

29th October 2012

PLANNING COMMITTEE - 7TH NOVEMBER 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 7th November 2012 in the Council Chamber, Town Hall, Rugby.

Site Visit

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

3.30pm 17 Lawford Road, Rugby.

Andrew Gabbittas
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 17th October 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. Planning Appeals Update.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 5th October – 25th October 2012.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2012/13 – 10) 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 – 7TH NOVEMBER 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 (yellow pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R12/0907	17 Lawford Road, Rugby Change of use from a church parish office (class D1 use) to a centre and emergency hostel for homeless and badly housed people (sui generis use).	4
2	R12/1733	Martingale, Main Street, Frankton Proposed single storey extension to form garden room, amendment to the windows in the northeast and southwest gable ends and insertion of flue into the southeast roof slope.	15

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
3	R10/1255	Boots Farm, Straight Mile, Bourton-on-Dunsmore, Rugby Change of use of existing buildings for purposes within Class B1 (Light Industry/office), B2 (General Industry) and B8 (Storage and Distribution). (retrospective).	20
4	R12/1810	3-5 North Street, Rugby Use of existing building as Amusement Centre (removal of condition 7 of Planning Permission R91/0522/14949/P dated 22 nd June 1992 to allow the premises to be open 24 hours) (Retrospective).	31

5	R12/0960	<p>Land adjacent to the Oxford Canal, Onley and land at the junction of the A45 and Onley Lane</p> <p>Demolition of barn and partial demolition of second barn, construction of marina comprising 550 non-residential berths, marina services and amenities buildings and boat repair facility, with associated car parking and service areas, landscaped areas and minor works to adopted and unadopted roads (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council as shown on drawing No. EX/01P7).</p>	35
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Reference number: R12/0907

Site address: 17 Lawford Road, Rugby

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

Case Officer Name & Number: Owain Williams – 01788 533789

This application had originally been brought forward to committee at the request of Councillor Mistry and McNally and also due to the significant public interest in the application. At the 26th September 2012 planning committee it was agreed the application be deferred due to new information which had been introduced by the applicants with regards to the potential omission of the proposed rear extension.

Site Description

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

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

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

Proposal Description

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

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

The applicants have supplied estimated numbers of people who will be attending the centre. They have indicated the new centre will be similar to those in the current Hope Centre on Church Street of up to 15 guests a day at any one time plus a support worker and two or three volunteers. The attendance figures for the Hope 4U food ministry are also likely to be similar to those who currently gather in St Andrews Church three evenings a week which will be between 20 and 30 people each evening

they are open. The timings and usage has been also been clarified by the charity. The main service they plan to offer will be those of a daytime referral centre open from 11am to 2pm during the week from 9am to 11am on Saturday and from 1pm to 4pm on Sunday. The food ministry will be occurring on three weekday evenings from 6pm to 7pm Monday, Wednesday and Friday. Other uses of the centre would be for administrative and storage purposes and for occasional REVIVE meetings. The Rugby Food Bank will continue to operate from other premises in the town and not the new Hope Centre.

The applicants have now submitted an amended plan which removes the rear waiting room extension from the scheme and includes an internal waiting room within the existing building.

The parking area to the rear would be utilised by trustees, staff and volunteers. There will be approximately 6 spaces available to the rear of the premises which are accessed from Vicarage Road. The addition of wall and railings around the site and also the addition of CCTV to the building to try and improve security of the site are to be retained.

Relevant Planning History

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

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

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

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

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

Technical Consultation Responses

Environmental Services – No objections

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

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

Fire Service – No objections

Third Party Responses

Original Responses

Neighbours/local businesses 50 letters and petition of 113 signatures – Objection

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

- Times of opening will conflict with the times that dance classes run.
- There are no benches or seating for people like in the town centre so they will start to use garden walls etc to wait.
- The centre will be in close proximity of schools and nurseries shown by the location of the lollipop man outside 17 Lawford Road, the introduction of many strangers will make area unsafe for children.
- The application proposes a previously untested combination of services currently offered.
- A food bank will further intensify the use especially in terms of traffics and the transportation of the goods
- The centre would affect businesses, employment and regeneration prospects of the area
- The charity does not have experience of running a hostel.
- National planning policy states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion
- Why are there five bedrooms shown for an emergency shelter?
- The hostel windows would overlook into the garden impacting on the privacy
- The new centre would impact on house prices in the area.
- The area is already disadvantaged and was part of the recent “renewal programme” undertaken by the Council. The introduction of this would undo all the good work already done in the area.
- Article 8, the right to respect for private and family life, needs to be taken into consideration.
- Over intensification of services in one building especially in a residential area.

Councillors Mistry and McNally – Support

- Issues raised by residents were worthy of serious consideration, which, we have done alongside liaison with Hope 4 and other local residents in favour of the Hostel. Therefore after further investigation and consultation with both sides, we feel that our initial objection does not currently reflect our viewpoint on this matter.

Responses after submission of additional information and amended plans

Neighbours 7 letters plus small petition of 9 signatures– Additional objections to the above

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

- The proposals will have great impact on the residents at 19 and 21 Lawford Road and 1, 2 and 4 Vicarage Road due to increased disturbance, noise and cigarette smoke wafting into the gardens.
- Parking has been a constant issue along Vicarage Road. The parking spaces proposed is still not enough for this use.
- This area has never see a use that required such attention before, and that is deemed necessary to have high railings and CCTV to contain a use.
- It remains a concern that this new use appears so likely to bring problems where they do not exist.
- The addition of the waiting area reduces the usable parking spaces on site therefore on street parking by people working at the centre will occur.
- The addition of the waiting area will not solve the problem of people loitering around as they will do so before the waiting room opens.
- The site location is being portrayed as a semi commercial area however this is not the case as it is at present a peaceful and quiet environment and new use would affect the amenity spaces that we enjoy
- The applicants fail to offer any justification for the suitability of the location of no.17 for the proposed use.
- The applicant's are anxious to point out that not all their visitors have serious issues. However they also state that a significant percentage does have a serious drug or alcohol dependency.
- The applicant's policies are that their staff should not disclose personal information to visitors, no surnames and certainly not addresses. Why should this use be considered acceptable which brings an as yet unknown number of people with serious issues practically to my front door?
- The town centre is equipped to deal with these issues, and help is immediately on hand when they arise.
- Thirty or more clients congregating at and around the property will inevitably lead to noise being generated inside and outside.
- The need for Town Rangers and greater Police presence in our small, residential community is inappropriate.
- This is an ill considered and opportunist application. It appears to be based on a misunderstanding of the basic facts relating to the property and the applicants have not either understood or addressed residents concerns.
- After assessing the numbers involved it shows that there would be a minimum of 5 to 6 cars a day when open coming back and forth in an area close to our house and garden.
- It had been observed at the existing Hope 4 Centre that two people were turned away and went into the adjoining cemetery and proceeded to have alcoholic drinks upon a grave. The charity did not seem concerned with this when questioned. If this is within a residential area where would they do this?
- Statistics widely available to the public inform us that homeless persons are a difficult client group with many issues ranging from alcohol or substance abuse, mental illness or other special needs. It is short-sighted and unhelpful for Hope 4 to deny any such difficulties and the impact that bringing these people into a community will have upon that community. Their denial is somewhat undermined by their own risk assessment, inclusion policy and volunteer handbook.
- Hope 4 gives conflicting information on the subject of expansion which is worrying.
- People who volunteers for Hope 4 have said that they feel threatened by some of the clients who attend the charity.

- The hidden intentions to use the premises for unquantified REVIVE activities and meeting on top of the stated hours of use for soup kitchen etc will compound the loss of amenity.

Additional comments and objections after deferral and further amended plans

Vicar Martin Saxsby – Support

- The work of Hope 4 serves a very real need in Rugby which we as a church have supported.
- Keen for them to purchase the building and have turned away prospective buyers in the process
- Church centre at 17 Lawford Road was a very busy focus of activity within the community with visitors coming and going all through the day
- Many groups used to meet there regularly in the day time and the evening
- Youth and Children's activities were held midweek and at weekends, daytime and evening.
- Introduction of residents parking in Vicarage Road some 18 months ago has eradicated existing parking problems
- No increase in activity as a result of Hope 4 purchasing the property and it is ideally situated for this important work.

Neighbours/Local Businesses 102 letters plus petition of 120 signatures – Additional Objections

- There was not the level of use the vicar suggests, there were no children activities, there were no weekend activities and limited evening activities
- The vicar's comments are exaggerated and no neighbours or users of the vicinity can relate to the picture he paints.
- Much of the community activities referred to by the vicar are focused on Dixon Hall in Vicarage Road
- Still feel 17 Lawford Road is not the best location to house this facility
- The town centre is a much better environment to have this facility rather than a residential, out of town centre area.
- The inclusion of a small waiting area does not address our concerns regarding the planned usage of 17 Lawford Road. In particular, the adverse impact on neighbours and the local community in terms of noise, disturbance and nuisance caused by people congregating on narrow pavements outside property.
- Parking is difficult in the area and will only be made worse by the new centre
- Understand that the applicants are suggesting that local businesses should join with them in applying to be included within the BID scheme, extending Town Ranger patrols to this part of town. Do not feel we should incur this additional cost as a result of this proposal.
- There is no management plan or business plan showing how this business will be ran
- The response to the police request for railings and CCTV is inadequate
- 4th version of the application and still main issues regarding neighbouring amenities have not been addressed
- No contact has been made from Hope 4 although stated it has
- How can waiting room of 6 chairs accommodate 20-30 people?

- This is not about the good work Hope 4 do as a charity as that has never been in doubt. This is about a planning application and the wrong choice of location
- Used media to slur residents rather than embark on consultation process
- As waiting room is to the front of the building this is now where loitering will occur close to the front door of residential property.
- No mention is made to delivery times, waste disposal, ventilation, smells, noise and hygiene standards
- Councillors are being inconsistent with their views as have objected to similar uses in this location most notably 4 Vicarage Road
- No public waiting areas close to 17 Lawford Road
- Hope Rugby Council can offer Hope 4 support in finding them suitable headquarters that will not bring their clients in to constant conflict with the local community and let Hope 4 expand its services with out constant opposition
- Railings will only push people onto the nearest low wall to sit and wait
- Since moving to area in 2008 17 Lawford Road has been used as little more than an administrative centre and as a car park for users of Dixon Hall in the early evenings.
- Would be open for expansion if permission given, more people would be attracted than what is estimated
- This application should have been refused at the initial planning committee

Relevant Planning Policies and Guidance

Core Strategy 2011

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

Guidance

Rugby Borough Council, Local Development Framework Planning Obligations SPD 2012

National Planning Policy Framework

Assessment of Proposals

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

Principle of Use

Policy CS1 of the Core Strategy looks to direct development towards the town centre and urban areas to try and achieve a more sustainable form of development. Locating development into the town centre is given 1st priority within the hierarchy. The new Hope Centre will be located just outside of the town centre within the urban area however as this use will be a sui generis use and would not be classed as a town centre use no sequential test would be required to demonstrate that there are no

other suitable locations within the town centre therefore would comply with policy CS1 of the Core Strategy.

Character and Appearance

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The National Planning Policy Framework states in paragraph 17 that planning should always seek high quality design. The applicants are now proposing no external alterations to the building itself therefore the character and appearance of the building and surrounding area would not be altered. The wall and railings which are being introduced to replace the small walls surrounding the car park would improve the appearance of the site. The amount of wall and railings around the site would be minimal to still allow cars to enter and exit the car park to the rear therefore would not dominate the street scene. It is therefore considered that the proposed use would have minimal impact on the character and appearance of the building and surrounding area complying with policy CS16 of the Core Strategy 2011.

Amenity

Policy CS16 also refers to amenity and states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The National Planning Policy Framework also states in paragraph 17 that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

The existing Hope Centre in the town centre at present works very well due to its location within the town centre where residential dwellings/apartments are not located close by and there are facilities and services within the centre to which the clients of the charity can use e.g. benches, public toilets etc. There are also services to which help cater and manage the clients of the charity such as the church centres, Town Rangers and Police.

The existing parish centre is currently vacant however when the church centre was active the building was used on a low key basis. The original planning permission for the parish centre was accompanied by a statement which listed the buildings usage. The usage included ground floor offices for the vicar and church co-ordinator, meeting rooms used perhaps once or twice a week from 8pm to 10pm by 10-15 people who were involved on a mainly pastoral. The first floor level rooms were used for counselling on one to one or one to two basis with no set times given and the second floor was designated as multi purpose rooms having no specific use but due to their size would obviously be restricted to minimal numbers. It was highlighted in the statement that it was envisaged that all activities that are proposed within Parish Centre will be of a totally low key level and usage to the benefit of only the church and local community and there will in no way be any commercial enterprise or activities undertaken within the building. As the building was of a low key level usage and is now currently vacant the activity would not have had significant impact upon the neighbouring residents.

The introduction of the Hope Centre would in the Council's opinion significantly alter the activity in and around the premises due to the numbers expected and catered for and also due to the kind of activities that will occur within the centre (e.g. cooking, dining etc). The daily activity of the referral centre although working to restricted hours would dramatically increase the number of people using and visiting the centre

to its current use and the food ministry would more than double the number of visitors to the centre than the existing use within evening times, which would due to its close proximity to residential properties (most notably next door), result in a detrimental impact upon the residential amenities with regards to noise and general disturbance especially in the evenings between 6pm and 7pm when people are more likely to be home.

A concern of the Council with locating such a centre in a residential area would be that of people congregating outside of the building before, during and after opening hours. The amended plans submitted now show a small internal waiting room to allow guests to wait inside to avoid the potential congregation outside which would to a certain extent help reduce the impact. However due to its size, the waiting room would not eradicate the situation of congregation outside the property. As there are no public waiting areas close by as there are within the town centre and as it is within close proximity of residential properties the inevitable congregation of people would lead to general disturbance and noise within the area to the detriment of the neighbouring amenities that are currently enjoyed. It is therefore considered due to the intensification of activity in and around the site the introduction of the centre would result in a detrimental impact on the neighbouring amenities contrary to policy CS16 of the Core Strategy 2011.

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

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

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

The use and activities are an unknown entity in a location such as this and there is no evidence to prove that these uses lead to an increase crime rate within the areas that they are located. When assessing case law, it came apparent that the applications which have been refused on fear of crime and increased crime have

been instances where factual police evidence has been used regarding the use to back the reason for a refusal reason. As a local authority, under our obligations from Section 17 of the Crime and Disorder Act 1998, the impact on crime and disorder of all decisions made should be considered, and therefore whilst this planning application can not be wholly supported on the basis that it is likely to increase community tensions there is not substantive evidence to warrant a refusal upon the grounds of increased crime.

Parking

As this use is Sui generis the parking standards for the centre are not indicated within the planning obligations SPD. Where the standards are not highlighted each case has to be considered on its own merits. The parking indicated for the proposed use shows 6 spaces available, which does not alter the number of spaces provided for the original use. As the extension has now been removed the existing parking spaces will not be compromised. Taking into consideration the number of staff and volunteers who would be attending the centre the number of people using the car park is still likely to increase above that of the previous use however from information therefore as there a reduction in the number of spaces is provided it would inevitably lead to on street parking.

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

Conclusion

Whilst the Council understands the needs of the Charity Hope 4 to move to larger premises and appreciates the value of the work that they undertake within Rugby for those people in need, the proposed location when considering it in terms of land use planning is just not suitable, due to the close proximity of residential dwellings and the detrimental impact it would have upon the amenities of residents who reside there.

Recommendation

Refuse Permission

DRAFT DECISION

APPLICATION NUMBER

R12/0907

DATE VALID

09/05/2012

ADDRESS OF DEVELOPMENT

17 LAWFORD ROAD
NEW BILTON
RUGBY
CV21 2EB

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

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

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

The proposed change of use would result in an intensification of activity in and around the property and due to close proximity and relationship of the proposal with adjacent properties (notably Nos19 and 21 Lawford Road and also 2 Vicarage Road) is such that by reason of noise and general disturbance it would be detrimental to the amenities that the occupiers of those properties could reasonably expect to continue to enjoy. The proposal is therefore contrary to Policy CS16 of the Rugby Borough Core Strategy and the guidance within paragraph 17 of the National Planning Policy Framework which seeks to ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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

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

Reference number: R12/1733

Site address: Martingale, Main Street, Frankton

Description: Proposed single storey extension to form garden room, amendment to the windows in the northeast and southwest gable ends and insertion of flue into the southeast roof slope

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been brought before Planning Committee at the request of Councillor Roberts.

Site Description

Martingale is a barn conversion, located within the West Midlands Green Belt, which is sited within a cluster of buildings previously associated with Manor Farm. It forms one of two adjoining barns which form a U shape. The topography of the site results in the land sloping downwards toward the road and upwards as it progresses toward the rear of the application site.

Proposal Description

Planning permission is sought for the erection of a single storey extension to the southwest elevation of the dwelling. The extension will facilitate the creation of a garden room which will extend off the existing dining room. The curved wall to its end will be fully glazed and a curved roof overhang will be created over an external sitting out area.

Permission is also sought for minor alterations to the first floor window in the northeast elevation, ground floor window in the southwest elevation and insertion of a flue into the southeast roof slope of the converted barn.

Relevant Planning History

R97/0404/0457/P 3.9.1997	Conversion of barns to provide 3 dwellings and conversion of stables to garages	Approved
R97/0404/0457/D 4.8.1998	Approval of amended plan	Approved
R98/0720/0457/P	Conversion of existing barns to provide 4 dwellings	Withdrawn
R11/2080 17/04/2012	Certificate of lawfulness for use of paddock as residential garden.	Approved

Technical Consultation Responses

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

WCC Archaeology – no comment

Third Party Responses

Councillor Roberts – called planning application into Committee

Frankton Parish Council – no objections

Neighbours – Two letters of support and one letter of observation have been received from three households which raise the following planning points:

- Design of the extension is very attractive – pleasingly modern and will complement the traditional style of the main building and its surroundings
- It will not have a negative impact on neighbouring properties

Relevant Planning Policies and Guidance

Core Strategy

CS1	Development Strategy	Complies
CS16	Sustainable Design	Conflicts

Saved Local Plan Policies

E6	Biodiversity	Complies
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National Policy

National Planning Policy Framework (NPPF)		
Part 7 – Requiring Good Design		Conflicts
Part 9 – Protecting Green Belt Land		Complies

Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the proposed development and its impact on the openness of the Green Belt, its impact on the qualities, character and amenity of the area, amenity of neighbouring properties and impact on protected species.

Principle of development and its impact upon the openness of the Green Belt

Policy CS1 provides a settlement hierarchy; the aim of which is to ensure that the most sustainable locations for development are considered ahead of those further down the hierarchy. This states that the Green Belt is the least preferable location for new development, and therefore that it will be resisted unless national policy on Green Belt permits. Part 9 of the NPPF (Protecting Green Belt Land) states that the extension or alteration of a building can represent appropriate development within the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Whilst the NPPF does not state that disproportionate additions should be identified by calculating the original volume and the proposed volume increase, it is considered that this is a reasonable method to assess whether the proposed extension represents a disproportionate addition. Having therefore calculated the approximate volume of the original building and the proposed extension the development will equate to a percentage volume increase of approximately 21%. This volume increase is not considered to represent disproportionate additions to the original building and as such, is regarded to be appropriate development within the Green Belt. The proposed development is therefore considered to be acceptable in principle as long as it accords with all other local and national policies.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Furthermore, Part 7 of the NPPF (Requiring Good Design) states that good design is a key aspect of sustainable development and should ensure the integration of new development into the natural, built and historic environment.

The Design and Access Statement submitted with the application outlines the design intentions of the extension – to provide a contemporary garden room to make better use – both visually and physically – of the large south west facing rear garden. Whilst it is appreciated that modern extensions can represent appropriate additions to traditional buildings, perhaps more so than extensions which attempt to mimic the existing design (as they create a separation between the original building and later additions), the proposed extension is considered to cause material harm to the character and appearance of the traditional converted barn. Whilst the building is not listed, it offers considerable historic merit as a traditional agricultural building – the character of which needs to be protected through development proposals. The proposed extension is considered to be out of keeping with the traditional linear form of the barn and will result in an addition which is unsympathetic to the form, character and appearance of the existing building.

Planning permission was granted for the erection of an extension to the southeast elevation of Kimblewick, the adjoined neighbouring barn which mirrors that of the application site. In the assessment of this application it was concluded that the overall design, scale, appearance and massing of the extension related well to the existing building without there being any adverse or detrimental issues raised. Furthermore, the extension respects the linear form of the barns and, being sited to the rear of the buildings sunk somewhat into the sloping site, does not represent a dominant addition to the pair of barns. Therefore, it is not considered that the approval of this application sets a precedent for the approval of the proposed garden room extension at Martingale as the site circumstances and design are considered to differ quite significantly.

In conclusion, the proposed extension is considered to cause material harm to the form, character and appearance of the traditional agricultural building so as to justify a refusal of planning permission and fails to integrate with the existing built environment. The proposed extension therefore contravenes Policy CS16 of the Core Strategy and the contents of Part 7 of the NPPF. In addition, the associated alteration to the window on the southwest elevation is considered to be out of keeping with the existing fenestration details on the barn and therefore harms its character. The proposed alteration to the first floor window on the northeast elevation and insertion of the flue on the southeast elevation is however considered to be acceptable.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The 45 degree line has been drawn from the nearest window which serves a habitable room on the adjoined neighbour, Kimblewick. As the line is not breached by the proposed extension, it is considered that the development will not have an adverse impact upon the amenity of this neighbour either by way of overbearing or overshadowing. Whilst some of the glazing which features on the curved end of the extension will look toward this neighbouring property, owing to the existing 2m high wall which lines the boundary, it is considered that adequate screening exists to prevent any undue loss of privacy to this neighbouring dwelling and its associated garden area. Furthermore, the other

proposed minor alterations, which include modifications to the windows and insertion of the flue, will not have an adverse impact upon this neighbouring property. Owing to the separation distance to all other residential properties it is concluded that the proposed development will not have an adverse impact upon neighbouring amenity and as such complies with the relevant section of Policy CS16.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Following the assessment of photographs of the application site, the County Ecologist has concluded that the proposal is unlikely to have a significant impact upon protected species or sites. However as a precaution they recommend the attachment of bat and nesting bird informatives. Subject to the attachment of these informatives no objection is raised to the proposed development and as such it complies with the contents of Saved Local Plan Policy E6.

Recommendation:

Refusal

DRAFT DECISION

APPLICATION NUMBER

R12/1733

DATE VALID

14/09/2012

ADDRESS OF DEVELOPMENT

MARTINGALE FRANKTON MANOR
BARN
MAIN STREET
FRANKTON

APPLICANT/AGENT

Mr Roland Lloyd-Thomas
Lloyd-Thomas Architects
Penteloves Barn
Fosse Way
Hunningham
Leamington Spa
Warwickshire
CV33 9EQ
On behalf of Mr Neil Morgan

APPLICATION DESCRIPTION

Proposed single storey extension to form garden room, amendment to the windows in the northeast and southwest gable ends and insertion of flue into the southeast roof slope

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL:

The proposed extension and alteration to the window in the southwest elevation is considered to be out of keeping with the traditional linear form of the barn and will result in additions which are unsympathetic to the form, character and appearance of the existing building and its surroundings. The proposed extension is therefore contrary to the contents of Policy CS16 of the Rugby Borough Council Core Strategy 2011 which seeks development which does not cause material harm to the qualities, character and amenity of the area in which it is situated and Part 7 of the National

Planning Policy Framework which emphasises the importance of good design in ensuring the integration of development into the natural, built and historic environment.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy
CS1 - Development Strategy
CS16 - Sustainable Design

Saved Local Plan Policies
E6 - Biodiversity

National Planning Policy Framework (NPPF)
Part 7 - Requiring Good Design
Part 9 - Protecting Green Belt Land

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

Reference Number: R10/1255

Site Address: Boots Farm, Straight Mile, Bourton-on-Dunsmore, Rugby

Description: Change of use of existing buildings for purposes within Class B1 (Light Industry/office), B2 (General Industry) and B8 (Storage and Distribution). (retrospective)

Case Officer Name and Number Nathan Lowde 01788 533725

Description of proposals

The applicant relates to a range of buildings at Boots Farm. The proposal seeks the change of use of buildings initially used in association with the use of the site by Mitchell's Potatoes and were used for potato packing, processing and storage, to use for purposes within Class B1 (Office/Light Industry), B2 (General Industry) and B8 (Storage and Distribution). The application has been submitted retrospectively following enforcement investigations. The office element contained within building B relates to the existing offices in connection with the existing uses on site.

The application has been submitted in conjunction with applications R10/1252, R10/1254 and R10/1255.

R10/1252 seeks the change of use of land for the purposes of marquee hire, parking of lorry back and storage of vehicles ancillary to the industrial/storage activities.

R10/1254 seeks the extension to existing building (retrospective)

R10/1255 seeks the change of use of part of the land for the siting of 10 no. shipping containers for the provision of secure storage ancillary to the operations undertaken within existing buildings. (Retrospective)

Description of site

This application relates to a range of buildings at Boots Farm, Bourton-on-Dunsmore. The existing buildings can be clearly seen from the surrounding area, the Straight Mile and from public rights of way. The buildings were erected in connection with the use of the site as part of a potato farming business that included sorting, packaging and other processing works. Over time the potato business has reduced and some of the buildings have been utilised for a range of other activities including food distribution, storage, servicing machinery and other uses in classes B1, B2 and B8. This application is to regularise the situation and is to allow each building to be used for B1 (business), B2 (general industrial) or B8 (storage and distribution) uses.

The buildings as shown on drawing 8648.1 are labelled A-G

Building A

Permission was granted for this building (R85/0150/16918/P) dated May 1985 to be used as an agricultural building. The building has been used un-related to agriculture – namely the processing of potatoes not produced at Boots Farm for a period which the agent states of being 10 years.

Building B

Permission was granted for erection of this building as a potato store (R87/1393/16918/P) dated November 1987. The building has been used for processing potatoes not produced at Boots Farm for a period which the agent states of being 10 years.

Building C

Permission was granted for the erection of potato packing building and workshop and lorry garage (Ref R88/1186/16918/P) dated October 1988.

Building D

Permission was granted for this building in part under R88/1186/16918/P and in part by permission R94/0964/16918/P dated March 1995 for the use of storage building for the processing of potatoes and other vegetation in connection with existing business.

Building E

Permission was granted for the erection of a building and used as grading/potato store in June 1991.

Building F/G

No record of buildings but they have been used for purposes unrelated to agriculture for some time.

The buildings are large and have the appearance of industrial type buildings, they are mostly constructed of grey cladding and red brick with pitched roofs, some of the buildings have canopies to the front.

Public footpath, R163 and public footpath R163c cross the site.

Relevant planning history

The site has an extensive planning history.

Of relevance to this application is:

R07/0883/MAJP Change of use of agricultural buildings to B1 (Offices/ Light Industry), B2 (General Industry) and B8 (Storage or Distribution). Withdrawn 24th July 2007.

R07/1860/WAI Omission of Condition 2 of Planning Permission reference No. R88/1186/16918/P granted 23/8/1988, to allow workshop/garage to be used other than in connection with potato operations. Refused 05th December 2007

R07/1862/WAI Omission of Condition 3 of Planning Permission reference No. R90/0581/1691/P granted 8th August 1990, to allow office to be used other than in connection with agricultural. Refused 05th December 2007

R07/1864/WAI Omission of Condition 3 of Planning Permission Reference No R91/0195/16918/P granted 12th June 1991 to allow unit 6 to be used unrelated to agriculture. Refused 05th December 2007.

Third party comments

Site Notice erected on 3rd August 2010

Neighbours no comments submitted

Bourton-on-Dunsmore no comments submitted
Parish Council

Technical consultation responses

- WCC Countryside Access Team - Objection
- Concerns over safety of users of Footpath R163c and Bridleway R163.** The proposal would result in the increased presence and use of vehicles of all descriptions within the site will present a very real danger to users of the footpath/bridlepath. The applicant should consider an application to legally divert the routes entirely away from his commercial operations.
- The illegal obstruction of Bridleway R136 by the retained security barrier.** AS a consequence of planning application R08/1817/PLN, the retention of a security hut and associated barrier was refused, the security barrier remains.
- Ramblers Association - no comments received
- Environmental Health - no objection subject to a condition restricting the hours of operation
- WCC Highways - no objection subject to conditions seeking to ensure that sufficient visibility sprays are retained, and the prohibiting the roof units being amalgamated into larger units.

Relevant policies and guidance:

Regional Planning Policy

Regional Spatial Strategy

Policy T2 Reduce the need to travel

Policy T7 Car Parking Standards and Management

Policy QE7: Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation

Resources

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

Rugby Borough Local Development Framework

Rugby Borough Core Strategy 2011

CS1 Development Strategy

CS16 Sustainable Design

Saved Local Plan Policies (Post Core Strategy Adoption)

Policy T5 Parking Facilities

Policy E6 Biodiversity

RBC LDF Planning Obligations SPD 2012

Assessment of proposals

The key issues to assess with this application relate to whether the principle of using the existing buildings for B1, B2 and B8 uses is appropriate in this location. If the principle is considered acceptable the impact in terms of issues such as amenity, highway safety and the impact on public rights of way should be considered.

Principle of development

The application site is located outside of the defined settlement boundary within the West Midlands Green Belt. Policy CS1 as contained within the Rugby Borough Core Strategy 2011 sets out the settlement hierarchy which seeks to ensure that the most sustainable location are considered ahead of those further down the hierarchy. The purpose of the settlement hierarchy is to ensure the most sustainable location for development within the Borough.

For countryside locations CS1 is specifically restrictive on new development promoted due to its inherently unsustainable nature. The hierarchy does not exclude Green Belt locations but they are at the bottom of this sequential approach. In relation to Greenbelt, CS1 states: *“New Development will be resisted: only where national policy on Green Belt allows will development be permitted.”* The main purpose of this policy is to ensure that the most sustainable locations for new development is considered ahead of those further down the hierarchy.

Policy CS1 states that only where national policy on Green Belt allows will development be permitted. National Guidance on Green Belt is contained within the National Planning Policy Framework Section 9.

Paragraph 89 outlines the type of development that is considered appropriate within the Green Belt. These include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate
- additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of The Framework states: -

“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include

- *the re-use of buildings provided that the building are of permanent and substantial construction.”*

It is therefore considered that the change of use of existing building as proposed would not constitute inappropriate development.

Paragraph 28 of The Framework also supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well designed new buildings.

Within The Framework the government attaches great importance to Green Belts. The buildings that are subject to this change of use application are already in-situ and therefore it is not considered that the level of openness would be eroded. It is not considered that the change of use would conflict with the purposes that the Green Belt seeks to serve. In fact this application enables the imposition of conditions such as controlling external storage which currently is uncontrolled on the site. Subject to conditions restricting external storage the impact of the development upon the openness of the green belt would be limited.

Visual amenity

In terms of visual amenity the proposed change of use would not result in external changes to the existing building. It is considered that subject to conditions restricting the storage of external material, the change of use would not have a materially harmful impact upon the visual amenity of the area in accordance with policy CS16.

Parking and Highway

The level of car parking required by the Council’s parking standards would depend on whether the buildings were used for B1, B2 or B8 uses. The highest level of parking would be required for B1 uses which would require a maximum of spaces 153 spaces and provision of 24 cycle spaces. It is considered as identified on the accompanying plan that the parking provisions would be met in accordance with ‘saved’ Local Plan policy T5 and the RBC LDF Planning Obligations SPD 2012.

Earlier observations from WCC Highway Authority were that of objections on ground of highway safety. Following additional submission by the applicant and the remove of two mature Oak trees along the front of the site, highway objections have been subsequently removed. As such subject to conditions, it is considered that proposed development would not have a detrimental impact upon Highway Safety. Such conditions would prohibit the units being amalgamated into larger units other than for purposes of potato processing, and to prohibit any permitted change of use with class B of the use class order.

Policy CS11 of the Rugby Borough Core Strategy seek to ensure that development will only be permitted where sustainable modes of transport are prioritised where any proposed new development causes any unacceptable impacts upon the Borough’s transport network. In applying for planning permission the Council will, where appropriate, require developers to submit transport assessments or statement outlining the impacts of the development and the package of measures that will be put forward to mitigate against any unacceptable impacts.

The likely reliance for most trips on travel by private motor vehicles is inevitable for this type of business. Paragraph 34 of The Framework states that: *plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies*

set out elsewhere in this Framework, particularly in rural areas. Whilst the use of the buildings would inevitably rely on the use of the private car, given its location within in rural area and that it accords with policies elsewhere within the Framework, the Council do not consider it appropriate to require the applicant to submit a Transport Assessment.

WCC Countryside Access Team have objected to this application on grounds of safety to users of the existing footpath that runs through the site. The level of vehicular movement associated with use of the buildings subject to this application is not materially different to the level of vehicular movement associated with Michells Potatoes when in full occupation of the premises. A condition will be proposed to restrict external storage to ensure that external storage associated with the such does not impact upon users of the footpath. Objections relating to the security barrier obstructing the footpath are not relevant to this application and are a matter for the highway authority as it is an obstruction to a designed footpath.

Residential amenity

The impact on the amenity of surrounding properties should be considered. The farmhouse for Boots Farm is located within the complex of farm buildings and is immediately adjacent to the site, this property is within the same ownership as the buildings that are subject as this application so the impact on residential amenity is considered acceptable. Environmental Health have suggested a condition restricting operating hours. Subject to these conditions it is considered that the impact on amenity is acceptable in accordance with policy CS16.

Biodiversity

Policy E6 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular habitat/species and species of conservation concerns. Following consultation with WCC Ecologists it is considered that the change of use would not impact upon habitats/species of conservation concerns. A condition shall also be attached to ensure that details are submitted showing where the replacement oak trees will be replanted in a more suitable location.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R10/1247

DATE VALID

06/07/2010

ADDRESS OF DEVELOPMENT

BOOTS FARM
STRAIGHT MILE
RUGBY
CV23 9QQ

APPLICANT/AGENT

Mr Peter Frampton
Framptons
Oriol House
42 North Bar
Banbury
Oxfordshire
OX16 0TH
On behalf of , Mitchells (potatoes) Ltd

APPLICATION DESCRIPTION

Change of use of existing buildings for purposes within Class B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution) together with the car parking provisions (retrospective)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 17th October 2012.

REASON:

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

CONDITION: 2

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

Application Form dated 5th July 2010
Drawing Number 8648
Parking Plan drawing Number 8648/2

REASON:

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

CONDITION 3:

Other than for the purposes of potato processing and distribution, the B2/B8 uses hereby permitted shall relate only to the individual units as shown in Drawing No. 8648/2. These units shall not be amalgamated into larger units without the written permission of the Local Planning Authority in consultation with the Highway Authority.

REASON

In the interests of highway safety

CONDITION 4

The individual units shall be used for B2/B8 use and for no other purposes including any other purposes in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reacting that order with or without modification.

REASON

To ensure that the development is acceptable

CONDITION 5

Notwithstanding the provisions of the Town and Country Planning (General permitted development) order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010, or any order revoking or

re-enacting that order, no development shall be carried out which comes within Class A of Schedule 2 Part 8 of the Order without the prior written permission of the Local Planning Authority.

REASON

In the interest of visual amenity

CONDITION 6

The development to provide visibility splays to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway. No structure, tree or shrub being erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

REASON

In the interest of highway safety

CONDITION: 7

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan 8648/2 shall be provided 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 8

Details showing the location of the proposed 20 cycle spaces as indicated on the application forms shall be submitted to and approved in writing by the Local Planning Authority within 3 months from the date of this permission. The cycle space hereby approved shall be implemented in accordance with the details hereby approved within 3 months following the approval of details and shall be retained permanently.

REASON

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

CONDITION 9

Other than for the purposes of potato processing and distribution, the use of buildings for the purposes hereby permitted shall be restricted to the following hours:

Monday to Friday 07:00am to 20:00pm
Saturdays 07:00am to 14:00pm
Sunday and Bank Holiday 08:00am to 14:00pm

REASON

In the interest of residential amenity

CONDITION 10

The storage of vehicles ancillary to the uses of the buildings hereby permitted shall be restricted to the area marked P25, P4 and P4 as shown on drawing number 8648/2. No vehicle stacking shall be undertaken within this area or anywhere else within the red edge of the application site as shown on drawing no. 8648.1.

REASON

In the interest of visual amenity and in the interests of safety of uses of the footpath and bridlepath R163 and R163c

CONDITION 11

Other than for the purposes of potato processing and distribution and with the exception of storage of motor vehicles as detailed within condition 10, there shall be no external storage of material, equipment, vehicles or any other items associated with the use of the buildings hereby permitted.

REASON

In the interest of the visual amenity

CONDITION: 12

Within 3 months from the date of this decision a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the 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 13:

Pallets used for the purposes of potato processing and distribution shall only be stored in the area shown on drawing number 8648/2 marked Pallets. No pallets shall be stacked or deposited to a height exceeding 3 metres above ground level without the prior written consent of the Local Planning Authority.

REASON

In the interest of visual amenity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Regional Spatial Strategy

Policy T2: Reduce the need to travel

Policy T7: Car Parking Standards and Management

Policy QE7: Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation

Rugby Borough Local Development Framework

Rugby Borough Core Strategy 2011
CS1 Development Strategy
CS16 Sustainable Design

Saved Local Plan Policies (Post Core Strategy Adoption)
Policy T5 Parking Facilities
Policy E6 Biodiversity

RBC LDF Planning Obligations SPD 2012

National Planning Policy
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 proposed change of use of the buildings would be acceptable in this Green Belt location and would not impact on the openness and character of the surrounding area complying with policy CS1 and CS16 of the Rugby Borough Core Strategy 2011 and also the guidance contained in the NPPF. The change of use would not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the development does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006. It is considered that the change of use would not have a detrimental impact upon highway safety and sufficient parking provisions are to be provided on site in accordance with saved policy T5 and RBC LDF Planning Obligations SPD 2012

INFORMATIVE: 1

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

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

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 2

In view of the nearby pond, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act , the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. Where newts are present a license might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

Reference number: R12/1810

Site address: 3-5 North Street, Rugby

Description: Use of existing building as Amusement Centre (removal of condition 7 of Planning Permission R91/0522/14949/P dated 22nd June 1992 to allow the premises to be open 24 hours) (Retrospective)

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of proposal

Permission is sought retrospectively from the removal of condition 7 on the original planning permission R91/0522/14/14949/P 22nd June 1992 which granted consent for use of the building as an amusement centre and restricted opening hours to between 09:00 to 22:00. The current application seeks to remove the opening hours condition so that the amusement centre could operate 24 hours a day.

The application is to be determined by members of the planning committee at the requested by Cllr Tom Mahoney.

Description of site

The application site relates to three terraced properties with a combined ground floor located in Rugby Town Centre Town Centre and Conservation Area. It is currently used as an amusement arcade offering amusements for prizes (e.g. fruit machines).

Relevant planning history

R91/0522/14949/P approved 22.06.92	Use of existing building as Amusement Centre –
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Third Party Comments

Neighbours	none received to date
Cllr Tom Mahoney	objects to being submitted retrospective application. This type of premise being open 24 hours 7 days a week will only encourage gambling.

Technical Consultation Responses

Environmental Services	no comments to make regard this planning application
Warwickshire Police Architectural Liaison Officer	no objection

Relevant Planning Policies

<u>Core Strategy</u> CS16 Development Strategy	complies
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Assessment of proposal

The principle of an amusement arcade in this building is already accepted under the original planning consent. Therefore the main issue to consider is whether the removal of the restricted opening hours planning condition would detrimentally impact on the nearby properties.

The removal of the opening hour's condition would allow for the property to open 24 hours a day, 7 days a week. The application property is located in a mixed use town centre location where there are a number of uses that introduce evening activity to the area. This includes the public houses to the south of the application site no. 25 Market Place and no. 1-2 North Street and to the north-east of the application site no. 35 North Street. Number 35 North Street (known as The House and Formerly Bar Verve) has the benefit of permission to be open between the hours of 09:00am to 04:00am Monday-Saturday and 09:00am to 01:00am on Sunday and Bank Holiday. Taking this into account and the fact that Environmental Services are not raising any objection to the application, it is not considered that the use of the property 24 hours a day would result in unacceptable levels of noise and disturbance to the neighbouring properties. The proposal therefore accords with policy CS16 of the Core Strategy 2011 in that it would not have an adverse impact upon the amenity of nearby neighbouring properties. Given that no external alterations are proposed it is not considered that the proposal would cause material harm to the visual amenity of the area in accordance with policy CS16.

Recommendation

Approval subject to conditions

APPLICATION NUMBER

R12/1810

DATE VALID

02/10/2012

ADDRESS OF DEVELOPMENT

3-5 NORTH STREET
RUGBY
CV21 2AB

APPLICANT/AGENT

Roger Etchells And Co
The Old Bank
Kilwardby Street
Ashby De La Zouch
Leicestershire
LE65 2FR

On behalf of CASHINO GAMING LTD

APPLICATION DESCRIPTION

Use of existing building as Amusement Centre (removal of condition 7 of Planning Permission R91/0522/14/14949/P dated 22nd June 1992 to allow the premises to be open 24 hours) (Retrospective)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 7th November 2012

REASON:

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

CONDITION: 2

Only the ground floor of the premises shall be used as an amusement centre

REASON

To prevent a user in the upper floors of the buildings which would be detrimental to the amenities of the area

CONDITION: 3

The premises shall be used only for the playing of amusement-with-prizes machines, amusement only machines and prize bingo only. No games of a sessional nature (eg. Cash bingo) shall be played on the premises.

REASON

To prevent a change of use which would cause detriment to the amenities of the area.

CONDITION: 4

No music shall be played which is audible outside the part of the premises which is hereby granted planning permission for use as an Amusement Centre.

REASON

In the interests of the amenity of the locality

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Core Strategy 2011
CS16 Sustainable Design

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

REASON FOR APPROVAL:

It is considered that the removal of the condition restricting opening hours would not have a significant impact on the amenities of the area and neighbouring properties complying with policy CS16 of Rugby Borough Core Strategy 2011.

Reference number: R12/0960

Site address: Land adjacent to the Oxford Canal, Onley and land at the junction of the A45 and Onley Lane

Description: Demolition of barn and partial demolition of second barn, construction of marina comprising 550 non-residential berths, marina services and amenities buildings and boat repair facility, with associated car parking and service areas, landscaped areas and minor works to adopted and unadopted roads (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council as shown on drawing No. EX/01P7).

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

The proposal as a whole comprises the demolition of a barn along with the partial demolition of a second barn, the construction of a marina comprising 550 non-residential berths with associated marina services including service docks, amenities buildings and boat repair facility, with associated car parking and service areas, publically accessible landscaped areas including meadows, wetlands, woodlands and games areas as well as provision of a shop, café, restaurant and marina centre with minor works to adopted and un-adopted roads. In respect of the amenity buildings there will be a total of 3 of them located at strategic points around the marina as a whole to allow use by all. There will also be an area of photovoltaic panels to contribute toward the sites energy requirements.

A full Environmental Impact Assessment (EIA) covering various issues including biodiversity, water, cultural heritage and archaeology as well as transport and the landscape and visual environment has been submitted as part of the application. In addition to this EIA a Planning Statement, Design & Access Statement, Environmental Statement and relevant plans have been submitted. As part of the Planning Statement a sequential test statement has been provided along with an assessment of need, boat numbers and the number of berths in the 3 Junctions area has been provided.

This development straddles the administrative boundaries of Daventry District Council and Rugby Borough Council with the majority of the development being located within the Daventry District Council.

The elements to be provided within Rugby Borough comprise the provision of 78 berths at the southern end of the south pool, an amenity building, 43 parking spaces, part of the overall vehicular track around the marina as a whole and landscaping as well as wetland and meadow areas of public open space and highway works to the A45 / Onley Lane junction as Onley Lane will serve as the main access road to and from the application sites entrance.

Site History;

The site has no relevant planning history.

Consultee Correspondence;

Health & Safety Exec.No objection

Canal & River Trust	No objection	Request conditions
Natural England	No objection	Request condition
Inland Waterways	No objection	
Severn Trent Water	No objection	Request informative
Highway Agency	No objection	
Environment Agency	No objection	
Warwickshire Police	No objection	
WCC Highway Authority informatives	No objection	Request a condition and
WCC Fire & Rescue	No objection	Request condition
WCC Rights Of Way	No objection	
WCC Ecology	No objection	Request conditions and informatives
WCC Archaeology	No objection	Request condition
Warwickshire Wildlife Trust	No comments to make	
Environmental Health	No objection	Request conditions and further information
Landscape Officer	No objection	
Building Control	No objection	
Access Officer	No objection	
Third Party Correspondence;		
Grandborough Parish Council	No objection	Highlight the need for major works to the access roads junction with the A45 to ensure it can cope as well as need for conditions preventing the non-residential berths being residential in the future.
Willoughby Parish Council	No objection	Indicate need for Only Park residents to support the proposal, adequate alterations to the junction with the A45 be carried out, the moorings be conditioned to be non-residential, the development is not extended further along the canal should permission be granted and raises questions in respect of the sewage and drainage systems.

Barby & Onley Parish Council	Support	
Onley Park Residents Association	Support	Are impressed by the proposal and amount of work that has gone into the submission; would provide jobs for the local community whilst supporting local businesses; use of the canal to deliver supplies will reduce carbon footprint; in-keeping
Neighbours (19)	Support	Comments attend one of the consultation meeting held by the applicant and has noted the changes made by the applicant; in favour of proposal being built; will enhance the area; will provide jobs as well as a shop and other facilities; lots of work having gone into the proposal; sustainable economic benefits; enhancement of conservation areas within Daventry District Council areas; well thought and laid out; would provide additional local features of interest; likely increase in tourism; provision of additional public footpaths; ecological enhancement; crime reduction through lower levels of vehicles mooring up along the edge of the canal; use of canal network for delivery of the large proportion of materials; reduced carbon footprint; and provision of as much material as possible through water means thus reducing vehicular movement levels.
Neighbours (6)	Object	On the grounds of traffic generation and access; recent extension of the prison having already significantly increased traffic levels; increased potential for traffic accidents at junction with A45; no traffic calming measures; technical issues; canal network capabilities; no evidence submitted on congestion; no assessment on impact on canal system as part of EIA or separately; Planning Statement Appendix 1 British Waterway figures assessed recently at 3 appeals found not to demonstrate need / demand as well as relying on withdrawn British Waterways predictions, the use of historic growth to justify future demand that are simply recent permissions implemented then filled, distinction between need and demand not addressed and the figures from British Waterways being missued and supplemented by unjustified assumptions; no overall national strategy or plan for number of new berths required at any level (national, regional, local etc); DCC policies on marinas allegedly out-of-date; RBC and DCC

having no up-to-date policy on marina / berths demand; concerns over need, demand, capacity, congestion, existing permissions for marinas inc berths and vacancy levels of existing berths; size of proposal would result in it being one of the largest in the country; increased boating levels with associated increased congestion and delay on a busy stretch of canal; additional facilities forming part of the development possibly being in demand but not strictly needed; potential for other facilities to result in the proposal being a static boat park; would result in further excess capacity; reduced prices in existing marinas due to additional excess capacity; effect on existing canal businesses; is no need for the additional berths with the additional facilities threatening rural employment and businesses without clear benefit to customers; viability and market assessment needed; search for alternative sites is not detailed or justified; sustainability concerns; contrary to DCC Local Plan policies; competition; impact on other boat owners and employers; no need for another marina; increased numbers of users on the local canals will increase waiting times at canal thus hindering those who have to keep to time such as holiday makers; facilities unlikely to be available for local residents as where they do exist there is high crime rates on boats from the non-boat users; 6 marinas within a few miles; there is not an under provision of marina berths in the area; applicants data based on out of date information; any approval would result in the over-provision of empty berths; substantial congestion on the canal network; over provision of berths if approved taken with other existing and approved berths; congestion; and the approach by agent unsound and untested.

Other Relevant Information;

Located within the open countryside as defined in the Rugby Borough Core Strategy the site is currently agricultural land used primarily for livestock grazing with a number of associated agricultural buildings on some of which will be retained in whole or part as part of the development with others being removed in totality. Bordered predominantly by agricultural fields, part of the site is adjacent to the settlement of Onley village and a number of Prison Service facilities (Rainsbrook Secure Training Centre, HM Young Offenders Institute and HM Prison Rye Hill) that are located within Daventry District Council administrative area. The Oxford Canal, off which boat access to and from the site will be obtained and the proposal will be situated, runs along the eastern site boundary and is set lower down than the existing ground level of the application site. The sections of the canal within Daventry District Council are designated as Conservation Areas.

Relevant Policies;

National Documents;

NPPF

Guide to Tourism

Rugby Borough Core Strategy, Saved Local Plan & SPD's;

Policy CS1	Complies	Development Strategy
Policy CS11	Complies	Transport & New Development
Policy CS13	Complies	Local Services & Community Facilities
Policy CS14	Complies	Enhancing The Strategic Green Infrastructure Network
Policy CS16	Complies	Sustainable Design & Construction
Policy CS17	Complies	Reducing Carbon Emissions
Saved Policy GP2	Complies	Landscaping
Saved Policy GP5	Complies	Renewable Energy
Saved Policy E6	Complies	Biodiversity
Saved Policy LR10	Complies	Tourism and visitor facilities and attractions

Rugby Borough Council Planning Obligations SPD

Rugby Borough Council Sustainable Design & Construction SPD

Daventry District Council Relevant Documents;

Daventry District Council Grand Union / Oxford Canal Conservation Area Appraisal

Consideration;

As only a limited amount of the overall development falls within the Rugby Borough Council administrative area, these are the only elements of the proposal that can be considered. The main primary issue to consider is the principal of the development after which other matters including design, landscaping and environmental matters need to be considered. In order to provide a thorough assessment of the proposal the relevant issues will be addressed under appropriate headings below.

Principle;

Policy CS1 of the Rugby Borough Core Strategy seeks to direct development towards the most appropriate locations sequentially with the most preferred sites being those in the town centre through the urban area to main rural settlements then local needs settlements before the countryside and finally the green belt. For locations in the countryside the supporting text details that developments will normally be resisted unless in accordance with national policy.

Saved policy LR10 relating to tourism and visitor facilities states that planning permission for tourist 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 other criteria are met with these seeking to locate it 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 only located outside of the Urban Area if no site is available and suitable within the Urban Area.

Details within the National Planning Policy Framework (NPPF) seek to achieve overarching sustainable development through economic, social and environmental roles collectively in a manner to the benefit of all whilst not resulting in development being approved that would be detrimental and against other policies. Whilst paragraphs 23 to 27 inclusively seek to encourage town centre viability, the

provisions of paragraph 28 seeks to support a prosperous rural economy through measures including supporting sustainable rural tourism and recreation to the benefit of these rural areas. Within the NPPF no specific provisions or reference is made to the countryside other than paragraph 17 which refers to the intrinsic character and beauty of the countryside. Notwithstanding this it is considered that a number of general provisions and purposes of guidance on the green belt contained within Section 9 of the NPPF can provide a useful indication to countryside location including seeking to prevent inappropriate development whilst allowing developments appropriate to its rural location such as where developments relate to agriculture, forestry and outdoor recreation.

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

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

The NPPF makes it clear that new development proposals should be sited in locations accessible to a range of means of transport to encourage sustainable development. This is particularly important for a use that has the potential to attract significant numbers of visitors and therefore it is important that sustainable transport can be encouraged and safe and suitable access to the site can be achieved for all people.

Whilst Policy CS1 states it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy, the Core Strategy has no specific planning policy requirement for the applicant to submit a sequential test to demonstrate that the chosen site is the most suitable, although such an appraisal can help assist the applicant in justifying their proposals. The applicant's have submitted information that seeks to demonstrate that the proposal site is the most sequentially preferable available. It is accepted that the scale of land required is highly unlikely to be available and deliverable within the town centre or within the defined urban area of the town due predominately to the lack of canal ways for a marina to connect into. Looking at the other sites within preferred locations as well as other site and locations assessed as part of the sequential assessment there are no other localities capable of being developed in the comprehensive manner proposed in sites of higher preferences. It is therefore considered that the identified need for a marina is appropriate to a countryside location thus complying with Core Strategy policy CS1, saved Local Plan policy LR10 and guidance within the NPPF.

Need;

Whilst Policy CS1 states it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy, the Core Strategy has no specific planning policy requirement for the applicant to submit details in respect of

need although such an appraisal can help assist the applicant in justifying their proposals.

The issue of need has been addressed in the applicant Planning Statement detailing that British Waterways predicted in 2006 that boat numbers would grow nationally between 1.4% and 4% for the period 2005 to 2015 with actual growth to date exceeding this with an average of 4.2%. It continues by detailing that national growth since 1990 has averaged 3.0% with anticipated boat numbers growth in the 3 Junctions Area within which the site is located expected to grow at 6% annually between 2010 and 2020 representing an anticipated growth in boat numbers from 950 to 2200 boats. In respect of berth numbers the statement indicates that the 3 Junctions Area contains 12 marinas providing 2300 berths with the top 9 marinas having occupancy levels in excess of 90%, and based on these figures the projected demand for berths in the 3 Junctions Area between 2010 and 2020 is between 1060 and 2450.

The assessment, consideration and response on these figures has been provided by both Rugby Borough Strategic Development officers and the Canal & Rivers Trust (CRT – formerly British Waterways). RBC Strategic Development has commented that the proposal is in accordance with policy whilst making use of existing assets and meeting an identified need in the provision of marina berths. The Canal & River Trust responded by stating no objections subject to conditions being attached to any permission. Subsequent correspondence from the CRT New Marina Unit has also indicated it support for the proposal.

In respect of the objections received to the application, some of the major points raised by objectors relate to the issues of need, demand and the calculation of the figures put forward by the applicant. As indicated above there is no policy requirement for details on need to be provided. Nonetheless the main objection in respect of need and demand has been provided to the CRT who has provided a detailed response on the various issues raised in addition to their letter of no objection to the proposal.

Access & Highway:

As indicated earlier only a small element of the overall proposal falls within the Rugby Borough Council administrative area and part of this is the use of Onley Lane as the main access route from the A45 to the main site access located at the south-west corner of Onley village.

The main highway issues are likely to relate to the construction of the development especially in relation to the junction between the A45 and Onley Lane then subsequent movements once it has been completed.

Within the Environmental Impact Assessment (EIA) a section pertaining to highway matters has been included that establishes no impact beyond the current situation as a result of the proposed development. The Highway Agency has no objections to the proposal. Nonetheless the applicant has been working with Onley residents, the Prison Service and WCC Highway Authority to overcome existing concerns. Whilst plans were originally submitted with the proposal showing alterations to the existing junction between the A45 and Onley Lane, amended plans have been provided following discussions with the Highway Authority who have no objections subject to a condition requiring highway works being done in accordance with the amended plans. Discussions with the Highway officer has indicated that it would be reasonable that the highway works be done within a period of 6 months from the first use of phase 1 of the development should permission be granted.

Within the submitted application it is detailed that as part of a Travel Plan as much of the deliveries as possible will be undertaken through the use of the canal thus reducing land based vehicular movements contributing towards a high level of sustainability on site from the commencement of work through to and as part of the running of the site so contributing towards an acceptable contribution in reducing carbon emissions.

The proposal will be constructed over 4 phases in accordance with the phasing details submitted as part of the application so there will be associated movements for a period of time following the initial commencement of the development. The site is served by a regular bus service that enters Onley village itself with other bus services using the A45 with their being bus stop facilities in close proximity to the A45 / Onley Lane road junction with these being up-graded as part of the proposed highway works detailed earlier in this section.

As such the proposal is considered to comply with the provisions of policy CS11.

Design, Appearance, Layout & Amenity:

The assessment of issues under this heading, whilst focused primarily upon the areas of the development within the Rugby administrative area, has to take account in certain elements of the development as a whole for example in terms of the general layout of the various berthing pools for the canal boats. It is considered that issues to be addressed relate to the design, appearance and layout of the proposal as well as its impact on the visual nature of the immediate and wider area and integration with the area.

Within the context of the proposal as a whole it has been designed and arranged in a manner so as the 3 mooring pools are accessed off a single central location adjacent to the Oxford Canal with the open space areas to be situated to the western and southern sides of the berthing pools. This appears to have been orchestrated in a manner so as to minimise impacts upon Onley village whilst also providing appropriate landscaping areas which is considered acceptable.

In terms of appearance and design impact, the proposed marina will introduce a large expanse of water into this countryside location although the water coverage within the Rugby area of the site is of a lesser amount than in Daventry. As is the case with most marinas, the water level will be lower than the surrounding ground level as it needs to be at the same level as water in the adjacent Oxford Canal of which canal boat access will be obtained within the Daventry element of the site. 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. It has been designed and arranged in a manner so as to take full account of the existing topography and landscaping features along the edge of the Oxford Canal.

With regards to the layout of the scheme, the predominant element of the proposal within the Rugby area comprises landscaping in the form of wetland and meadow areas with associated footpaths. In respect of the footpath element this has been orchestrated in a manner so as to allow access around the site as a whole (Rugby and Daventry areas of the proposal)

There is also a small facilities building proposed to be positioned adjacent to the road and footpath at the west edge of the part of the marina within Rugby's boundary. With a footprint covering 70 square metres it will be 2.8m high to the top of its flat roof and positioned so that the building is set into the ground so that its rear elevation

sits against ground with its front opening onto the roadway /footpath. To be constructed of a mixture of bricks, glazing, slate roofing in part (on a small section of sloping roof) and metal work it will have a sedum roof on top of which will be a small array of solar panels orientated south to facilitate solar hot water for users of the building. The intended materials when taken in conjunction with its design, appearance, scale, massing and position set a reasonable amount into the ground results in only a small proportion of it being visible within the site and acceptable.

The element of the proposal within Rugby's administrative area is situated a reasonable distance away from residential properties so as to not result in any adverse or detrimental impact upon amenity.

Overall therefore the impact on visual amenity is therefore considered acceptable in accordance with policy CS16.

Landscaping;

At present the majority of the site is used for agricultural grazing purposes. Existing stretches along side the edge of the Oxford Canal are characterised by embankments of varying heights with established landscaping although the location where access into the proposed marina is to be achieved is at the same level as the canal with a lower level of landscaping whilst the existing areas set below these fields have reasonable levels of existing natural landscaping.

In addition to the proposed landscaping plans submitted as part of the application landscaping was addressed within the EIA along with an Arboricultural Survey & Assessment and Arboricultural Implications Assessment with the arboricultural assessments indicating a total of 91 trees should be removed.

The submitted landscaping plan details all existing landscaping along side the canal and its tow path in the Rugby area will remain unaffected and will be supplemented with further additional native planting. Around the edge of the marina pool within the Rugby area, as well as the other pools, there will be planting and landscaping to integrate these elements into the area. With regards to the wetland and meadow areas that form part of this application the submitted plans provide full details of proposed landscaping that has been assessed by the Landscape Officer who is satisfied that they are acceptable, will fit in with the existing landscape without any adverse or detrimental impacts whilst contributing toward an enhancement of the environment as well as the strategic green infrastructure network as required by policy CS14.

Details contained within the Design & Access Statement under the Landscape heading indicates that the proposal aims to improve access to the site by residents of Onley village as well as users of the marina in addition to members of the public generally. Discussions with the agent in respect of the open space comprising footpaths as well as meadow, wetland, woodland and games / play area have indicated they are willing to accept either a condition or legal agreement requiring its retention and availability as being for members of the public. The agent has been advised that a Section 106 legal agreement between the applicant and both determining authorities would be the option to ensure it is provided as it is considered that a condition can not be readily capable of being enforceable.

Overall therefore the proposal complies with the provisions of Core Strategy policy CS14 and Saved Local Plan policy GP2.

Environmental Issues (Drainage, Contamination, Air Quality, Noise etc):

Within the EIA and supporting documents various items have been included relating to environmental issues covering items such as noise, vibration, soil and contamination. These have, as part of the consultation process, all been provided to those consulted on the application with comments on the relevant, specific environmental matters having been received.

In respect of flood risk it has been highlighted that the proposal will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the Environmental Statement, specifically Appendix 6.1 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The Environment Agency have commented that as development proposals include the culverting of approximately 130m of watercourse which, due to the adverse impact upon ecology of the watercourse, would under normal circumstances be completely unacceptable. However the development does provide an opportunity to remove barriers to the movement of aquatic fauna by designing the culvert such that it allows free access for aquatic fauna through the culvert. The Severn River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without an appropriate condition, the ecological impact of the scheme which includes culverting a significant length of the Rains Brook could lead to deterioration of a quality element to a lower status class and/or prevent the recovery of the Rains Brook. They have also indicated that a method statement should be required by condition in order to demonstrate how sensitive areas be protected during development, a request considered acceptable.

In respect of contaminated land it is highlighted in the Environment Agency response that although a few possible landfill areas were identified during the desk top study, the actual ground investigation did not reveal any significant impacts to be present apart from a certain area as the area only contained some inert fill and made ground within a wider virgin agricultural setting. It went on to highlight that during forthcoming site excavations materials will have to be screened and sorted and only suitable soils can be re-used on site where needed.

Turning to the Waste Management Plan in support of this application the EA are satisfied that the measures outlined within this strategy, if implemented, will help to reduce the amount of waste produced and enable waste that does arise to be managed in a sustainable manner.

As such subject to appropriate conditions and informatives there is not considered to be any adverse or detrimental environmental impacts.

Archaeology:

In respect of archaeology, within the EIA submitted as part of the application is a section relating to archaeological matters that has been assessed by officers in WCC Archaeology as the Councils advisors on such matters.

In the report of WCC Archaeology it is detailed there are 2 elements to the assessment with these relating to archaeology as well as the ridge and furrow on the site.

With regards to the ridge and furrow within the Rugby portion of the site it lies within the parish of Willoughby, and has recently been subject to a detailed assessment in relation to a planning application elsewhere in this parish. The significance of an area of ridge and furrow is dependent upon a number of factors such as its preservation, extent, field system (township) completeness, association with village earthworks, and the quality of the historical documentation.

The recent detailed assessment of the ridge and furrow which survives across Willoughby parish has concluded that it is of national significance, due to its preservation, extent, field system (township) completeness, and the quality of the historical documentation.

Whilst the Willoughby parish was assessed as part of the Turning the Plough project, it appears that the full extent of the ridge and furrow across this area was not recognised at that time, which led to a negative bias in the results of the assessment.

The importance of the ridge and furrow across Willoughby parish has also been recognised by English Heritage who recently confirmed that they considered that the ridge and furrow cultivation across this parish to be of national importance in a report produced in response to a Scheduled Monument application in close proximity to the defined settlement of Willoughby.

It is considered that the Environmental Statement assigns insufficient value to the ridge and furrow which survives across the Warwickshire portion of this site. Whilst agreeing that the canal and railway have had some impact upon the significance of the ridge and furrow across this part of the site, paragraph 9.6.11 of the EIA is disagreed with as it states that this area of ridge and furrow is 'negligible value' as a result of this impact.

However, due the location of this area of ridge and furrow in relation to the other areas of extant ridge and furrow, and that it has already been partially divorced from these areas by the construction of the canal and railway, it is considered that the loss of *this* area of ridge and furrow will not have a significant impact upon the significance of the remainder of the ridge and furrow within the Willoughby parish.

In terms of the site's archaeology the proposed development site lies within an area of significant archaeological potential with geophysical surveys undertaken across the application site and an area to the south-east having identified an extensive complex of anomalies, suggestive of a Roman settlement. The majority of the features identified by the geophysical survey lay within the south-eastern portion of the survey area, outside of the application boundary. Subsequent trial trenching across the southern portion of the application site identified a number of features, including ditches, gullies, pits and a probable roundhouse. Although a number of features were undated, pottery recovered from some of the features dated to the Romano-British period. It has been postulated that these features are on the western periphery of the settlement identified by the geophysical survey. On this basis a condition requiring further investigation in accordance with an agreed scheme of works to be submitted for agreement has been requested.

In an assessment of conditions requested by the various consultees, the agent has specifically commented on this archaeological condition detailing they consider it to be unreasonable by virtue of investigation of the site having already taken place. Discussions between the case officer and the archaeologist at WCC have highlighted that the work undertaken prior to the submission of the application was carried out in order to evaluate the archaeological potential of the site with trial trenching covering

less than a 3% sample area of each part of the site examined. Furthermore the archaeological officer detailed that this work carried out cannot be considered sufficient to mitigate the impact of the proposal.

As such the condition requested is considered to be reasonable whilst meeting the other necessary tests for conditions and should therefore be attached to any permission.

Conservation:

The site as a whole is sited adjacent to the Oxford Canal and the boat access to the proposed marina will be off this canal within the Daventry administrative area. Within Daventry's area the full extent of the Grand Union canal and the Oxford canal, incorporating the town paths on them, are designated as and within a single Conservation Area and as such is a material consideration in the determination of this application. It should be noted however that the stretch of the Oxford canal within the Rugby Borough Council administrative area has no heritage designation in place.

Within Section 12 the NPPF, entitled and relating to conserving and enhancing the historic environment, it is detailed that in the consideration and determination of applications affecting designated areas or buildings Local Planning Authorities should take account of factors including sustaining and enhancing the significance of the asset putting them to viable uses as well as the positive contribution the conservation of heritage assets can make to sustainable communities including their economic vitality.

Direct access from the canal into the proposed marina will take place in the Daventry element of the proposal and is therefore an issue to be considered in the assessment and determination of their part of the application as is the impact of their part of the development on the canal and tow path.

The section of the proposal within Rugby's area will see the existing embankment along side the edge of the canal adjacent to the tow path remain in its current form in terms of not being altered other than through additional landscaping to take place within the site at the top of the embankment. This as such is considered will not impact on the character, appearance or nature of the canal.

As a whole though the provision of a marina on the site adjacent to and accessed off the canal is considered to have significant potential for the enhancement of the conservation and vitality of the area through increased movement and business making use of the existing facilities. It is therefore considered to serve to protect and enhance the conservation area.

Ecology:

Within the EIA submitted as part of the application were a number of report and assessments in relation to ecology including specifically on various species protected at a national and European level.

It is noted from the responses of those consulted on the application that generally they are supportive of the ecological and landscaping elements of the proposal, requiring appropriate conditions on these matters.

The National Planning Policy Framework (NPPF) in paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in

biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The Natural Environment and Rural Communities Act requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

The Severn RBMP plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

The Environment Agency has commented that whilst the submitted details address the various matters well, conditions need to be attached to any permission covering great crested newts, culverts in respect of fish movements and landscape management. In respect of the management of the landscaping they request a condition requiring a management plan be submitted to ensure the landscaping is managed to protect and enhance the ecological value of the application site as well as Rains Brook, Oxford Canal and the wetlands. In addition to these EA comments both Natural England and WCC Ecology have stated no objections subject to conditions which are reasonable.

Energy Efficiency:

A submitted plan provides indicative details of proposed service locations such as electric and sewage. All of the proposed amenity buildings will have solar arrays on their flat roofs whilst a larger solar array is proposed to be sited adjacent to maintenance and storage building forming part of the development located within Daventry's section of the site with other arrays on the roof slopes of other buildings. The Energy section of the proposal details that the provision of a biomass installation is also being considered within the maintenance / storage building to be used to fuel a combined heat and power unit to provide electricity and heat all year round. It also details that air and ground source heat pumps could be utilised. It is intended that these would serve to produce 100% of the annual operational requirement for electricity and heat for the whole site.

Saved Local Plan policy GP5 relates specifically to renewable energy encouraging the provision of renewable energy schemes, on their own or as part of other developments, where consideration has been given to layout and siting within the landscape. In this instance the provision of the renewable energy sources within both Rugby and Daventry parts of the development have been positioned and sited within the scheme as a whole so as to not adversely impact on the locality. As such the proposal complies with the requirements of this policy.

Conclusion:

Overall the proposal is considered to be an acceptable use within this countryside location due in part to its nature, the need to be linked to the canal network and as it will contribute towards improved recreational opportunities and facilities in this rural area. Within the proposal to improvements to the Onley Lane and A45 road junction will serve to facilitate an improvement in highway safety whilst the provision of the meadow and wetland areas will contribute toward ecological mitigation and enhancement in-lieu of the areas used to provide the berths. With regards to the proposed berths they will be of varying sizes to allow for varying boat sizes so contributing towards to the use of the canal system by various sized parties whilst the

berth configuration has been arranged so to minimise impact upon the area. Buildings have been designed in a manner so as to sit and blend into the environment utilising renewable energies to the benefit of all users.

Recommendation;

Recommend approval subject to the conditions and the applicant entering into a Section 106 Legal Agreement in respect of the open space provided as part of the development being publically accessible.

Report prepared by: Richard Redford 18TH October 2012

DRAFT DECISION

APPLICATION NUMBER

R12/0960

DATE VALID

17/06/2012

ADDRESS OF DEVELOPMENT

FARM
LAND AT ONLEY FIELDS PRISON
& ONLEY PARK ENTRANCE ROAD
DAVENTRY ROAD
WILLOUGHBY

APPLICANT/AGENT

Mr Graham Parker
Pj Planning
5 St Paul Terrace
Birmingham
West Midlands
B3 1TH
On behalf of Mr Joseph Oliver, J Marine Ltd

APPLICATION DESCRIPTION

Demolition of barn and partial demolition of second barn, construction of marina comprising 550 non-residential berths, marina services and amenities buildings and boat repair facility, with associated car parking and service areas, landscaped areas and minor works to adopted and unadopted roads (straddling the administrative boundaries of Rugby Borough council and Daventry District Council as shown on drawing No. EX/01P7).

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:

Documents;

Covering letter dated 29th April 2012, Agricultural Statement dated March 2012, Arboricultural Survey and Assessment ref MFE 107-10 dated March 2012, Arboricultural Implications Assessment ref MFE 107-10/ issue 090112 dated January 2012, Design & Access Statement (undated), Energy Efficiency Statement (undated),

Environmental Statement including Appendices all dated April 2012, Environmental Statement Non-Technical Summary dated April 2012, Planning Supporting Statement dated April 2012, Panel Engineer Letter ref RAC/60/1/1101/CGM dated 4 April 2012, Outline Management Construction Plan ref 14224 dated 26th April 2012, Statement Of Community Involvement dated March 2012, Transport Assessment dated March 2012 and Waste Management Plan undated, all submitted to and received by the Local Planning Authority on 1st May 2012;

Amended application forms submitted to and received by the Local Planning Authority on 17th June 2012;

A45 Onley Junction Road Safety Audit Combined Stage 1 & 2 report ref 10494, and Key Transport Consultants Response to Road Safety Audit both submitted to and received by the Local Planning Authority on 6th September 2012;

Plans;

JML-EX-01-P7 dated 15 November 2010, JML-LA-03-P3 dated 5th February 2012, JML-LA-04-P2 dated 2nd February 2012, JML-LA-05-P5 dated 6 February 2012
JML-EX-02-P2 dated 10 January 2011, JML-EX-03-P2 dated 10 January 2012
JML-sk-01-P13 dated 31 March 2012, JML-sk-10-P7 dated 6 January 2012, JML-sk-02-P13 dated 31 March 2012, JML-sk-09-P7 dated 6 January 2012, JML-sk-13-P7 dated 12 April 2012, JML-sk-03-P11 dated 31 March 2012, JML-sk-04-P11 dated 6 January 2012, JML-sk-07-P8 dated 4 January 2012, JML-SK-08-P2 dated 10 January 2011, JML-SK-05-P7 dated 2 February 2012, JML-SK-06-P7 DATED 2 February 2012,

14224-GE-002A dated February 2012, 14224-GE-610C dated February 2012, 14224-GE-004B dated February 2012, 14224-GE-003B dated November 2011, 14224-GE-600E dated November 2010 and 14224-GE-601E dated November 2010 and

0414 1.1 dated 1 February 2012, 0414 1.2 (sheets 1 and 2) dated 6 February 2012 and

0333-003F, 0333-004F and 0333-005F all submitted to and received by the Local Planning Authority on 1st May 2012;

Amended plans numbered 0333-001, 0333-002H and 0333-006B all submitted to and received by the Local Planning Authority on 6th September 2012.

REASON:

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

CONDITION 3;

None of the berths hereby approved as part of this development shall be used for the provision of residential moorings in any form.

REASON:

To accord with the submitted details and to prevent a form of development that may otherwise be considered unacceptable.

CONDITION 4;

A register, to be used from the first use of the site, shall be kept on site by the site manager / operator comprising the name and home address of the occupant(s) / users of each canal boat, the arrival and departure dates of the occupant(s) / users of the canal boats and, where applicable, the registration of the user(s) personal vehicle to allow monitoring of the use and occupation of the canal boats using the marina. The register shall be retained for a continual 4 year period and shall be made available for inspection upon request by the Local Planning Authority.

REASON:

To enable the use and occupation of boats using the marina to be monitored to ensure none of the berths are used for residential purposes.

CONDITION 5;

The construction phasing shall be as detailed in writing and shown on the plan provided within Section 10 of the Design & Access Statement unless otherwise agreed in writing by the Local Planning Authority.

REASON;

To ensure a satisfactory phasing of the sites construction in a manner so as not to impact on highway safety or amenities of nearby residential dwellings.

CONDITION 6;

The landscaping for each phase as shown on the approved landscaping plans shall be implemented in accordance with a Landscaping Implementation Scheme for that phase which shall be submitted to and agreed in writing by the Local Planning Authority prior to any works on site commencing. 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 otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the approved landscaping is implemented in accordance with the approved plans in an appropriate manner.

CONDITION 7;

The parking and cycle spaces shown on the approved plans for each phase shall be provided prior to the first use of any of the berths approved as part of this development and thereafter retained for parking purposes unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure sufficient on-site parking is provided prior to and subsequently retained before any of the berths approved are used.

CONDITION 8;

Prior to work commencing on each phase of the development a Method Statement for the sampling of materials to be excavated and reused on the site in accordance with the Conclusions & Recommendations made in the Contaminated Land Ground Investigation Report (ref no. 14224/R09) dated February 2011 shall be submitted to and agreed in writing by the Local Planning Authority. The provisions of the Method Statement shall then be carried out with resultant report to be submitted and approved in writing by the Local Planning Authority of each phase.

REASON:

To ensure the protection of the environment.

CONDITION 9;

Prior to development on any phase of the development commencing, a land based vehicular movement plan showing the route of construction vehicles involved in the development of that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall then be implemented in accordance with the agreed plan.

REASON;

To ensure an appropriate land based vehicular transport route to prevent adverse impacts on amenities of nearby settlements.

CONDITION 10;

The A45 junction improvements, including footway, bus stop and pedestrian crossing alterations, shall be laid out in accordance with the amended plan 0333-022H within 6 months of the first use of a canal boat on the marina approved unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of highway safety.

CONDITION 11:

No phase of the development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase 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 12:

No phase of 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 for that phase, 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 13:

No phase of the development hereby permitted shall commence until drainage plans for the disposal of surface water and foul sewage for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

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

CONDITION 14;

No phase of development shall take place until details of the implementation, maintainance and management of the sustainable drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall be based on the principles set out in the Environmental Statement, specifically Appendix 6.1, the approved Flood Risk Assessment (FRA), dated October 2011 ref 14224-R07 Rev A and shall include;

- a) A timetable for its implementation; and
- b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker or other arrangements to secure the operation of the sustainable drainage scheme throughout its life time.

REASON;

To ensure its satisfactory management and maintainance.

CONDITION 15:

Prior to the commencement of development a Tree & Hedgerow Protection Plan/Method Statement for the site as a whole but broken down in to appropriate phases shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity.

CONDITION 16:

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION 17;

Prior to any part of any phase of the development hereby permitted commencing a full detailed external lighting strategy for that phase of the site based upon Section 6.6 of the approved Design & Access Statement be provided to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in accordance with the agreed details for each section / phases of development.

REASON;

To ensure a satisfactory relationship with the environment.

CONDITION 18;

Prior to the development hereby approved commencing a full detailed Ecological Management & Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the satisfactory management and monitoring of protected species.

CONDITION 19;

Unless otherwise agreed in writing by the Local Planning Authority the development permitted by this planning permission shall only be carried out in accordance with the Environmental Statement, specifically Appendix 6.1 the approved Flood Risk Assessment (FRA), dated Oct 11, Ref: 14224-R07 rev A, undertaken by Gifford, and the following mitigation measures detailed within the ES/FRA:

1. Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the un/re-developed site and not increase the risk of flooding off-site. Paragraphs 6.5.19, 6.5.22 to 23.
2. Demonstration that a protection and/or reduction in the existing level of flood risk to the site and adjacent properties will be provided, by the requirements of the Reservoirs Act 1975 and the provision of a culvert extension and Trash/Security screens. Paragraphs 6.4.4, 6.5.2, 6.5.15, 6.5.25 to 26, 6.5.39 to 42.

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON;

- 1.To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 2.To ensure the structural integrity of the proposed marina basins thereby reducing the risk of flooding.
- 3.To reduce the risk of flooding from blockages to the existing culvert (s).

CONDITION 20;

No development of any phase of the development involving the replacement culvert shall take place until detailed design plans for the replacement culvert, which provides for the free passage of all fish species through the culvert, are submitted to and approved in writing by the local planning authority. The plans shall include the following elements:

- No barriers (weirs) to the movement of aquatic fauna
- Removal of any existing barriers
- Development of a natural bed through the culvert

The development of each phase shall then be carried out in accordance with the agreed details unless otherwise approved in writing by the Local Planning Authority.

REASON;

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

CONDITION 21;

No phase of development shall take place until a landscape management plan for that phase, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme for each phase shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species).
- details of maintenance regimes.
- details of any new habitat created on site.
- details of treatment of site boundaries and/or buffers around water bodies.
- details of management responsibilities.
- details of phasing of the work.
- a separate section which details restoration/enhancement measures to be carried out along Rains Brook.
- details to include bed raising using gravel, installation of Large Woody Debris, bank re-profiling, re-meandering, creation anatomised channel, wet woodland, etc.
- Details of canal side improvements to improve access for newts and other aquatic species to increase connectivity across the canal.

REASON;

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

CONDITION 22;

No phase of development shall take place until a plan detailing the protection and/or mitigation of damage to populations of great crested newts during that phase, a protected species under The Wildlife and Countryside Act 1981 as amended & Habitats Directive Annex II, and its associated habitat during construction works and once the development phase is complete. The great crested newt protection plan shall be carried out as approved. The scheme shall include the following elements:

- Phasing of the work to ensure that replacement habitat is fully established prior to disturbance of newt habitat.
- Detailed plans of replacement habitat, cross sections, long sections at numerous points.
- Details of all planting. N.B. must be native species of local provenance (details of source to be submitted to LPA for approval).
- Details of trapping and translocation methodology.
- Amphibian fencing details.

REASON;

This condition is necessary to protect the great crested newt and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Under the Wildlife and Countryside Act 1981 LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

CONDITION 23;

No phase of development shall take place until a method statement/construction environmental management plan for that phase that is in accordance with the approach outlined in the Planning/Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Each phase of the scheme shall include details of the following:

- The timing of the works.
- The measures to be used during the development phase in order to minimise environmental impact of the works (considering both potential disturbance and pollution).
- The ecological enhancements as mitigation for the loss of habitat resulting from the development phase
- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected species
- Construction methods
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.
- The works shall be carried out in accordance with the approved method statement.

REASON;

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

CONDITION 24;

No phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), the creation of a range of grassland habitats, native tree and shrub planting, creation/enhancement of waterbodies and associated aquatic and marginal vegetation as well as details of on-going management of the whole site for wildlife. Details of species proposed and sourcing of plants should be included as should locations of bird/bat boxes. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as additional invertebrate, bat, amphibian surveys 1 year after completion of works. Such approved measures shall thereafter be implemented in full.

REASON:

To conserve and enhance biodiversity in accordance with LPA Policy and the NPPF

CONDITION 25;

The loss of the Disused Railway pLWS/Ecosite (02/56) under the development hereby permitted shall not commence until a comprehensive invertebrate survey has been undertaken with a detailed mitigation schedule, produced based on the results of the aforementioned invertebrate survey work, submitted to and approved in writing by the Local Planning Authority prior to loss of the Disused Railway pLWS/Ecosite

(02/56). Any approved mitigation measures approved shall be implemented in full in accordance with the approved timetable prior to the loss of the Disused Railway pLWS/Ecosite (02/56).

REASON:

To ensure no net loss of biodiversity in accordance with the NPPF, the government circular PPS9 and Rugby Borough Council Save Local Plan Policy E6.

CONDITION 26;

No phase of the development hereby approved shall commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, appropriate protection and enhancement of bat habitat within the applicants ownership, monitoring and further survey if deemed necessary) for that phase has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall thereafter be implemented in full according to the terms of any protected species licence granted in respect of bats.

REASON:

To ensure the satisfactory protection of protected species.

CONDITION 27;

No phase of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, for that phase has been carried out with resultant report for that phase submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved as part of the report for that phase shall be implemented in accordance with the approved timetable.

REASON:

To ensure the conservation of protected species in accordance with LPA Policies and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy, Saved Local Plan & SPD's;
Policies CS1, CS11, CS13, CS14, CS16 and CS17
Saved Policies GP2, GP5, E6 and LR10

Rugby Borough Council Planning Obligations SPD
Rugby Borough Council Sustainable Design & Construction

Daventry District Council Grand Union / Oxford Canal Conservation Area Appraisal

NPPF

Guide to Tourism

The development plan policies referred to above are available for inspection on the Rugby Borough and Daventry District Council's web-sites at www.rugby.gov.uk and www.daventrydc.gov.uk

REASON FOR APPROVAL:

The proposed development of a marina with associated works including landscaping, amenity buildings and highway junction improvements adjacent to the Oxford Canal represents and appropriate use of land within the open countryside for recreation purposes that will contribute toward improved economic, social and sustainability in

the area to the benefits of the area in accordance with policies CS1, CS11, CS13, CS14, CS16 and CS17 of the Rugby Borough Core Strategy, saved Rugby Borough Local Plan policies GP2, GP5, E6 and LR10, the Rugby Borough Council Planning Obligations SPD, Daventry District Council Grand Union / Oxford Canal Conservation Area Appraisal and the NPPF. It also represents an enhancement of ecological habitat as well as the A45 / Onley Lane road junction.

INFORMATIVE 1;

This development is subject to a Section 106 Legal Agreement.

INFORMATIVE 2;

Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from Natural England.

INFORMATIVE 3;

Note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England.

Further information and guidance on UK protected species and licensing can be found under the Defra web pages for the Wildlife and Countryside Act 1981.

INFORMATIVE 4;

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The applicant is advised to contact the Environment Management team at Solihull Office on 01217115848 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at:
<http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified, and best practice for it's handling, transport, treatment and disposal please see our waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>

INFORMATIVE 5;

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

INFORMATIVE 6;

Condition number 10 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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

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

INFORMATIVE 7:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	7 th November 2012
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/07/2012 to 30/09/2012.

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

Planning Committee - 7th November 2012

Planning Appeals Update

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter (1st July to 30th September 2012) a total of 11 planning appeals were determined, of which 2 were allowed and 9 dismissed. A schedule of the appeal case for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

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

Name of Meeting: Planning Committee
Date Of Meeting: 7th November 2012
Subject Matter: Planning Appeals
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st JULY 2012 - 30th September 2012

Application Ref No.	Location	Description	Appeal Decision	Planning Inspectorate Appeal Ref No. Decision Type
R11/1424 CD	Ryton Mill London Road Ryton on Dunsmore Coventry, CV8 3DX	Retention of detached double garage with loft room over.	Enforcement Written Reps Dismissed 12/07/2012 (Enforcement Notice upheld)	APP/E3715/C/12/2172351 Delegated – Refused 23/12/2011
R12/0023 KMcC	Unit 2 5 Castle Mound Way Rugby CV23 0WB	Display of 2 fascia signs	Written Reps Dismissed 27/07/2012	Ref: APP/E3715/H/12/2172702 Delegated - Refused 31/01/2012
R11/0141 CD	Land South of Telephone Exchange Coventry Road Wolvey Hinckley Leicestershire LE10 3LD	Outline planning permission for erection of a dwelling.	Written Reps Dismissed 22/08/2012	APP/E3715/A/12/2169184 Committee – Refused 30/09/2011
NL	Greenway Farm 41 Rugby Road Pailton Rugby, Cv23 0QH	Without planning permission, the change of use of the land from agricultural to use as a private garden having a domestic character	Enforcement Written Reps Dismissed 03/09/2012	Ref: APP/E3715/C/12/2168149 Delegated – enforcement action

R11/1974 CD	12 Regent Street Rugby	Retention of 1no. high level externally illuminated fascia sign and 1no. non-illuminated low level fascia sign at 12 Bank Street, Rugby.	Written Reps Dismissed 04/09/2012	Ref: APP/E3715/H/12/2175357 Committee - Refused 15/03/2012
R11/2265 RR	Footpath at the Junction of Paddox Close and Hillmorton Road, CV22 5AU	Proposed 11.8m high telecommunication mast with equipment cabinet and electrical metre cabinet	Written Reps Allowed 11/09/2012	APP/E3715/A/12/2171860 Delegated - Refused 11/01/2012
R12/0032 NM	Site at Land Rear Of, Home Farm, Oxford Road, Coventry, CV8 3EP	Erection of a building to provide shelter for HGV Vehicles (Resubmission)	Written Reps Dismissed 19/09/2012	Ref: APP/E3715/SA/12/2174855 Delegated - Refused 03/02/2012
R12/0743 NM	22 The Ryelands Lawford Heath CV23 9EN	Erection of a two storey side/rear and a single storey rear extension.	Written Reps Dismissed 20/09/2012	APP/E3715/D/12/2178668 Delegated – Refused 26/06/2012
R11/1741 CD	The Coach House rear of 34 Hillmorton Road RUGBY Warwickshire CV22 5AA	Conversion of outbuilding known as The Coach House from ancillary office to a separate dwelling.	Written Reps Allowed 27/09/2012	APP/E3715/A/12/2173245 Committee - Refused 10/02/2012
R12/0018 OW	46 Broad Street Brinklow Rugby CV23 0LN	Erection of a new residential dwelling to the rear of number 46 Broad Street (resubmission of app ref R11/0407)	Written Reps Dismissed 27/09/2012	APP/E3715/A/12/2174669 Delegated – Refused 21/02/2012
R12/0537 CD	Badgers Barn Church Road Church Lawford CV23 9EG	Erection of a timber framed brick summer house-cum-playroom.	Written Reps Dismissed 05/09/2012	APP/E3715/D/12/2180300 Delegated – Refused 07/06/2012

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.09.2012

Application Ref No.	Location	Description	Appeal Type	Planning Inspectorate Appeal Ref No. Decision Type
NL	Top Park Top Road Barnacle Coventry CV7 9FS	The change of use, without planning permission, of the land from paddock to a use for the siting of residential caravans, trailers and commercial vehicles.	Enforcement Inquiry	APP/E3715/C/11/2153638 Linked Appeal ref. APPE3715/C/11/2154137 APP/E3715/A/11/2153749(as below)
R10/2298 NL	Site at Top Park Top Road Barnacle Coventry CV7 9FS	The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)	Inquiry	APP/E3715/A/11/2153749 Committee – Refused 06/04/2011
R11/1284 CD	Land at Burton Lane, Burton Hastings, CV11 6RJ	Installation of two flood lights of 6m height to the south west boundary of the existing ménage.	Written Reps	APP/E3715/A/12/2175819 Delegated - Refused 08/12/2011
R12/0853 OW	Finches Poppy Close Heath Lane Brinklow CV23 0PY	Variation of condition 2 and removal of conditions 3 and 4 of approval R11/1068	Written Reps	APP/E3715/A/12/2180009 Delegated – Refused 11/06/2012
R10/1131 OW	Land off Priory Road and School Street Wolston Warwickshire	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.	Inquiry	APP/E3715/A/12/2181698 Committee - Refused 22/02/2012

R12/0476 and R11/0805 MN	The Old Dairy Home Farm Birdingbury Road Bourton on Dunsmore CV23 9RA	Erection of extensions to building including increase in height of dwelling to provide additional rooms at first floor level	Written Reps	APP/E3715/A/12/2181369 R12/0476 - Delegated – Refused 13/04/2012 R11/0805 – Delegated – Refused 11/04/2012
R11/0239 KMcC	Land at Stretton Croft Wolvey Road Burbage LE10 3JB	Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.	Inquiry	APP/E3715/V/12/2179915 Undetermined as at 22/08/2012
R12/0455 KMcC	Land rear of 13 TO 29 Crick Road Rugby	Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road.	Written Reps	APP/E3715/A/12/2178105 Committee - Refused 14/06/2012
R12/0597 MN	41 Orchard Way Bilton Rugby CV22 7PS	Retention of container to provide garden store	Written Reps	APP/E3715/D/12/2180741 Delegated – Refused 15/05/2012
R12/0425 RR	58 Rugby Road Binley Woods Coventry CV3 2AX	Erection of two detached dwellings and garages to rear of 58 Rugby Road (Re-submission of R11/0016)	Written Reps	APP/E3715/A/12/2182056 Delegated – Refused 04/04/2012
R12/1029 CD	Land rear of Fosse Bank 4 Rugby Lane Stretton on Dunsmore CV23 9JH	Use of land as a private garden and fishing lake.	Written Reps	APP/3715/ X/12/2183941 Delegated – Refused 29/08/2012
R12/1583 KMcC	Unit 2 5 Castle Mound Way Rugby CV23 0WB	Display of 2 non-illuminated fascia signs	Written Reps	APP/3715/ H/12/2174438 Delegated – Refused 20/09/2012
R12/1259 BS	32 Linnell Road Rugby CV21 4AN	Erection of two storey side extension	Written Reps	APP/E3715/D/12/2183295 Delegated – Refused 03/08/2012

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	07.11.2012
Report Title	Delegated Decisions – 05.10.2012 to 25.10.2012
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 – 07.11.2012

Delegated Decisions – From 05.10.2012 To 25.10.2012

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: 07.11.2012
Subject Matter: Delegated Decisions – 05.10.2012 to 25.10.2012
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 05.10.2012 TO 25.10.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R11/2097 Refused 10.10.2012</i>	Land at Liapari Back Lane Harborough Magna	Erection of a detached dwelling and a detached garage, with vehicular access off Back Lane.
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<i>R12/1006 Refused 17.10.2012</i>	Southlands Heath Lane Brinklow	Erection of a single storey side extension.
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<i>R12/1679 Refused 22.10.2012</i>	14 Lancut Hill Rugby	Erection of a rear conservatory to link with an existing detached garage
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**Applications
Approved**

<i>R12/0745 Approved 04.10.2012</i>	10 Heather Road Binley Woods	Demolition of the existing dwelling and erection of a replacement dwelling.
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<i>R12/1636 Approved 04.10.2012</i>	20 Clement Way Cawston	Conversion of integral garage into kitchen and increase hardstanding to front of dwelling.
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<i>R12/1673 Approved 04.10.2012</i>	36 Avondale Road Brandon	Erection of a single storey front, side and rear extension.
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<i>R12/1683 Approved 05.10.2012</i>	Schoolfield House Main Street Bourton on Dunsmore	Erection of a two storey and a single storey rear extension.
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<i>R12/1349 Approved 05.10.2012</i>	2–12 South Road Clifton Upon Dunsmore	Demolition of existing external WC's and stores and erection of single storey extensions to provide new WC's and stores to each of the dwellings.
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<i>R12/1389 Approved 08.10.2012</i>	10 Draycote	Erection of single storey front extension.
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<i>R12/0549 Approved 10.10.2012</i>	26 Dunsmore Avenue Rugby	Proposed single storey rear extension.
<i>R12/1556 Approved 10.10.2012</i>	Land off Brownsover Lane Brownsover	Erection of a two storey dwelling - Alteration to plot 5 of approval R10/1306 dated 12th January 2011 which include an increased residential curtilage.
<i>R12/1665 Approved 10.10.2012</i>	Hafele UK Ltd Haynes Way Rugby	Erection of a new entrance wall with piers and tubular steel gates, and erection of 6 no. flag poles-each being 9 metre high.
<i>R12/1671 Approved 10.10.2012</i>	87 Hillary Road Overslade Rugby	Single storey side and rear extension.
<i>R12/1154 Approved 11.10.2012</i>	The Boat Shed Hillmorton Wharf Crick Road Hillmorton	Change of use from boat shed and engineering workshop (Use Classes B2 and B8) to boat shed, engineering workshop and retail shop (mixed use B2, B8 and A1) including external alterations.
<i>R12/1718 Approved 11.10.2012</i>	74 Overslade Lane Rugby	Erection of a first floor rear extension, two storey and single storey front extensions, conversion of the existing garage to living accommodation and provision of hardstanding for 2 no. vehicles (resubmission of Planning reference no. R09/0014/PLN).
<i>R12/1723 Approved 15.10.2012</i>	29 Sheridan Close Rugby	Erection of a single storey side and rear extension.
<i>R12/1736 Approved 15.10.2012</i>	31 Planter Close Cawston	Erection of a conservatory to the rear.
<i>R12/1723 Approved 15.10.2012</i>	29 Sheridan Close Rugby	Erection of a single storey side and rear extension.
<i>R12/0896 Approved 16.10.2012</i>	The Granary Old Manor Farm Leamington Road Princethorpe	Conversion and extension of existing double garage and outbuildings to form a separate dwelling house.

<i>R12/1704 Approved 16.10.2012</i>	Macdonald Hotel Group Ansty Hall Hotel Main Road Ansty	Extension of the existing orangery function room to form a conservatory and provision of a terraced area (renewal of planning permission R09/0679/PALB dated 17th September 2009).
<i>R12/1687 Approved 16.10.2012</i>	St Peter's & St John's Church Clifton Road	Installation of an access ladder on the East elevation.
<i>R12/1064 Approved 17.10.2012</i>	The Ranch Shilton Lane Coventry	Erection of replacement dwelling, and removal and disposal of existing grass bund (part retrospective).
<i>R12/1574 Approved 18.10.2012</i>	Toft House Southam Road Toft	Amendment to previously approved application R06/0825/PLN to omit three holiday let units in lieu of 4 bed and breakfast units, associated alteration to external appearance, conversion of integral garage to form classroom/dining room, provision of WC facilities, computer and laundry room and erection of single storey extension to facilitate creation of kitchen and bar.
<i>R12/1234 Approved 19.10.2012</i>	69 Beswick Gardens Bilton	Erection of a rear conservatory.
<i>R12/1518 Approved 19.10.2012</i>	Brown & Cockerill 41 Regent Street Rugby	Change of use from A2 to Beauty Salon (sui generis).
<i>R12/1627 Approved 19.10.2012</i>	2 Southbank Birdingbury Road Leamington Hastings	Demolition of the existing garage/outbuilding and erection of a detached garden room/store building for ancillary use.
<i>R12/1669 Approved 19.10.2012</i>	Former Lloyds TSB PLC 23-25 The Green Bilton	Change of use of the first floor from A2 (Financial) to 2 no. residential apartments including erection of a two storey rear extension.
<i>R12/1670 Approved 19.10.2012</i>	Land at Muswell Leys Farm Coal Pit Lane Willey	Retention of hardstanding to serve 5 no. caravan plots, together with associated electric points and grey water tank.
<i>R12/1681 Approved 19.10.2012</i>	The Barn Back Lane Birdingbury	Conversion and alteration of outbuilding to form ancillary residential accommodation.

<i>R12/1682 Approved 19.10.2012</i>	The Barn Back Lane Birdingbury	Listed Building Consent for works to convert outbuilding to ancillary residential accommodation, including internal and external alterations.
<i>R12/1704 Approved 19.10.2012 (Amended)</i>	Macdonald Hotel Group Ansty Hall Hotel Main Road Ansty	Extension of the existing orangery function room to form a conservatory and provision of a terraced area (renewal of planning permission R09/0679/PALB dated 17th September 2009).
<i>R12/1743 Approved 22.10.2012</i>	70 Craven Avenue Binley Woods	Erection of a new dormer bungalow roof incorporating a rear extension and the erection of a single storey side extension.
<i>R12/1767 Approved 22.10.2012</i>	Station House Lutterworth Road Stretton-Under-Fosse	Erection of single storey extension to rear (north east). Erection of wall to north east and north west boundaries. (Amended scheme following approval of R11/2433, R12/0443 & R12/1274).
<i>R12/1173 Approved 23.10.2012</i>	Little Walton Lodge Farm Lutterworth Road Pailton	Replacement of existing workshop and barn.
<i>R12/1707 Approved 23.10.2012</i>	Land Rear of 92 Claremont Road Claremont Road	Change of use and alterations of existing building to form 1 dwelling.
<i>R12/1786 Approved 23.10.2012</i>	21 Dunsmore Avenue Rugby	Erection of 1 dwelling (in lieu of plot 1 of previously approved development) with associated access and car parking.
Advertisement Consents		
<i>R12/1675 Advertisement Consent 05.10.2012</i>	HSBC 15 Church Street Rugby	Provision of an internally illuminated fascia signage.
<i>R12/1703 Advertisement Consent 09.10.2012</i>	Norbet Dentressangle Logistics Limited Unit 2 5 Castle Mound Way	Retention of 2 non-illuminated fascia signs to front elevation and 1 non-illuminated free standing sign adjacent to site entrance.
<i>R12/1253 Advertisement Consent 11.10.2012</i>	Land at Prospect Park Swift Valley Valley Drive	Proposed signboard at junction of Valley Road and Prospect Park/Swift Valley.

R12/1780 Advertisement Consent 24.10.2012	The Former Merry Monk 132 Hollowell Way Brownsover	Erection of 2 non-illuminated fascia signs
Certificate of Lawful Use or Development		
R12/1695 Certificate of Lawful Use or Development 15.10.2012	Fouracres Lutterworth Road Wolvey	Certificate of Lawfulness application for the proposed erection of a single storey rear and side extension, conversion of garage and alterations to dwelling.
Agricultural Determinations		
R12/1822 Prior Notification not required 04.10.2012	Hospital Farm Hayway Lane Rugby	Application for prior notification under Schedule 2 Part 6 of the Town and Country Planning General Permitted Development Order 1995 for the erection of a steel portal framed agricultural building.
Approval of Details/ Materials		
R11/0937 Approval of Details 08.10.2012	TW Tyres 11 Paynes Lane New Bilton	Erection of extensions to existing industrial unit and external alterations to building and site.
R12/0069 Approval of Details 09.10.2012	Three Gates Warwick Road Coventry	Erection of single storey front, side and rear extensions, alterations and raising of roof to include living accommodation at first floor level with the addition of dormer windows to the front and rear and the realignment of the access driveway.
R10/1281 Approval of Details 11.10.2012	Rugby Gateway Phase R1 Leicester Road	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
R10/1298 Approval of Details 11.10.2012	Rugby Gateway (Part of site) Leicester Road	Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).
R10/1972 Approval of Details 11.10.2012	Former Peugeot Works (Site B) Oxford Road Ryton on Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m ² ,

including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].

*R10/1281
Approval of Details
17.10.2012*

Rugby Gateway
Phase R1
Leicester Road
Rugby

Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.

*R10/2153
Approval of Non-material Changes
17.10.2012*

Land to rear of 263-273b
Hillmorton Road
Rugby

Planning permission for the construction of 6 detached dwellings and external alterations to No. 273a and 273b Hillmorton Road (Re-submission of outline planning approval R07/2052/OPS).

*R11/1870
Approval of Reserved Matters
17.10.2012*

Land forming part of
former Cattle Market
Railway Terrace
Rugby

Erection of two-storey building and use as a Health and Wellbeing Centre with ancillary Pharmacy and Community Facility together with access, parking and landscaping - revision to reserved matters scheme approved under ref.no. R10/2124, dated 9th August 2011, to accommodate 4 additional consulting rooms with associated minor revisions to the internal floor layout and elevations (submission of reserved matters in accordance with outline planning permission ref.no. R10/1273 dated 04/04/2011).

*R11/1628
Approval of Non-material Changes
19.10.2012*

Oak and Black Dog
Brookside
Stretton on Dunsmore

Installation of flue/extraction duct and retention of shed.

*R11/1680
Approval of Non-material Changes
22.10.2012*

Land adjacent to Gas
Street
Gas Street
Rugby

Variation of condition 3 of planning permission 430 / R10/0093 (Demolition of existing buildings, erection of 25 dwellings (3 houses & 22 apartments) and associated works.) to require dwellings to be provided to Level 3 of the Code for Sustainable Homes (instead of Level 5.)

*R09/0399/HOUS
Approval of Non-material Changes
22.10.2012*

Woodlands Edge
Barby Lane
Hillmorton

Erection of a single storey rear extension.

Demolition Works

R12/1816

Network Rail Building

Application for prior notification of proposed

<i>Prior Notification of proposed demolition</i> 05.10.2012	Mill Road Rugby	demolition of a building.
<i>Withdrawn/ De-registered</i>		
<i>R12/1886 Withdrawn 18.09.2012</i>	Land on Coventry Road Wolvey	Retirement homes, flats and houses.
<i>R11/1778 Withdrawn 02.10.2012</i>	Site adjacent to Scrapyard Newbold Road	Use of site for electricity generation business including erection of fuel storage tanks, switchboard building, perimeter fencing, vehicle access and gates.
<i>R12/1623 Withdrawn 04.10.2012</i>	Rear of 38 North Road Clifton upon Dunsmore	Erection of a detached dormer bungalow (resubmission of planning reference number R12/0731).
<i>R12/1775 Withdrawn 05.10.2012</i>	9 St Marks Avenue Bilton	Certificate of Lawfulness application for existing use of a detached garage as storage for a private business.
<i>R12/1841 Withdrawn 22.10.2012</i>	12 Brambling Close Rugby	Erection of a single storey rear extension and two linked two storey rear extensions - amendments to previously approved scheme Ref:R12/0663