

8th October 2012

PLANNING COMMITTEE - 17TH OCTOBER 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 17th October 2012 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their 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 26th 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 – 14th September 2012 – 4th October 2012.
7. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution: -

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

PART 2 – EXEMPT INFORMATION

1. Enforcement.

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

The Reports of Officers (Ref. PLN 2012/13 – 9) 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.

AGENDA ITEM 4

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 17TH OCTOBER 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

There are no applications recommended for refusal.

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
1	R12/1194	Land off Priory Road and School Street, Wolston Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012)	3
2	R12/1287	Land Rear of Bryants Bungalow, Brandon Lane, Toll Bar End Erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding. (Amendments to previously approved planning application R12/0206 dated 16th April 2012).	29
3	R10/1272	Rugby Gateway, West of Leicester Road, Rugby Amendment to conditions 1, 5, 36 & 37 and removal of condition 15 of Council's resolution to grant outline planning permission.	34
4	R12/0397	Land to the South of Blue Haven Marina, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW Extension to the existing marina complex to provide an additional 123 berths, including erection of an operational building and associated works and deposition of spoil. (Application for new planning permission to replace planning permission R08/1844/MAJP to extend time limit for implementation.)	38

Reference number: R12/1194

Site address: Land off Priory Road and School Street, Wolston

Description: Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012)

Case Officer Name & Number: Owain Williams – 01788 533789

Site Description

The site is located within the village boundary of Wolston with the exception of the field to the south of School Street (which lies in open countryside and the Green Belt), as identified in the Wolston Inset Map in the adopted Rugby Borough Local Development Framework Core Strategy (June 2011). The settlement of Wolston is located between Rugby and Coventry within close proximity to the A45. The settlement is identified within the Adopted Core Strategy as a Main Rural Settlement and as such is a 3rd tier development priority behind Rugby town centre (1st tier) and the Rugby settlement as a whole (2nd tier)

The site itself is bounded to the south by School Street, which is one of the main access roads leading into Wolston village from the east. Priory Road runs along the western and northern boundaries and the site adjoins open land to the east. Immediately to the west of the site is a 1970s housing development (comprising two-storey townhouses grouped into terraces) located on Priory Road and Meadow Road. The houses located on the south side of School Street in the main comprise detached houses and bungalows.

To the north of the site on the adjacent side of Priory Road is The Priory, which comprises a large detached 16th century Grade II * listed house and detached outbuildings set in large grounds. The frontage to The Priory contains a significant group of mature trees that helped screen the main listed building from the development site. There are also some further agricultural outbuildings located to the west of The Priory, alongside the driveway into this property. Directly to the west of The Priory and to the north west of the site is a Scheduled Ancient Monument known as Wolston Priory and Moated Site.

The site is fairly level and comprises a large field with no physical features within it apart from some fairly mature hedgerows (containing a small number of mature trees) along each boundary. The northern part of the site exhibits the characteristics of an area of wetland, with a pond located close to the north-east corner of the site. It is currently in agricultural use and has a public footpath (R138) running across the site from the north-west to south-east corners.

Proposal Description

This application proposes the erection of 80 houses with associated open space, landscaping, infrastructure and newt reserve. The planning application is for full planning permission for residential development and is a resubmission following a previous refusal dated 22nd February 2012. The reasons for refusal related to affordable and local need dwellings, character and appearance, renewable and low carbon emissions and also on site play provision. There have been significant alterations to the scheme most notably the reduction of the number of houses from 92 to 80 and the introduction of a Locally Equipped Area of Play (LEAP) onto the site.

The LEAP will sit on an area of open space to the North of the site which is to be heavily landscaped along the boundary with Priory Road giving a buffer between the proposed development and The Priory a Grade II * Listed Building and its grounds.

The proposed dwellings that are now being provided consist of the following:

65 no. Open Market Houses:

- 7 x 3 bed houses
- 58 x 4 bed houses

14 no. Affordable Housing (which will have an attached local criteria)

- 7 x 2 bedroom house – social rented
- 5 x 2 bedroom house – shared ownership
- 2 x 2 bed bungalow – shared ownership

1 no. open market housing with attached local criteria

- 1 x 2/3 bedroom bungalow – open market

The main access into the development is proposed from School Street and would provide access to the main route through the development site. A further vehicular access for emergency vehicles only is provided off Priory Road, which can also be used for pedestrian/cycle access. Two further pedestrian accesses to the site are gained from School Street (leading to a bus stop) and onto Priory Road in the very northern part of the site.

The site layout has been designed to create a more spacious, loose knit and informally arranged development to try and remove itself from the more regimented form of development previously submitted. The main road running through the site now meanders through the site up to the open space at the north of the site. An oval shaped area of open space is retained centrally which has been formed by the curvature of the road, and is fronted on both sides by dwellings, albeit separated by the road and private access respectively, which enjoy the views across this land which trees will be planted and a pedestrian walk way running through. The traffic calming measures are still a feature with the inclusion of change in materials, but it is the meandering road which will help reduce speed. It has been indicated that the local architectural features of Wolston have been used to within the design of the proposed dwellings.

Elsewhere, the existing hedgerow along the site frontages to School Street and Priory Road will be retained around the majority of this boundary. A wildlife corridor will be created along the north-eastern site boundary, incorporating the existing trees and hedgerow, plus an existing pond and wetland area. This corridor will also include additional hedge and tree planting, which leads to a new newt tunnel that is proposed to be constructed under School Street. This will provide access for reptiles (particularly for the great crested newts which currently inhabit the pond) to a newly created newt reserve/wildlife area on the south side of School Street.

The new LEAP that is to be provided as part of this scheme will consist of 6 different pieces of play equipment which will offer some form of rotating and/or rocking play, swinging, climbing, balancing, sliding and imaginative play so that the minimum recommended number of play equipment is provided. The land will be shaped and landscaped to provide a more natural appearance and provide more natural play. There will be street furniture located within the area with small post and railing fencing defining different areas within the open space.

During the processing of the application, amendments have been made to take on board the various comments that have been made, by technical and third parties most notably from the Police Architectural Liaison Officer and the MADE Design Review Panel.

Relevant Planning History

R10/1131 - Residential development comprising 92 houses, including public open space within the site , garaging, newt reserve and associated infrastructure including the diversion of public right of way R138 – Refused Permission – 22/02/12

Technical Consultation Responses

Landscape Officer	No objection	
Tree Officer	No objection	Subject to conditions
WCC Ecology	No objection	Subject to conditions
Natural England	No objection	Subject to the conditions suggested by
WCC Ecology		
Environmental Health	No objection	Subject to conditions & informative
English Heritage	Objection	
Severn Trent	No objection	Subject to conditions
Environment Agency	No objection	Subject to conditions & informatives
WCC Highways	No objection	Subject to conditions
WCC Education	Comment	Require financial contribution towards
additional educational		need generated by development
WCC Archaeology	No objection	Subject to condition
Warwickshire Police	No objection	Subject to suggested amendments
WCC ROW	No objections	Subject to receiving a diversion order

Third Party Responses

Neighbours (73) and also petition of 107 signatures – Objection

- Wolston does not have sufficient facilities (Doctors, School and shop) to cope with the additional residents which will lead to overcrowding
- Would increase traffic in the local area and also pollution
- The field in question has very poor drainage
- Should be protecting the countryside not destroying it.
- Would have an impact upon the historical setting of The Priory a Grade II* Listed building
- Would lead to a loss of section of Public Right of Way
- Why is there a need for more houses when there are plenty for sale in the area
- There would be an impact on wildlife and the environment
- Positioning the access road so close to Coalpit Lane is an accident waiting to happen
- The school is full to capacity and would not cope with another influx of children
- There are protected species, flora and fauna on the site
- The project is unnecessary for the village as there is adequate variety and availability of properties within Wolston (summary of housing provision provided)
- The density of housing proposed is not appropriate on the proposed site and there already has been over development of the village by other developments (Bluemels Estate)

- This site will only benefit one local farmer and the developers
- The existing sewage and drainage will not be able to cope with the additional demands
- Unhappy about the way the buildings are crowded to the edge of road
- The development should respect the building line along School Street and reflect the set back of the properties.
- The developers are still not adhering to the recommended 40% of affordable housing within the development
- Wolston has already lost much of its character due to the sprawl of recent developments; the proposed housing would turn Wolston into nothing more than a Coventry/Rugby new town.
- Wolston does not have the facilities to entertain young people who inevitably end up bored and this leads to vandalism.
- Public transport to Wolston is currently poor
- The density and design of housing proposed for this site is still inappropriate for the edge of a village, next to the Green Belt and for the historic setting in which it sits.
- The Heritage statement by Nexus includes many erroneous assumptions
- The layout is typical of a modern housing estate with little acknowledgement of local character and history.
- The landscape proposals seem to be lacking in creativity
- Would argue this development contravenes the National Planning Policy Framework as it fails to improve the character and quality of an area.
- The new estate will increase crime in the area
- Need to maintain the street scene and an attractive entrance to the village
- The changes made are merely superficial and in no way address the objections our community has raised
- The grandiose plans for relocation of the population of Great Crested Newts are ridiculous
- Overdevelopment of the site
- Who will deal with the maintenance costs of the open space and play area would it be left to the residents?
- Are there not other suitable sites in more urban areas for this kind of development
- There is no employment in Wolston so everyone who comes to live on this development will commute to work where is the sense in this?
- The field adds to the rural feel of the village

Neighbours (3) – Support

- Young people and young families have no chance of buying a house within the area as properties are not available or what is available is too high in price which is driving Wolstons younger generation out of the village. These houses will benefit the younger blood of the community.
- These properties will provide people already living in the village with other housing options.

Councillor Poole and Bragg – Comments

- Points of concern include the flooding issues and increase sewage that will be added to the existing system.
- Can planning be satisfied that the arrangements for soakaways and balancing ponds are sufficient

- There has been a transport assessment submitted although residents have commented on the difficulties already experienced along School Street with parked vehicles obstructing a free flow of traffic
- The access to the site will be very near to the existing traffic calming at the entrance/exit of the village and this is a concern, what has been the highways departments response?
- We would expect all existing hedgerow to be maintained to provide a natural barrier to existing dwellings apart from of course the site entrance

Councillor Howard Roberts – Objection

- The application should be rejected in deference to the views of residents within the Wolston Housing needs survey
- This development does not represent infill and is central to the historic atmosphere and identity of Wolston and believe it represents an assault to the heritage of Wolston
- The development would result in a net loss of bio-diversity by disrupting a thriving great crested newt population
- There has been recent history of flooding on the site
- There is no firm conclusions the sites foundations are suitable
- I suggest that no houses are permitted at or around BH5 (gas mitigation area) and if any properties are permitted, high level gas protection measures should be included in all properties on this development.

Parish Council – Objection

- The density is too high and not reflective of the rural character of the area or in recognition of the sensitive edge of village location;
- The proposed layout is typical of a volume house builder using standard engineered road layouts, catalogue house types and ill-conceived landscaping proposals which are slotted around the plots as an afterthought;
- The proposal represents a cramped and contrived development which does not reflect the character of the local area;
- There are a number of fundamental issues with the layout such as the location of the public open space, the plot types and heights, the lack of sufficient structural and incidental landscaping around and within the site, the inclusion of cramped parking courts, the illegibility of the some of the plots and the general inability to demonstrate a high quality, lifetime and sustainable home standard;
- The proposal would have an adverse impact on existing infrastructure within the village such as schools. Should planning permission be forthcoming S106 contributions should be provided to mitigate the additional pressures on school places. Furthermore, the Parish Council would also request that S106 contributions be made towards youth facilities in the village;
- The increase in traffic through the village would be significant;
- The proposal has failed to demonstrate that European protected species would not be adversely harmed. The quality and practicality of the mitigation measures are questioned. The derogation tests contained within the EU directive have not been met. Approval of this application would therefore be unlawful and in direct conflict with European law;
- Surface water drainage has not been satisfactorily addressed given the ground conditions and limited information made available to the Parish Council. There are existing problems with the capacity of the main sewer. The proposed development fails to demonstrate that the proposed foul drainage can be satisfactorily delivered.

- There is some concern that due to the overdeveloped nature of the proposals and the need to provide an expensive connection with off site mitigation for the protected species this has directly affected the viability of the scheme.

Relevant Planning Policies and Guidance

Rugby Borough Local Development Framework – Core Strategy (2011)

CS1	Complies	Development Strategy
CS2	Complies	Parish Plans
CS5	Complies	Growth Delivery
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS16	Complies	Sustainable Design & Construction
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable Housing
CS20	Complies	Local Needs Housing

Saved Rugby Borough Local Plan Policies (Post Core Strategy Adoption) – June 2011

H12	Complies	Open space provision in residential development in the rural area
GP2	Complies	Landscaping
E6	Complies	Biodiversity
LR1	Complies	Open Space Standards

RBC Supplementary Planning Documents.

Planning Obligations SPD (August 2011)
 Housing Needs SPD (June 2011)
 Sustainable Design & Construction SPD (June 2011)
 Wolston Housing Needs Survey 2011

West Midlands Regional Spatial Strategy
 'Planning for Growth' Ministerial Planning Statement (March 2011)
 National Planning Policy Framework 2012

Assessment of Proposals

The determining issue to take into account in this case would be whether or not the revised scheme overcomes the reasons given for the previous refusal.

Although the main determining issues will concentrate upon the reasons for refusal of the previous application the neighbouring residents have again questioned the principle of development and the need for more housing.

Principle of Development

The application site is located within the identified settlement boundary of Wolston. It adjoins land designated as countryside to the north, east and south-east, which also falls within the Green Belt. The site was previously allocated as safeguarded housing land under the old Local Plan however when the Core Strategy was adopted the

allocation was omitted. The Inspector who assessed the Core Strategy did not request any amendment to the village boundary therefore the current status of the land is simply that of 'white land' within the settlement boundary of Wolston. This means that development proposals that come forward, that comply with Core Strategy policies and any other material planning considerations can potentially be considered to be acceptable. A proposal for housing development could therefore be considered on this site if a need for the housing can be demonstrated.

Regarding housing need, the Borough Council's Cabinet previously resolved on 23rd August 2010, to continue to plan for a total of 10,800 dwellings to be built in the Borough from 2006 to 2026. This represents the evidence base that the Council has used since 2007, and which originally emerged from the West Midlands RSS Preferred Options studies that fed into the LDF Core Strategy.

The application site is shown in the Borough Council's Housing Trajectory that accompanies the Core Strategy, as being required to meet future housing need from 2015. It is therefore required to meet medium term housing growth in the Borough.

Given that the application site is land which falls within the village boundary the principle of its development is considered acceptable provided the submitted scheme would comply with all other aspects of the development plan. The previous designation of the land for housing within the now replaced Local Plan, all be it for future housing needs, further establishes the historic nature of the acceptance of the suitability of the land for housing.

The situation regarding the Coalition Governments intention to revoke Regional Spatial Strategies (RSSs) has now been clarified following various court cases and appeals by Cala Homes. Following a judgement in May 2011 the High Court confirmed that the proposed abolition of Regional Strategies can be regarded as a material consideration by local planning authorities when deciding planning applications and appeals. The weight to be given to this will be a matter for the decision maker.

Affordable Housing and Local Need – 1st and 4th Reasons for Refusal

The first reason for refusal referred to policy CS19, Affordable Housing, of the Core Strategy. The committee members decided that despite the applicants submitted viability assessment, the proposed provision of 13 affordable units and two market dwellings subject to a local occupancy condition was insufficient to meet the required level of affordable housing. Policy CS19 states that affordable housing should be provided on all sites of at least 0.5 hectares in size or capable of accommodating 15 or more dwellings. On sites of the size of School Street/Priory Road a target affordable housing provision of 40 % would be sought. The policy however does state that in circumstances where the provision of the targets set out here are likely to threaten the financial viability of a development scheme; the Council will consider a reduced target.

The policy also indicates that new housing developments in Main Rural Settlements that are within the thresholds of this policy will be required to meet an identified Local Housing Needs as a priority before the requirements of this policy and these are set out within Policy CS20 of the Core Strategy. Policy CS20, Local Housing Needs, states that in Main Rural Settlements permission for Local Housing Needs development will be granted where it proven to meet the identified need of local people. The 4th reason for refusal of the previous application stated that the proposed development failed to provide the specific housing need for the village that was

highlighted within the housing needs survey for Wolston dated August 2011 and despite the submission of financial viability evidence to justify the variance in provision it is considered that the application did not comply with policy CS20.

Both of the policies CS19 and CS20 have to be read in conjunction and this is where both refusal reasons are interlinked. The changes that have now been made to the scheme has reduced the number of dwellings, however the number of affordable units has been increased by 1 from 13 to 14. Due to this reduction in the number of houses a larger percentage of affordable houses are created to that of the previous scheme and now stands at 18% coverage. With regards to the local housing need the new scheme now completely meets the need highlighted within the Wolston Local Housing Need Survey and exactly matches the tenure required. All these changes including the reduction in housing, the addition of a further affordable dwelling and fully meeting the local need has impacted upon the viability of the development and this along with other costings is the reason given to why the 40% target of affordable housing can not be met. The financial appraisal that has been submitted by the applicants is deemed appropriate evidence by the Council which demonstrates that the financial viability of the scheme would be compromised if there were any more affordable units therefore the reduced target is deemed acceptable. Taking into account the above it is considered the revised scheme has overcome refusal reasons 1 and 4 of the previous application and therefore now complies with policies CS19 and CS20 of the Core Strategy.

Character and Appearance – 2nd Refusal Reason

The second reason for refusal referred to the appearance of the development. The reason for refusal stated that the development by reason of its scale, urban design and appearance, is out of keeping with its edge of village locality and as such will have an adverse effect on the qualities, character and amenity of its immediate surroundings contrary to policy CS16 of the Core Strategy. 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 area situated.

The revised scheme has altered the layout and design of the development most notably the reduction in the number of dwellings and the introduction of the open space to the north of the site which includes the LEAP. There are a number of constraints that affect the site that have had to be addressed in the site layout. These include; the need to maintain an existing public footpath route across the site, the requirement for an enclosed landscaping strip, linking the existing pond and wetland area that is to be retained, to the proposed newt reserve and the need to retain the existing hedgerow along the site boundaries to School Street and Priory Road.

As part of the processing of this application the proposals were taken to a MADE Design Review Panel in Birmingham who critiqued the development. The panel reported that they were pleased to see a landscape architect had been influential in developing this proposal from the outset. They stated that the open area fronting Priory Road and the central green space should add distinction to the area, and the retained hedgerows will soften the relationship between the development and the countryside. Whilst appearing relatively positive about the development the panel have pointed out a few areas which could be improved. These include ensuring that detailed landscape treatments are of high quality particularly where these help to mitigate the effects of front of plot parking and where the cul-de-sacs form clusters of houses; detailed specification of the pedestrian access points through the hedgerow

on School Street; a more imaginative design for referencing of the existing footpath; breaking up the social housing cluster and providing a car parking solution that matches the rest of the development and providing full vehicular access at the northwest end of the spine road. Since this information has been submitted there have been amendments made to the scheme taking on board the panels views.

The development overall takes a less regimented form and a more informal layout than the previous scheme which makes the development more akin with the rural area to which it is located. The larger buffer of open space to the north of the site, the open space in the centre, the retention of the surrounding hedgerows and the landscape buffer forming the newt corridor will help to soften the development and reduce any feeling that the development is of an urban form. The line of the existing footpath has been used to structure the layout of the development. Within the central open space and open space to the north of the existing line of the footpath has been picked up and enhanced with landscaping which includes feature trees. This would be a more imaginative design which would reference the existing footpath in two areas on the site. The connectivity to the site is good with five different pedestrian accesses around the site with one main vehicular access. The legibility through the site is good as views through the development as you enter would be clear across the now enhanced central public open space to the open space towards north of the site. The private access drives which lead to small shared zones within the development would be clearly demarked as private accesses by the use of different materials on the road surface. The importance of landscaping has been taken on board and extra landscaping has been introduced into these zones providing a more charming informal cluster of houses.

The majority of the dwellings along Priory Road and School Street either front or back onto the road so there are no blank frontages to the street scene. Whilst facing the adjoining roads the properties do not have direct access as retaining the hedgerow and the rural feel of the area is essential. The dwellings which side on to School Street are dual frontage properties so although they do not front the road there are no blank elevations. This layout ensures that public areas and routes are well overlooked and exposed rear and side garden boundaries avoided. Within the revised scheme all three storey and 2.5 storey houses have been removed giving a lower profile to the development. The positioning of the bungalows on site is also pertinent as they are the properties closest to the northern boundary of the site and therefore the Grade II* Listed Building The Priory. The low level bungalows in this location would have a significantly reduced impact to that of the two and half storey dwellings which were proposed previously.

The affordable units referred to earlier would be located within an attractive area of the site with leafy and well landscaped surroundings. The two storey affordable dwellings, of which there are 12, would be located within the same area to benefit from the use of a very open and again well landscaped parking court which allows rear access to the properties from the court. The spaces have been re-arranged to ensure that the parking spaces are not too distant from the dwelling they serve. It is felt that although the dwellings may appear clustered the dwellings would not be singled out as social housing as the design of the properties and the materials used would be consistent. The affordable units have been clustered in this area also to allow the RSL taking on the units to effectively manage the units more efficiently.

It has been noted that the architecture used within the house types proposed has been taken from traditional architectural features found in Wolston such as the window styles, corbelling, stone cills, small canopy porches, bay windows and

chimneys therefore the character and appearance of the dwellings would not be out of keeping to the area.

Taking into account the above it is considered that the revised scheme would not have a significant impact on the character and appearance of the area complying with policy CS16 of the Core Strategy 2011.

Policy CS16 also refers to the historic environment. It states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant-impact on existing designated and non-designated heritage assets and their settings. The heritage asset that may be affected as part of the proposal is The Priory which is a Grade II* Listed Building.

Impact on the Heritage Asset

PPS5 Planning for the Historic Environment has been replaced by the National Planning Policy Framework. The NPPF states at para. 7 that part of the aim of achieving sustainable development includes contributing to the built and historic environment. Under para. 17 a core principle is identified as conserving heritage assets in a manner appropriate to their significance. Para. 126 states that it should be recognised that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Para. 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including through development affecting the setting of a heritage asset).

Para. 131 states local planning authorities should take account of sustaining and enhancing the significance of heritage assets and para. 132 states great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be and that the significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In para.133 the NPPF states that where a proposal will lead to substantial harm or to total loss of the significance of the heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

English Heritage's The Setting of Heritage Assets describes the setting of a heritage asset as "the surroundings in which the asset is experienced". Although published prior to the NPPF it remains of relevance. It identifies the key principles for understanding setting as the surroundings in which as asset is experienced, whether designated or not. The extent and importance of setting is often expressed by reference to visual considerations and the perceived extent of setting may change over time as the surroundings evolve or as understanding of the asset improves. The setting of a heritage asset can enhance its significance whether or not it was designed to do so.

It further states that the setting of any heritage asset is likely to include a variety of views of, across or including that asset, and views of the surroundings from or through the asset. Setting is not a heritage asset, its importance lies in what it contributes to the significance of the heritage asset.

The document recommends the following broad assessment be undertaken to assess the impact of development on the setting of a heritage asset:

- Identify which heritage asset and their setting is affected;
- Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset;
- Assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Explore the way maximizing enhancement and avoiding or minimizing harm;
- Monitor outcomes.

English Heritage have commented on the proposal and still retain their objection to the scheme on the grounds that the development would have a sufficiently serious impact on the setting of the Grade II * Listed Building. English Heritage refer to the southern boundary of the garden as fortuitous overgrowth rather than being a designed screen planting and states the impact on the setting without the vegetation would be substantial in both directions. They continue to state that with the proposed development in place the vista of the house from most of the field, the road and beyond and then the gently rising agricultural land to the south of that would be obscured to a great degree. The essentially rural, agricultural, setting when looking southwards from the house would also be changed dramatically. English Heritage have noted the small buffer at the northern end of the proposed development but that does little to ameliorate the overall impact of the scheme on the setting of the listed building.

Although there is an objection from English Heritage the Council are of the opinion that views of the building are still limited to those from the highway. The trees form a mix of deciduous and evergreen but even in the winter months provide a barrier between the road and the dwelling. As a result the dwelling does not play a major role in the street scene along Priory Road. The access itself is also rather low key with an absence of a more imposing built form through walls or gates and therefore has an informal character. It is acknowledged that much of the planting is informal; however, it maintains a screen between the house and highway.

It follows that the Priory does not feature prominently in the character of the area from longer views and from School Street and the lower part of Priory Road the building is not readily visible. The site the subject of the application provides a rural foreground to the curtilage but the building itself is not significantly visible in conjunction with views over and across the field. This rural setting contrasts with the appearance of the housing along the western side of Priory Road which comprises a rather urban form of housing of its time. The presence of front gardens, lawns and trees does not sufficiently integrate the site into the adjacent rural landscape.

The land to the north, north-west and north-east provide a rural backdrop to the Priory and are read as part of its countryside setting. Beyond this the railway line running on an east to west axis acts as a boundary. From the application site the Priory is largely absent from view and the role of the application site is limited to providing a rural setting to the village. Given the position of the building within the site, the landscaping and Priory Road itself, the application site is not considered to be significantly read in conjunction with the Priory; this despite the prominence of the front elevation comprising a three storey building.

The setting of the Priory also includes its more immediate environment. This incorporates the curtilage, the landscaped foreground within the site and the important boundary treatment. Within this context the Priory has something of a self contained character and exists without a significant prominence within the wider setting.

From the Priory the proposed development will be visible. However, it is considered that the distances between the Priory and the proposed housing would ensure the setting of the listed building would not be unduly harmed.

Taking into account the above and the objection of English Heritage it has been considered that whilst the proposal will have an impact on the rural character of the application site the longer views of the building are not easy to obtain given the setback into the site and the landscaping along the boundary and the building is not particularly read in conjunction with the application site. In addition, the revised layout of the proposed scheme incorporates landscaping and open space to the north of the site which would provide further separation in the form of a green buffer between the heritage asset and the development therefore not having a significant impact upon the setting of the Listed Building complying with policy CS16 of the Core Strategy 2011.

CS14 is also a relevant policy for this application as the indicative Green Infrastructure network runs alongside the northern edge of the site and the entire site is within the Princethorpe Woodland Biodiversity Opportunity Area. This area is of importance because it contains a cluster of ancient woodland, unimproved or semi improved grasslands, which is why it has specific mention in CS14. Notwithstanding this, the site does not contain any of these assets. The ecological assessment produced for the applicant identifies the existing water body which the master plan shows will be retained and the existence of marshland adjacent to the water body at the north end of the site, in addition to hedgerows of varying condition throughout the site.

The master plan identifies the retention of the hedgerows, the existing water body, which will be turned into a pond, with appropriate planting around it and the retention of the existing identified trees incorporated into the hedgerows. It is considered that these measures will contribute towards the protection and the enhancement of the existing GI Network. Although the site will contribute towards the overall GI network, there is no Community Infrastructure Levy Charging Schedule in place which seeks contributions for the enhancement of the Princethorpe Woodland Biodiversity Opportunity Area. Furthermore the applicant has demonstrated financial constraints impacting the viability of the site when considered against CS19 and CS20. It is therefore considered that the site meets the provisions of CS14.

In terms of the above landscaped areas, wetland/pond area, hedgerow and public open space, it is suggested that s106 legal agreement would include clauses to require that the Parish Council to maintain the land or a management company be set up to manage and maintain these areas in perpetuity. A new avenue of trees is proposed within the landscaped strip along the outside edge of the south boundary with School Street. These trees would be adopted by the Highways Authority as part of the highways agreement.

Renewable or Low Carbon Energy – 3rd Reason for Refusal

The 3rd reason for reason given by committee was that insufficient attempts had been made to ensure the proposed development effectively reduces carbon emissions and consequently the proposals were considered to be contrary to Policy CS17 of the Rugby Borough Council Core Strategy June 2011. CS16 requires all developments to incorporate sustainable design through a variety of measures. Specifically they must include Sustainable Drainage Systems (SUDS) and if this is not achieved they must incorporate another similar measure in agreement with the Environment Agency. Such a measure would include water conservation to the standard of Code Level 4, where each residential property should consume no more than 105 litres of water per day. If the applicant is not able to achieve these measures then, as with affordable housing, evidence that the financial viability of the scheme would be comprised if this were to form part of the scheme, is needed to satisfy the policy. In addition, the relevant requirement of CS17 is the reduction by 10% of the predicted carbon dioxide emissions from the site through the incorporation of decentralised and renewable or low carbon energy equipment

It proposed by the developers that all dwellings will be constructed to 2010 Part L Building Regulation standards, which delivers the CSH level 3 'fabric led approach' performance by default. This will also incorporate flow restrictors to bathroom appliances to accord with the Councils Policy on reducing water consumption. Sustainable drainage techniques will be employed in the form of a SUDS compliant scheme, utilising soakaways, permeable paving and swale techniques. The main alteration to the scheme from the previous refusal is that the Performance of the 14 affordable housing and 1 no (LOC) properties will be further enhanced with the inclusion of specialist boilers which combine with the increased construction specification to deliver a 10% reduction in CO2 emissions. The addition of these specialist boilers would help the development achieve the 10% reduction in CO2 emissions therefore the development along with the other techniques used for sustainable drainage would comply with both CS16 and CS17 of the Core Strategy and overcome the previous reason for refusal.

On site play provision – 5th Refusal Reason

The fifth reason for refusal referred to the lack of on site play facilities although an off site contribution was proposed by the developer towards other play facilities in the village of Wolston. It was stated that play facilities should be provided within the site so as to negate the need for children to have to travel to existing facilities in the village and therefore result in a more inclusive development. The revised scheme has by reducing the number of houses allowed for some extra open space to be provided within the site. After discussions with the parks department the best location for the open space and play provision was found to be to the north of the site. This area now contains a Local Equipped Area of Play (LEAP) which provides a variety of play equipment therefore overcoming the reason given for refusal. The location of the LEAP due to the connectivity from the site to the neighbouring estate would be accessible for other young children and families to use. Although this LEAP would provide on site play provision for the younger children of the village and help reduce the deficit that exists in this area, the Parish Council have highlighted that there is a need for play equipment for the older children. Following discussions with the parks department the applicants have agreed to provide an off site contribution towards improving or providing play equipment for older children somewhere else within the local area. Taking the above into account it is considered that the provision of a LEAP on site would provide a more inclusive development and therefore comply with the thrust of policy CS16 of the Core Strategy.

Other Considerations

Although the main determining issue has been whether or not the revised scheme has overcome the previous reasons for refusal there are other issues that have been highlighted again by the local residents and parish council that need to be addressed.

Impact on the Amenities of Adjoining Properties

The site is overlooked by existing properties to the south on School Street and to the west on Priory Road.

The properties on School Street have fairly large front gardens, are set back by around 25m from this road and are located between 35 and 40m from the nearest part of the application site boundary.

The existing houses along the west side of Priory Road are closer to the application site boundary, with closest property being 17.5m from the application site boundary and 20.5m between facing dwellings (existing to new) at the closest point.

Priory Cottage (located on Priory Road) to the north-east of the application site, is separated from the housing development by a retained pond and the adjoining wetland area, thus ensuring that new housing is not too close to affect its existing amenities. Two Acres (located on School Street) is already partly screened from the field by the existing hedgerow, which will be widened and bulked up by new native tree and hedgerow planting.

The Priory itself is located around 70m from the northern site boundary and is screened by a group of mature trees along its frontage to Priory Road.

It is accepted that the loss of existing open views across the existing field from existing properties will be affected, but this in itself is not a reason to refuse this application.

It is therefore considered that the combination of an acceptable spacing between the site and existing dwellings as well as the orientation and relationship layout of the proposed properties to the surrounding street scenes is acceptable and would avoid causing undue harm to amenities existing neighbouring occupiers and provide acceptable amenities to future residents of the proposed scheme complying with policy CS16 of the Core Strategy 2011

Archaeology

An archaeological survey of the site including trial trenching has been carried out by Nexus Heritage on behalf of the applicants. The report concluded that the Iron Age and Early medieval features survive across the site. The County Councils Archaeology Section has assessed the survey and concluded that the surviving heritage assets should be protected by a condition which requires a programme of archaeological work to be agreed and then undertaken prior to commencement.

Given the limited impact on the setting of the Listed Building, the neighbouring SAM and the requirement to carry out the additional onsite archaeological works it is considered that the proposed development could be carried out without causing undue harm to the surrounding recognised heritage assets and would comply with the guidance contained within the NPPF

Ecology and Protected Species

A Phase 1 habitat survey and protected species survey of the application site was prepared by FPCR on behalf of Bloor Homes. The findings were as follows:

- the hedgerows surrounding the site were assessed to be of a moderate to high value to nature conservation
- most of the grassland within the site was determined to be only of local value
- the pond and wetland on the northern part of the site are of local value to nature conservation
- a small breeding population of Great Crested Newts was found within the development area
- the boundary hedgerows and wetland were considered to provide suitable foraging habitats for bats
- the hedgerows, wetland and semi-mature trees were considered to provide some opportunity for breeding bird populations
- no evidence of any other protected species was found on the site

WCC Ecology have assessed the survey and are satisfied with the proposed mitigation measures and the proposal to create new wildlife habitat on the south side of School Street, as well as the retention of the existing pond, the newt corridor along the southern boundary and part of the adjoining wetland. Natural England has supported these comments and the suggested conditions. A separate licence will be required to be obtained from Natural England, before any works to the habitat is permitted. This is normally considered by Natural England only after a planning application has been considered.

In response to the Parish Councils comments regarding the 3 derogation tests contained within the EU directive, the County Council Ecologists have stated that *“is our professional opinion that we are satisfied that the three tests set out in the Habitats and Species Regulations (2010) are likely to be met, based on the information provided on this application and Natural England's comments on this application”*.

The MADE review panel made reference to the newt corridor by stating that it should be ensured that the newt corridor is actually wide enough at all points to achieve its objectives. As part of the amendments made to the scheme the newt corridor has been widened in areas making the corridor even more accessible for the newts.

On the basis of the proposed mitigation works, the suggested conditions, amended plans and the professional opinion provided by the Ecology department at the County Council, the proposal is considered to be acceptable and complies with saved policy E6 and also the guidance contained in the National Planning Policy Framework

Flood Risk and Drainage

A flood risk assessment has been submitted as the site size exceeds the Environment Agency threshold of 1.0 ha. The assessment was assessed and considered acceptable subject to a condition which requires the submission of a sustainable surface water drainage scheme and the provision of the mitigation measures as set out in the report.

On the basis of the proposed mitigation works and the Environment Agency's comments, the proposal is considered to be acceptable and complies with the guidance contained in the National Planning Policy Framework.

Severn Trent have assessed the scheme and raised no objections subject to the implementation of a condition requiring drainage details.

Highways – Access and Layout/Parking Provision

The main access to the site is directly from School Street, in the south-west corner of the site, close to its junction with Coalpit Lane. A further access is proposed off Priory Road, but this is to be a pedestrian access with the ability to be used by emergency vehicles. Two further pedestrian accesses to the site are gained from School Street (leading to a bus stop) and onto Priory Road in the very northern part of the site.

Although the proposed development is accessed from School Street the proposals also include the provision of an emergency access from the western site boundary onto Priory Road (A426). A condition will be applied to ensure that this access cannot be used by vehicles except in an emergency situation (e.g. if the main access was ever blocked by an accident) and that suitable gates/barriers are maintained in perpetuity.

In relation to car parking facilities, between 2 and 3 spaces per dwelling is proposed for most of the houses and between 1 and 2 spaces for the smaller houses and flats. Cycle parking for houses could be provided within rear gardens, where there is room for timber sheds to be provided. It is therefore considered that the proposed level of parking is acceptable and the development is acceptable in accordance with policy T5 and the Rugby Borough Council Planning Obligations SPD.

The County Council's Highways Department has assessed the scheme and the Transport Assessment submitted in support of the application. No objections have been raised subject to the highways works being carried out in accordance with the submitted site plan. It is therefore considered that, with the mitigation measures proposed, the development would not unduly impact upon highways safety. It is therefore considered on the basis of the above that the highway design is in accordance with the guidance within the National Planning Policy Framework.

Public Footpath

Warwickshire County Council's Rights of Way team have indicated that if the development is to be constructed as proposed the public footpath would have to be legally diverted to an alignment that can be accommodated through the development. The diversion order would need to be made by Rugby Borough Council as planning authority under the Town and Country Planning Act. The County Council has confirmed that there is no objection to the diversion in principle.

Planning Contributions towards Community Facilities

A Heads of Terms, which sets out the level of planning contributions, has been drawn up. The following matters are covered:

- Affordable Housing and Local Need Housing – providing 14 affordable and local need dwellings and one market local need dwelling. The mechanisms to ensure that the affordable rented units are retained as affordable units in perpetuity, will need to be set out in the S106 agreement. A cascade system will also be used within the agreement with regards to the local need dwellings.
- Education Contributions - A contribution towards the provision of additional educational facilities, generated by this development
- POS and Play Facilities – Although play provision is supplied on site a contribution towards older children play would be provided for elsewhere.
- Management Company/Parish Council – It has been left open for the POS/LEAP to be maintained by either the Parish Council or a Management Company.
- Travel/Welcome Packs – In line with the highway requirements

Conclusion

For the reasons outlined above it is considered that the principle of the development of the site is acceptable and that the submitted scheme would avoid undue harm to the character of the area and the amenities of the occupiers of adjacent dwellings or highways safety. The information that has accompanied the application satisfied the local authority that it could be carried out without undue harm to the setting and historic value of surrounding heritage assets, the openness and character of the Green Belt as well as the sites biodiversity or archaeological potential. It is therefore considered that the proposal complies with Policies CS1, CS2, CS5, CS10, CS11, CS 14, CS16, CS17 CS19, CS20 of the Rugby Borough Local Development Framework – Core Strategy (2011), Saved Rugby Borough Local Plan Policies H12, GP2, E6, T5 and LR1 as well as the National Planning Policy Framework

Recommendation

Grant Permission Subject to Conditions and Section 106 Agreement

DRAFT DECISION

APPLICATION NUMBER

R12/1194

DATE VALID

05/07/2012

ADDRESS OF DEVELOPMENT

LAND OFF PRIORY ROAD AND
SCHOOL
STREET
PRIORY ROAD
WOLSTON

APPLICANT/AGENT

Mr Darren Pratt
Bloor Homes Ltd South Midlands Division
Primus House
Cygnet Drive
Northampton
NN4 9BS
On behalf of J.S Bloor (Northampton) Ltd

APPLICATION DESCRIPTION

Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012)

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:

Drawing Nos. 7705_002, 7705_003, 7705_004, 7705_005, 7705_006, 7705_007, 7705_008, 7705_009, 7705_010A, 7705_011, 7705_012A, 7705_013, 7705_014A, 7705_015, 7705_016A, 7705_017, 7705_018A, 7705_019, 7705_020, 7705_021A, 7705_022, 7705_023, 7705_024, 7705_025, 7705_026A, 7705_027, 7705_028, 7705_029, 7705_031, 7705_032, 7705_033, 7705_034, 7705_035, 7705_036A, 7705_037A, 7705_038, 7705_039, 7705_040, 7705_041, 7705_042, 7705_043, 7705_044, 7705_045, 7705_046, 7705_048, 7705_049, 7705_050 and documents including Flood Risk Assessment ref 10031, Updated Desk Study and Site Investigation Report 2012, Ecological Appraisal, Transport Assessment June 2012 and the Noise, Air Quality and Odour Assessments May 2012 received by the Local Planning Authority on the 5th July 2012.

Nexus Heritage Statement Report No: 3091.R01d received on the 4th September 2012

Drawing No. 7705_030A received by the Local Planning Authority on the 6th September 2012

Drawing No. JBA_10-01-05 Rev C received by the Local Planning Authority on the 20th September 2012

Drawing No. 7705_001 F received by the Local Planning Authority on the 4th October 2012

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

No development shall commence unless and until details of all proposed walls, fences, railings 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 which should be completed prior to the occupation of the first dwelling. The details shall be retained in perpetuity thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of visual amenity

CONDITION: 5

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

REASON:

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

CONDITION 6:

No Development shall take place until an Environment Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing the Environment Protection Zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;

vi) Provision of training and information about the importance of Environment Protection Zones to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies.

CONDITION 7:

No development shall take place until full details of a habitat creation/restoration scheme have been submitted to and approved in writing by the planning authority. The works shall be carried out in complete accordance with the approved scheme. The details should include:

- i) Purpose, aims and objectives for the scheme;
- ii) A review of the site's ecological potential and any constraints;
- iii) Description of target habitats and range of species appropriate to the site;
- iv) Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
- v) Selection of specific techniques and practices for establishing vegetation;
- vi) Sources of habitat materials (e.g. plant stock) or species individuals;
- vii) Method statement for site preparation and establishment of target features;
- viii) Extent and location of proposed works;
- ix) Aftercare and long term management;
- x) The personnel responsible for the work;
- xi) Timing of works;
- xii) Monitoring;
- xiii) Disposal of wastes arising from the works.

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the planning authority. The works shall be carried out in accordance with the programme agreed with the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies

CONDITION 8:

A habitat management plan shall be submitted to and approved in writing by the planning authority prior to the occupation of the development for all the area identified in Condition 8;

The plan shall include:

- i) Description and evaluation of the features to be managed;
- ii) Ecological trends and / or constraints on site that may influence management;

- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) 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;
- vii) Personnel responsible for the implementation of the plan;
- viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The plans shall be carried out as approved, unless otherwise approved in writing by the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies

CONDITION: 9

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, ref: 10031, prepared by Banners Gate, dated 9 June 2012 and the following mitigation measures detailed:

1. Limiting the rate of surface water run-off generated by the site to discharge at no more than 15 l/s as agreed by STW.
2. Provision of attenuation storage volume on the site, using SuDS as detailed in the FRA, to retain the 100-year (including a 30% allowance for climate change) event volume assuming the discharge rate given above as detailed.
3. Details of how the entire surface water scheme shall be maintained and managed after completion.
4. Detailed assessment, including full calculations, of the performance of the surface water system for the 30-year and 100-year 30% climate change cases. The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar. However, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year 30% (for climate change) event. If the system surcharges, we may require additional space to be made for water, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties. Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries.
5. Further site porosity tests shall be undertaken and submitted to indicate the suitability of the ground for infiltration purposes as detailed in the FRA. Should soakaways prove unviable, the appropriate additional attenuation volume must be included, using SuDS, in the detailed drainage design.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

CONDITION: 10

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON:

To ensure protection of controlled waters receptors

CONDITION: 11

The development should be constructed in general accordance with drawing no. 7705_001 F

REASON:

In the interest of highway safety

CONDITION: 12

No development shall take place until the applicant, or their agents 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:

In the interests of archaeology

CONDITION: 13

No development shall take place until full detailed specification of the pedestrian access points through the hedgerow on School Street and Priory Road have been submitted and agreed in writing by the Local Planning Authority. The access points shall be formed in accordance with the approved details and thereafter retained.

REASON:

To ensure the satisfactory appearance of the development

CONDITION 14:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A,B,C,D,E and G 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 15:

Other than those detailed on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 16:

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan - Site Layout - Plan No. 7705_001 F and 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 premises 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 17:

No development shall commence until a scheme for insulating the the walls of habitable rooms of properties within plots which directly abut School Street, from road and traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the scheme shall be completed before any part of the development is first occupied.

REASON:

In the interests of preserving the amenities of future residents

CONDITION: 18

No works shall take place until a scheme for the protection of all retained the trees on site (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the LPA. This plan shall include the details and positions of the Tree Protection Barriers (section 9.2 of BS5837) as per the root protection areas of all retained trees.

REASON:

To safeguard the existitng trees

CONDITION: 19

No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA

REASON:

To safeguard the existing trees and hedgerow

CONDITION 20:

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

REASON:

In the interests of fire safety

CONDITION 21:

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 occupied.

REASON:

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

CONDITION 22:

Prior to the commencement of the development a full noise assessment and mitigation measures relating to any Piling Activities compliant with BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites shall be submitted and approved in writing with the Local Planning Authority. The onsite activities shall be carried out in accordance with the approved noise assessment and mitigation methods thereafter.

REASON:

In the interests of preserving the amenities of surrounding residents

CONDITION 23:

Prior to the occupation of the first unit, the emergency access bollards shall have been installed following the written approval of their details from the Local Planning Authority. The bollards shall be maintained and retained in perpetuity. The emergency access shall, at no time, be used by anything other than emergency vehicles other than in an emergency.

REASON:

In the interests of highways safety and emergency access

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Development Framework, Core Strategy (2011).
CS1, CS2, CS5, CS10, CS11, CS14, CS16, CS17, CS19 and CS20

Saved Rugby Borough Local Plan Policies (Post Core Strategy Adoption) June 2011
H12, GP2, E6 and LR1

RBC Supplementary Planning Documents

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.
Planning Obligations SPD (August 2011)
Housing Needs SPD (June 2011)
Sustainable Design & Construction SPD (June 2011)

National Planning Policy Framework

REASON FOR APPROVAL:

For the reasons outlined above it is considered that the principle of the development of the site is acceptable and that the submitted scheme would avoid undue harm to the character of the area and the amenities of the occupiers of adjacent dwellings or would materially harm highways safety. The information that has accompanied the application satisfied the local authority that it could be carried out without undue harm to the setting and historic value of surrounding heritage assets, the openness and character of the Green Belt, the sites biodiversity or archaeological potential. It is therefore considered that the proposal complies with Policies CS1, CS2, CS5, CS10, CS11, CS 14, CS16, CS17 CS19, CS20 of the Rugby Borough Local Development Framework, Core Strategy (2011), Saved Rugby Borough Local Plan Policies H12, GP2, E6 and LR1 and the related Supplementary Guidance Documents as well as the National Planning Policy Framework

INFORMATIVE 1:

Bats - Bats can be found in trees, even those that initially appear to be unsuitable. Therefore, it is recommended that further surveys are carried out by an experienced bat worker prior to any works affect trees impacted upon during this development . If any evidence of bats is found, work should stop while a further bat surveys are carried out, and any recommendations made from those surveys are undertaken. Bats and their roost sites are protected under the Wildlife and Countryside Act and the Countryside (1981, as amended) and Rights of Way Act (2000), and are also deemed a European Protected Species offered protection under the Habitat Regulation (as amended).

INFORMATIVE: 2

Condition number 11 requires that the estate roads including footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 3

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE: 4

The applicant / developer is required to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area. This should be secured via a section 106 agreement

INFORMATIVE 5:

The applicants attention is drawn to the need to receive a Great Crested Newt Licence from Natural England before the development commences.

INFORMATIVE 6:

The applicants attention is drawn to the need to receive consent from Warwickshire County Council to divert the footpath.

INFORMATIVE 7:

This application is subject to a Section 106 legal agreement

INFORMATIVE 8:

The landscaping details required in condition 5 shall build upon what has already been submitted and shall further enhance the public open spaces and cul de sacs as indicated upon the layout plan ref Plan No. 7705_001. It is important to keep the Landscape Architect involved through the build process to ensure the landscaping planted matches that envisaged.

Reference number: R12/1287

Site address: Land Rear of Bryants Bungalow, Brandon Lane, Toll Bar End

Description: Erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding. (Amendments to previously approved planning application R12/0206 dated 16th April 2012).

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of proposed development

Planning permission (ref: R12/0206) was granted for the erection of a single-storey day room building to provide kitchen, utility, dining and sitting room facilities for use ancillary to the gypsy caravan site approved under R10/0320 dated 16th June 2012. The building would replace an existing outbuilding on site of a similar size located to the south-east of the application site.

This application seeks an amendment to R12/0206 to include the repositioning of the building (moving closer to the highway) and erection of a covered entrance.

The application is to be determined by members of the Planning Committee at the request of Cllr Derek Poole

Background

When the application were submitted under planning permission reference R12/0206 the drawings showed the building orientated so that the front elevation was facing the highway. The building was turned through 90 degrees following discussion with the LPA and the Applicants agent. Due to the rotation of the building being anticlockwise and not clockwise resulted in the building being sited over an existing septic tank that serves the main dwelling house and the existing caravan site. Also it would have affected a number of conifers. Unfortunately the rotation of the building was not discussed with the applicant. The applicant considers that the orientation of the day room as submitted is the best solution.

Description of site

The application site has an existing dwelling house with a residential caravan site to the rear. Vehicular access to the property is off Brandon Lane. This residential caravan site has permission for six residential pitches personal to the applicant and his dependants.

Third party comments

Neighbours no comments received

Parish Council - As the plan is not to scale, assurance is required that the new building does not exceed the size of the building being taken down.
- The old building is removed prior to the new Day Room being built.
- To request an Enforcement Officer to check that they are not in breach of existing planning rules and regulations regarding pitches prior to commencement of any new work, and to continually monitor the site.

- Brandon & Bretford Parish Council do not want to see the site expand further as this will impact on Green Belt.

Technical consultation responses

WCC Ecology Recommend that our previous comments on previous application ref R12/0206 remain relevant to the current proposals

RBC Env. Service no objection

Relevant planning policies and guidance

RBC LDF Core Strategy 2011

Core Strategy

CS1 Development Hierarchy complies

CS16 Sustainable Design and Construction complies

National Planning Policy

National Planning Policy Framework

Designing Gypsy and Traveller Sites – A Good Practice Guide May 2008

Assessment of proposal

Planning permission was granted under R12/1287 as it was considered that the proposal dayroom constituted limited development as ancillary use to the existing gypsy caravan site and therefore appropriate development within the Green Belt in accordance with policy CS1 as contained within the Rugby Borough Core Strategy 2011 and national guidance on Green Belts as contained within the National Planning Policy Framework 2012. The principle of the development has therefore already been ascertained with this approval so the aspects of appropriate development in the Green Belt have been accepted. It was also considered given that the existing outbuilding was to be demolished the proposal would have no impact upon the openness of the green belt. Whilst the proposed building is located outside of the approved planning unit of the residential caravan site it was considered not possible to erect an amenity building within the red edged as approved within the 2010 application, given the limited availability of land to site the building.

It is not considered that the proposed amendments together with the provision of the porch would have a greater harm to the openness of the green belt, and the purposes for including land within the green belt or the visual amenity of the area. The porch is a small addition to the previously approved dayroom and as such is not materially harmful to the openness of the green belt, the character of the area and the character and appearance of the previously approved dayroom. Whilst a porch is not a typical feature on a dayroom and may create a more domestic appearance to the building, the purpose of the building is not for separate residential accommodation, and a condition will be attached as previously to ensure that it shall not be occupied as a separate dwelling house and no trade or business shall be carried on there from or therein.

The repositioning of the building is considered justified to ensure that the building is not positioned over the existing septic tank.

It is therefore considered that the proposed amendments are considered acceptable an in accordance with local and national policies

Recommendation

Approval subject to conditions

APPLICATION NUMBER

R12/1287

DATE VALID

20/07/2012

ADDRESS OF DEVELOPMENT

The Bryants
Brandon Lane
Coventry
CV3 3GW

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

Extension to the existing Gypsy Caravan site including the erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding. (Amendments to previously approved planning application R12/0206 dated 16th April 2012).

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall not be carried out other than in accordance with amended plans Drg No: 7106-201 Rev E received by the Local Planning Authority on 25th September 2012 and amended plan drg no: 7106-206 Rev B.

REASON:

For the avoidance of doubt.

CONDITION 3:

Within 3 months following the completion of the proposed day room, the existing outbuilding located on the southeast corner of the site shall be demolished and all material arising from this removed from site.

REASON

To ensure satisfactory appearance of the site within the Green Belt.

CONDITION 4

The facing materials to be used on the external walls shall be Brick Stratford Red and roof shall be of a similar type to match to existing dwelling house.

REASON:

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

CONDITION 5

The proposed building shall not be brought into use until the proposed Sewage Treatment Package hereby approved has been install.

REASON

To ensure that the development is served by adequate sewage provisions

CONDITION 6:

The proposed dayroom shall only be used for purposes incidental to the use of the existing gypsy caravan site and shall not be used for any other purpose and shall not be occupied as a separate dwelling house and no trade or business shall be carried on there from or therein.

REASON

In the interest of amenities of the locality.

CONDITION: 7

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

REASON:

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

CONDITION 8

The proposed hedgerow shall be planted with native, indigenous tree and scrub species.

REASON

In the interest of Biodiversity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS16

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 development constitutes limited development as ancillary use to the existing gypsy caravan site and is therefore appropriate development within the Green Belt in accordance with policy CS1 as contained within the Rugby Borough Core Strategy 2011 and national guidance on Green Belts as contained within the National Planning Policy Framework 2012. The location of the amenity building together with its scale and design is such that it would not adversely impact upon the visual amenity of the area and would not impact upon the amenity of residents on site and nearby residential dwellings and as such complies with CS16 of the Rugby Borough Core Strategy 2011.

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: R10/1272

Site address: Rugby Gateway, West of Leicester Road, Rugby

Description: Amendment to conditions 1, 5, 36 & 37 and removal of condition 15 of Council's resolution to grant outline planning permission.

Case Officer Name & Number: Karen McCulloch, 01788 533623 & Richard Holt, 01788 533687.

Background

The Planning Committee of 22nd February 2012 resolved to grant outline planning permission for the Rugby Gateway proposals, subject to the completion of a s106 agreement and a range of conditions.

The development proposed is:

Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.

Since the Committee resolution to grant permission the applicants have continued work on the development and have been in discussions with Warwickshire County Council regarding works within the highway.

As a result of these discussions the applicants have requested that amendments be made to 5 of the conditions that were included in the 22nd February report to Committee. These requests are detailed below.

The only matter for consideration is the changes to the conditions as the principle of the development was agreed at the 22nd February 2012 Committee.

Assessment of proposed amendments

The conditions as originally drafted and the proposed changes are as follows:

Condition 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of 7 years from the date of this permission.

The applicants have requested that this condition be amended to allow 12 years for the submission of details.

Circular 08/2005 allows Local Planning Authorities discretion to extend the time period for submission beyond the normal period where there are specific material considerations. The proposals include up to 1300 houses as well as employment development and the provision of a local centre and will be developed in phases. Given the large scale of the development and as a 10 year build period was initially envisaged within this Council's Housing Trajectory it is considered acceptable that the condition be amended to allow 12 years for submission of details.

Condition 5

This condition includes the list of plans and documents that the approval relates to, this includes:

Southern Access Roundabout Plan - 11050822/GA009D Received - 01/02/12

This plan includes the provision of bus stops and a pedestrian crossing on Leicester Road, to the north of the Newton Manor Lane roundabout.

The applicant has discussed the provision of these bus stops and crossing with Warwickshire County Council and the police who have advised that it will not be possible to provide a crossing and bus stops in a manner that would be acceptable in terms of highway safety.

Warwickshire County Council have no objection to the amendment to this condition and the proposed amendment is therefore considered acceptable.

As part of the separate highway agreement WCC are seeking contributions towards the improvement and upgrading of the crossing that is located to the south of the roundabout.

Condition 15

Unless otherwise agreed in writing, no part of the development hereby approved shall be occupied until the scheme of highways improvement at the Gibbets Hill roundabout as defined on drawing reference SK008 Rev B, has been completed to the written satisfaction of the Local Planning Authority in consultation with the Highways Agency.

This condition required works to be carried out at the roundabout of Gibbett Hill and the A5. However, at the request of the County Council this requirement will be included in the s106 legal agreements with the payments being made to WCC linked to the occupation of each phase of the development. This condition effectively duplicates this requirement.

Warwickshire County Council have no objection to the removal of this condition.

The condition was initially included in a direction from the Highways Agency. They have been consulted on the proposed deletion of this condition although no response has been received to date. The Highways Agency comments will be reported verbally at Committee.

Condition 36

Unless otherwise agreed with the Local Planning Authority, no development shall take place within the areas identified as Phase 3 and Phase 5 in the Written Scheme of Investigation for further Archaeological Works, December 2011, 3363 (Issue 5) received by the Local Planning Authority on 14/12/2011 (hereafter referred to as the CWSI), until the fieldwork components of the archaeological work to be undertaken across these areas as detailed in the CWSI has been completed to the satisfaction of the Local Planning Authority in accordance with the CWSI. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted CWSI.

This condition relates to the need for archaeological works in the northern part of the site, where the employment development will be located.

Archaeological works have been carried out in this area, these works were carried out following detailed discussions and were to the satisfaction of the County Archaeologist.

As the archaeological work required has been carried out the applicants have requested that this condition be combined with condition 37 into separate condition requiring the results to be published and deposited in accordance with the Written Scheme of Investigation.

The County Archaeologist has advised that for clarity conditions 36 and 37 should remain as 2 separate conditions. In relation to condition 36 they advised that they have no objection to the condition being amended to require the analysis, publication of the results and archive deposition to be carried out in accordance with the previously submitted documents.

Condition 37

No development shall take place in any phase of development across Phases 1 and 2 (as identified in the Written Scheme of Investigation for further Archaeological Works, December 2011, 3363 (Issue 5) received by the Local Planning Authority on 14/12/2011) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, for that development phase, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological fieldwork, post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted WSI.

This relates to the need for archaeological works in the southern part of the housing development, known as R1 and R2.

Archaeological works have been carried out in this area in relation to the conditions attached to the separate full planning applications for phase R1 and the associated earthworks. These works were carried out following detailed discussions and were to the satisfaction of the County Archaeologist.

The County Archaeologist commented on the request to amend this condition and raised queries regarding the level of groundworks to be carried out within the open space areas and whether a tree will be removed. This was on the basis that if additional groundworks and excavation are carried out further archaeological work will be required.

The applicants have provided information regarding the level of groundworks and have advised that if any trees within the site are removed they will carry out further archaeological investigation. It is therefore considered acceptable to amend this condition.

Recommendation

The conditions be amended as below.

Condition 1 be amended to read:

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of 12 years from the date of this permission.

Condition 5 be amended to include:

*Southern Access Roundabout Plan - 11050822/GA009F Received –
26/09/12*

Condition 15 be omitted, subject to no objection being made by the Highways Agency.

Condition 36 be amended to read:

Post excavation analysis, publication of results and archive deposition in respect of Phases 3 and 5 (as Defined in the Cotswold Archaeology 'Written Scheme for further Archaeological Works, December 2011, 3363), shall be undertaken in accordance with the approved Worcestershire Archaeology document 'Written Scheme of Investigation for Archaeological Works at Rugby Gateway, Warwickshire (Version 1.2, dated 20th April, 2012).

Condition 37 be amended to read:

Post excavation analysis, publication of results and archive deposition in respect of Phases 1 and 2 (as defined in the Cotswold Archaeology 'Written Scheme for further Archaeological Works, December 2011, 3363), shall be undertaken in accordance with the approved methodologies as set out in the Cotswold Archaeology letters dated 28th May, 2012 and the 18th July, 2012.

If any trees within these Phases are to be removed a Written Scheme of Investigation for Archaeological Works on the site of the tree shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the applicants' e-mail of 28th September 2012.

Reference number: R12/0397

Site address: Land to the South of Blue Haven Marina, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW

Description: Extension to the existing marina complex to provide an additional 123 berths, including erection of an operational building and associated works and deposition of spoil. (Application for new planning permission to replace planning permission R08/1844/MAJP to extend time limit for implementation.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

The application site comprises a large field to the south of the existing Bluehaven Marina, which is located immediately south of the Royal Oak PH, on the south side of Crick Road (A428), adjacent to a road bridge over the Oxford Canal. The marina has access directly onto the Oxford Canal and currently has around 25 berths for canal boats as well as repair/workshop facilities in two adjoining buildings. The application site is separated from the existing marina by a grassed bank and a hedgerow.

The application site also extends to fields on the opposite side of the Oxford Canal, to the west side of Kilsby Lane where it is proposed to deposit the excavated spoil from the marina extension. The level of the spoil placement field will be raised by a height of approximately 1m with the existing slope profile running down to Rains Brook being retained.

Relevant planning history

Planning permission for the proposed development was initially granted on 22nd July 2009, subject to conditions. Although suitable information has been submitted for the majority of these conditions development has not yet commenced.

Guidance issued by the Government in October 2012 allows applications to be submitted to extend the time limit to implement planning permissions granted before 1st October 2009.

This guidance states that as the principle of the development has previously been established decision making should focus on policies and other material considerations which have changed since the previous approval.

The guidance goes on to state that conditions do not necessarily need to be the same as on the previous permission if circumstances have changed or suitable information has been provided.

Description of proposals

This application is to allow additional time to implement the previously approved scheme.

This proposal is for the creation of an extension to the existing marina to provide a total of 140 berths, the erection of an operational building to be used in association with the marina and associated works including additional access, parking and landscaping.

The proposals will contribute towards addressing an identified need for the construction of additional moorings to overcome the congestion that can be caused by the proliferation of linear moorings. The overall dimensions of the extended

marina measures 250m x 95m. A new entrance/exit onto the Oxford Canal will be created adjacent to the existing marina entrance which will be blocked up with removable stop planks to allow occasional access for larger boats to the existing workshops.

The proposals will result in a total of 140 moorings in a range of sizes to cope with different sized boats. These comprise wooden jetties that float on the water with access points onto the bank. Two areas of marginal shallows and water based planting within the bank are proposed to be provided.

A total of 61,565 cubic metres of soil will be excavated. These will be moved across the canal using a temporary safety structure, enabling a long-reach excavator to empty into lorries on the far bank of the canal, to then be transported along the haul road and across Kilsby Lane.

Sections across the site indicate that the marina will be excavated so that the water level sits approximately 3-4 metres below the surrounding ground level. An access driveway is provided along the eastern and southern perimeter of the marina with groups of parking spaces provided at intervals.

A small facilities building containing offices, changing rooms/toilets and a reception area is proposed to be located on the east bank of the marina. This will have a floor area measuring 15m x 9.5m, with a height of 2.4m to the eaves and 5.6m to the ridge. The walls are proposed to be constructed in stained horizontal boarding on a brick plinth and the roof is proposed to be tiled.

This facility will be provided for either day boaters or people who wish to leave their cars for a long stay while they holiday on their boat. The applicant has stated that there is no intention to let any residential moorings on the site.

Planning Policy Guidance

Rugby Borough Core Strategy, 2011

CS1	Complies	Development Strategy
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design

Rugby Borough Local Plan, 2006 – Saved Policies

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

Planning Obligations SPD 2012

National Planning Policy Framework, 2012

Technical consultation responses

Environment Agency	No objection	Subject to conditions
Environmental Health	No objection	Subject to conditions
Inland Waterways	No objection	
Fire Service	No objection	Condition is not required
WCC Ecology	No objection	Subject to conditions & informatives
WCC Archaeology	No objection	Subject to condition
WCC Highways	No objection	

Highways Agency	No objection
Canals & Rivers Trust	No objection Subject to conditions
Natural England	No objection Subject to conditions
Daventry DC	No comments received
Warks Wildlife Trust	No comments received
Severn Trent	No comments received

Third party comments

Neighbours (1) Objection

- development is outside Rugby Urban area;
- there may be future development of the site over and above the facilities required to support a marina;
- light pollution, should use low level pillar lighting and screening to prevent light spill;
- noise will affect local households, number of overnight berths should be strictly limited.

Determining Considerations

The site lies adjacent to an existing marina which is located just outside of the defined urban edge of Rugby in a countryside location.

The main issues therefore regarding the acceptability of this proposal relate to; the principle of an extension to the existing marina in this countryside location, appearance and design, landscape impact, highways and parking, impact on the canal, ecology, flood risk and archaeology.

Principle of Development.

Although the principle of the development was established by the previous permission this should be reassessed in relation to current policies.

Policy CS1 sets out the development hierarchy of land within the borough and states that within countryside locations such as this development will only be permitted where allowed by national policy

Guidance within the NPPF states that authorities should support rural tourism and leisure developments where these respect the character of the countryside. It is considered that the location of the site, adjacent to an existing marina and close to the urban area constitutes a sustainable location for a development of this type. The principle of the development is therefore considered acceptable in accordance with the NPPF and policy CS1.

Saved policy LR10 relates to tourism and visitor facilities. It states that planning permission for extensions to existing facilities which meet the needs of more than the local community will be only be permitted outside of Rugby Town Centre where the need cannot be met in the town centre and:

- Is in an edge of Town Centre location, or,
- If no such location is available and suitable it should be located elsewhere within the urban area of Rugby, or,
- Is only located outside of the Urban Area if no site is available and suitable within the Urban Area.

Provisos to this policy are that the development should not be detrimental to the vitality and viability of the town centre; if located outside of the urban area is appropriate to its village or countryside location and the development is on previously

developed land or a full assessment has been undertaken which found them unsuitable. Development outside of the urban area should be in accessible locations that are well related to the town and /or existing facilities of more than local significance.

The Oxford Canal skirts the outside of the urban edge of Rugby to the east and north. It only enters the urban area for a short section between Clifton Road and Consul Road (Glebe Farm Trading Estate) and does not run anywhere near to the town centre. Most of the land alongside the canal in the urban area is therefore either built-up or comprises public open space, and a suitable site is likely therefore only to be found in a countryside location.

In terms of site suitability, although the site is in a countryside location it is situated immediately adjacent to an existing marina and close to the urban edge of Rugby. It is one of the closest possible sites to the town and is accessible from a main route (including a bus route).

The location of the marina extension is therefore considered to be acceptable in accordance with saved policy LR10 and the principle of the development is considered acceptable.

Appearance and Design/Landscape Impact.

In terms of appearance, design and landscape impact, the proposed marina will introduce a large expanse of water into this countryside location. As is the case with the current marina, the water level will be lower than the surrounding ground level by about 3-4 metres, as it needs to be at the same level as water in the adjacent Oxford Canal. Views of boats in the marina will only therefore be visible standing on the bank around the marina and from some limited higher vantage points (e.g parts of Kilsby Lane and Crick Road). There is also a small facilities building positioned close to the existing marina and other buildings and therefore will not be prominent when viewed from outside of the site. The impact on visual amenity is therefore considered acceptable in accordance with policy CS16.

Although two trees close to the existing marina and a length of native hedgerow crossing the site will be removed, most existing trees and hedgerows will be retained around the perimeter of the site.

Significant additional tree and hedgerow planting will be sought around the site perimeter and this was to be controlled by a planning condition on the previous approval. A scheme was submitted in relation to this condition and was considered suitable by the Council, it is therefore considered that a condition can be attached to refer to the previously agreed landscape scheme. This landscaping will help to further soften the edge of the development and provide a better landscape structure in what is a fairly open setting.

The Council's tree officer raised no objection to the previous application subject to conditions relating to native planting and tree protection. Suitable information was submitted in relation to these conditions and this can be controlled by condition.

It is therefore considered that the proposal complies with saved policy GP2.

A neighbour has commented that the development could lead to light pollution and low lighting should be used. A lighting plan was submitted in relation a condition attached to the previous permission and a condition is proposed relating to this. This proposed 1 floodlight on the existing workshop, wall lights to the building and low

level lights, up to 1.2m high across the remainder of the site. This lighting is considered acceptable.

Highways & Parking.

The access to the site will remain unchanged, using an existing right of way from the marina across the Royal Oak car park to an existing access/egress onto Crick Road. No modifications to the access are proposed. Information provided by the applicant indicates that approximately 10 vehicle movements per hour would be expected during peak visiting times on a Sunday afternoon.

The Highways Agency and Warwickshire County Council Highways has been consulted and have raised no objections to this proposal.

The previous approval included conditions relating to the transportation of the excavated material to ensure that this was moved through the site and across the canal and Kilsby Lane rather than being moved by road, it is considered that these conditions are necessary in relation to the current application.

The proposal is therefore considered to be acceptable on highway grounds in relation to policy CS11.

In relation to marinas the Council's Parking Standards, contained within the Planning Obligations SPD include a requirement for 1 space per 1 member of staff and 1 space per 2 participants. A total of 72 parking spaces are provided to serve the existing and proposed marina, this is considered acceptable in accordance with the Parking Standards and the proposal complies with saved policy T5

Impact on the Oxford Canal.

A temporary platform is proposed to be constructed across the canal, to allow the safe passage of boats below it, whilst allowing the conveyance of excavated material across the canal using a long reach excavator.

In relation to the previous application British Waterways, now the Canals and Rivers Trust, requested a condition that details of this arrangement should be required by condition. Details were submitted in relation to this condition and were agreed. A condition is therefore required relating to the agreed details.

The Canals and Rivers Trust also requested the duplication of other conditions from the previous approval, or conditions relating to the previously agreed details. Subject to these the impact on the canal is considered acceptable.

Ecology

The site is potentially of ecological interest located close to an existing water course and therefore the following surveys were submitted with the previous application: Otter and water vole survey, Reptile survey, Great Crested Newt survey and Bat survey. Two trees with potential to host bat roosts were identified on the eastern boundary which are proposed to be retained

Although these surveys found that none of the above protected species were present on this site the ecology groups requested updated surveys as protected species may have moved onto the site following the previous approval. An updated Phase 1 Habitat Survey and Great Crested Newt Survey were therefore provided.

WCC Ecology and Natural England advised that although additional surveys for reptiles, otters and water voles are required these can be controlled by condition. Informatives relating to badgers and birds were also requested.

Subject to these conditions and informatives the proposals are considered acceptable in accordance with saved policy E6.

Flood Risk.

A flood risk assessment has been undertaken by the applicant. The Environment Agency and Severn Trent Water have been consulted and raise no objections subject to conditions being imposed to protect the existing surface water drainage system in the area. The proposal is therefore considered to comply with guidance contained in the NPPF.

Archaeology.

There may be some deposits of archaeological interest on this site. Warwickshire County Council Archaeology have commented that although they would not object to the proposal to build a marina, a programme of archaeological evaluation should be undertaken prior to the development of the site via the imposition of a planning condition.

Although a suitable scheme was submitted in relation to the condition on the previous permission the County Archaeologist has advised this may be out of date as such schemes often involve specific costings and links to specific companies. It is therefore considered reasonable to include the condition as on the previous approval.

Residential Amenity.

Residential properties on Crick Road are a significant distance from the marina. The nearest properties in relation to both the proposed marina extension and the spoil placement field are Wharf Farm and 3-5 Kilsby Lane. The relationship of the proposed marina itself with adjacent properties is such that it will not adversely affect the amenities of neighbouring residents.

A condition will be applied to restrict the hours of construction to prevent possible noise and disturbance during evening and weekend periods.

The proposal is therefore considered to comply with the relevant part of policy CS16.

Water efficiency/Drainage

Policy CS16 states that new buildings should comply with the water conservation standards contained within the BREEAM very good standard and this can be controlled by condition.

This policy also states that where possible sustainable drainage systems should be used. The application form states that surface water will drain into the marina itself and this is considered acceptable.

Recommendation

Approve subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/0397

DATE VALID

07/02/2012

ADDRESS OF DEVELOPMENT

LAND TO THE SOUTH OF BLUE
HAVEN MARINA
HILLMORTON WHARF
CRICK ROAD
HILLMORTON
RUGBY
CV21 4PW

APPLICANT/AGENT

Gjp Marina Developments Ltd
Great Haywood Marina
Mill Lane
Stafford
ST18 0RQ
On behalf of Jeremy Canney, Blue Haven
Marina

APPLICATION DESCRIPTION

Extension to the existing marina complex to provide an additional 123 berths, including erection of an operational building and associated works and deposition of spoil. (Application for new planning permission to replace planning permission R08/1844/MAJP to extend time limit for implementation.)

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:

This permission shall relate only to the drawings below originally received by the Local Planning Authority in relation to planning permission R08/1844/MAJP:

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Site Location Plan	6038.2.P.401/D	5th May 2009
Site Plan as Proposed	6038/2/P/403	5th December 2008
Proposed Facilities Building	6038/2/P/404	5th December 2008
Site Sections and Proposed	6038/2/P/405	5th December 2008
Proposed Surfacing Plan	6038/2/P/406	5th December 2008
Proposed Landscaping Plan	6038/2/P/407	5th December 2008
Sections through Spoil Heap	6038/2/P/408	5th December 2008

REASON:

To ensure the details of the development are acceptable to the Local Planning Authority for the avoidance of doubt.

CONDITION 3:

Unless otherwise agreed in writing by the Local Planning Authority the materials to be used in the external surfaces of the building shall be as detailed below, originally approved in relation to planning permission R08/1844/MAJP:

Window, Door, Soffit & Bargeboard Stain - Sadolin Translucent Woodstain, Light Oak
External Cladding - unstained "Iroko" shiplap boarding
Gutters & RWPs - Black UPVC
Roof - Natural Grey Slate
Brickwork - Birtley Old English

REASON:

To ensure a satisfactory external appearance.

CONDITION 4:

No development shall take place until the applicant, or their agents 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 5:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the ecological and landscaping scheme as detailed below, originally approved in relation to planning permission R08/1844/MAJP:

Soft Landscape Proposals - TNA_367_01, Landscape Management & Maintenance Proposals – TNA/367 Date Aug 2010, Specification for External Soft Landscape Works – TNA/367 Date Aug 2010, Schedule of Maintenance Operations all received on 23rd August 2010; Agents letter of 12th November 2010 and Bat Brick Detail, received on 16th November 2010

REASON:

In the interests of the visual amenities of the locality.

CONDITION 6:

Unless otherwise agreed in writing by the Local Planning Authority the hard and soft landscaping works required in accordance with condition No 5 above shall be carried out prior to the commencement of the use of any part of the development.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 7:

The existing trees and hedgerows along the eastern, southern and eastern boundary of the site identified on the approved plans for retention, shall be retained and suitably protected from damage in accordance with the requirements of BS3998:2010 (Recommendations for Tree Work) to the satisfaction of the Local Planning Authority during the period that development takes place. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work).

REASON:

In the interests of the visual amenities of the locality and in the interests of the future health and amenity value of the trees.

CONDITION 8:

The marina shall only be used for the mooring and maintenance of boats and shall not be used for any form of permanent residential occupation.

REASON:

Any form of permanent residential use on this site would not be in accordance with the Core Strategy.

CONDITION 9:

No part of the bank and land around the water surface of the marina other than within the proposed/existing buildings shall be used for the storage of boats or any other materials, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 10:

The accommodation for car parking /cycle parking and the loading and unloading of vehicles, shown upon the approved plans shall be provided before the development is occupied and shall be retained permanently for the accommodation of vehicles and cycles of persons working in or calling at the marina and shall not be used for any other purpose.

REASON:

In the interests of public and highway safety.

CONDITION 11:

Before the development is commenced full details of the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.

REASON:

In accordance with the requirements of the Environment Agency.

CONDITION 12:

Prior to the commencement of development a working method statement to cover the retention of any drainage channels within the site boundary and to include the deposition of soil and restoration of the land on the opposite side of Kilsby Lane from the proposed marina, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no raising of ground levels in the flood plain of the Rains Brook. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the Local Planning Authority.

REASON:

The construction phase of any proposed development affecting the retention of any drainage channels within the site poses significant risks of flooding to the marina and surrounding land and to ensure that the land is restored acceptably.

CONDITION 13.

Unless otherwise agreed in writing by the Local Planning Authority the development shall not be carried out other than in accordance with the scheme to control suspended solids and potentially polluting discharges/run-off during the construction phase detailed below originally agreed in relation to planning permission R08/1844/MAJP:

Proposed retention of existing ditches, soil deposition, land restoration, control of suspended solids & run off plan 6038/2/P/417 received on 23rd August 2010
Activity Method Statement for Earthworks at Hilmorton Wharf, Rugby received on 23rd August 2010

REASON:

To prevent suspended solids produced during the construction phase from entering the watercourse

CONDITION 14:

Unless otherwise agreed in writing by the Local Planning Authority the development shall not be carried out other than in accordance with the scheme for the provision and management of the buffer zone alongside the Rains Brook and other water bodies detailed below originally agreed in relation to planning permission R08/1844/MAJP:

Soft Landscape Proposals - TNA_367_01, Landscape Management & Maintenance Proposals – TNA/367 Date Aug 2010, Specification for External Soft Landscape Works – TNA/367 Date Aug 2010, Schedule of Maintenance Operations all received on 23rd August 2010; Agents letter of 12th November 2010 and Tree Protection Fencing detail, received on 16th November 2010.

REASON:

To improve the wildlife and ecological value alongside Rains Brook, which has significant wildlife value

CONDITION 15:

No external lighting, other than that shown on the Proposed Lighting Plan 6038/2/P/415 received on 23rd August 2012 originally agreed in relation to planning permission R08/1844/MAJP, 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 16:

Unless otherwise agreed in writing by the Local Planning Authority the transfer of all excavated spoil from the site of the proposed marina across the Oxford Canal and its towpath to the spoil placement area shown on Plan No 6038.2.P.401 Rev D, shall be not be carried out other than in accordance with the JMDA Site Location Plan (with bridge details) 6038.2.P.401F received on 23rd August 2012 originally agreed in relation to planning permission R08/1844/MAJP.

REASON:

In the interests of highway safety and residential amenity

CONDITION 17:

Throughout the period whilst the marina is being excavated and constructed, no machinery shall be used or work carried out on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays and between 08.00 and 13.00 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 18:

Unless otherwise agreed in writing by the Local Planning Authority the development shall not be carried out other than in accordance with the Arboricultural method statement/tree protection plan, details of barriers to protect retained trees and working methods for installation of drives and paths within root protection areas detailed below and originally agreed in relation to planning permission R08/1844/MAJP:

Midland Forestry Tree Survey and Tree Protection Plan dated 20th May 2010, Tree Survey Plan, MF.4867.01 and Tree Protection Plan, MF.4867.03 all received on 23rd August 2010.

REASON:

To ensure the continued protection and retention of existing trees on this site

CONDITION 19:

The excavated material arising from the construction of the marina shall not be transported to the deposition site on the west side of Kilsby Lane other than by way of the use of the proposed long reach excavator over the canal and the haul road and crossing point over Kilsby Lane, unless as may otherwise be agreed in writing by the Local Planning Authority.

REASON:

To ensure that the details are acceptable to the Local Planning Authority in the interests of public and highway safety and amenity.

CONDITION 20:

The proposed Haul Road shall be in the general location as shown on plan 6038.2.P.401.D

REASON:

To ensure that the details are acceptable to the Local Planning Authority in the interests of public and highway safety.

CONDITION 21:

Turning areas shall be provided within the site so as to enable all construction vehicles to leave and re-enter the public highway in a forward gear.

REASON:

To ensure that the details are acceptable to the Local Planning Authority in the interests of public and highway safety.

CONDITION 22:

No development shall commence unless and until an initial Phase II contaminated land assessment to assess the suitability of the material to be moved to the soil placement area and used for infill has been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of health and safety.

CONDITION 23:

No development shall commence unless and until an updated reptile survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by Local Planning Authority.

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 24:

No development shall commence unless and until an updated otter survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by Local Planning Authority.

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 25:

No works shall be carried out to the mature oak tree and dead oak tree stump in the eastern boundary hedgerow that are identified in the Updated Extended Phase 1 Habitat Survey, received by the Local Planning Authority on 3rd July 2012 as having bat roost potential unless and until a bat survey and mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

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

CONDITION: 26

Unless otherwise agreed in writing by the Local Planning Authority the building hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to the BREEAM very good standard.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy, 2011 - CS1, CS11, CS16

Rugby Borough Local Plan, 2006 Saved Policies - GP2, E6, T5, LR10

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.

REASON FOR APPROVAL:

The extension of the existing marina in this location adjacent to the Rugby Urban Area is considered to be acceptable and will enhance an existing leisure/recreational facility and therefore complies with policy CD1 of the Rugby Borough Core Strategy 2011, saved policy LR10 of the Rugby Borough Local Plan 2006 and the NPPF.

The design, layout and appearance of the marina extension plus the proposed landscape and nature conservation enhancements are in keeping with the existing locality and therefore complies with policy CS16 of the Rugby Borough Local Plan 2011 and saved policy GP2 of the Rugby Borough Local Plan 2006.

The relationship of the proposal with adjacent properties is such that it will not adversely affect the amenities of neighbouring residents and therefore complies with policy CS16 of the Rugby Borough Local Plan 2011.

The parking and access arrangements are considered to be acceptable in relation to the surrounding road network and therefore would comply with policy CS11 of the Rugby Borough Core Strategy 2011, saved policy T5 of the Rugby Borough Local Plan 2006 and the Planning Obligations SPD 2012.

The proposal will not impact on the existing surface water drainage system and thus complies with guidance contained in the NPPF.

A programme of archaeological evaluation will be undertaken before development is commenced and therefore it will comply with guidance contained in the NPPF.

The proposal will not affect protected species and landscaping proposals associated with this scheme will contribute to increasing biodiversity, therefore it complies with saved policy E6 of the Rugby Borough Local Plan 2006.

INFORMATIVE 1:

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

INFORMATIVE 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.

INFORMATIVE 3:

In light of the nearby record from/and/Suitable habitat nearby, and the nature of the development, care should be taken when clearing the ground prior to development, and if evidence of otters are found (scats, footprints, holts), work should stop while Warwickshire Museum Ecology Unit or Natural England is contacted. Otters and their holts (place of rest) are protected under the 1981 Wildlife & Countryside Act and the Habitats Directives 1994 so are therefore deemed a European Protected Species.

INFORMATIVE 4:

The applicant is required to contact the Highway Authority's Area Team for approval of the Haul Road crossing. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highway's Act 1980 on the Highway's Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, will give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of works will be recoverable from the applicant developer. For further information, please contact the Area Team at Coleshill (01926 412515).

In accordance with the 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting 10 days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 5:

A site meeting with the Council's Tree Officer should be arranged prior to the commencement of development to allow the tree protection works to be viewed.

INFORMATIVE 6:

Consent may be required from the Canal and River Trust to transport excavated material across the canal.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	17.10.2012
Report Title	Delegated Decisions – 14.09.2012 to 04.10.2012
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 – 17.10.2012

Delegated Decisions – From 14.09.2012 To 04.10.2012

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: 17.10.2012
Subject Matter: Delegated Decisions – 14.09.2012 to 04.10.2012
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 14.09.2012 TO 04.10.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/1583 Advertisement Refusal 20.09.2012</i>	Unit 2 5 Castle Mound Way Rugby	Display of 2 non-illuminated fascia signs
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<i>R12/0081 Refused 24.09.2012</i>	16 Southey Road Rugby	Erection of a first floor rear extension.
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<i>R12/0818 Refused 01.10.2012</i>	The Byre Brockhurst Lane Monks Kirby	Installation of new windows and doors
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<i>R12/0698 Refused 02.10.2012</i>	243 Bilton Road Bilton	Erection of a two storey side extension.
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**Applications
Approved**

<i>R12/1457 Approved 13.09.2012</i>	Pasture Land (Gordbit Field) Birdingbury Road Leamington Hastings	Erection of a horse walker (re-location of walker approved under planning reference R11/1353 dated 17 August 2011).
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<i>R12/1124 Approved 13.09.2012</i>	53 Norton Leys Bilton	Proposed two storey side and rear extension, replace flat roof with pitched roof to single storey element to rear and replacement front porch
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<i>R12/1555 Approved 14.09.2012</i>	16 Fetherston Crescent Coventry	Erection of a single storey side extension
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<i>R12/1363 Approved 17.09.2012</i>	Clifton Cruisers Limited Clifton Cruisers Vicarage Hill	Retention of replacement temporary buildings (previous permission R07/0263/PLN)
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<i>R12/0964 Approved</i>	8 Shenstone Avenue Rugby	Erection of outbuilding for use as gymnasium and home office, including facilities
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18.09.2012

R12/1525
Approved
18.09.2012

Garage for Number 4
and 5
Oakdale Court
Binley Woods

Insertion of garage doors and frames to garage
building serving 4 and 5 Oakdale Court

R12/1590
Approved
20.09.2012

Dunchurch Methodist
Church
Cawston Lane
Dunchurch

Enlargement of three existing windows

R12/0693
Approved
20.09.2012

134 Alwyn Road
Bilton

Erection of single storey rear extension

R12/1580
Approved
20.09.2012

134 Alwyn Road
Bilton

Erection of single storey front extension

R12/1300
Approved
20.09.2012

7 Birdingbury Road
Marton

Erection of a two storey rear extension with
single storey glazed canopies to rear and
erection of an oak framed pergola over the
front entrance door.

R12/1062
Approved
21.09.2012

39 Ferndale Road
Coventry

Erection of a conservatory

R12/1411
Approved
21.09.2012

6 Bath Street
Rugby

Retention of car port

R12/1462
Approved
21.09.2012

Homestead Farm
Coventry Road
Dunchurch

Retrospective application for the repositioning
and retention of garage and home office
building, retention of log store and raise height
of existing shed with cladding to existing shed,
repositioning and retention of stables with
cladding and w/c extension and retention of
cladding to existing barn

R12/1428
Approved
24.09.2012

Land Adjacent to the
Bungalow
Fields Farm Lane
Marton

Erection of a multi-purpose agricultural building
to provide a livestock shelter and storage of
associated items with solar panels on the
mono-pitched roof.

R12/1052
Approved
24.09.2012

Caldecott Cottage
1 Park Road
Rugby

Outline application with access, layout and
scale for erection of building to provide 6
apartments.

<i>R12/1150 Approved 24.09.2012</i>	Land to the rear of 29 Crick Road Rugby	Erection of 1 detached dwelling, accessed via existing access from Crick Road.
<i>R12/1036 Approved 25.09.2012</i>	Richmond Southam Road Toft	Erection of single-storey side and rear extensions.
<i>R12/1316 Approved 25.09.2012</i>	6 Monarch Close Rugby	Erection of rear orangery.
<i>R12/1377 Approved 25.09.2012</i>	31 Ashlawn Road Rugby	Erection of a rear conservatory and a single storey side extension, and provision of hip to gable extensions to the front and rear.
<i>R12/0905 Approved 26.09.2012</i>	4 Florin Place Hillmorton	Proposed two storey side extension
<i>R12/1531 Approved 26.09.2012</i>	11 Barton Road Bilton	Conversion of garage to form bedroom and shower room and construction of new pitched roof over garage and utility
<i>R12/1581 Approved 28.09.2012</i>	3 Kirby Close Brandon	Erection of a single storey rear extension
<i>R12/1606 Approved 28.09.2012</i>	Sainsburys Units 1 & 2 Ansty Park Draken Drive Ansty	Installation of 3 site entrance security barriers and fencing
<i>R12/0305 Approved 01.10.2012</i>	Wolvey House Farm Wolds Lane Wolvey	Change of use and Conversion of 6 existing barns to 6 residential units, including the demolition of existing barns, erection of new garaging and stables. (Alterations and Extensions to the approval R10/0383)
<i>R12/1533 Approved 01.10.2012</i>	Wharf Farm Kilsby Lane Hillmorton	Proposed erection of domestic garage and office
<i>R11/1816 Approved 01.10.2012</i>	9 Dun Cow Close Brinklow	Extension of a garden wall to include an area of landscaped land into private garden (part retrospective)

<i>R11/2434 Approved 02.10.2012</i>	The Old Manor House Easenhall Road Harborough Magna	Alterations and rear extension of existing building to form granny annex, alterations to residential outbuildings and dwelling including utility room extension, creation of new access and parking area.
<i>R11/2435 Approved 02.10.2012</i>	The Old Manor House Easenhall Road Harborough Magna	Change of use and alterations to barn to provide a dwelling (Use Class C3), including creation of new access and parking area.
<i>R12/0912 Approved 02.10.2012</i>	27 Plexfield Road Bilton	Erection of a first floor rear extension, a pitched roof over an existing flat roofed extension and a rear conservatory.
<i>R12/1662 Approved 03.10.2012</i>	111 Tennyson Avenue Rugby	Erection of a single storey front extension.
<i>R12/1243 Approved 03.10.2012</i>	Former Little Chef Site London Road Thurlaston	Change of use of existing premises from Class A5 to mixed use as Classes A3 and A5 of the Town and Country Planning (Use Classes) Order 1987, including extending and refurbishing the restaurant, provision of a drive-through lane and associated works.
Advertisement Consents		
<i>R12/1237 Advertisement Consent 03.10.2012</i>	Former Little Chef Site London Road Thurlaston	Display of as 6.5m high pole sign comprising 4no. internally illuminated signs.
<i>R12/1239 Advertisement Consent 03.10.2012</i>	Former Little Chef Site London Road Thurlaston	Display of 5no. internally illuminated fascia signs.
<i>R12/1240 Advertisement Consent 03.10.2012</i>	Former Little Chef Site London Road Thurlaston	Display of 1no. internally illuminated gateway sign with height restriction barrier, 5no. internally illuminated freestanding totem signs, 3no. internally illuminated directional signs, and 8no. non-illuminated pole mounted signs.
<i>R12/1657 Advertisement Consent 03.10.2012</i>	Clean Burner Systems Parkfield Road Newbold	Provision of a non-illuminated fascia signage.

**Certificate of Lawful
Use or Development**

<i>R12/1405 Certificate of Lawful Use or Development 18.09.2012</i>	Ansty Golf Centre Ltd Ansty Golf Club Brinklow Road Coventry	Certificate of lawfulness for a marquee used for purposes ancillary to the Golf Club
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**Approval of Details/
Materials**

<i>R10/0154 Approval of Details 13.09.2012</i>	The Old Vicarage (Cross Keys) Vicarage Lane Dunchurch	Erection of detached dwelling with garage and store and provision of associated access
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<i>R10/0906 Approval of non- material changes 18.09.2012</i>	Blooms Rugby Garden Centre Straight Mile Rugby	Erection of garden centre sales building
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<i>R11/1244 Approval of Details 21.09.2012</i>	10 Crick Road Hillmorton	Erection of a part single storey part first floor side extension, part two storey part single storey rear extension, a new porch and canopy to the front elevation.
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<i>R12/0173 Approval of Details 27.09.2012</i>	7 Stretton Road 420 London Road & 422 London Road Stretton on Dunsmore	Renovation and refurbishment of the existing dwellings including erection of single storey and two storey extensions and external alterations.
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**Withdrawn/
De-registered**

<i>R12/0634 Withdrawn 25.09.2012</i>	The Underacre Watling Street Rugby	Change of use to storage and distribution of pallets (Use Class B8).
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<i>R11/1601 Withdrawn 26.09.2012</i>	Land at Smeaton Lane Smeaton Lane Stretton-Under-Fosse	Erection of a day room
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<i>R12/1642 Withdrawn 02.10.2012</i>	308 Newbold Road Rugby	Loft conversion and associated dormer extension to rear roof slope.
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<i>R12/1667 Withdrawn 03.10.2012</i>	Oakhurst Bourton Road Frankton	Erection of a detached triple garage to the front of the dwelling.
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