, CV22 5HD

Description: Erection of 6 dwellings (in lieu of part of previously approved development) with associated access, car parking and landscaping, amended parking arrangements for previously approved dwellings on plots 1-6.

Case Officer Name & Number: Karen McCulloch, 01788 533623

This application is being reported to Committee at the request of Councillor New and Councillor Dodd.

Description of site

This application relates to a former depot site that is located within a predominantly residential area. The depot buildings were demolished some time ago and the site has remained vacant. Development has recently commenced on previously approved dwellings at the rear of the site.

There are a mix of house types and styles in the area, including modern properties, bungalows and terraced houses. Some nearby properties include dormer windows.

Number 13 Dunsmore Avenue is located to the side of the site. This is a red brick property with a hipped roof and gable feature to the front. This property has a detached garage closest to the boundary. The only side facing window is at first floor level in the rear projection and is obscure glazed.

To the rear of this property there is a garage court adjacent to the site, flats at Gerandria Court are beyond this. There is a community centre at the rear of the site.

Properties in Paddox House are to the other side of the site. These have a garage building closest to the road. There is a brick wall on this boundary, in places this is around 3m high dropping to around 2m at the rear of the site. Properties in the Paddox House building have side facing windows looking towards the site.

Relevant planning history

- | | |
|----------|---|
| R05/0816 | Outline application for residential development - Approved November 2005 |
| R07/0882 | Erection of 11 apartments and 6 town houses (Approval of Reserved Matters) Approved at Appeal May 2008
This permission remains extant and plots 2 – 6 are currently being constructed. |

Description of proposals

This application is for the erection of 6 houses to be built on the frontage of the site, instead of the 11 apartments previously approved. The application initially included an amended housetype to be constructed on plot 1, however due to concerns regarding the impact on the neighbouring property this has been removed from the current application. The proposals also include parking for the 6 proposed properties and make alterations to the previously approved parking arrangements for the properties at the rear of the site.

The proposals include a terraced row of 4 properties. These will each have 3 bedrooms, 1 of these will be accommodated within the roofspace and dormer windows are proposed to the front and rear. The main parts of these properties will

be set around 1.4m back from the back of the footpath. The design of these properties will reflect the previously approved houses at the rear of the site.

To the other side of the access a pair of semi-detached houses are proposed. These will each have 2 bedrooms, plot 7 will face into the site and plot 8 will face Dunsmore Avenue itself. These will not include rooms within the roofspace. Plot 8 will be set around 3m back from the footpath. These properties will be smaller units with limited garden space that will be sold at the lower end of the market.

The proposed 3 bedroom properties will be around 9m to the ridge and the 2 bedroom properties will be around 8.9m.

Parking is proposed in a central courtyard between the properties. Two spaces will be provided for each 3 bedroom property and 1 space for each 2 bedroom property

A bin collection area is proposed adjacent to the site access. Residents will store their bins within rear gardens and on collection day will move the bins to this area.

Third party comments

Neighbours (2) Objection

- three storey housing at the front is not acceptable;
- surrounding buildings do not have rooms in the roof;
- work has already commenced without neighbours being notified;
- changes proposed at front of site are a significant improvement;
- changes to plot 1 are significantly worse;
- proposals be higher and include an additional dormer which will restrict light to 27 Dunsmore Avenue;
- believe there is a legal right to light to 27 Dunsmore Avenue, the plans would restrict this and would therefore be illegal;
- loss of privacy to 27 and future occupiers of plot 1 due to side facing door;
- parking for plot 2 is in front of plot 1;
- bin access for the new properties will be blocked by parking spaces;
- noise from bin movement;
- original proposal was for more affordable starter homes;

Letter signed by residents of 6 properties at Gerandria Court Comment

- there was previously a 12 foot brick wall on the boundary with Gerandria Court, believed this would be replaced with a similar wall;
- is to be replaced with a fence which will not give the same level of privacy or security;
- development will have different boundary construction on all sides;
- dwellings will use the same foul drains as Gerandria Court and Paddox House, could the system cope with the additional properties?
- drains are old and small and have been blocked previously; drainage should be routed to Dunsmore Avenue.

Amended proposals

Neighbours (3) Objection

- town houses proposed are not in keeping with the Avenue;
- buildings proposed are closer to the road than any other houses;
- plans do not show how close to the road houses will be;
- buildings proposed will be highest in the Avenue and will be over powering and out of place;
- windows in the roof space are inappropriate;

- windows will look into children's bedrooms, should amend plans to include bathrooms with obscure glass at the front;
- there are current issues with parking and congestion and the proposals will add to this;
- parking bays are too small so people will park on the street;
- as many homes as possible are being squeezed in to make a profit, 2 or 3 homes would be more acceptable;
- no one in the community supports the proposals, this would cause upset if it is forced on the community;
- traffic from the development will lead to air pollution, site is also close to busy roads;
- roof of plots 7&8 should be reduced in height and hipped;
- existing building line should be observed to allow greenery at the front of properties;
- what is proposed for rubbish disposal, will the pavement be blocked by bins?;
- proposal states properties will be accessible for disabled people however they would not be able to go upstairs;
- proposal should be amended to provide 3 bungalows reflecting the building line;
- there will be an increase in the population of over 50's this site is ideal for this type of housing as there are shops etc close by;
- proposal should be reduced to two storey or bungalows;

Technical consultation responses

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

Relevant planning policies

Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS10	Complies	Developer Contributions
CS16	Complies	Sustainable Design

Rugby Borough Local Plan 2006 – Saved policies

E6	Complies	Biodiversity
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area

Planning Obligations SPD, 2012

Sustainable Design and Construction SPD, 2012

National Planning Policy Framework, 2012

Assessment of proposals

The key issues to assess in relation to this application are whether the proposed development is acceptable in terms of the impact on visual amenity, neighbouring properties and highway safety. As the site is located within the Rugby Urban area which is defined as the primary focus for growth and there is an extant permission for residential development on the site the principle of development is acceptable in accordance with policy CS1.

When assessing the impact of the proposals consideration must be given to the extant permission that can be implemented. This proposed 11 apartments fronting onto Dunsmore Avenue. These were proposed in 2 blocks, the largest block, where plots 9-12 are currently proposed, included an element with a ridge height of around 10.6m and dormer windows facing Dunsmore Avenue. Lower elements, with ridge heights of around 9m were proposed adjacent to the side boundaries of the site, although these included rooms within the roof space these did not include dormer windows to the front elevation. These apartments were to be set around 2.4m – 3.6m from the back of the footpath.

The proposed dwellings are to be around 8.9m – 9.0m in height, a similar height to the lowest elements of the previously approved scheme, it is considered that the proposed building height is acceptable and is an improvement on the previously approved scheme. There are other properties in the area with dormer windows to the front elevation and these were also included on the previously approved scheme, these are therefore considered acceptable in relation to the visual amenity of the area.

The proposed dwellings will be located closer to the road than the previously approved scheme and neighbours have raised objections to this. However, existing development in the area is varied and includes a variety of set backs from the footpath. Plot 8, which is proposed adjacent to number 13 Dunsmore Avenue, will have a similar set back to this property with plots 9-12 closer to the road. Although this will increase the prominence of the properties in the street scene it is not considered that the impact would be so significant as to warrant a recommendation of refusal. A condition can be used to ensure that landscaping is provided to the front of the properties.

The submitted street scenes show the use of render at first floor of plots 9-12 and it is considered that this would add interest to the elevations and reflect nearby terraced properties, a condition is considered necessary to ensure that suitable render is used. The application form states that the brick and tiles to be used would reflect those previously approved.

Subject to conditions relating to materials it is considered that the impact on visual amenity and the character of the area will be an improvement on the previously approved scheme and is acceptable in accordance with CS16.

The proposals must also be assessed in relation to the impact on residential amenity. No side facing windows looking towards neighbouring properties are proposed to plots 7, 8 or 12.

The front elevations of the dwellings proposed will face existing properties on Dunsmore Avenue across the public road. There will be a minimum of around 19m from the habitable rooms of the properties opposite. The dormer windows proposed to plots 9-12 will be set back from the front elevation and will be a minimum of around 20m from the properties opposite. There will also be a minimum separation of around 20m between the proposed dwellings and the previously approved dwellings at the rear of the site. It is considered that the impact on residential amenity in relation to relation light and privacy is acceptable.

As the properties on plots 7 and 8 will have limited garden space it is considered that a condition removing permitted development rights in relation to loft conversions, extensions and outbuildings is appropriate.

Subject to this condition the impact on the amenity of existing and future occupiers is considered acceptable in accordance with policy CS16.

Policy CS16 also states that where appropriate sustainable drainage systems should be used and that development should comply with the water consideration standards in Level 4 of the Code for Sustainable Homes, the water conservation standards can be secured by condition. However, due to the previous uses of the site sustainable drainage systems are not considered appropriate and this has been confirmed by Building Control.

The highway authority, Warwickshire County Council have no objection to the proposals subject to conditions and informatives and the impact on highway safety is considered acceptable.

The proposals will include 2 car parking spaces for each of the proposed and previously approved 3 bedroom properties and 1 space for each of the 2 bedroom properties resulting in a total provision of 24 spaces. In this location the Council's Parking Standards, contained within the Planning Obligations SPD, require 2 spaces per 3 bedroom property and 1.5 spaces per 2 bedroom property, therefore there is a slight shortfall, of 1 space, as the 2 bedroom properties have 1 space each. However, it is considered the proposals are a significant improvement over the previous permission which included a total of 18 spaces for the 17 approved dwellings. Cycle parking can be accommodated within rear gardens and it is considered that saved policy T5 is complied with.

The proposals initially included a bin collection point within the car parking area. However, the Council's refuse team advised this was not suitable as refuse vehicles would not enter the site. Amended plans have been provided which provide a bin collection area adjacent to the site access. Bins will generally be stored within rear gardens and will be moved to this area on collection day. Although this is within the site the refuse team have advised that these arrangements are acceptable and that operatives would enter the site. WCC Highways have advised they have no objection to this arrangement and have suggested the collection area is surfaced in a different material to the access itself.

The County Ecologist raised no objection to the application, but requested an informative regarding the use of native species in landscaping. Subject to this the impact on protected species is considered acceptable in accordance with saved policy E6.

As the proposal is for 6 dwellings contributions towards play and open space facilities in the area would ordinarily be sought. However, consideration must be given to the existing extant permission for a total of 17 dwellings; this did not include a requirement for a contribution to open space. As the proposals will reduce the number of dwellings and the scheme will be an improvement on the extant permission, on balance, it is not considered reasonable to require a play and open space contribution in relation to this application. The proposals are therefore considered acceptable in accordance with policy CS10 and saved policy H11.

Comments received from residents of Gerandria Court refer to a wall that was previously on the boundary between the garage court and the site and state that this should be replaced with a similar wall. The wall that was removed formed part of one of the buildings on the site and was removed when the building was demolished. A 1.8m close boarded fence was approved on this boundary in relation to the previous application. The current application only relates to a small part of the boundary with

this garage court, notwithstanding this it is considered that a fence is a suitable boundary treatment in this location.

Environmental Health and Severn Trent raised no objection to the application, subject to conditions.

Recommendation

Approval – subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R12/0753

DATE VALID

27/07/2012

ADDRESS OF DEVELOPMENT

21 DUNSMORE AVENUE
RUGBY
CV22 5HD

APPLICANT/AGENT

Mr Ian Gidley
Ig Land & Planning
1 Thornton Close
Crick
Northamptonshire
NN6 7GE
On behalf of Ms L Jude, Sycamore
Developments

APPLICATION DESCRIPTION

Erection of 6 dwellings (in lieu of part of previously approved development) with associated access, car parking and landscaping, amended parking arrangements for previously approved dwellings on plots 1-6.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall not be carried out other than in accordance with Housetype A Plans & Elevations - T194/PL/05 and Housetype C Plans & Elevations - T194/PL/03 received by the Local Planning Authority on 27th July 2012, the amended Location Plan - T194/PL/01/B received by the Local Planning Authority on 14th August 2012 and the amended Proposed Site Layout - T194/PL/02/C received by the Local Planning Authority on 5th September 2012.

REASON:

For the avoidance of doubt.

CONDITION: 3

Unless otherwise agreed in writing by the Local Planning Authority the roof tiles shall be Redland Duoplain Slate Grey tiles as specified on the application form received by the Local Planning Authority on 27th July 2012.

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION: 4

No development shall commence unless and until full details of the colour, finish and texture of all facing bricks and the render for plots 9-12 have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 5

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

REASON:

In the interest of visual amenity.

CONDITION: 6

The accommodation for car parking shown on the approved plan shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of the occupiers of the dwellings and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking and access arrangements are maintained within the site.

CONDITION: 7

No development shall commence unless and until details of the surfacing of the access, parking and bin collection areas have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 8

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

REASON:

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

CONDITION: 9

No development shall commence unless and until a comprehensive landscaping scheme, including landscaping to the front of plots 8-12, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

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

CONDITION: 10

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 to plots 7 or 8 which comes within Classes A, B, C or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 11

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

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

CONDITION: 12

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

- a) A minimum width of 5.0 metres with a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway.
- c) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 43 metres as measured from the centre of the access (and visibility splays for pedestrians have been provided with an 'x' distance of 2.0 metres and 'y' distances of 2.0 metres as measured from the edges of the access). No structure, erection, trees or shrubs exceeding 0.6 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.
- d) The access not reducing the effective capacity of any highway drain and/or ditch, and not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION: 13

The development hereby permitted shall not be occupied until all parts of existing accesses to Dunsmore Avenue (D3555), not included in the proposed means of access, have been permanently closed and the highway features, (including the kerblines) have been reinstated.

REASON:

In the interest of highway safety.

CONDITION: 14

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: 15

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

REASON:

In the interest of sustainability.

CONDITION: 16

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria,

timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

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

REASON FOR APPROVAL:

The site is located within the Rugby Urban Area and the principle of the development is considered acceptable in accordance with policy CS1 of the Core Strategy.

The proposed dwellings will be in keeping with the surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

The proposal will not have an adverse impact on highway safety and includes a suitable level of parking, in accordance with saved policy T5 of the Rugby Borough Local Plan 2006.

Additionally as the proposal will not have an adverse impact on the biodiversity of the area it accords with saved policy E6 of the Rugby Borough Local Plan 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy 2011 - CS1, CS10, CS16

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

Planning Obligations SPD, 2012

Sustainable Design and Construction SPD, 2012

National Planning Policy Framework, 2012

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

INFORMATIVE: 1

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.

INFORMATIVE: 2

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

INFORMATIVE: 3

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

INFORMATIVE: 4

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: 5

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: 6

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 the Sustainable Project Officer on 01926 412105.

Reference number: R12/1162

Site address: Former BT Repeater Station, Daventry Road, Willoughby

Description: Change of use to dwelling & erection of single storey extension to rear

Case Officer Name & Number: Karen McCulloch, 01788 533623

This application is being reported to Committee at the request of Councillor Hazelton.

Description of site

This application relates to a former BT repeater station which is located in open countryside between Willoughby and Dunchurch.

The building is located on the A45, Daventry Road and is surrounded by agricultural land. There are palisade gates on the front of the site and wire fencing and hedgerows to the other boundaries.

The site is long and narrow and the building is located approximately in the centre of the site. The building is constructed of brick with a tiled pitched roof. There is a window on the front elevation and a window and a door, which is covered by a roller shutter on the rear elevation. A wood burning stove has been installed inside the building and the flue is to the side.

There is a single width access from the road and this leads to a turning area. During the processing of the application an additional plan was provided showing and increased parking and turning area.

The building is used by the applicant for the storage of domestic items including furniture. The roof area has been boarded and is accessed by a ladder, various boxes are stored within this loft area.

The wood burning stove has been connected and there is a small kitchen area in the corner of the building. This includes a cooker, fridge and freezer which are all usable. The far corner of the room has an area sectioned off behind mirrored panels. It appears that there is drainage from this part of the building.

Description of proposals

This application is for the change of use of the property to a one bedroom dwelling. A single storey extension is proposed to the rear to accommodate the lounge; the ground floor of the existing building will house the kitchen and bathroom and a bedroom will be accommodated within the roofspace.

The extension will be constructed of red brick with a tiled roof to match the existing building, new windows and rooflights are proposed to serve the dwelling.

Relevant planning history

R12/0060 Change of use to storage Approved March 2012

This application was approved subject to conditions limiting the use to personal storage by the applicant, preventing commercial use and preventing outside storage or the storage of vehicles.

Third party comments

Councillor Hazelton Objection

- property is unsuitable as a dwelling;
- building is in an agricultural setting, application is not for agricultural use;
- would lead to 3 vehicles on site which is not acceptable;
- additional access onto A45;
- believe someone is living on site.

Willoughby Parish Council Objection

- unsuitable access from A45;
- site is not suitable for a dwelling;
- site is in the middle of a farmyard and proposal is not for an agricultural dwelling;
- application refers to parking for 3 vehicles, however previous application for storage prevented vehicles from being stored on site;
- form states site is vacant however someone has been living there and a vehicle has been stored on site.

Neighbours (1) Objection

- since the storage use started a roller shutter has been installed and security fencing erected, this impacts on the character of the rural landscape;
- developing the site further would increase the impact on the character;
- there is only space for 1 vehicle to turn, others would have to reverse onto the A45 which could cause accidents;
- do not believe there is sufficient space for septic tank to comply with Building Regulations, how will drainage operate;
- impact on privacy;
- granting permission could lead to further development of the site or surrounding area;

Additional plan

Councillor Hazelton Objection

- proposals will assist parking but they do not address the safety of exiting the site.

Technical consultation responses

WCC Highways Objection There is insufficient turning space within the site
WCC Ecology No objection Subject to informatives

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011

CS1 Complies Development Strategy

CS16 Complies Sustainable Design

Rugby Borough Local Plan 2006 – Saved policies

E6 Complies Biodiversity

T5 Complies Parking Facilities

Planning Obligations SPD, 2012

National Planning Policy Framework, 2012

Assessment of proposals

The key issue to assess in relation to this application is whether the principle of the proposed use is acceptable in this countryside location, the impact on highway safety and visual amenity must also be considered.

Policy CS1 states that within the countryside development should comply with national policy. The NPPF states that the intrinsic character and beauty of the countryside should be protected. In relation to housing the NPPF states that authorities should significantly boost the supply of housing but within the countryside isolated dwellings should be avoided except in a range of circumstances, including the reuse of redundant or disused buildings.

Although the building is currently used for storage purposes this is restricted to personal use by the applicant and is unlikely to be required in the long term. When the applicant's storage needs cease it is likely that the building would become vacant.

Comments received from the Ward Councillor state that as the site is surrounded by agricultural land the building should be used for agricultural purposes. However, the building has never been in agricultural use, its original use was for BT as a repeater station and it has most recently been used for storage of personal items. The building is not in the same ownership as the surrounding agricultural land and it is not considered that it is likely to be suitable for modern agricultural purposes.

Subject to the proposals not impacting on the character of the countryside the principle of the development is considered acceptable in accordance with the NPPF and policy CS1.

Policy CS16 states that developments should not cause harm to the quality, character or amenity of the area. The proposals include the erection of a single storey extension to the rear of the property. This is to have a pitched roof and eaves detailing to match the existing property and be built of materials to match the existing building. Additional windows and rooflights are also proposed. It is considered that the proposed extension and alterations are in keeping with the character of the existing building and that these would not have an adverse impact on the visual amenity or character of the area.

It is considered that any further alterations or extensions could have an adverse impact on visual amenity and a condition restricting permitted development rights is considered necessary. Subject to this condition the impact on the character of the area is considered acceptable.

There are no other properties in the vicinity of the site and therefore there will not be an impact on the amenity of neighbours, in accordance with policy CS16.

Policy CS16 also refers to the use of sustainable drainage systems in new developments. The application form states that a septic tank will be used for foul drainage and soakaways will be used for surface water. This is considered acceptable in accordance with policy CS16.

A neighbour has raised concerns that there is not sufficient space within the site for a septic tank to be installed in accordance with Building Regulations. This matter was discussed with Building Control who advised that it would be possible for suitable drainage arrangements to be accommodated within the site, however to ensure a suitable scheme is provided they request a drainage condition.

The Highway Authority, Warwickshire County Council, raised objections to the application. They comment that there is insufficient space within the site for large vehicles to turn and that it would be necessary for these vehicles to reverse on or off the site and that this remains the case if the additional parking and turning area

shown on the additional plan is provided. They go on to state that the visibility splays from the site are excellent and exceed those for a road with a 50mph speed limit, however they consider that as vehicles travel at relatively high speeds in the area and as drivers would not expect reversing manoeuvres that this would be unsafe.

However, as stated by Warwickshire County Council the visibility splays from the site exceed those required for a 50mph road, such as this. Although traffic in the area may exceed the speed limit this is a matter for the police and it is not considered reasonable to prevent the use of the site due to speeding traffic in the area. It is therefore not considered reasonable to refuse the application on the basis that there is insufficient turning within the site.

Consideration must also be given to the fact that the application relates to an existing building and that the original use for BT is likely to have resulted in larger vehicles visiting the site. It is considered that the proposed use as a 1 bedroom dwelling is likely to result in the use of the building by smaller vehicles than other possible uses such as commercial or agricultural. It is considered that the long term reuse of the existing building should be encouraged as preventing the reuse could result in the decline of the building to the detriment of the character of the area and visual amenity.

Warwickshire County Council stated that they considered the use of a condition to prevent the site being used by larger vehicles and preventing the storage of caravans etc. but they did not consider that this would be enforceable. However, it is considered by Officers that this condition is reasonable and could be enforced.

Although this condition could prevent large vehicles being parked or stored on the site it is accepted that large vehicles, for example postal, delivery and refuse vehicles, will also visit the site. Warwickshire County Council advise that the access arrangements from the A45 would be suitable for such vehicles to pull in off the highway. However, they also object to the application on the grounds that vehicles parked in the access for long periods of time could block the footway within the verge to the detriment of highway safety.

The proposed dwelling is to have 1 bedroom and there is sufficient space within the site for vehicles to park, it is therefore considered highly unlikely that vehicles would frequently park in such a way as to block the footway. Notwithstanding this due to the remote location of the site the footway is used infrequently and it is not considered that it would be reasonable to refuse the application on this basis.

The Council's parking standards require 1.5 spaces for 1 bedroom properties in this location. The plans show the provision of 2 spaces with turning facilities and this is considered acceptable in accordance with saved policy T5.

The County Ecologist commented on the application and raised no objection subject to an informative relating to bats and nesting birds. The impact on protected species is therefore considered acceptable in accordance with saved policy E6

Willoughby does not have a Parish Plan

Recommendation

Approval – subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/1162

DATE VALID

01/08/2012

ADDRESS OF DEVELOPMENT

FORMER BT REPEATER STATION
DAVENTRY ROAD
WILLOUGHBY

APPLICANT/AGENT

Roger Goddard
16 Gainsborough Crescent
Hillmorton
Rugby
Warwickshire
CV21 4DQ
On behalf of Mr M Jones

APPLICATION DESCRIPTION

Change of use to dwelling & erection of single storey extension to rear

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall not be carried out other than in accordance with the plans reference MJ.12/786 received by the Local Planning Authority on 20th July 2012 and the Revised Parking/Turning Area plan received by the Local Planning Authority on 29th August 2012.

REASON:

For the avoidance of doubt.

CONDITION: 3

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

REASON:

In the interest of visual amenity.

CONDITION: 4

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

REASON:

In the interest of visual amenity and the character of the area.

CONDITION: 5

Other than those shown on the approved plans no new windows shall be formed in the front elevation of the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of visual amenity and the character of the area.

CONDITION: 6

Unless otherwise agreed in writing by the Local Planning Authority no vehicles exceeding 3.5 tonnes, caravans, camper vans or trailers shall be stored or parked on the site.

REASON:

In the interest of highway safety.

CONDITION: 7

Prior to the occupation of the dwelling the parking and turning area, shown on the plan received by the Local Planning Authority on 29th August 2012, shall be provided and shall be permanently retained.

REASON:

In the interest of highway safety.

CONDITION: 8

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage.

REASON FOR APPROVAL:

The proposals will allow the reuse of an existing building in the countryside for residential purposes in accordance with policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

The development will not have an adverse impact on the character of the area, residential amenity or protected species in accordance with policy CS16 of the Rugby Borough Core Strategy and saved policy E6 of the Rugby Borough Local Plan 2006. It is considered that the proposed development will not have an adverse impact on highway safety and that suitable parking facilities are proposed in accordance with saved policy T5 of the Rugby Borough Local Plan 2006 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy 2011 - CS1, CS16
Rugby Borough Local Plan 2006 Saved policies - E6, T5
Planning Obligations SPD, 2012
National Planning Policy Framework, 2012

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

INFORMATIVE:

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

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

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.

Reference number: R12/1418

Site address: Black Path, off Technology Drive, Rugby

Description : Erection of a steel-framed access ramp from the Black Path up to the Network Rail footbridge as part of the Rugby Viaduct Cycleway scheme

Case Officer Name & Number: Steve Parkes 01788 533633

Authorised Use

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) 17.09.2007
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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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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 (Ref. R12/0556)	approved 27.07.12
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Technical Consultations

WCC Rights of Way	no objection
Ramblers Association	no observations received
Rugby Disability Forum	no observations received
Network Rail	no objection
WCC Ecology	no objection recommend notes covering native planting scheme and avoiding disturbance to nesting birds
STW	no objection

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

This application relates to the construction of the final element comprised in the Rugby Viaduct Cycleway scheme. The 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 include the Borough Council, Warwickshire County Council, the Canal and River Trust (formerly British Waterways), Network Rail and St.Modwen Developments, the owner and developer of the neighbouring Leicester Road opportunity area.

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. The link across the viaduct has also been completed and works have commenced on the southern section which links to the Black Path. Whilst the current proposal is part of the cycleway project, it also meets requirements for the improvement of the Black Path as part of the redevelopment of the neighbouring Leicester Road site, including the ramp replacement of the steps serving the bridge over the railway. The developer is making a significant financial contribution towards the cost of the scheme under the terms of a Section 106 Agreement and also making land available to accommodate the proposed ramp.

The Application

The proposal is for the erection of a 2.4m wide ramped structure linking the Black Path to the Network Rail Bridge on the north side thereby replacing the existing steps in order to provide full access for pedestrians, cyclists and wheelchair users. The bottom of the ramp will align with the Black Path with the Viaduct Cycleway link running in from the west.

The lightweight steel structure will be zig-zagged in plan and meet the footbridge over the railway approximately 8.9m above the level of the Black Path. The ramped path will be enclosed with 1.4m high vertical steel bars, its surface finished in anti-skid coating and will be painted to match the existing bridge. The ramp will have a maximum gradient of 1 in 12 and incorporate level resting platforms. Low level lighting will be integrated into the structure operated by photo-electric control units for dusk until dawn operation. A 2m wide maintenance strip will be maintained around the base of the structure with landscaping proposed beyond.

The Black Path will be subject to a temporary closure order for the duration of the demolition of the existing steps and the installation of the ramp, estimated to be between 2 and 4 weeks.

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS14	conforms	enhancing the strategic green infrastructure network
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CS16	conforms	sustainable design
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Rugby Borough Local Plan, July 2006 “saved” policies

GP2	conforms	landscaping
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E6	conforms	biodiversity
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A1	conforms	Leicester Road opportunity area
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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 principle of the ramped replacement of the existing steps serving the bridge over the railway was accepted as part of the proposals for improvements to the Black Path in connection with the redevelopment of the Leicester Road opportunity area. The Viaduct Cycleway scheme has brought this forward to ensure improved access for all over the mainline railway.

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. The ramped replacement of the steps serving the railway bridge comprises the final element in the Viaduct Cycleway scheme. The 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 completion of this phase will result in an off road cycleway from the Glebe area of the town to the Black Path and ramped access over the railway towards the town centre and the railway station. The current proposal to facilitate the completion of the project is therefore wholly consistent with the NPPF’s key aim of contributing to the achievement of sustainable development.

The site of the ramp is 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 cycleway along the disused railway, including the ramp the subject of this application, 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 impact of the ramp itself will be softened by landscaping and planting. 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 lightweight ramp structure is 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. Viewed against the backdrop of the existing bridge over the railway, the ramp will harmonise with its surroundings. 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. The ramp will make it possible for all sections of the community, including wheelchair users, to access the bridge over the mainline railway.

A phase 1 habitat survey submitted in support of the application confirms that the site on which the ramp will be located does not contain any features of significant ecological interest being located in a larger area which was recently cleared and remediated from contamination. The landscape impacts have also been considered as an integral part of the scheme and the proposal will not have any significant impact on the landscape character of the locality. The submission of a detailed landscape scheme in order to soften the visual impact of the development is covered by condition. The proposal therefore accords 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 ramp replacement of the existing steps is consistent with proposals to improve existing pedestrian/cycleway links which pass through the site, including the Black Path, and it is considered will not be prejudicial to the redevelopment of the adjoining land.

Recommendation: Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/1418

DATE VALID

07/08/2012

ADDRESS OF DEVELOPMENT

Black Path
Off Technology Drive
Rugby

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

Erection of a steel-framed access ramp from the Black Path up to the Network Rail footbridge 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/PPSR/001

Phase 1 Habitat Survey (RSK Carter Ecological), August 2008 (pages 19, 29, 30, 31, 33 and 56 together with Fig.5c Phase 1 Habitat Map)

Proposed Steel Ramp and Pathworks - dwg.no. VIA/PPSR/002

Proposed Arrangement of Rugby Pedestrian/Cycle Ramps - dwg.no. 16 Rev A (NUSTEEL)

Proposed Arrangement of Rugby Pedestrian/Cycle Ramps - dwg.no. 17 Rev A (NUSTEEL)

General Plan Overview of Proposed Steel Framed Access Ramp - dwg.no. VIA/PPSR/005 Rev A

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

Typical example of low level pedestrian bridge illumination

Perspective photo-montage

REASON:

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

CONDITION: 3

Within a period of one month of the commencement of development a comprehensive landscaping scheme shall be submitted to and thereafter approved in

writing by the Local Planning Authority. Such scheme shall include full details of species of trees and shrubs to be planted including enhancement for wildlife. The approved landscaping scheme shall be implemented no later than the first planting season following completion of the development. If within a period of 5 years from the date of planting, any tree, shrub or hedgerow is removed, uprooted, destroyed or dies, or becomes in the opinion of the Local Planning Authority 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 consent to any variations.

REASON:

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

REASON FOR APPROVAL:

The proposed ramp will facilitate the use of a sustainable cycleway/pedestrian transport link by all sections of the community, including those with impaired mobility. It will enhance the multi-functional use of the green infrastructure network in the town, is of inclusive, sustainable design, will have no impact on biodiversity interests and is consistent with proposals to improve pedestrian/cycleway links in the Leicester Road opportunity area. The proposal 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: 1

With regard to condition 3, Warwickshire Ecology advise that indigenous tree, shrub or wildflower species should be used, preferably of local provenance. Such plants are visually attractive and have a far higher value for local wildlife than cultivated, non-native plants. Contact WCC Ecological Services for further advice if required, tel. 01926 418060.

INFORMATIVE: 2

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

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

INFORMATIVE: 3

Network Rail advise that all plans, risk assessments and method statements for works on the bridge will need to be submitted to the Network Rail Asset Protection

Engineer for review and approval and no works should commence on the bridge without the Network Rail Asset Protection Engineer's approval (all notifications should be sent to TownPlanningLNW@networkrail.co.uk)

Reference number: R12/0066

Site address: Newton Bridge and Park, Newton Lane, Newton, Rugby.

Description : Remedial works to Newton Bridge and adjacent land comprising earthworks including excavation and re-deposition of materials and re-profiling of embankments together with realignment of footpath and alterations to pedestrian and vehicular accesses.

Case Officer Name & Number: Steve Parkes 01788 533633

Authorised Use

Picnic Area and Car Park

Relevant Decisions

Use of former railway cutting for tipping of spoil and builders waste (Ref. R82/0912/12865/DP)	approved 15.12.82
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Completion of filling beneath bridge with non-toxic material and grading banks from road level to former track bed (Ref. R/84/0908/12865/DP)	approved 10.10.84
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Provision of car park and picnic area (Ref. R/84/1400/12865/DP)	approved 13.02.85
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Technical Consultations

WCC Highways	observations awaited
WCC Rights of Way	no objection
Ramblers Association	no observations received
Env Agency	no objection comment that recommendations of ecology report should be followed to prevent damage to the ecological interest of the area
Env Services	no objection subject to condition covering any unexpected contamination
WCC Ecology	no objection subject to conditions covering submission of construction and environmental management plan and combined ecological and landscape scheme

Natural England no objection on account of the impact on designated sites but recommends that the Local Authority satisfies itself in respect of the potential impact on protected species and measures to enhance biodiversity
Warks Wildlife Trust no observations received

Third Party Consultations

Newton and Biggin Parish Council support comment on need to ensure satisfactory access and slowing traffic entering site

Site Notice/Press Advert no representations received

Other Relevant Information

Background

This proposal relates to the picnic and parking area adjacent to the Newton railway bridge located off Newton Lane a short distance to the north of Newton village.

The disused railway cutting to either side and beneath the arches of the bridge was in-filled with inert waste materials during the 1980s and 1990s and a picnic/parking area created on the east side. A footpath was also created down the embankment formed on the west side of the bridge to provide pedestrian access to the Great Central Way

In 2008 subsidence was noted in the picnic area adjacent to the parapet on the east side of the bridge and several trees on the embankment on the west side collapsed. Following remedial works the position stabilised. Movement was again detected in the west bank in September 2010, however, as a result of which monitoring commenced to establish the extent of the problem. In January 2012 further subsidence in the picnic area was noted and accelerated movement in the west bank detected. In view of this, further remedial action was taken by removing made ground adjacent to the parapet on the east side thereby removing pressure on the bridge which carries Newton Lane.

Geotechnical investigation to establish the cause of the subsidence and the movement of the bank, and therefore the risk to the bridge and Newton Lane, has revealed that the site is destabilised as a result of being constructed of uncompacted materials and the penetration of surface waters and movement of ground water due to unsatisfactory drainage. In view of this and the on-going movement, it is considered that the bridge is at risk due to pressure on the deck and the supporting piers and that if the west bank was to collapse, the bridge itself would also be in danger of collapse.

A long-term solution is therefore urgently required resulting in the current application.

The Application

The proposals are to essentially excavate and move the present made ground away from Newton bridge and to reconstruct the picnic and parking area approximately 30m away to the east filling the disused railway cutting in that location. This includes removing the entire bank on the west side so that the bridge structure will be fully exposed as originally constructed. A strict sequence of excavation and deposition will be followed commencing on the east side to enable saturated materials to drain away from the bridge. It is intended that the re-worked fill materials will be fully compacted to ensure that they are not subject to future movement. A new drainage system will be installed designed to drain to an existing pond to the west of the bridge. Minor works are required to the pond to provide a drainage headwall.

New zig-zagged 1.2m wide footways constructed in crushed stone will be provided up to and down from the relocated picnic/parking area in order to maintain pedestrian access from the Great Central Way. The footways will be at a 1:12 gradient with rest areas and include protective fencing in the form of 1.2m high rustic pole and handrail together with a knee-rail on the down slope side.

The picnic/parking area will be re-instated in its existing form being mainly laid to grass with the existing benches being re-located. The informal parking area will be surfaced in self-bonding gravels or crushed stone.

The relocation of the picnic area and creation of suitable embankments necessitates alterations to the existing vehicular access. The entrance and exit will be separated such that a one-way system will operate through the site. The new entrance to the site will be on the north side of the bridge and the exit on the south side in the location of the existing access.

It is envisaged the works will take some 16 weeks to complete dependent on favourable weather conditions. The works necessitate the removal of a small number of trees which were planted when the picnic/parking area was originally laid out. On completion, it is intended that the site will be landscaped and planted with indigenous species in a scheme to be submitted which will include biodiversity and habitat enhancement.

The application is supported by an extended phase 1 habitat survey, including surveys of protected species.

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS14 conforms enhancing the strategic green infrastructure network

Rugby Borough Local Plan, July 2006 “saved” policies		
GP2	conforms	landscaping
E6	conforms	biodiversity

National Planning Policy Framework, March 2012 – sections 8 and 11

Determining Considerations

This application is to resolve the developing position of the instability of a site in the public interest, particularly given the potential health and safety implications. One of the objectives of Section 11 of the National Planning Policy Framework (NPPF) in conserving and enhancing the natural environment is preventing existing development from being put at unacceptable risk or being adversely affected by land instability. It is advised that where a site is affected by land stability issues responsibility for securing safe development rests with the developer and/or landowner.

Various options have been considered to alleviate the risk to the bridge including re-grading the bank on the west side and reducing levels in the picnic area, and ground reinforcement, particularly beneath the bridge arches. The current proposal in engineering terms, however, is considered the most appropriate option to overcome the risk to the stability and integrity of the bridge. The overall effect of the scheme is that the picnic and parking area will nonetheless be retained as a recreational asset, pedestrian/cycle access will be maintained to and from the Great Central Way and the bridge structure in its entirety will be opened up to view as originally constructed, which is itself of interest.

In terms of planning policy, the site is located in the open countryside within a green corridor as identified on the Core Strategy Green Infrastructure Proposals Map. Core Strategy policy CS14 promotes the protection, restoration and enhancement of existing green infrastructure assets. Disused railway lines and local sites such as the picnic area and local wildlife sites are amongst those identified as principal assets of the green infrastructure network and it is considered vital that such elements of the network remain intact. As referred to above, the scheme comprises essential works in the public interest. The picnic area will be restored in essentially the same location albeit moved a short distance to the east, and enhanced as a recreational facility on a primary leisure route in the countryside. There is no conflict therefore with policy CS14. The scheme also meets the social objectives of the Core Strategy and section 8 of the NPPF which promotes healthy communities by maintaining access to open space and opportunities for leisure and recreation.

With regard to biodiversity interests, the habitat survey together with surveys of protected species, have confirmed the sensitivity of the location in this regard. Saved Local Plan policy E6 requires developers to take measures during the development process to prevent disturbance to wildlife and to make provision for the protection and retention of natural features and habitat but where this is unavoidable, to ensure that adequate mitigation is undertaken.

The proposals are unlikely to result in significant harm to biodiversity interests but nonetheless, in discussion with the County Ecologist, a cautionary approach is proposed including pre-commencement checks for the presence of protected species by a qualified ecologist and the implementation of appropriate working practices and safeguards for wildlife whilst works are taking place. It is proposed that this be covered by condition. In terms of mitigation, biodiversity and habitat enhancement at the site is proposed through the submission of a combined ecological and landscape scheme which will also be covered by condition. The proposals will safeguard biodiversity interests and therefore comply with policy E6 and section 11 of the NPPF which seek to minimise the impact on biodiversity and conserve and enhance the natural environment. The scheme also meets one of the environmental objectives of the Core Strategy which seeks to protect natural species by improving habitats through enhancement of the green infrastructure network.

Consideration has been given to landscaping following completion of the works and apart from the picnic area being sown to grass and planted with native trees as at present, it is anticipated that that much of the site comprising the new embankments formed will be left to re-generate naturally. As referred to above, the submission of a detailed combined ecological and landscape scheme is covered by condition. It is intended that new planting will comprise native species of ecological value as appropriate to the locality with a view to enhancing biodiversity and creating wildlife habitat, and retaining the landscape character of the locality. The scheme therefore complies with Local Plan saved policy GP2 which seeks to ensure that landscape aspects of proposals form an integral part of the overall design.

The only other material consideration is the proposed alterations to the vehicular access to form a one-way system through the picnic/parking area. At the time of writing, the observations of the Highway Authority are awaited and will be reported at the meeting. It is understood that there are unlikely to be any objections to the proposals subject to appropriate conditions.

Recommendation: Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/0066

DATE VALID

31/07/2012

ADDRESS OF DEVELOPMENT

Newton Bridge & Park
Newton Lane
Newton
Rugby

APPLICANT/AGENT

Sean Lawson
Rugby Borough Council
Environmental Services
Town Hall
Rugby
Warwickshire
CV21 2RR

APPLICATION DESCRIPTION

Remedial works to Newton Bridge and adjacent land comprising earthworks including excavation and re-deposition of materials and reprofiling of embankments together with realignment of footpath and alterations to pedestrian and vehicular accesses.

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:

Structural Report & Proposed Works, dated 08-02-2012 (Rugby Borough Council)
Contamination and Waste Investigation, Report No: 12.02.009a, August 2012
(Listers Geotechnical Consultants)

Extended Phase 1 Habitat Survey, Report No: RT-MME-107529-02, June 2010
(Middlemarch Environmental Ltd)

Badger Survey and Badger Monitoring Survey, Report No: RT-MME-111245 7
111307, February 2012 (Middlemarch Environmental Ltd)

Initial Bat Survey, Report No: RT-MME-107529-03, June 2010 (Middlemarch
Environmental Ltd)

Newton Bridge & Park Remediation Works Block Plan - dwg.no.500-01-05-05/B/Rev
0

Area of Slope Instability and Subsidence - dwg.no. 500-01-05-01/B/Rev A

Existing Plan & Cross Sections - dwg.no. 500-01-05-02/B/Rev B

Proposed Plan - dwg.no.500-01-05-03/B/Rev D

Sections and Elevations - dwg.no. 500-01-05-04/B/Rev C

Drainage Plan - dwg.no. 500-01-05-06/B/Rev 0

Drainage Details - dwg.no. 500-01-05-07/B/Rev 0

Overlays - dwg.no. 500-01-05-08/B/Rev 0

Excavation & Deposition Sequence - dwg.no. 500-01-05-08/B/Rev 0

REASON:

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

CONDITION: 3

Unless otherwise agreed in writing with the Local Planning Authority, 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. Such plan shall include details of pre-commencement checks for badgers, reptiles, amphibians, white-clawed crayfish, bats and breeding birds and the safeguards for wildlife that are to be employed whilst works are taking place on site. The approved Construction and Environmental Management 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 details of a Phase 2 botanical survey of the site, habitat creation and enhancements for wildlife together with details of species of trees and shrubs to be planted and a programme of implementation. The approved ecological and landscaping scheme shall be implemented in accordance with the agreed programme and no later than the first planting season following the completion of the development. 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 in the interests of visual amenity and biodiversity and in accordance with the NPPF and ODPM Circular 2005/06..

CONDITION: 5

If during the proposed works and operations contamination not previously identified is found to be present at the site then no further works and operations (unless otherwise agreed with the Local Planning Authority) shall be carried out until a Method Statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of protecting the environment and ensuring there is no harm to human health.

REASON FOR APPROVAL:

The proposals will conserve and enhance the natural environment in accordance with section 11 of the NPPF by preventing existing development from being put at unacceptable risk or being adversely affected by land instability.

The proposals will maintain and enhance the multi-functional use of the green infrastructure network in the Borough and maintain access to open space and opportunities for leisure and recreation in accordance with Core Strategy policy CS16 and section 8 of the NPPF.

The proposals safeguard biodiversity interests in accordance with Local Plan saved policy E6 and section 11 of the NPPF and landscaping has been considered as an integral part of the development in accordance with saved policy GP2. Satisfactory access to the site is also maintained.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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

National Planning Policy Framework, March 2012 - sections 8 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:1

During remedial work all contractors working on the site are required to follow the advice contained within the Environment Agency pollution prevention guidance document PPG6 "Working at construction and demolition sites". Particular care should be given to the storage and use of fuels, oils and chemicals. If the excavated material has to be treated before using on site, an environmental permit or exemption may be required for such treatment. The applicant is advised to refer to guidance on the Environment Agency website www.environment-agency.gov.uk/subjects/waste.

INFORMATIVE: 2

With regard to condition 3, pre-commencement checks should be carried out by a suitably qualified ecologist. The Phase 2 botanical survey referred to in condition 4 will need to be carried out at the earliest opportunity and in any event before development commences.

Reference number: R12/1478

Site address: Boat Inn, Birdingbury Wharf, Rugby Road, Birdingbury

Description: New picket fence to front to enclose new garden area and close board fence to side

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been brought before the Planning Committee at the request of Cllr Hazelton.

Site Description

Boat Inn is a public house which fronts onto the canal with a side elevation which fronts onto the main public highway. It is finished in render and has a tiled roof. The building has a single storey projection to its front elevation. The parking area associated with the pub is located to its front, with an overspill area to the side, and garden to its rear.

Proposal Description

Planning permission is sought for the erection of a timber picket fence and a close board timber fence. At its maximum the picket fence will project 4.7m out from the front elevation of the pub, having a maximum width of 13m and height of 0.8m. The fence will enclose an area which is currently used for parking – it is proposed that the fence will create an additional garden area. The close board fence will have a height of 1.8m and extend beyond the side elevation of the pub by 7m.

Relevant Planning History

None relevant

Technical Consultation Responses

WCC Highways – no objection

WCC Ecology – no objection subject to a nesting bird informative if the development will disturb vegetation or trees

Third Party Responses

Cllr Hazleton – raise objection to the application for the following reasons:

- Close board fence will block light to side facing bay window
- The proposed area to be enclosed by the picket fence will result in the loss of disabled parking bays which are located near to the main doorway for ease of access
- The proposed area to be enclosed by the picket fence, located in front of the men's toilets will raise issues in terms of privacy
- Open foul drain which empties from the toilet
- Considerable loss of parking
- Change of use issue with non-residential space
- Health and safety issue with the location of the cellar doors within the area to be enclosed by the picket fence

Birdingbury Parish Council – raise objection to the proposed picket fence for the following reasons:

- No comment in relation to proposed close board fence
- The smaller enclosure restricts access to the cellar doors
- Removal of disabled and non-disabled parking spaces
- The areas will not provide useful sitting out areas being north facing and very small – the development therefore would not enhance the facilities available to customers

Neighbours – none received

Relevant Planning Policies and Guidance

Core Strategy

CS1	Development Strategy	Complies
CS16	Sustainable Design	Complies

Saved Local Plan Policies

T5	Parking Facilities	Complies
E6	Biodiversity	Complies

Other Documents

Planning Obligations SPD	Complies
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National Policy

National Planning Policy Framework Part 7 – Requiring Good Design	Complies
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Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the proposed development, its impact on the qualities, character and amenity of the area, amenity of neighbouring properties, parking provision and highway safety and impact on protected species.

Principle of the proposed development

Boat Inn is a public house located within the countryside. Policy CS1 sets out a settlement hierarchy to ensure that the most sustainable locations for development are considered ahead of those further down the hierarchy. This policy states that new development in the countryside will be resisted; only where national policy on countryside locations allow will development be permitted. It is not considered that the proposed fences are inappropriate in this location as the development does not propose any change to the use of the pub or propose the addition of significant extensions. It is therefore considered that the proposed fences will not represent unsustainable development in the countryside and as such, the principle of the development is acceptable subject to its compliance with other local and national planning policies.

Impact on qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The design of the proposed timber picket fence, which will have a maximum height of 0.8m, is

considered to be rural in character and therefore represents an appropriate design for the countryside setting. It is therefore concluded that it will not appear as an obtrusive feature within the countryside and therefore, will be in keeping with its surroundings. Furthermore, it is considered that by enclosing an area to the front of the pub to utilise as a grassed garden space the appearance of the public house will be softened, appearing more rural in character.

Permission is also sought for the erection of a close board fence to the side of the public house. Whilst close board fences are not preferable in design terms, given that it will be erected in front of the existing sheds and close board fence and that it will be stepped down in relation to the main public highway, it is considered that in this instance its erection will not cause any significant impact to the character and appearance of the area. It is therefore concluded that the proposed alterations will not have a significant impact upon the qualities, character or amenity of the area and as such accords with the contents of Policy CS16.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The nearest residential neighbour is sited in excess of 50m from the public house. This distance is considered sufficient to ensure that no loss of amenity will arise to this neighbour by way of either overbearing, overshadowing or overlooking as a result of the proposed fences.

Impact on parking provision and highway safety

Saved Local Plan Policy T5 states that permission will only be granted for development incorporating satisfactory parking facilities. The Planning Obligations SPD gives guidance on standards of parking which should be incorporated into the use of a building as a public house. This states that a maximum of 1 space should be provided for each 5m² of Gross Floorspace Area (GFA). The agent has confirmed that the public house has a GFA of 165m² and as such 33 parking spaces should be provided as a maximum. The proposed site plan submitted as part of the application shows that there will be provision for 31 parking spaces which therefore complies with the guidance within the Planning Obligations SPD.

This SPD also provides guidance in relation to disabled spaces which should be incorporated into the use of the building as a public house. This states that for every 25-50 car parking spaces there should be 3 disabled spaces provided. The proposed development will result in the loss of the two existing disabled car parking spaces. However, these, along with one additional disabled space, have been relocated and incorporated within the proposed site plan and their dimensions comply with those specified in the Planning Obligations SPD (4.8m x 3.6m). Therefore, although the proposed area to be enclosed by the picket fence will result in the loss of three existing car parking spaces and two existing disabled car parking spaces, these have been relocated within the existing site. The development therefore does not result in the net loss of parking spaces and as such the parking provision complies with the contents of Policy T5 and the Planning Obligations SPD.

County Highways were consulted on the application. They state that the LPA should determine whether the level of parking provision is sufficient but notes the overspill area of land to the west which could also be used for additional parking. They conclude that the proposed close board boundary fence will not interfere with visibility splays onto the Highway. County Highways therefore raised no objection to the scheme subject to the LPA being satisfied that sufficient parking provision remains to

serve the premises. It is therefore concluded that the development will not have an adverse impact upon highway safety.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. The County Ecologist has commented on the application and asked for the attachment of a nesting bird informative if shrub or tree vegetation is to be impacted upon by the proposed development. As the development will result in only a very minimal impact to vegetation within the site – only to a grassed area in front of the existing shed and close board fence – it is not considered necessary to attach a nesting bird informative in this case. The development will not have an impact upon assets of ecological importance and as such complies with the contents of Policy E6.

Other matters

Concern has been raised by the local Ward Member that the development may result in a loss of privacy to the men's toilets which are located within the pub, adjacent to the siting of the enclosed picket fence area. Given that the windows are glazed with obscure glass and the opening section is at the top of the window, some 2m above ground level, it is not considered that if the area to be enclosed by the picket fence is used as a seating area that any significant views will be available into this toilet.

Concern is also raised that there is a change of use issue. However as all land will remain in the use of the public house, a change of use application is not required in the assessment of this application. Furthermore, a health and safety issue has been raised by both the local Ward Member and Parish Council in relation to the cellar doors which will be located within the area enclosed by the picket fence. However, it is not considered that the proposed alteration will give rise to any further issues in terms of health and safety above those already in existence by having the cellar doors within the existing car park.

Recommendation:

Approve subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1478

DATE VALID

30/07/2012

ADDRESS OF DEVELOPMENT

BOAT INN BIRDINGBURY WHARF
RUGBY ROAD
BIRDINGBURY
RUGBY
CV23 8HQ

APPLICANT/AGENT

Mr Richard Sparkes
Hunter Patel Creative Group
Bridge House
Station Road
Lichfield
Staffordshire
WS13 6HX
On behalf of Mr ROB HOOPER, PUNCH
TAVERNS

APPLICATION DESCRIPTION

New picket fence to front to enclose new garden area and close board fence to side

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION:

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:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below: application form, plan no.1547 1547:30revB and plan no.1547 1547:01 received by the Local Planning Authority on 26 July 2012, plan no.1547 31 received by the Local Planning Authority on 30 July 2012 and plan no.1547 20 received by the Local Planning Authority on 11 September 2012.

REASON:

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

CONDITION:

No development shall commence unless and until full details of the colour and finish of the proposed fences, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy
CS1 - Development Strategy
CS16 - Sustainable Design

Saved Local Plan Policies
T5 - Parking Facilities
E6 - Biodiversity

National Planning Policy Framework
Part 7 - Requiring Good Design

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 fences will be in keeping with the character and appearance of countryside location and will therefore not have an adverse impact upon the building itself and surroundings of the public house. Furthermore, the development will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact upon visibility splays or parking provision within the site it accords with the contents of Saved Policy T5 of the Rugby Borough Local Plan 2006 and no adverse impact will arise to the biodiversity of the area and as such the development complies with Saved Policy E6 of the Rugby Borough Local Plan 2006.

Reference number: R12/1426

Site address: 19 Langton Road, Rugby

Description: Proposed two storey and single storey extensions to side and rear

Case Officer Name & Number: Alice Cosnett – 01788 533489

This application has been brought before Planning Committee as the applicant is an employee of Rugby Borough Council.

Site Description

No.19 Langton Road is a semi-detached dwelling which is located within the Rugby Urban Area. The property is finished in pebble dash render and has a large bay window feature to its front elevation and a single storey flat roofed extension to its rear. The streetscene of Langton Road is formed of a large variety of dwellings which differ in style, design and construction materials. The building line is relatively formalised.

Proposal Description

Planning permission is sought for the erection of a two storey side and rear extension with single storey elements also to the side and rear of the dwelling. The two storey element to the side will have a height of 7.6m to its ridge and the two storey element to the rear will have a height of 7.7m to its ridge. The two storey extension to the side of the dwelling will be set back from its frontage by 2.4m, whilst the single storey extension to the side will be set back by 0.45m. The single storey element to the rear will be of flat roofed design and will measure 2m in height when taken from ground level as this element has been designed so as to be set down in the ground. The extensions will be constructed in a mix of sand cement render and timber cladding whilst the windows and doors within the side and rear elevations will be constructed in powder coated aluminium.

The existing dwelling will also be finished in sand cement render but as this element does not require planning permission it will not be addressed in this report.

Relevant Planning History

None relevant

Technical Consultation Responses

WCC Ecology – no objection subject to bat and nesting bird informatives

Third Party Responses

Councillors – none received

Neighbours – two letters of objection have been received which raise the following planning points:

- Loss of light to dwelling and garden
- Overdevelopment of the site

Relevant Planning Policies and Guidance

Core Strategy

CS16	Sustainable Design	Complies
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Saved Local Plan Policies

E6	Biodiversity	Complies
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T5	Parking Facilities	Complies
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National Policy

National Planning Policy Framework (NPPF) Part 7 – Requiring good design		Complies
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Other Documents

Sustainable Design and Construction SPD		Complies
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Planning Obligations SPD		Complies
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Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed development on qualities, character and amenity of the area, the impact on the amenity of neighbouring properties, parking provision and protected species.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Similarly, the Sustainable Design and Construction SPD states that the siting, size and design of an extension must not dominate the existing building and should be sympathetic with and appear subservient to the original dwelling. Furthermore Part 7 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning.

The proposed extension to the side of the dwelling has been set down from the ridge by 0.9m and set back from its frontage by 2.4m. It is therefore considered that the extension will appear subservient to the original dwelling and as a result will not dominate the appearance of it. Whilst the proposed additions are significant in size, given that the property occupies a generously sized plot it is not considered that they represent overdevelopment of the site. Furthermore, the elevations of the proposed extensions which will be most visually prominent along the streetscene (the front and side elevations) will be finished in sand cement render which is a material which features along the streetscene of Langton Road. Whilst timber clad is proposed to be used on the side and rear elevations of the two storey and single storey extensions, given that public views to this element of the proposals will be limited it is not considered that this use of materials represents an incongruous addition to the character and appearance of the area. Furthermore, Langton Road consists of properties constructed in a variety of materials and it is considered that the use of timber clad in this case will effectively differentiate the appearance of the extension to the original dwelling, further ensuring that the original character of the building is retained through the development. It is therefore concluded that the proposed extensions will not have a significant impact upon the character and appearance of the area and as such complies with the contents of CS16 of the Core Strategy, Part 7 of the NPPF and the contents of the Sustainable Design and Construction SPD.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The neighbouring dwelling to the south of the application site, no.17, has five windows in its side elevation. Given that they are glazed with obscure glass, it is unlikely that they will be serving a habitable room or the only source of natural light into a habitable room. Therefore any loss of amenity that arises as a result of the proposed extension either by way of overbearing or overshadowing will not be so significant so as to justify a refusal of planning permission. Furthermore the 45 degree line has been drawn 1m in from the edge of this neighbouring property which was not breached by the proposed extensions.

Three windows are proposed to be inserted into the ground floor of the side elevation of the proposed extension which will serve the open plan snug and dining room. The plans show that these three windows will be glazed with obscure glass. Given that a large glazed window and bi-fold glazed doors also serve the dining room and are sited on the side and rear elevations, and so as to prevent overlooking into the neighbouring property, no.17, it is considered reasonable and necessary to condition that they are glazed with obscure glass. Whilst there is also a dining room and kitchen window located in the side elevation facing toward the garden area associated with no.17, the existing 1.8m high boundary fence will obscure any views available into this neighbouring garden area. It is therefore not considered reasonable to condition that these windows are glazed with obscure glass.

The neighbouring dwelling to the north of the application site, no.21, has a single storey lean-to extension to its rear elevation. The 45 degree line is breached by the proposed single storey extension. However, as this element has been designed so as to be set down in the ground and as such its overall height is only 2m – only slightly higher than the existing close board fence along the neighbouring boundary – this breach will not result in a significant loss of light or overbearing impact to this neighbour. In addition, as a 2m high close board fence or wall could be erected along this side boundary without the requirement for planning permission, it would be unreasonable to raise objection to this breach of the 45 degree line as the proposed extension will not cause any additional loss of light or overbearing impact beyond that of a 2m high fence or wall.

The 45 degree line has also been conducted from 1m in from the edge of the side elevation so as to be able to assess the impact of the two storey element on this neighbouring dwelling and its associated garden area. Whilst this line is very slightly breached by the two storey extension, it is not considered that it is such that will result in a significant loss of light or overbearing impact to the dwelling or garden area. In addition, as no windows are proposed to be inserted into the side (north) elevation of the extensions, the development will not result in any loss of privacy to this neighbour. Whilst glass will be installed into a square section of the flat roof it is not anticipated that this will result in a significant loss of privacy to the first floor windows on the adjoined neighbour. This is due to its siting close to the rear elevation of the main dwelling and as such very limited views will be available up to the bedroom window within nearest proximity to the site. It is therefore considered very unlikely that this element of the proposal will result in a significant loss of privacy to the neighbouring first floor bedroom window.

Subject to an appropriate condition to ensure that the three windows in the side elevation of the dwelling are glazed with obscure glass, it is not considered that the development will have a significant impact upon the amenity of neighbouring

dwelling and as such complies with the contents of Policy CS16 which seeks the safeguarding of neighbouring amenity.

Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. The proposed extension, whilst increasing the sizes of the existing bedrooms, does not propose any additional to the existing three bedrooms. The Planning Obligations SPD states that 2 spaces should be provided per 3-bed unit. Although the proposed extension will result in the loss of an area of hardstanding to the side of the dwelling, the block plan submitted with the application shows that the existing area of hardstanding to the front of the dwelling will be extended to ensure that there is sufficient space to park two cars within the curtilage of the site. Therefore, as parking standards are met through the proposed development, it complies with the contents of Saved Local Plan Policy T5 and the contents of the Planning Obligations SPD.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. The County Ecologist has raised no objection to the application subject to the attachment of a bat and nesting bird informative. The development will therefore not have an adverse impact upon protected species and as such accords with Policy E6.

Recommendation:

Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/1426

DATE VALID

08/08/2012

ADDRESS OF DEVELOPMENT

19 LANGTON ROAD
RUGBY
CV21 3UA

APPLICANT/AGENT

Mr Dill Sidhu
Bilton Architectural Services Ltd
The Coach House
Merttens Drive
Rugby
Warwickshire
CV22 7AE
On behalf of Mr and Mrs Steve and Karen Hillman

APPLICATION DESCRIPTION

Proposed two storey and single storey extensions to side and rear

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below: application form and plan no.RLR19/02 received by the Local Planning Authority on 7 August 2012, plan no.RLR19/03B received by the Local Planning Authority on 10 September 2012 and plan no.RLR19/05B received by the Local Planning Authority on 11 September 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:

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 7 August 2012 and on plan no.RLR19/03B received by the Local Planning Authority on 10 September.

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION 4:

The three windows to serve the snug which are to be formed in the south elevation of the proposed extension shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy
CS16 - Sustainable Design

Saved Local Plan Policies
E6 - Biodiversity
T5 - Parking Facilities

National Planning Policy Framework (NPPF)
Part 7 - Requiring good design

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 extension, whilst not constructed in materials to match those used in the existing dwelling, is not considered to have an adverse impact upon the character and appearance of the dwelling and will not cause detrimental harm to the surrounding area. Furthermore, the development will not adversely impact upon the residential amenity of neighbouring properties, in accordance with Policy CS16 of the Rugby Borough Core Strategy 2011. Sufficient parking is provided within the site, complying with the contents of Saved Policy T5 of the Rugby Borough Local Plan

2006 and as the proposal does not have an adverse impact on the biodiversity of the area it also accords with Saved Policy E6 of the Rugby Borough Local Plan 2006.

INFORMATIVE 1:

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

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

INFORMATIVE 2:

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.

Reference number: R12/0657

Site address: 64 Overslade Lane, Rugby

Description: Erection of a two storey side extension, first floor rear extension, a single storey rear extension to link the existing garage to the main dwellinghouse and conversion and alteration to existing garage

Case Officer Name & Number: Alice Cosnett – 01788 533489

This application has been brought to the Planning Committee as the applicant is an employee of Rugby Borough Council.

Site Description

No.64 Overslade Lane is a detached brick built dwelling which is located within the Rugby Urban Area. A relatively large flat roofed garage is sited to the rear and side (north) of the main dwelling. The streetscene along Overslade Lane consists of a variety of dwellings which differ in both style and design. Generally they are well set back from the road and form a relatively formal building line though it does stagger slightly.

Proposal Description

Planning permission is sought for the erection of a two storey side extension which also incorporates a first floor rear extension and single storey link from the main dwelling to the existing garage. The ridge of the two storey element will match the ridge of the main house, thus totalling 6.5m in height, and will project out from the existing side elevation of the dwelling by 1.45m. The first floor extension to the rear of the dwelling will facilitate the creation of a gable, projecting out for the rear elevation of the first floor by 3.69m and having a total height of 6.4m. The existing single storey flat roof projection to the rear will be extended slightly to provide a link to the existing garage. All the extensions are proposed to be constructed in brick and tiles to match those used in the existing dwelling. The proposal also includes the conversion of the existing garage into a family room and gym and the replacement of its flat roof with a double pitched roof.

Relevant Planning History

None relevant

Technical Consultation Responses

RBC Arboricultural Officer – no objection

WCC Ecology – no objection subject to bat and nesting bird informatives

Third Party Responses

Councillors – none received

Neighbours – one letter of objection has been received which raised the following planning points:

- Loss of light into bedroom, dining room and living room all served by side facing windows

A number of emails were also received by the occupiers of one neighbouring dwelling querying certain aspects of the development.

Relevant Planning Policies and Guidance

Core Strategy

CS16	Sustainable Design	Complies
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Saved Local Plan Policies

E6	Biodiversity	Complies
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T5	Parking Facilities	Complies
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National Policy

National Planning Policy Framework (NPPF) Part 7 – Requiring good design	Complies
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Other Documents

Sustainable Design and Construction SPD	Complies
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Planning Obligations SPD	Complies
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Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed development on the qualities, character and amenity of the area and amenity of neighbouring properties, impact on protected species, parking and highway safety and trees.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Furthermore, Part 7 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning.

The Sustainable Design and Construction SPD gives guidance in relation to the erection of two storey side extensions. It states that, to avoid terracing (where a row of semi-detached or detached properties start to look like terraced housing) it is desirable to maintain a minimum of a 1m gap between the dividing side boundary at first floor level so as to provide a visual break between properties. As a gap of 1m will be maintained between the side elevation of the proposed extension and the dividing side boundary, it is not considered that the development will result in the terracing effect. Furthermore, although the ridge of the extension has not been stepped down from the ridge of the main dwelling, given that it has been set back from its frontage by some 1.15m, it is considered that the proposed extension will appear as a subservient addition to the original house and will therefore not significantly alter the character of the dwelling. The proposed first floor element to the rear will facilitate the creation of an additional gable and given that there is a gable on the front elevation it is considered that this design feature is in keeping with the character of the original property.

The replacement of the flat roof on the existing garage with a pitched roof is considered to represent an aesthetic improvement to the visual amenity of the site given that flat roofs are not preferable in design terms. This element of the proposal is therefore considered to be acceptable. Furthermore, the insertion of windows into the side (southwest) elevation of the garage will not have a detrimental impact upon the character or appearance of the dwelling.

The proposals are therefore considered to comply with the contents of Part 16 of the Core Strategy and Part 7 of the NPPF which both seek high quality and sustainable design.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The neighbouring property, no.62, is set at a slightly lower level than the application dwelling and has a conservatory attached to its rear elevation. Having conducted the 45 degree line from 1m in from the edge of this neighbouring dwelling which was not breached by the proposed two storey side extension or first floor rear extension it is concluded that these additions will not have a detrimental impact upon this neighbour by way of either loss of light or overbearing. Furthermore, given that there is only a single window on the side elevation of this neighbouring dwelling which is obscure glazed and serves a toilet, no significant loss of amenity will arise as a result of the proposed two storey additions.

As permission is also sought for the erection of a single storey extension to the rear and replacement roof to the existing garage, the 45 degree line has been drawn from the mid-point of the nearest window. Although this test is breached by the proposed alteration to the roof of the existing garage, it is not considered that this will result in a significant loss of light or overbearing impact so as to justify a refusal of planning permission. The pitch of the roof will slope downwards as it progresses toward the neighbouring boundary and as such, both overshadowing and overbearing will be minimised.

Furthermore, as no additional windows are proposed to be inserted into the side (northeast) elevation of the application dwelling, the development will not result in any additional loss of privacy to this neighbouring property.

No.66 has four ground floor windows and a glazed door and two first floor windows on its side elevation. Two of the ground floor windows and the glazed door serve a utility (a non habitable room) and as such any loss of amenity that would arise to these windows as a result of the development would not justify a refusal of planning permission. Another ground floor side facing window is the only window into a dining room. Whilst it is anticipated that the extension will result in some loss of light to this room, it is not considered to be so severe so as to justify a refusal of planning permission. This is having regard to the location of the first floor extension which will be sited some 7.4m away from the side elevation of this neighbouring property. The final window at ground floor level on the side elevation serves a living room. However, as this is also served by glazed patio doors on the rear elevation it forms a secondary source of natural light into a habitable room. It is therefore not considered that any impact by way of either loss of light or overbearing would justify a refusal of planning permission.

One of the windows at first floor level is the sole source of natural light into a bedroom. Again, it is not considered that the extension will result in a significant loss of amenity to this room so as to justify a refusal of planning permission given that the location of the first floor extension will be sited some 7.4m away from the side elevation of this neighbouring property. The second first floor window is a secondary source of natural light into a bedroom (which is also served by a window on the front elevation) and as such, any loss of amenity would not be so significant so as to justify a refusal of consent. Furthermore, no additional windows are proposed to be inserted into the side (southwest) elevation of the application dwelling and as such the development will not result in any loss of privacy to this neighbouring property.

It is therefore concluded that the proposed development will not have a significant impact upon the amenity of neighbouring properties and as such accords with the relevant section of Policy CS16 which seeks the safeguarding of neighbouring amenity.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. As permission is sought for the erection of a two storey extension, photos of the existing roof of the dwelling have been sent to the County Ecologist. After surveying the photos, which showed that the existing roof of the dwelling is in good condition, a bat survey was not considered necessary. No objection was therefore raised to the development subject to the attachment of a bat and nesting bird informative and as such, the development complies with Saved Local Plan Policy E6.

Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. The development proposes the conversion of the existing garage into a family room and gym. The SPD states that 3 spaces should be provided per 4-bed unit. Given that the existing block paved driveway to the front of the dwelling can accommodate 3 parked cars and the proposal does not reduce this area (though it does remove the block paved area to the side of the dwelling), it is not considered reasonable to raise objection to the conversion of the garage as without it, parking standards are still met. The development therefore complies with the contents of Saved Local Plan Policy T5 and the contents of the Planning Obligations SPD.

Impact on trees

A third party letter of representation was received which raised concern regarding the impact that the development would have on the large silver birch tree within the rear garden of the neighbouring property (no.62). The RBC Arboricultural Officer has therefore been consulted and no objection was raised to the proposal. The tree is located some 10m away from the existing garage to be converted. Whilst the tree is a good specimen, it will be unaffected by the proposals given that no excavation is proposed within its root protection area. Furthermore, the canopy does not overhang the existing garage nor will it overhang the proposed extension.

Recommendation:

Approve subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R12/0657

DATE VALID

31/07/2012

ADDRESS OF DEVELOPMENT

64 OVERSLADE LANE
RUGBY
CV22 6EF

APPLICANT/AGENT

Mrs Rebecca Chapman
Chapman Design
10 David Road
Rugby
Warwickshire
CV22 7PX
On behalf of Mrs Pettifer

APPLICATION DESCRIPTION

Erection of a two storey side extension, first floor rear extension, a single storey rear extension to link the existing garage to the main dwellinghouse and conversion and alteration to existing garage.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below: application form, site location plan and plan no.2196-03, 2196-04 and 2196-05 received by the Local Planning Authority on 11 July 2012 and plan no.2196-02 Rev A Flat Roof Amended Sept 12 received by the Local Planning Authority on 5 September 2012 and plan no.2196-01 Rev B Garage Moved By 100mm Sept 12 received by the Local Planning Authority on 13 September 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:

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

REASON:

In the interest of visual amenity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy
CS16 - Sustainable Design

Saved Local Plan Policies
E6 - Biodiversity
T5 - Parking Facilities

National Planning Policy Framework (NPPF)
Part 7 - Requiring good design

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 extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006.

INFORMATIVE 1:

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

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

INFORMATIVE 2:

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.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	26.09.2012
Report Title	Delegated Decisions – 24.08.2012 to 13.09.2012
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
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 – 26.09.2012

Delegated Decisions – From 24.08.2012 To 13.09.2012

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: 26.09.2012
Subject Matter: Delegated Decisions – 24.08.2012 to 13.09.2012
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 24.08.2012 TO 13.09.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/0952 Refused 23.08.2012</i>	6 Brook View Rugby	Erection of first floor extension over existing garage with link to dwelling.
<i>R12/1402 Refused 24.08.2012</i>	Rose Cottage 62 Main Street Wolston	Erection of 1.8 metre high entrance gates and fencing
<i>R12/1390 Advertisement Consent Refused 24.08.2012</i>	Greenwoods Homes 25 Regent Street	Display of 1 internally illuminated fascia sign and 1 internally illuminated projecting sign (retrospective)
<i>R12/1029 Refusal of Certificate of Lawful Use or Development 29.08.2012</i>	Land to the rear of Fosse Bank 4 Rugby Lane Stretton on Dunsmore	Use of land as a private garden and fishing lake.
<i>R12/1401 Refused 29.08.2012</i>	Featherstone Farm Leamington Road Coventry	Erection of swimming pool and enclosure.
<i>R12/1122 Refused 10.09.2012</i>	381 Newbold Road Rugby	Retrospective application for the retention of a temporary motorcycle garage

**Applications
Approved**

<i>R12/0991 Approved 22.08.2012</i>	14 Wordsworth Road Rugby	Erection of front porch, rear orangery, external alterations and conversion of garage including pitched roof to side
<i>R12/1187 Approved 23.08.2012</i>	62 Magnet Lane Bilton	Two storey and single storey side extensions, single storey rear extension and erection of detached garage to rear garden
<i>R12/0725</i>	22 Hillmorton Road	Erection of orangery and alterations to Listed

<i>Approved</i> 23.08.2012	Rugby	Building
<i>R12/0532</i> <i>Approved</i> 23.08.2012	Unit 2 Shilton Industrial Estate Kiln Way Coventry	Change of use from office/workshop (B1) to vehicle repairs (B2), external alterations including new workshop door and 2.4m high palisade fencing and gates (part retrospective).
<i>R12/1412</i> <i>Approved</i> 24.08.2012	Lang Hills Southam Road Toft	Erection of single storey side extensions
<i>R12/0580</i> <i>Approved</i> 24.08.2012	42 Coventry Road Pailton	Two storey rear extension
<i>R10/0952</i> <i>Approved</i> 24.08.2012	1 Pantolf Place Newbold	Erection of a single storey front extension
<i>R12/1284</i> <i>Approved</i> 24.08.2012	107 Tennyson Avenue Rugby	Erection of single storey side and rear extension
<i>R12/0086</i> <i>Approved</i> 28.08.2012	Orchard Barn Copston Lane Lutterworth	Erection of single-storey extension, external alterations including removal of rooflights and provision of hardsurfacing, paving and landscaping.
<i>R12/1093</i> <i>Approved</i> 28.08.2012	Sainsburys Supermarkets Ltd 385 Dunchurch Road	Proposed single storey extension to the front of the store, underneath the existing canopy and proposed new free standing staff entrance canopy.
<i>R12/1422</i> <i>Approved</i> 28.08.2012	Frensham School Lane Hill	Addition of pitched roof to rear element of dwelling, alterations and provision of pitched roofs to existing dormer windows, external alterations to dwelling including use of render and new windows (alteration following planning approval R11/1548 to provide increased height to pitched roof of rear element)
<i>R11/1468</i> <i>Approved</i> 28.08.2012	New Farm Marton Road Birdingbury	Conversion of redundant farm buildings to two dwellings
<i>R12/1376</i> <i>Approved</i>	Southlands Heath Lane	Retention of stables.

29.08.2012	Brinklow	
R12/1339 Approved 29.08.2012	Airware Pneumatics Limited 43 Somers Road New Bilton	Retention of alterations to the front elevation of a building with the installation of 3 windows and a door and shutters
R12/0456 Approved 29.08.2012	128 Railway Terrace Rugby	Change of use of the ground floor and first floor restaurant (Class A3) to four residential flats (Class C3)
R12/1445 Approved 29.08.2012	52 Magnet Lane Rugby	Erection of a single storey rear extension
R12/1099 Approved 29.08.2012	209 Dunchurch Road Rugby	Proposed 2 storey rear extension, with single storey element, plus minor external alterations. Erection of fence along west boundary
R12/1331 Approved 30.08.2012	Hayes Close Mill Farm Mill Row Wolvey	Conversion and extension of barn to a single dwelling house, including the erection of a detached garage, and the demolition of other buildings
R12/0737 Approved 30.08.2012	Land Rear of 24 David Road Bilton	Erection of detached dwelling in the form of a dormer bungalow.
R12/1094 Approved 30.08.2012	The Acre Lawford Heath Lane Long Lawford	Demolition of the existing buildings and erection of 6 no. replacement industrial units (Class B1) together with parking provision - Renewal of Planning permission ref. R09/0268/PLN dated 22 June 2009.
R12/1458 Approved 30.08.2012	Sunny Brae Broadwell	Erection of a first floor to existing rear extension
R12/1414 Approved 30.08.2012	24 Coton Park Drive Rugby	Retrospective application for the conversion of double garage into a Games Room.
R12/0706 Approved 03.09.2012	Davmar 32 Main Street Newton	Retrospective planning permission for the retention of an ancillary storage shed.
R12/1022 Approved 03.09.2012	2 Russell Avenue Dunchurch	Retention of a 1m high boundary fence.

<i>R12/0887 Approved 03.09.2012</i>	1 Anker Drive Long Lawford	Erection of a two storey and a single storey rear extension
<i>R12/0625 Approved 03.09.2012</i>	The Banks Main Street Willoughby	Detached garage to front of house
<i>R12/1449 Approved 03.09.2012</i>	Land rear of 5 Florin Place Hillmorton	Retention of a horse shelter and store.
<i>R12/1410 Approved 04.09.2012</i>	25 Cordelia Way Bilton	Provision of a front dormer and a new window in the first floor side gable end.
<i>R12/1454 Approved 04.09.2012</i>	Axe and Compass Lutterworth Road Hinckley	Formation of new timber framed porch to main entrance, 2 new door openings to rear elevation and erection of 6 wall lanterns
<i>R12/1484 Approved 04.09.2012</i>	Four Winds Chapel Lane Coventry	First floor extension to side to form ensuite/dressing room
<i>R12/0872 Approved 04.09.2012</i>	58 Vernon Avenue Rugby	Erection of a detached garage to rear of the garden
<i>R11/0071 Approved 05.09.2012</i>	Makins Fishery Bramcote Lane Wolvey	Change of use of land to provide 35 touring caravan / camping pitches, erection of an amenity building and construction of an access track with associated landscaping and works.
<i>R12/0923 Approved 06.09.2012</i>	14-16 Regent Place Rugby	Conversion of existing buildings to form 5 residential flats.
<i>R12/0959 Approved 06.09.2012</i>	4 Stretton Road Wolston	Erection of first floor side extension
<i>R12/1224 Approved 06.09.2012</i>	Ground Floor 38 Abbey Street	Change of use of the ground floor from Class A1 (vacant shop) to Class C3 (residential flat) of the Town and Country Planning (Use Classes) Order 1987, including erection of a single storey front extension to form a bay window (resubmission of planning reference

R10/0396).

*R12/0452
Approved
06.09.2012*

Sainsburys
Units 1 and 2 Ansty Park
Draken Drive
Ansty

Erection of two storey building and use as a Product Development Centre, multi-storey car park, a glazed link between the existing business premises and related ancillary development comprising an energy centre and associated landscaping and drainage provisions.

*R11/2438
Approved
10.09.2012*

Baby Barn Pram &
Nursery Centre Ltd
Marton Fields Farm
High Street
Marton

Retention and independent occupation of previously approved dwelling and use of business premises for a specified range of uses within Class A1 (shops) of the Town and Country Planning Use Classes Order 1987 (As Amended).

*R12/1498
Approved
10.09.2012*

Millstones
Church Hill
Wolvey

Provision of a rear dormer

*R12/1514
Approved
10.09.2012*

4 Palmers Close
Hillmorton

Replacement roof to side extension

*R12/1501
Approved
10.09.2012*

3 Wolds Lane
Wolvey

Erection of a single storey rear extension

*R12/1502
Approved
10.09.2012*

4 Wolds Lane
Wolvey

Erection of a single storey rear extension

*R12/0830
Approved
11.09.2012*

31B High Street
Ryton on Dunsmore

Erection of a conservatory to rear of property

*R12/1460
Approved
11.09.2012*

Ashlawn School
Ashlawn Road
Rugby

Erection of a single storey extension to dining hall facilities

*R12/1513
Approved
12.09.2012*

38 Lutterworth Road
Pailton

Single storey and two storey rear extension, conversion of part of garage to form study and utility room and alteration to porch

*R12/1205
Approved
12.09.2012*

Calcutt Heights
Calcutt Heights Farm
Calcutt Lane
Calcutt

Construction of a menage for the exercise and training of horses

<i>R12/1465 Approved 12.09.2012</i>	Holly Lodge Day Nursery Paddox Primary School Fareham Avenue Hillmorton	Renewal of planning permission dated 5th August 2002 to retain existing temporary buildings for nursery / day care purposes for a further 5 year period
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<i>R12/1041 Approved 12.09.2012</i>	56 Crick Road Hillmorton	Single storey front extension
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<i>R12/1550 Approved 12.09.2012</i>	5 Pytchley Road Rugby	Erection of a single storey rear extension
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Listed Building Consents

<i>R12/1318 Listed Building Consent 23.08.2012</i>	22 Hillmorton Road Rugby	Listed Building Consent application for erection of orangery and alterations to Listed Building
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<i>R12/0558 Listed Building Consent 07.09.2012</i>	Princethorpe College Leamington Road	Listed building consent for repair works to gable end
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Advertisement Consents

<i>R12/1168 Advertisement Consent 28.08.2012</i>	St Andrews Rugby Football Club Ashlawn Road Rugby	Erection of replacement sign at entrance and provision of banner signs around sports pitch
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<i>R12/1431 Advertisement Split Decision 29.08.2012</i>	O2 Unit 14, Junction One Leicester Road	Display of 3 internally illuminated fascia signs and 3 non-illuminated dibond panels (part-retrospective)
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<i>R12/1163 Advertisement Consent 30.08.2012</i>	Unit 13 Swan Centre 8 Chapel Street	Display of 3 Internally illuminated fascia signs and 1 illuminated projecting sign.
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Certificate of Lawful Use or Development

<i>R12/1295 Certificate of Lawful</i>	Dunsmore Kennels & Cattery	Use of land (identified by red outline on the site location plan), and buildings (identified on the
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<i>Use or Development</i> 29.08.2012	248 London Road Dunsmore Heath	site plan used as Exhibit SG2 in the Statutory Declaration of Sarah Catherine Greenway, Exhibit MM3 in the Statutory Declaration of John Michael Mullan, Exhibit CF1 in the Statutory Declaration of Christine Fry, and Exhibit PG2 in the Statutory Declaration of Peter Gordon) as a commercial kennels and cattery.
Approval of Details/ Materials		
<i>R12/0773</i> <i>Approval of Non-Material Changes</i> 31.08.2012	Electricity Substation Coombe Fields Road Ansty	Increase height of boundary fence from 1.8 metres to 2.4 metres (amendment to the details approved in ref R09/0338/MAJP)
<i>E2E 02</i> <i>Approval of Details</i> 06.09.2012	Richard Utley Limited Europark A5 Watling Street Clifton on Dunsmore	The erection of two general industrial (B2) units and associated two storey offices and car parking
<i>R12/0079</i> <i>Approval of Details</i> 07.09.2012	Cottage Farm 435 London Road Stretton on Dunsmore	Erection of a replacement dwelling
Withdrawn/ De-registered		
<i>R12/1080</i> <i>Withdrawn</i> 03.09.2012	ASDA Store Corporation Street/Chapel Street Rugby	Installation and display of 2 Non-illuminated wall mounted banner signs.