

17th December 2012

PLANNING COMMITTEE - 9TH JANUARY 2013

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 9th January 2013 in the Council Chamber, Town Hall, Rugby.

Site Visit

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

3.00pm 7 Park Cottages, Cathiron, Harborough Magna

Andrew Gabbitas
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 28th November 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. Protocol for Public Speaking at Planning Committee.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 16th November 2012 – 13th December 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 – 12) are attached.

Membership of the Committee:-

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

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic and Scrutiny Services Officer (Team Leader)(01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

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

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 9TH JANUARY 2013
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	R12/1940	Manor Barn, Church Road, Church Lawford, Rugby CV23 9EG Repositioning of garage doors from South to North elevation of dwelling and external alterations to infill existing door position, including new window and door. Formation of new driveway, soft landscaping to change existing parking area to garden including extension of hard paving area and erection of boundary wall with pedestrian gate (re-submission of refused application R11/0729)	4

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R12/1645, R12/1651 and R12/1357	2, Clifton Road Rugby CV21 3PX and 2, Moultrie Road Rugby CV21 3BD A i. Demolition of existing building, erection of three storey building and use for purposes within Class B1(Offices) of the Town & Country Planning (Use Classes) Order 1987 as amended, provision of new vehicular access to the site incorporating modifications to the existing access from Moultrie Road together with associated car parking and landscaping. (R12/1651 – Full Planning Permission) A ii. Proposed demolition and replacement of No. 2 Clifton Road. (R12/1651 – Conservation Area Consent) B Erection of garage outbuilding with associated forecourt, erection of boundary wall and modifications to existing access (R12/1357 – Full Planning Permission)	8

3	R12/2207	19 Arbour Close, Bilton, Rugby. CV22 6EH Retrospective permission for the erection of two storey & single storey rear extensions and a single storey side extension	20
4	R12/1937	7 Park Cottages, Cathiron, Harborough Magna Removal of condition 2 of planning permission reference R01/0967/01351/P to remove the restriction that the use be solely for the benefit of Mr T. Yates	23
5	R12/0790	Navigation House, Longdown Lane, Willoughby, Rugby Change of use of existing outbuilding and swimming pool for a mixed use for residential purposes and for commercial coaching of swimmers (retrospective)	31
6	R12/1848	16 Brambling Close, Rugby Retention of a detached outbuilding	36

REF: R12/1940

Manor Barn, Church Road, Church Lawford, Rugby CV23 9EG

Repositioning of garage doors from South to North elevation of dwelling and external alterations to infill existing door position, including new window and door. Formation of new driveway, soft landscaping to change existing parking area to garden including extension of hard paving area and erection of boundary wall with pedestrian gate (re-submission of refused application R11/0729)

The Proposal

This application is for the determination of the planning committee following a request from Cllr Bragg.

The property is a converted barn and planning permission is sought for external alterations to reposition the garage doors onto the elevation facing Church Road. The turning area by the existing garage doors is proposed to be turned to garden. A cobbled hardsurfaced and turning area including an element of grasscrete is proposed in front of the repositioned garage doors. A gate and wall are proposed to the side to restrict access to the rear.

Site History

R05/0690/07248/P: Conversion of barns to 5 no. dwellings and a triple garage and erection of 2 no. new garages – Withdrawn.

R05/1156/PALB: Conversion of the existing brick built barns to provide 3no. residential properties, 2no. double garages, stores, single-storey to Barns 1 and 3 and associated parking spaces – Approved.

R06/0336: Resiting of previously approved extension – Approved.

R08/0188/PALB: Retrospective application for regularisation of site boundaries, retention of hard standing of all 3 converted barns & the repositioning of detached garage & vehicular access to barn 3 – Approved.

R11/0729: Repositioning of garage doors from South to North elevation of dwelling and external alterations to infill existing door position, formation of new driveway, soft landscaping to change existing parking area to garden including extension of hard paving area and erection of boundary wall with pedestrian gate – Refused.

Technical Consultees

WCC Ecology – Recommend note highlighting protected status of nesting birds. Also note regarding planting of native species.

WCC Highways – No objection subject to conditions. Proposed layout would provide more effective accessing and parking provision than the existing.

Third Party Responses

13 School Street - If permission granted would hope there would be a clause for vehicles to be kept in the garages and not to be kept on the driveway, so spoiling the

line of an old barn which was how the original plans were given for the barns to be converted.

Church Lawford Parish Council – No objection to the proposals subject to neighbour consultation.

Cllrs Bragg, Poole and Watson – Support application. Barns used to be derelict for decades with no grass frontage, just unkempt hardstanding used as an overflow car park for the church. Existing garage doors will be used and will be in keeping with rest of façade, kitchen window on same frontage replicates garage door with windows at the top. Highway safety will be improved with vehicles exiting in forward gear. Road to front is single track with no footpath. Whilst repositioning garage doors may result in vehicles being parked on the front, this will replicate the streetscene of this residential road. Residents could park on the front at the moment as the drive is already there.

Relevant Planning Policies and Guidance

CS1	Development Strategy	Conflicts
CS16	Sustainable Design and Construction	Conflicts
E6	Biodiversity	Complies
T5	Parking Facilities	Complies
NPPF		Conflicts
Residential Design Guide SPD		Conflicts

Determining Considerations

The main issues concerning this application are the impacts of the proposal upon visual and residential amenities, the Green Belt, historic environment, ecology, parking and highway safety.

The property is a converted barn located in the Green Belt on the outskirts of the settlement of Church Lawford. The application is similar to refused application R11/0729. In this resubmission a modification has been made to the layout of the proposed hardsurfaced area.

Church Road is not a through road, however it may be used frequently by visitors to the St Peters Church and walkers using the public Right of Way R117, which passes through the church grounds, and R119, which runs adjacent to the West boundary of the converted barns.

The existing garage doors make use of the original openings in the building and face inwards onto a courtyard style area. The wall where the garage doors are proposed currently does not have any openings and its simplistic form is considered to contribute significantly to the character of the building. This façade of the dwelling is the most prominent of the converted barns and contributes most to the streetscene. The provision of garage doors on this elevation is not considered to appear in keeping with the character of the building and would be detrimental to the visual amenities.

The area of hardstanding proposed to the front is considered to adversely affect the visual appearance of the building and the character of the Green Belt. The area is currently an attractive garden that contributes to visual amenities. It is understood from the comments received that the area was hardsurfaced for some time prior to the buildings being converted to dwellings, however as part of the conversion the area has been improved, and the historic character of the site is not reason for the

permitting development that is considered detrimental to visual amenities and the Green Belt.

The proposed parking arrangement would increase the likelihood of vehicles being parked to the front of the building, which would also adversely affect visual amenities and the character and openness of the Green Belt. Whilst vehicles can potentially park on the existing driveway and forward of the building, the size of the driveway is restricted. The proposed hardsurfacing would significantly increase the likelihood of this area being used, as it may, with ease, become the main area for parking and would increase the capacity for vehicles to be parked there.

A neighbour has commented that if permission were to be granted a clause should be included to prevent parking in front of the garages as this would spoil the line of the barn. It would not be possible to include such a condition however, as this would not be practical to enforce or reasonable in other respects, as described in Circular 11/95.

The agent has provided information with the application detailing other properties along Church Road that have driveways and turning areas to the front. It is considered however that the character of the other properties mentioned differs from the circumstances of this application. Although on the same road, the other properties are within the village boundary and form part of a more built up area. There is a clear separation between the application site and this group of houses, and the character and context differs substantially. It is not considered therefore that the examples given justify the proposed development.

The agent for the application has stated that there is limited space available in front of the existing garage doors to turn and manoeuvre cars, resulting in vehicles having to reverse out onto Church Road which is particularly hazardous outside daylight hours. The Highways Authority has commented that the proposal would improve accessibility and parking. Whilst the proposal would assist with accessibility and parking, this does not overcome the visual amenity and Green Belt concerns, and is not justification for granting permission. Of note, according to planning records the original development designated more space to the front of the existing garage doors to assist with manoeuvring, however some of this has been sacrificed for additional garden area. It would be a feasible alternative to convert some of the garden to turning space to assist with manoeuvring vehicles, and this would only have a limited impact.

The other alterations, for the soft landscaping at the rear and the erection of wall and gate, are considered acceptable in their effect on visual and residential amenities.

The proposed development can be seen in the context of two grade II listed buildings; the Manor House and St Peters Church. It is not considered however that the development would have a harmful effect on their historic character.

The proposal would provide sufficient parking and would not be detrimental to highway safety. The proposal would not adversely affect protected species or biodiversity.

Overall the proposed alterations are considered harmful to the character of the building, visual amenities and the character and openness of the Green Belt, contrary to policies CS1, CS16, the NPPF and guidance within the Residential Design Guide SPD.

Recommendation

The proposal is recommended for refusal.

Report prepared by: M Needham 14th December 2012

DRAFT DECISION

APPLICATION NUMBER

R12/1940

DATE VALID

22/10/2012

ADDRESS OF DEVELOPMENT

MANOR BARN
CHURCH ROAD
CHURCH LAWFORD
RUGBY
CV23 9EG

APPLICANT/AGENT

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

APPLICATION DESCRIPTION

Repositioning of garage doors from South to North elevation of dwelling and external alterations to infill existing door position, including new window and door. Formation of new driveway, soft landscaping to change existing parking area to garden including extension of hard paving area and erection of boundary wall with pedestrian gate (re-submission of refused application R11/0729)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1:

The proposed alterations and hardsurfacing are considered to be unsympathetic and not in keeping with the character of the dwelling, and would be detrimental to the visual amenities of the locality. The proposal is therefore contrary to policy CS16 of the Rugby Borough Core Strategy 2011, Sustainable Design and Construction SPD and the NPPF.

REASON FOR REFUSAL 2:

The proposed hardsurfacing and associated likelihood of vehicles being parked to the front of the building would adversely affect the character and openness of the Green Belt and visual amenities of the locality. The proposal is therefore contrary to policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS16, Sustainable Design and Construction SPD, E6, T5, NPPF

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

Reference Nos. R12/1645, R12/1651 and R12/1357

Site Addresses: A. 2, Clifton Road Rugby Wks CV21 3PX
B. 2, Moultrie Road Rugby Wks CV21 3BD

Development:

**A i. Demolition of existing building, erection of three storey building and use for purposes within Class B1(Offices) of the Town & Country Planning (Use Classes) Order 1987 as amended, provision of new vehicular access to the site incorporating modifications to the existing access from Moultrie Road together with associated car parking and landscaping.
(R12/1651 – Full Planning Permission)**

**A ii. Proposed demolition and replacement of No. 2 Clifton Road.
(R12/1651 – Conservation Area Consent)**

**B Erection of garage outbuilding with associated forecourt, erection of boundary wall and modifications to existing access
(R12/1357 – Full Planning Permission)**

Case Officers: Greg Vigars / Sachin Parmer Tel: 533621 / 533549

The above three applications are related to each other and are interlinked.

It is understood that the applicants in seeking to redevelop 2 Clifton Road (Apps Ai & Aii) have negotiated an access from Moultrie Road subject to providing a replacement garage outbuilding and boundary wall for the owner of 2 Moultrie Road. (App B)

The applications have been brought to committee for determination at the request of Councillor Sandison.

The Sites

The sites are located within the Town Centre. They are situated within the designated Rugby School Conservation Area adjacent to its boundary with the Town Centre Conservation Area.

They sit adjacent to one another and have frontages onto the south side of Clifton Road. Site B also has a frontage to Moultrie Road being positioned on the corner of its junction with Clifton Road.

Site A. - comprises the curtilage of the existing vacant office premises 2 Clifton Road (formerly Hodson & Lines Solicitors). It is served by an existing vehicular access off Clifton Road and has a narrow rear vehicular access way on to Elsee Road between the two existing 2 storey residential properties Nos. 4 and 6 Elsee Road.

The application site also includes a piece of land 12.5metres across part of the rear of the curtilage of the adjacent property 2 Moultrie Road together with a strip of land along its Moultrie Road frontage.

The rear site boundary is defined by a brick wall and abuts the side boundary of No 4 Moultrie Road – a 2.5 storey residential building in use as an elderly persons home, and the rear of No. 4 Elsee Road – a residential dwelling.

The existing building on site is predominantly 2 storeys and sits towards the site frontage, set some 4 metres off the back of the footpath. The property has been extended in the past with the addition of a part 2 storey, part single storey flat roofed extension to the rear and a flat roofed extension to the western side. The design and appearance of the original part of the building include traditional red brick and rendering, steep pitched roofs, small plain tiles, gables features and chimneys which are typical of the character of the older properties within this part of the Conservation Area.

The rear part of the site is mainly hard surfaced and has been used to provide on site car parking.

Adjacent to the site in close proximity to the existing building is the large detached 2.5 storey dwelling No 2 Moultrie Road. The curtilage of the existing 3 storey residential block 'Trinity Court' is adjacent to the western site boundary. This extends to the rear with a 3 storey block facing onto the site.

The trees within the grounds of 'Trinity Court', which overhang the site boundary and comprise beech, lime and a horse chestnut, are protected by a Tree Preservation Order and are in good condition. Adjacent to the southern site boundary and close to the neighbouring property is a group of semi-mature conifers. In the front garden of 2 Moultrie Road adjacent to, and partly overhanging, the application site frontage is an existing semi-mature Yew Tree located in a prominent position on the Clifton Road frontage.

That part of the site which includes land within the curtilage of 2 Moultrie Road is unkempt and overgrown and contains an existing timber garage structure. This is served by an existing 3m wide vehicular access from Moultrie Road.

Site B. – comprises the curtilage of the existing large residential property No. 2 Moultrie Road. This dwelling is an east facing 2 storey property traditional in character with numerous architectural features of merit. The principle elevation fronting Moultrie Road includes two prominent gable ends to the roof set either side of the main front entrance which has a covered open porch supporting a balcony to the first floor. There are 3 panel bay windows either side of the main entrance to both the ground and first floor front elevation.

The rear garden is unkempt and overgrown and contains over mature trees- some dead and others in poor condition.

The eastern boundary fronting the highway is in part marked by a 0.5m high dwarf wall but for the majority of its length it is undefined and the rear garden area to the property is not enclosed.

As referred to above, at the rear of the site is an existing timber garage structure served by a 3m wide vehicular access from Moultrie Road. This access/dropped kerb is protected by an 'H' marking on the highway. This west side of the Moultrie Road is subject to a Limited Waiting Traffic Regulation Order "Mon-Sat 8am-6pm, 2hr waiting, no return within 2hrs".

Within the footpath adjacent to the site frontage are a row of young hornbeam trees in good condition.

Description of the Proposals

Application Ai (R12/1645)

This application seeks full planning permission for redevelopment of the site involving demolition of the existing premises and erection of a new building comprising 1719 sq m of floor space for use as offices to be occupied by Brethertons LLP. The proposed building is designed to be predominantly 3 storeys with its main frontage to Clifton Road. Single storey/ground floor and 2 storey/second floor elements project towards the rear.

The existing vehicular access serving the site from Clifton Road is proposed to be closed. The scheme includes provision of a new vehicular access to serve the site to be created by modifying the existing vehicular access which currently serves the neighbouring dwelling No. 2 Moultrie Road. This will provide improved access to the existing dwelling and an access way to serve on site car parking accommodation.

As part of the applicant's agreement with the owner of the neighbouring property to secure the new access arrangements, the scheme involves the construction of a new 1.5metre high brick wall to the Moultrie Road frontage of his property to enclose the currently exposed rear garden area and replacement tree planting to compensate for those trees required to be removed to form the new access. In addition, the applicants are to provide a replacement garage building within the revised residential curtilage of No 2 Moultrie Road. (*This is the subject of Application B – Ref: R12/1357*)

Within the site some existing conifers at its southern end are proposed to be removed to enable the formation of car parking spaces and replaced by new planting adjacent to the site boundary. The TPO trees are to be retained and protected. New specimen trees and shrubs are proposed within the site frontage to complement the design and appearance of the new building and enhance the appearance of the street scene.

Accompanying documents

In addition to the application forms, plans and elevations drawings, the following documents have been submitted by the applicant in support of the application:

- Statement by Brethertons LLP
 - Design & Access Statement
 - Planning Statement
 - Surveyors Report on Existing Building
 - Heritage Asset Assessment
 - Report on Existing Trees
 - Method Statement on Tree Protection
 - Bat Survey
 - Energy Statement
 - Contamination Report - preliminary investigation
 - Contamination Report - site investigation
 - Flood Risk Assessment
- together with the following additional plans:
- Tree Protection Plan
 - Landscaping Proposals

- Details of Cycles & Bins stores and Security Gates
- Proposed Design – Visuals Sheet
-

The report from Brethertons LLP sets out their reasons for seeking to establish new offices at 2 Clifton Road. In support of the proposal it states:

'Brethertons LLP and its predecessors have operated as a law firm from Rugby town centre offices at 16 Church Street for 200 years. Due to our growth over the past 20 years we have had to expand beyond our Church Street offices as they were full to capacity. As a result additional premises were secured firstly in Regent Street and, again due to further growth, into additional premises as well. Upon acquiring the firm of Hodsons in 2010, the firm also took on a fourth site in the town.

It is untenable for both ourselves and our clients for us to remain scattered across four different premises in the town centre for the following reasons:-

- *The cost of managing the firm is unnecessarily high*
- *The inefficiencies created by working out of three offices are substantial*
- *The existing premises occupied are not conducive for operating a modern law firm*
- *The fact that our premises were built many years ago means they are not energy efficient*
- *There is unnecessary duplication of equipment used*
- *A lack of unification of the teams in the firm and a common sense of purpose undermine what we are trying to achieve*
- *The firm wants to operate from stand alone premises in Rugby that we do not have to share with other organisations*
- *We require flagship premises to raise our profile and provide an efficient confident statement for the future.*

The firm commenced a search for suitable alternative premises in the town centre where we could all come under one roof back in 2009 with the essential criteria being :-

1. *High specification open plan offices capable of housing 80 to 100 staff*
2. *easy access for our many clients in a central location with on site parking for them*
3. *Exclusive use of the whole accommodation*
4. *Low energy consumption confirming our 'green' credentials*
5. *Premises fit for purpose for a modern law firm into the future*
6. *On site archiving for the storage of highly confidential and highly important documents such as Wills and Deeds*

We are therefore seeking to establish our new offices at 2 Clifton Road Rugby for the following reasons:-

- *We would achieve new office premises on the established site of the law firm that preceded the merger of Brethertons and Hodsons*
- *We have failed to identify any other suitable premises or site for development in the town centre despite our extensive efforts and we are reluctant to move to an out of town site*
- *We will avoid title complications and conflicts that would arise from having separate ownership issues that arise with multi-site occupancy*

- *Alternative sites in Rugby are not available for change of use to accommodate our requirements*
- *There is no likelihood of suitable new office premises being built in the town centre that will suit us*
- *We will overcome all the difficulties we are currently experiencing by running a multi-site operation in town.'*

The submitted statement by George & Co. Chartered Surveyors gives a detailed assessment of the condition and constraints of the existing building and highlights the limitations on its potential to be adapted to accommodate a modern office facility. It considers that the existing building could be replaced by a contemporary design, drawing from references contained within the Conservation Areas and meeting modern requirements of space planning. It concludes that 'replacement with naturally ventilated, light tempered, sustainable modern design with a highly insulated envelope and incorporating renewable technologies is infinitely preferable to the high running costs and inefficiencies of the existing building.'

The accompanying Design and Access statement sets out the design approach to redevelopment of this site. It emphasises that the design has been carefully considered and that the proposal is for a contemporary structure but based on traditional building forms prevalent within the Conservation Area, thus positively enhancing its character.

It confirms that the acquisition of the adjacent access has been negotiated based upon the provision of a garage and storage building together with the construction of a boundary wall to the adjacent property No 2 Moultrie Road.

Although adopting a modern approach, the design has been driven by key elements that characterise the existing buildings in the Conservation Area. The Design and Access statement acknowledges that the site lies within the northern extremity of the Rugby School Conservation Area and its northern boundary fronts Clifton Road and is the site's most significant frontage.

Elsee Road is cited as having properties of fine character. It has an abundance of interesting and important residential buildings characterised by a series of three-storey scale gable end to road properties incorporating two-storey high bay windows setting up a vertical rhythm to the street. Each of the properties or pairs are individually designed but have a theme of red brick, dominant pitched gables, Neo-Tudor half timbering and double height bay windows.

It is this rhythm and vertical emphasis that has been used to inform the composition for the chosen design. The length of façade has been broken into three sections, this responds to the composition of an Elsee Road Edwardian Terrace. A traditional 45° pitched roof element runs front to back creating a gable end format facing Clifton Road.

A two storey height representation of the bay is then stepped forward off the main glazed façade to create a vertical rhythm and this bay allows the introduction of traditional terracotta brickwork and render in a polychromatic style typical of external treatments to other prominent buildings within the Conservation Area.

The resultant design blends elements from the Rugby School Conservation Area into a sustainable contextual contemporary designed building.

With regard to access, the Design and Access Statement confirms that the new proposal utilises an access off Moultrie Road where the present residential access to No 2 Moultrie Road is modified to create entrance and egress at one point. This will require a slight modification to the parking arrangements in Moultrie Road but on balance will avoid the access adjacent to the traffic lights and pedestrian crossing in Clifton Road and avoids the substandard egress into Elsee Road.

The statement is accompanied by a Green Travel plan.

As well as a traditional designed garage structure the proposal includes a new boundary wall along the Moultrie Road frontage linking the existing brick pier at the rear of No 2 with the new garage to re-establish the diminished enclosure experienced at present.

In summary, the Design and Access Statement concludes by stating that it is considered the proposal will have a positive enhancement of the Conservation Area for the following reasons:

- At present the building is vacant and obsolete for commercial use creating a negative effect on the Conservation Area.
- The grounds of No 2 Moultrie Road are at present somewhat overgrown and have a negative effect on the Conservation Area
- The proposal to formalise an entrance off Moultrie Road and to rebuild the boundary wall to Moultrie Road together with the erection of a traditionally designed garage will positively enhance the character of Moultrie Road itself and removal of the access from Clifton Road will enhance this frontage too.
- The new design has been undertaken with some care and research carried out to establish the character of the Conservation Area and to respect its scale and character. The resultant design is a traditional and contemporary fusion which will be viewed from Clifton Road as a positive enhancement to the street scene. The works to Moultrie Road will also positively enhance its character and appearance.
- Investment into the site and its surrounding area, the renewing of surface materials, thinning of trees and carrying out of new planting will also have a positive effect. Use of sympathetic materials and styles such as the polychromatic brickwork also has a unique localness and reinforces the character of the Rugby School Conservation Area.

Application Aii (R12/1651)

This application accompanies the above planning application and seeks consent for that element of the scheme which involves the demolition of the existing building at 2 Clifton Road.

Application B (R12/1357)

This application seeks full planning permission for the erection of a brick built garage outbuilding with a 40 ° pitched roof and erection of a boundary wall. As initially proposed, the four door garage outbuilding has a footprint measuring 13.8m long and 6.0m deep. It measures 2.5m to eaves and 5.7 m to the ridge. The building would be able to accommodate 4 vehicles. The roof space is proposed to be used for storage accessed via internal stairs. Roof lights are proposed in the rear pitch of the roof. The garage outbuilding will be set some 7m away from the site boundary with Moultrie Road and in line with the existing dwelling.

The boundary wall is proposed to be erected on part of the eastern boundary of the site such that it would enclose the existing rear garden area between the proposed

garage outbuilding and the existing dwelling. The initial submission indicates the wall as being built in red Flemish bonded brickwork topped by blue engineering brick on-end on tiles to form a coping.

Relevant Planning History

Site A.

None since the alterations and extensions to the exiting building back in 1966/67.

Site B.

Demolition of wooden fence above boundary wall 1994 (Ref R94/0406/21174/CA)	Approved	20 th July
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Responses on Initial Submissions

Applications Ai and Aii. - Technical Consultees

Environment Agency	no objections	
Wks CC Archaeology	no objections	
Wks CC Ecology informative notes	no objections	subject to conditions &
Environmental Services informative notes	no objections	subject to conditions &
RBC - Landscape Officer	no objections	subject to amendments
RBC - Tree Officer additional info	holding objection	seeking amendments &
WCC Highways additional info	holding objection	seeking amendments &
Bldg Control / Access Officer	no objections	subject to amendments

Neighbours

(3 letters) objections

- increased traffic flows in residential street
- will worsen current situation along Moultrie Road – used as a rat run & traffic restrictions are ignored
- increased safety hazard, poor visibility, new access would increase risk to pedestrians and emerging car passengers
- adverse impact on/loss of on-street short term parking spaces
- exacerbate traffic problems especially at peak times for dropping off & picking up outside school
- increase illegal 'right turns' out of Moultrie Road into Hillmorton Road . Road junction should be reconfigured to prevent this manoeuvre.
- ultra modern design to building not in keeping with character of area
- erode character of Moultrie and Elsee Roads
- access should be retained off Clifton Road
- improvements and treatment of Moultrie Road frontage does not justify allowing the development
- traffic impacts not properly assessed
- visual appearance of proposed garage building could be improved to be more inkeeping with the character of the Conservation Area
- better screening of car park area required
- loss of light and privacy to flats in Trinity Court which have their aspect on to the site
- adverse impact on amenity due to noise and disturbance from demolition and construction work

(1 letter) concerns

- not against proposed development in principle but concerned about current traffic problems in Moultrie Road
- concerned about any resultant relocation of on-street parking spaces

Ward Councillors

Councillor Sandison (see App B below)

Application B – initial consultation

Technical Consultees

- | | | |
|-------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------|
| - Wks CC Highways | holding objection | - access excessive to serve single residential property, link to 2 Clifton Road redevelopment proposals needs explanation. |
| - Wks CC Ecology | no objections | - subject to conditions |
| - Tree Officer | holding objection | - tree survey and landscaping proposals required |

Neighbours

(1 letter) concerns

- increase in traffic on Moultrie Road, would like to see design changes to better control the flow and movement of vehicles particularly at the junction of Hillmorton Road and Moultrie Road.

Ward Councillors

Councillor Sandison: has expressed concerns regarding, in particular, the proposed garage building – its impact on the Conservation Area and its design. He is of the opinion that it is creating a new residential development on an existing site which may be detrimental to the existing dwelling.

Amendments to Proposals

Following initial assessment of the proposals meetings were held with the applicants and their agents to seek to address various planning concerns and issues arising out of the responses received from technical consultees and third parties.

Key issues related to:

Highway considerations - in particular the design and layout of the proposed access arrangements and on-site turning space for vehicles

Design issues - in particular the external appearance of the proposed garage building and boundary wall, the materials to be used on the external surfaces of proposed buildings and walls, hard surface treatments and associated landscaping and existing tree protection.

Updates – to the Design and Access Statement and the Planning Statement

Additional information re – dust control associated with proposed demolition works, the energy statement and amount of PV cells, bat survey data, trees and landscaping and drainage details.

Amendments to application site boundaries to ensure:

- each application includes the inter-related elements of each proposal and encompasses the same access arrangements, and
- the proposed boundary treatment to Moultrie Road is tied in with the proposed office redevelopment of 2 Clifton Road.

As a result, and following a further meeting and subsequent emails/discussions, a package of additional information and revised plans have been submitted.

The key amendments include:

- revision of the design and layout of the proposed access arrangements serving the sites and provision of on-site turning facility within the curtilage of 2 Clifton Road to properly address the concerns/requirements of County Highways Engineer.
- improvements to the design and appearance of the proposed garage building and boundary wall and the type of materials to be used in their construction to visually enhance this part of the Conservation Area and be in keeping with its character.
- slight modification to the office buildings including omission of solar panels from the east facing roof slope, improved disabled access arrangements and further clarification of external materials.
- revisions to landscaping and tree/shrub planting scheme.

Relevant technical consultees and neighbours have been re-consulted on the amended plans.

Responses on Revisions

N.B. The date by which representations on the amended plans should be made expires after the committee agenda print deadline. Any additional representations received as a result of re-consultation will be reported verbally at the Committee meeting.

The County Highways Engineer has confirmed that the proposals, as amended, now meet highway requirements and therefore subject to appropriate conditions and related informatives, no objections are raised to the proposed development on highway safety grounds.

Relevant Planning Policies and Guidance

Rugby Borough Council Core Strategy 2011

CS 1	Development Strategy	complies
CS 16	Sustainable Design & Construction	complies
CS 17	Reducing Carbon Emissions	complies

Saved Local Plan Policies

E6	Biodiversity	complies
T6	Parking Facilities	complies
GP7	Landscaping	complies

RBC Planning Obligations SPD 2012

RBC Sustainable Design & Construction SPD 2012

National Policy

National Planning Policy Framework 2012 (NPPF)

Part 7 'Requiring Good Design'

complies

Part 12 'Conserving and Enhancing the Historic Environment'

complies

Assessment of the Proposals

Application Ai. (R12/1645)

Principle of Development

In planning terms, the key considerations with this application relate to the principle of development, its design and appearance, the impact on visual amenities of the immediate locality and the character and appearance of the Conservation area, landscaping, the impact on residential amenity and public and highway safety.

The strategy for guiding the appropriate location of new development within the Borough of Rugby is contained within the Council's adopted Core Strategy. Policy CS1 seeks to direct development towards the appropriate locations sequentially with the most preferred sites being within the town centre.

The application site is located within the town centre. The authorised use of the existing premises is as offices. In land use terms, use of the site to provide office accommodation is considered appropriate. The nature of the existing building, as explained in the submitted documentation, is such that it does not lend itself easily to adaptation and alteration to accommodate a modern office facility particularly to meet the current and ongoing needs of the applicants.

Therefore it is considered that a redevelopment of this site is the most appropriate approach in this instance, is acceptable in principle and accords with adopted Core Strategy policy CS 1.

Design, Appearance and Layout

In considering the redevelopment of this site, the approach adopted and the design process are set out in detail in the submitted Design and Access Statement (as explained above). Full account has been given to existing key site constraints and site context in terms of character and appearance of the immediate locality and the Conservation Area. The scheme offers a contemporary solution which embodies visual and architectural details that make reference back to, and give a modern interpretation of, the features of the more traditional buildings within the Conservation Area and takes account of the external materials used in their construction.

As a result, it is considered that the size, scale, design and appearance of the building is appropriate particularly given the location of the site in a prominent and visually sensitive location within the Conservation Area on one of the main approaches into the town centre.

Redevelopment of the site with an up to date building represents a sustainable approach that would enhance and help revitalise this part of the town centre. Its design is such that it would integrate well into the Conservation Area.

Residential Amenity

The building is reasonably related to neighbouring properties and has been designed such that it would not have an undue adverse impact on residential amenity in terms of loss of light, loss of privacy or by being overbearing.

Public and Highway Safety

The proposals have been amended to meet the requirements of the County Highways Engineer who has confirmed that 'No Objections' are raised to the revised design and layout of the proposed access and the on-site parking and vehicle turning space.

Landscaping/Tree Protection

The proposed scheme has been designed to allow for retention and protection of existing protected 'TPO' trees. Other trees within the site also have protection due to their Conservation Area status. Some of these are required to be removed to secure proposed parking and access arrangements. Trees to be removed at the site access are proposed to be replaced on either side of the site entrance. A small group of primarily conifers trees to be removed adjacent to the southern site boundary are to be replaced with hedgerow planting. The other trees proposed to be removed currently do not make a significant contribution to the character and appearance of the Conservation Area.

The replacement trees, together with proposed new tree and shrub planting, form part of the proposed landscaping scheme for the site.

Final comments of the Tree Officer on the revised proposals are still awaited.

Application Aii. (R12/1651)

This application seeks formal consent for the demolition works that form part of the site redevelopment proposals and as such is acceptable in principle subject to appropriate conditions. Such conditions would cover the requirements of Environmental services and tie in the demolition works to the specific planning permission for the redevelopment proposals.

Application B (ref R12/1357)

This proposal is interlinked with the proposals for redevelopment of 2 Clifton Road.

The type of development proposed is, in planning terms, acceptable in principle. The design and appearance of the garage building and boundary wall have been revised to be in keeping with and further enhance the character and appearance of the Conservation Area.

The garage building is set well back off the highway frontage and is reasonably related to neighbouring properties and the existing dwelling such that there will be no adverse impact on residential amenity.

The building will replace existing dilapidated timber garaging on the site. The replacement garage building is part of the agreement reached between the applicant and the owner of 2 Moultrie Road to secure an improved access to serve 2 Clifton Road.

If members are minded to grant planning permission, conditions could be imposed to restrict the use of this building and retain control over any future changes to the size and external appearance of this building.

The proposed new boundary wall represents a significant improvement to the Moultrie site boundary and will greatly enhance the visual amenities of this part of the Conservation Area.

It is considered that the proposals, as revised, will not conflict with the aims and objectives of relevant adopted planning policies

Recommendations

Application Ai. (ref R12/1645)

That full planning permission be granted subject to appropriate conditions

Application Aii (ref R12/1651)

That conservation area consent for demolition works be granted subject to appropriate conditions

Application B (ref R12/1357)

That full planning permission be granted subject to appropriate conditions

N.B.

Appropriate conditions and informatives related to each of the above recommendations are to follow.

Reference number: R12/2207

Site address: 19 Arbour Close, Bilton, Rugby. CV22 6EH

Description: Retrospective permission for the erection of two storey & single storey rear extensions and a single storey side extension

Case Officer Name & Number: Sachin Parmar tel: 01788 533549

The Proposal:

Retrospective permission is sought for extensions to the existing dwelling. The overall development can be regarded as three elements which are linked together. The first is a single storey rear extension with a height of 2.8 metres which projects out 3.9 metres to accommodate a living room. This extension has external white rendering and a flat roof design.

The second element is a two storey rear extension projecting out 3 metres. This element adjoins the other extensions to the ground floor and provides for an enlarged master bedroom to the first floor. The design features a gable end roof with a first floor Juliet balcony within the rear elevation.

The final element is a single storey rear and single storey side extension which are linked and share a height of 2.8 metres. The rear extension projects out from the original rear elevation by 3.9 metres and the side extension extends beyond the original east side elevation by 2.1 metres. The rear extension part enabled the creation of an orangery whilst the side extension accommodated a utility. The orangery has external white rendering and a flat roof with a glazed roof lantern.

Site History:

R10/0804: Erection of a two storey rear / side extension – Withdrawn 01/02/12

Third Party Consultations:

Neighbours; No responses to date expires 24/12/12

Relevant Planning Policies:

Core Strategy – Complies with Policy CS16: Sustainable Design

Sustainable Design and Construction (SPD): Residential Extension Design Guide – Complies

NPPF section 7: Requiring Good Design – Complies

Relevant Site Information:

The site is located within the Rugby Urban Area. The dwelling is a north facing two storey detached property which lies along a driveway off a single access cul-de-sac. This driveway exclusively provides access to four properties helping to create a small residential enclave with a feeling of being secluded from the surrounding built up street scene.

The appearance of the property is enhanced by numerous architectural features including a gable end with Tudor style half timbering within the principal elevation. Overall the property has a prominent scale in comparison to the neighbouring dwellings. No.17 Arbours Close is to the east curtilage boundary and is a west facing semi-detached dormer bungalow. Beyond the west boundary are the rear gardens of No.35 & 37 Arbour Close. Further to the east beyond the end of the garden is the blank side elevation of No.76 Tennyson Avenue.

The application site has a considerable boundary and the property has a linear shaped footprint located to the northwest corner. The rear garden is therefore of ample size (over 15 metres long from the rear elevation, and over 75 metres wide) and well enclosed by 2 metre high fences and a mix of mature trees and hedges / bushes (over 3 metres high).

Determining Considerations:

The main issues of the proposed extensions relate to the visual & residential amenity.

Visually it is considered that the extension elements sit subserviently with the existing dwelling and make use of some of the considerable space around the property which the application site offers. The rear extensions have helped to develop character whilst the profile of the rear elevation has been enhanced. The single storey rear extension elements have external rendering which contrasts well with the two storey element sited in-between. This two storey element with red facing bricks and gable end roof helps to evoke the design of the principal elevation to the rear of the property. The side extension element is set back over 3 metres from the principal elevation and therefore does not stand out as an incongruent feature from the street view although the flat roof does deviate from the design of the main roof. Overall the redeveloped property continues to sit harmoniously within this local residential enclave in terms of visual impact.

The extension elements are considered to have minimal adverse impacts on the amenity of the occupants of neighbouring properties. Due to the lack of any other properties in line with the rear elevation, the rear extensions are outside of the 45° guidance where a line is taken from the midpoint of the windows of any nearest neighbouring habitable room. Therefore the rear extension elements have resulted in no impact in terms of loss in any sunlight/daylight to neighbouring properties. Due to the ample size of the rear garden and boundary treatments there is minimal adverse impact in terms of any overlooking or invasion of privacy to neighbouring properties including to the rear gardens of No.35 & 37 Arbour Close to the west.

Furthermore the side extension element is considered to have minimal impact on neighbouring amenity. The height of the extension is not prominent and the boundary to No.17 Arbour Close is marked by a 2 metre high brick wall. As the south side elevation of No.17 is blank there are no issues in terms of loss in any sunlight/daylight and overlooking or invasion of privacy.

Overall, the proposal complies with Policy CS16 of the Rugby Borough Council Core Strategy 2011, the Residential Extension Design Guide (from the Sustainable Design and Construction Supplementary Planning Document) 2012 and the NPPF 2012.

Recommendation:

Recommended Approval

Report prepared by: Sachin Parmar

DRAFT DECISION

APPLICATION NUMBER

R12/2207

DATE VALID

29/11/2012

ADDRESS OF DEVELOPMENT

19 ARBOUR CLOSE
RUGBY
CV22 6EH

APPLICANT/AGENT

Bilton Architectural Services Ltd
The Coach House
Merttens Drive
Rugby
Warwickshire
CV22 7AE
On behalf of Mr B Singh

APPLICATION DESCRIPTION

Retrospective permission for the erection of two storey & single storey rear extensions and a single storey side extension

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 09/01/13.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16, Residential Extension Design Guide (SDC SPD) & NPPF.

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

REASON FOR APPROVAL:

The proposed extensions sit subserviently with the existing house and surrounding area and do not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

Reference number: R12/1937

Site address: 7 Park Cottages, Cathiron, Harborough Magna

Description: Removal of condition 2 of planning permission reference R01/0967/01351/P to remove the restriction that the use be solely for the benefit of Mr T. Yates

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been called into Planning Committee at the request of Councillor Timms and is the subject of a Committee Site Visit at the request of Councillor Gillias.

Site Description

No.7 Park Cottages is a boat yard which was granted planning permission in 1991 following a successful appeal against an enforcement notice served by RBC Planning Department (appeal reference T/APP/C/90/E3715/11/P6). Specifically the use approved under this successful appeal was for the use of the land and buildings for residential purposes and engineering business and the repair of canal boats.

This appeal decision granted a temporary consent for a period of 2 years. A personal condition, tying the use of the site to Mr. T. Yates (the applicant of the appeal against the enforcement notice), a condition to ensure that the use was tied to the area hatched black on the plan submitted, a condition to restrict the hours that plant, machinery and equipment could be operated and a condition to restrict the height of equipment stored on the site were also attached to the approval of planning permission.

Following the expiry of this two year consent, planning permission was sought and subsequently approved for the continuation of the use in 1993 (R93/0959/1351/P). Again, this permission was temporary for a period of 2 years. In 1996 a further temporary permission for 2 years was approved (R96/0064/1351/P). All conditions originally attached by the Inspector were attached to the two subsequent temporary permissions.

In 1991 planning permission was approved on a permanent basis for the use of the site as originally approved by the Inspector. All conditions as originally attached were applied to the permanent permission with the addition of a sixth condition which restricted the residential use of the site to the area hatched in red (and with the exception of the condition restricting the use for a 2 year period).

The site itself is located adjacent to the Oxford Canal within the West Midlands Green Belt. It is sited just off the main B4112 road (Rugby Road) down Cathiron Lane.

In addition to the use of the land and buildings for residential purposes and engineering business and the repair of canal boats, a boat hire business is currently being run from the site which does not have planning permission. In the instance that planning permission is granted to remove condition 2 of planning application reference R01/0967/01351/P, an application will need to be submitted to the Local Planning Authority in an attempt to regularise the use of the site as a boat hire business. Therefore, as this use of the site will be determined separately, any impact

caused by the boat hire aspect of the business cannot be considered in the assessment of this application.

Proposal Description

All three temporary planning permissions and subsequent permanent planning permission were granted subject to the attachment of a number of conditions, one of which stated that 'the use hereby permitted shall be for the sole benefit of, and shall be carried out only by Mr. T. Yates and when the site ceases to be occupied by Mr. T. Yates the use shall cease' (condition 2). This application seeks to remove this condition. As Mr. T. Yates has now deceased, the application has been submitted as his son wishes to continue running the business from the site

In the instance that the application for the removal of condition 2 is approved, a new decision with all conditions attached to R01/0967/01351/P minus condition 2 will be issued. This is in line with legislation requirements.

Relevant Planning History

- | | |
|------------------|--------------------------------------------------------------------------------------|
| R93/0959/1351/P | Continuation of use of land for residential purposes
Approved 2.2.1994 |
| | and an engineering business and for the repair of canal boats (temporary permission) |
| R96/0064/1351/P | Continuation of use of land for residential purposes
Approved 13.3.1996 |
| | and an engineering business and for the repair of canal boats (temporary permission) |
| R01/0967/01351/P | Continuation of use of land and buildings for
Approved 23.1.2002 |
| | residential purposes and engineering business and for the repair of canal boats |
| R02/0702/1351/P | Erection of detached replacement dwelling and siting
Approved 5.9.2002 |
| | of temporary static shelter during construction |
| R04/0482/1351/P | Demolition of existing house and erection of 2 bed
Refused 30.6.2004 |
| | detached dwelling and siting of temporary static shelter during construction |
| R06/0488/PLN | Demolition of existing dwelling and erection of a 2 storey
Refused 8.5.2006 |
| | dwelling. |
| R06/2124/PLN | Demolition of the existing dwelling and erection of a
Approved 13.2.2007 |
| | replacement two storey dwelling. |

Technical Consultation Responses

RBC Environmental Health – no objection though would like it noted that the Environmental Protection Team has recently received one noise complaint about the operations of the applicant's business, which is currently being investigated

WCC Ecology – no objection

WCC Highways – no objection as long as the proposals limit the size and use of development to the existing buildings, removing the personal element does not cause concern

The Canal and River Trust – no objection though does make the following comments:

- As conditions 3, 4, 5 and 6 are still relevant these should be attached to any fresh permission
- If an application were to come forward for the boat hire business, it may be the case that further consent will be required for this from The Canal and River Trust

Third Party Responses

Councillor Timms – called application into the Planning Committee as there are local concerns that a much larger business operation will commence from this location once it is tied to the property rather than to the named individual

Councillor Gillias – request that the Committee Members carry out a site visit so that they can see the relationship of the proposal to neighbouring dwellings

Harborough Magna Parish Council – made the following comments:

- Two Parish Councillors declared a personal interest at the meeting when the application was discussed, one of them being the PC Chairman. The response is therefore signed by the Vice-Chairman and is agreed by the remaining Councillors
- The applicant has ticked that pre-application advice was sought but no details provided about this
- There was no boat hire business when the previous owner ran his repair business – a boat hire business is a new proposal. It is evident from the A board advertisement on the verge of the B4112 that this boat hire business has been run for a considerable period of time over the summer. Query whether this has permission.
- Query why permission is sought for a variation to this condition
- Local knowledge informs the PC that the applicant is not the sole owner
- Access to the site is from a single lane track – it is not designed or built to accommodate commercial traffic
- Any increase in vehicle movements will increase the danger of traffic leaving the single track road onto the B4112
- Obstruction caused to the canal caused by moored boats
- Concern regarding car park provision for the boat hire business
- The site is within Green Belt. Further development of Green Belt is contrary to The Village Design Statement – development of a boat hire business will be detrimental to this

Neighbours – 8 letters have been received from 8 households raising the following planning points:

- The original planning permission was refused by RBC and was only granted on appeal (Report of Evidence Report submitted by RBC provided with comment letter highlighting relevant sections which explained why development was inappropriate and therefore worthy of an enforcement notice)
- Boat hire business is being operated from the site – this is in breach of original planning permission and will breach condition 4 of this permission, giving rise to unsocial working hours

- No justification for business to be in a quiet, residential area where access to the yard is via a bridleway and is unsuitable for business use
- Limited width of canal is unsuitable for this business
- Urban, industrial appearance is out of keeping with open country surroundings
- In the assessment of R01/0967/0135/P stated that proposal was contrary to local planning policies, only being acceptable due to the special circumstances of the applicant (Mr T Yates)
- Business has been legally operating for 21 years, not 31 years as the application claims
- The Green Belt location is not appropriate to accommodate a business – the rural character of the area needs to be retained, protected and enjoyed
- Approval of the application would set a business growth precedent, leading to intensification of the use of the site for industrial purposes. This would further erode the open character of the Green Belt area, altering its character
- By advertising the business there will be increased traffic and deliveries to the site giving rise to noise, fumes and pollution
- Goods/materials would be stored at the dwelling with potential for spillage into canal or/and soil
- Site is located on a bridle path – unsuitable for use by fuel tankers and vehicles needed to run a business. Also obstruction of Public Right of Way – in breach of WCC's Countryside and Rights of Way Improvement Plan
- Existing canal boat repairs and boat hire business at Lime Farm Marina 400/500 yards from application site – much more sympathetic to surroundings
- Noise created by heavy machinery impacting on neighbouring amenity and wildlife
- Neighbouring property of Bridleway is in a dip so noise emitted is louder
- Unsafe to have this business in a residential area – gas, diesel, LPG and coal is stored on site giving rise to fumes, noise and dust. Danger of spillages and leaks to canal and surrounding area
- British Waterways originally objected to land being used as a boat hire repair business – amount of concrete that has been laid will be of concern to The Canal and River Trust
- Condition 5 is being breached – motor home on site is greater than 2m in height, as is other equipment stored on site
- As Rugby progresses toward being more developed, it becomes more important that rural areas such as this are preserved for everyone to enjoy the freedom of being away from the town
- The end of the bridle path that the site occupies has become an eyesore due to large vehicles, noise and smells
- Access onto Rugby Road is unsuitable for industrial use
- Industry encroaching into countryside and Green Belt
- The proposal will alter the character of the area and impact on the rural landscape
- More appropriate for the use to be tied to the applicant (Mr R Yates) rather than to be removed completely – this would prevent the site becoming a permanent industrial site if there was a change of ownership
- The scale should be kept proportionate to the residential location
- Recognise benefit and positively support the continued provision of boatyard facilities and canal activities - however would strongly object to any significant change to the type of engineering or other industrial activity or disproportionate increase in activity due to sound, light and air quality pollution

Non-planning matters were also raised

Relevant Planning Policies and Guidance

Core Strategy

CS1	Development Strategy	Complies
CS16	Sustainable Design	Complies

Saved Local Plan Policies

E6	Biodiversity	Complies
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National Policy

National Planning Policy Framework (NPPF)		
Part 3 – Supporting a prosperous rural economy		Complies
Part 9 – Protecting Green Belt land		Complies

Assessment of Proposals

In the assessment of this application, the determining factor is whether the removal of condition 2 will impact upon the principle of the development, have an adverse impact upon the qualities, character and amenity of the area, amenity of neighbouring properties, protected species and highway safety.

Principle of development

The 1991 Inspector's decision in respect of the appeal against the enforcement notice served by RBC, stated that the particular circumstances of the case gave justification for making an exception to Green Belt policy. The Inspector concluded that the policy context at the time, with the Government's encouragement toward small businesses and the diversification of the rural economy, when assessed against the harm caused by the use was justification to allow the use of the site as proposed despite its location within the West Midlands Green Belt. Whilst CS1 states that Green Belt is the least preferable location for new development, stating that it should be resisted unless where supported by national policy, paragraph 28 of the NPPF (Part 3: Supporting a prosperous rural economy) states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas. Nevertheless despite current policy, as the use of the site was approved in 1991, the only policy assessment that can be made is whether the removal of condition 2 will impact upon the principle of the development. It is not considered that the removal of condition 2 will impact upon whether the principle of the use in this location is acceptable and as such, objection cannot be raised to the proposal on this basis.

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 material harm to the qualities, character and amenity of the areas in which they are situated. In the 1991 Inspector's decision which approved the original 2 year temporary consent for the use of the site as a canal boat repair and engineering business, it was concluded that the visual impact of the use was not great given the limited views which are available to the site. Furthermore, in the assessment of the subsequent temporary permissions and permanent permission it was considered that, as the site and use had remained unchanged, the impact upon the visual amenity of the area was considered to be acceptable. It is not considered that the removal of condition 2 of the permanent

permission will cause any additional impact to the character and appearance of the area and as such it is concluded that the proposal complies with the contents of Policy CS16 of the Core Strategy.

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. Having regard to condition 5 of the permanent permission which states that 'no items of plant, machinery or equipment or articles of any description, other than boats or a boat hoist, shall be stored on the land at a height greater than 2 metres', it is not considered that the use as existing or as proposed without the personal condition, will cause any loss of amenity to neighbouring properties by way of either overbearing or overshadowing.

The primary concern in relation to neighbouring amenity is the noise generated by the use of the site. The Inspector's decision concluded that the noise generated by the machinery used in connection with the site was not so severe so as to justify a refusal of planning permission. The applicant used the angle grinder (the loudest piece of equipment used within the site in association with the business) in the presence of a Planning Officer shortly before the application was submitted. At the time it was considered that this noise was not so severe so as to justify a refusal of planning permission; therefore agreeing with the conclusion reached by the Inspector. It is not considered that the removal of the personal condition will intensify the noise generated by the use of the site to justify a refusal of the current proposal. The proposed removal of condition 2 is therefore considered to comply 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. The County Ecologist has raised no objection to the application as it is considered that the noise created by the permitted use will not increase with the removal of condition 2, therefore not causing additional harm to wildlife in the area. It is therefore concluded that the proposal will not have an adverse impact upon features of ecological or geological importance and as such that it complies with the contents of Saved Local Plan Policy E6.

Impact on highway safety

County Highways have been consulted on the proposal. Having explained the relevant history of the site, no objections were raised as it was concluded that the removal of the personal condition does not fundamentally change the use of the site and therefore, the level of traffic associated with the use. Having checked their accident statistics in the local vicinity which shows the most recent accident on the B4112 outside Falls Bridge House occurred in 2001, County Highways are able to conclude that the use of the site up until now has not caused any reported highway safety issues. In addition, they have confirmed that the road outside no.7 Park Cottages is an 'E' classified road (rather than a bridleway as stated in the objection letters received) and as such is available for general use by motor vehicles. Therefore, it is concluded that the proposal to remove condition 2 from planning permission R01/0967/01351/P will not have an adverse impact upon highway safety.

Recommendation:

Approve subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1937

DATE VALID

25/10/2012

ADDRESS OF DEVELOPMENT

7 PARK COTTAGES
CATHIRON
HARBOROUGH MAGNA
RUGBY
CV23 0HA

APPLICANT/AGENT

Mr Rupert Yates
The Boathouse
Crick Road
Hillmorton Wharf
Rugby
Warwickshire
CV21 4PW

APPLICATION DESCRIPTION

Removal of condition 2 of planning permission reference R01/0967/01351/P to remove the restriction that the use be solely for the benefit of Mr T. Yates

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 9 January 2013.

REASON:

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

CONDITION 2:

The use of the site for purpose of an engineering business and for the repair of canal boats shall be confined to the area hatched black on the approved plan dated 25 June 1991.

REASON:

In the interests of the amenities of the locality.

CONDITION 3:

No plant, machinery or equipment shall be operated or used in pursuance of the permitted use before 0800 hours on weekdays and Saturdays not after 1800 hours on week days and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON:

In the interests of the amenities of the locality.

CONDITION 4:

No items of plant, machinery or equipment or articles of any description, other than boats or a boat hoist, shall be stored on the land at a height greater than 2 metres.

REASON:

In the interests of the amenities of the locality.

CONDITION 5:

Only the building identified by red hatching on the approved plan dated 23 January 2002 shall be used for residential purposes.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority.

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 3 - Supporting a prosperous rural economy
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.

REASON FOR APPROVAL:

It is not considered that the removal of condition 2 would have a significant impact on the qualities, character and amenity of the area or give rise to an additional adverse impact to residential amenity in accordance with Policy CS16 of the Rugby Borough Core Strategy 2011. Additionally the removal of condition 2 will not have an adverse impact upon highway safety and will not harm biodiversity in accordance with Saved Local Plan Policy E6 of the Rugby Borough Local Plan 2006.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

Reference number: R12/0790

Site address: Navigation House, Longdown Lane, Willoughby, Rugby

Description: Change of use of existing outbuilding and swimming pool for a mixed use for residential purposes and for commercial coaching of swimmers (retrospective)

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of proposal

The application has been submitted retrospectively as the applicant is using the outbuilding for both residential and commercial purposes. Within the outbuilding is an 'endless pool' which the applicant uses for residential purposes ancillary to enjoyment of the main dwelling house and also for commercial purposes whereby the pool is used by the applicant on an appointment basis for the coaching of swimmers. The pool is affixed to scaffolds and is portable.

At present to number of clients per weeks does not exceed six.

Description of site

The site is located outside of any defined settlement boundary within the open countryside. Access to the property is off Longdown Road (C74). The outbuilding is situated to the east of the dwelling house.

Third party comments

Neighbours (1) Observation - Assurances that there is sufficient parking and roadside parking is minimised.
Consideration given to a high fence along the boundary with Navigation Bungalow to protect the residential amenity of occupiers of Navigation Bungalow

Parish Council Observations - The proposal should provide adequate parking facilities and warning signs erected for drivers exiting the site.

Technical consultation responses

WCC Highways Objection - it is considered that the use of the existing outbuilding as proposed would be detrimental to highway safety

Relevant planning policies and guidance

RBC LDF Core Strategy 2011

CS1 Development Strategy complies
CS16 Sustainable Design complies

RBC LDF Planning Obligations SPD 2012

Assessment of proposal

Principle

Policy CS1 seeks to focus new services and facilities towards the town centre. The town centre is the most sustainable location within the Borough and by directing services towards the town centre which seeks to serve more than the local community ensure that the viability and vitality of the town centre is not compromised. Policy CS1 advises that new development within the countryside will be resisted and only where national policy on countryside locations allows will development be permitted.

The use seeks to serves more than the local community and as such use should be directed towards the town centre in accordance with CS1 of the Core Strategy. Whilst The Framework seeks to support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, [p28] this relates to existing business and not the conversion of existing buildings to create new businesses.

The business currently is small scale in nature, not exceeding an average of 6 per week. Appointments are staggered throughout the day as early as 06:30 and as late as 21:00. The applicant has advised that if permission is to be granted, these figures would increase commensurate with the growth of the business through advertising. The applicant would accept a condition limiting the number of clients per day, and it is considered that 8 per day Monday-Sunday is considered reasonable.

The applicant has undertaken a search of premises within the town centre, and within a statement has detailed why such a separate town centre location would not be financially viable, given the scale of its use for commercial purposes. It is considered that the application site is a suitable location, given the unique circumstances of this business, taking into consideration the mixed use of the outbuilding and the swimming pool for both residential and commercial purposes, together with the particular service that the business provides in that it is a specialist training facility and not a typical fitness gym that you would expect to see within or near to the town centre, and how the business operates being small in scale. In addition to this, its rural location close to bridlepaths is also ideal for the coaching of triathletes. For these reasons it is considered that the retention of this use, subject to conditions, would not conflict with Core Strategy Policy CS1 in that it would not impact upon the viability and vitality of the town centre.

Whilst the application site is not within sustainable location, and as such clients would be reliant on the private car to access the site, it is considered for the reasons mentioned above that it is the most suitable location for this unique business.

Although it is acknowledged that personal permissions are to be used only in exceptional circumstances, given the application site's relationship to where the applicant resides, a personal condition is considered justified.

Visual amenity

No external alterations are proposed and as such the proposal would not materially harm the visual amenity of the area. The distance of the outbuilding from neighbouring properties together with the infrequent commercial use it is considered that it would not materially harm the amenities of nearby residential properties. The proposal therefore accords with policy CS16 as contained with the Core Strategy 2011.

Highways safety and Parking Provisions

WCC Highway Authority was consulted as part of this application. They have assessed the access and consider that the visibility to the left egress measuring approximately 110 metres fall short of the advised standard (215 metres) and as such the use would result in an intensification in movements over those which might be expected in respect of the residential use of the site.

Whilst WCC Highways clearly have concerns over the continued use of the building as a mixed use, it is considered on balance that given the small-scale nature of the business, and its operations it is unlikely to result in an intensification of use to the detriment of highway safety. The applicant is willing to accept a condition that would restrict the number of clients per day.

WCC Highway are also concerned about the gates, which are currently set back 4.4m from the highway, not being set back 5m from the highway in order to permit a vehicle to wait off the highway whilst the gate is opened or closed. However, commercial users of the pool is on an appointment basis only so the applicant is aware of when clients are arriving and ensures that the gates are open to allow a vehicle to enter the site without have to wait from gates to be opened.

In respect to car parking provisions, whilst the majority of appointments are on a one to one basis on occasions group booking do take place. The applicant has stated that the site can accommodate 12 car parking spaces which is considered sufficient in accordance with 'saved' local plan policy T5 and guidance contained within the Council's Planning Obligations SPD.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R12/0790

DATE VALID

30/03/2012

ADDRESS OF DEVELOPMENT

NAVIGATION HOUSE
LONGDOWN LANE
WILLOUGHBY
RUGBY
CV23 8AG

APPLICANT/AGENT

Mr Robert Robson
Navigation House
Longdown Lane
Willoughby
Rugby
Warwickshire
CV23 8AG

APPLICATION DESCRIPTION

Change of use of existing outbuilding and swimming pool for a mixed use for residential purposes and for commercial coaching of swimmers (retrospective)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 9th January 2012.

REASON:

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

CONDITION 2:

The use hereby permitted shall be personal to the applicant Mr Robert Robson, and should the applicant no longer reside at the premises or be involved in the running of the business, the use hereby permitted shall cease and revert to full residential use.

REASON

To ensure that the business does not become a separate entirety to the main residential use.

CONDITION 3:

Unless otherwise agreed in writing with the Local Planning Authority, the number of clients/users visiting the application site for the purposes hereby permitted shall not exceed 8 per day Monday to Sunday. A diary of appointments, comprising of the name and contact details of the client(s)/user(s), shall be kept at the application site forthwith, and retained in perpetuity, and shall be made available for inspection upon request by the Local Planning Authority.

REASON

It is considered that the development is only acceptable within this location, given that it is small scale in nature.

CONDITION 4:

The building coloured red on the Site Location Plan dated 20-03-2012 shall be used for the purposes hereby permitted and no other building within the red edge of the application site.

REASON

To ensure that the development is acceptable to the Local Planning Authority.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

RBC LDF Core Strategy 2011

CS1 Development Strategy

CS16 Sustainable Design

Saved Local Plan Policies (Post Core Strategy Adoption) June 2011
T5 Parking Facilities

RBC LDF Planning Obligations SPD 2012

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

REASON FOR APPROVAL:

It is considered that the application site is a suitable location, given the unique circumstances of this business and how the business operates being small in scale, and as such would not conflict with policy CS1 and guidance contained within the National Planning Policy Framework. The change of use does not impact upon the visual amenities of the area or amenities of nearby residential properties in accordance with policy CS16 of the Core Strategy 2011. It is considered given the nature of the business and its operations it is unlikely to result in an intensification of use and as such would not have a detrimental impact upon the upon highway safety. It is considered that sufficient parking is provided within the application site and as such accords with 'saved' Local Plan policy T5 and the RBC LDF Planning Obligation SPD 2012 which seeks to ensure that satisfactory provision of parking is taken into consideration.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

Reference number: R12/1848

Site address: 16 Brambling Close, Rugby

Description: Retention of a detached outbuilding

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Proposal

The application seeks the retention of a free standing detached outbuilding situated within the rear curtilage of the application property. The building is timber built, with a felt roof and measures approximately 3.4m in height with a 10m² base. Internally there is a barbeque unit and cooking fumes are vented through the chimney.

The building requires planning permission as it is within 2 metres from the boundary and exceeds a height of 2.5m.

Description of Site

The application site relates to a detached dwelling house with residential curtilage, located within a cul-de-sac off Coton Road, and is located within the Rugby Urban Area.

Third Party Comments

Neighbours(1) objection

- The structure is extremely overbearing and overshadows the garden, kitchen and living room of the neighbouring property no.15.
- Out of character with the appearance of the surrounding area and out of keeping with the street scene and local amenity.
- Creates a very prominent focal point from the living room, kitchen and garden of no. 15, and creates the feeling of being dark and enclosed.
- The structure is clearly too large for the garden and is a significant breach of the permitted development regulations
- Visual impact and loss of the use of the garden of no. 15 due to the overwhelming presence of the structure
- Fume from cooking facilities within venting directly into the garden of no. 15

Technical consultation responses

Environmental Service no comments to make other than the informative guidance notes to the applicant.

Relevant Planning Guidance/policies

RBC LDF Core Strategy 2011

CS16 Sustainable Development complies

Assessment of proposal

The key issues of consideration in the determination of this application are the impact of the outbuilding upon the visual amenities of the area and nearby residential dwellings.

The outbuilding is not visible within the main road through Coton (Coton Road). The structure is visible within the Cul-de-Sac (Brambling Road) where the felt roof and chimney is visible. The positioning of the structure is such that it does not appear

over-bearing within the street-scene, and the felted roof is of a similar colour to the tiled roofs of other properties within the immediate area and as such does not appear out of character within the street scene. It is therefore considered that the retention of this structure would not cause material harm to the character of the area.

In terms of residential amenity, the neighbour that this structure is likely to impact upon is no.15. Whilst the structure has been erected close to the shared boundary with no. 15, the design of the structure which its roof sloping away from the neighbouring property, it would not have an overbearing impact upon the neighbouring property. It is also considered that the applicant could erect an outbuilding within the same location of a height no greater than 2.5 metres without the need to formally apply for planning permission. Taking into consideration the orientation and design of the structure, it would not result in any loss of light to the amenity area of no. 15. It is therefore considered that the retention of this structure would not have an adverse impact upon neighbouring occupiers.

It is therefore considered that the retention of this structure would not cause material harm to the visual and residential amenity in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1848

DATE VALID

07/11/2012

ADDRESS OF DEVELOPMENT

16 Brambling Close
Rugby
CV23 0WR

APPLICANT/AGENT

Mr Merrick Clarke
16 Brambling Close
Rugby
Warwickshire
CV23 0WR

APPLICATION DESCRIPTION

Retention of a detached outbuilding

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 9th January 2013.

REASON:

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

CONDITION: 2

The building hereby approved shall not be used for any purpose other than ancillary to the residential use of 16 Brambling Close, Rugby.

REASON:

In the interest of residential amenity.

CONDITION 3

The position of the outbuilding shall be as shown on the submitted Site Location Plan received by the Local Planning Authority on the 7th November 2012, and shall not be moved from this position unless first agreed in writing with the Local Planning Authority.

REASON

In the interest of visual and residential amenity

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16 of the Rugby Borough Core Strategy 2011

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

REASON FOR APPROVAL:

It is considered that the positioning of the outbuilding together with its design, scale and appearance would not have an adverse impact upon the visual amenity of the area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011.

INFORMATIVE:

Brambling Close does not fall within the Council's Smoke Control Area declared under the Clean Air Acts. Due to this, the applicant has no legal obligation to burn smokeless fuels or use an appliance that is exempt from the regulations.

However, as the location of the outbuilding is in close proximity to other residential properties it is strongly recommended that the applicant uses a smokeless fuel source. Further information can be obtained from the Council's website via the link below:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=23&categoryID=200124&pageNumber=6

The Department for Environment, Food & Rural Affairs (DEFRA) have detailed lists of smokeless fuels commonly available for the domestic marked via the link below:

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

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

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	9 th January 2013
Report Title	Protocol on Public Speaking at Planning Committee
Portfolio	N/A
Ward Relevance	All
Prior Consultation	Planning Services Working Party
Contact Officer	Nick Freer Ext. 3767
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	People: Support wider participation in decision making and help communities deliver services.
Statutory/Policy Background	N/A
Summary	The report sets out a protocol for public speaking at Planning Committee that has been agreed by the Planning Services Working Party. It is recommended that the protocol be approved before being forwarded on to Cabinet and then Council for approval.
Risk Management Implications	None

Financial Implications Possible costs incurred in up-grading the Council Chamber to accommodate public speaking
Additional costs associated with additional Member and officer time attending Committee.

Environmental Implications None

Legal Implications

Equality and Diversity There will be a need to ensure that the protocol is implemented in an equality and diversity compliant manner

Options

Recommendation IT BE RECOMMENDED TO CABINET TO RECOMMEND TO COUNCIL THAT the protocol for public speaking at Planning Committee be agreed.

Reasons for Recommendation The implementation of public speaking will encourage democratic openness and public participation in the planning process as well as local government in general.

PLANNING COMMITTEE - 9TH JANUARY 2013

REPORT OF THE HEAD OF PLANNING AND CULTURE

PROTOCOL ON PUBLIC SPEAKING AT PLANNING COMMITTEE

Recommendation

IT BE RECOMMENDED TO CABINET TO RECOMMEND TO COUNCIL THAT the protocol for public speaking at Planning Committee be agreed.

INTRODUCTION

In March 2012, the Overview and Scrutiny Management Board decided its review programme for the forthcoming year which included a review of the issue of public speaking at Planning Committee. Whilst it was appreciated that the matter had been previously considered by the Council it was argued that public speaking at Planning Committee would encourage democratic openness and public participation in Local Government. To this end it recommended Planning Services Working Party to consider the matter.

Planning Services Working Party on 12th September 2012 requested the Head of Planning and Culture to prepare a draft protocol for public speaking at Planning Committee for its consideration. Subsequently, at its meeting of 26 November, Members of the Planning Services Working Party considered a draft protocol and resolved that it be submitted to Planning Committee for its consideration before being submitted to Cabinet for approval and a recommendation that it then be submitted to Council.

The protocol is set out below and sets out a draft procedure by which the public would be able to address the Planning Committee. The procedure draws on the best practices of a number of other authorities.

Officers feel that the protocol should be reviewed after a period of 12 months following its introduction to address any issues that might arise from its inception.

Protocol on Public Speaking at Planning Committee

1. These procedures shall only relate to planning applications and consents that are to be determined by Planning Committee and are not applicable to other matters that are reported to Planning Committee such as appeals, enforcement matters and performance reports or those matters that are exempt to the public.

2. In the interest of fairness and to enable proper and effective debate, the Chair will have the discretion to waive or vary the rules of procedure and debate however this discretion should only be used in exceptional circumstances.

3. The right to speak at Planning Committee would be highlighted on site and press notices and in the notes attached to neighbour consultation letters that are sent to all residents that are adjudged to be affected by a particular development as well as the letter of acknowledgement that is sent to the applicant or their agent when an application is made valid. The letters and notices will highlight that should the proposal be decided by Planning Committee they may have the opportunity to speak to the Committee in accordance with the Councils procedures before the Committee comes to a decision on the matter. Members of the public who respond to planning consultations or applicants/agents will not be directly invited to speak at Committee. It will be incumbent on third parties and the applicant to monitor the progress of a particular application and whether the application will be going before Planning Committee for a decision (usually through contact with the Case Officer) and registering to speak at the relevant Committee.

4. Members of the public who wish to speak at Planning Committee can either be objectors or supporters. One speaker from each category will be allowed to speak for a total of three minutes. This will be based on a first come first served basis. If there is more than one person wishing to speak, a group can be formed. It is up to the first speaker to arrange this, however, if permitted by all parties, the Council will assist in providing the first speaker with the telephone numbers of the other applicants. Those wishing to speak must have made written representations on the material planning matters they wish to speak on before applying to speak. Ward Members can also speak at the Planning Committee for three minutes. Ward Members do not need to have made written representations on the application but will need to register in accordance with sections 6 and 7 below.

5. A total of one objecting speaker/group and one supporting speaker/group can speak at the Planning Committee meeting. If a Parish Council wishes to speak they will have to register in the same way that members of the public have to either as a supporter or objector.

6. Having submitted a written representation those wishing to speak at the Planning Committee meeting, including the applicant/agent, should complete the application form and submit it to the case officer via post or e-mail. The form will be available to download from the internet or to collect from the Council's reception. Guidance will also be available regarding speaking at Planning Committee on the internet or from the Council's reception. Those wishing to speak can register to speak at any time following the validation of the planning application.

7. The deadline to apply to speak at the Planning Committee meeting is by 12:00 noon on the Monday before the meeting when the Committee is at its conventional time on a Wednesday evening. In any other case it would be by 12:00 noon two days before the Planning Committee meeting. Requests to speak made after this deadline will not be accepted. If the application is decided under the Councils delegation arrangements then those people who have registered to speak will be informed of the outcome.

8. Those wishing to speak must provide the following information:

- Details of the application they wish to comment on (reference number and address)
- Category: Objector / supporter
- Full name and address
- E-mail address
- Contact telephone number
- Preferred method of contact
- Agreement to share information if more than one speaker
- Agreement to comply with the regulations for public speaking at planning committee

9. A total of three minutes will be allocated to each speaker/group. Speakers will be advised to direct their presentation to reinforcing or amplifying the representations they have already made in writing and to restrict their comments to material planning considerations only. No additional information can be raised at the Planning Committee meeting if it has not been formally submitted in writing to the case officer by no later than three working days prior to the meeting (ie by the Friday evening when Committee is on a Wednesday)

10. Speakers will not be given the option to use any visual aids. This includes photographs, slideshow presentations and handouts.

11. A list of those people who are eligible to speak to the Committee will be drawn up by the Democratic and Scrutiny Officer and provided to the Chair prior to the commencement of the meeting.

12. The order of speakers at Committee will be as follows:

- The Officer will introduce the application
- The Objector will speak
- The Supporter/Applicant/Agent will speak
- The Ward Member will speak
- The officer can address any material issues arising from the speakers comments and accept any questions from Members.

13. Where the Officers recommendation is for approval, the option to speak in support of the application at the Planning Committee meeting will only be available if a submission to speak in opposition of the application has been made.

14. Where the Officers recommendation is for refusal, the option to speak in opposition of the application at the Planning Committee meeting will only be available if a submission to speak in support of the application has been made.

15. Where the Officers recommendation is for refusal, the option to speak in support of the application at the Planning Committee meeting will be available even if no submission to speak in opposition of the application has been made.

16. Where the Officers recommendation is for approval, the option to speak in opposition of the application at the Planning Committee meeting will be available even if no submission to speak in support of the application has been made.

17. Agents/spokespersons acting on behalf of third parties or the applicant may make a statement on their behalf.

18. The Democratic and Scrutiny Officer will time the speakers using a stopwatch. A warning will be given 30 seconds before the end of the three minutes. If the speaker goes beyond the three minute deadline it would be expected that the Chair would bring the speech to an immediate but polite end.

19. At the end of presentations the planning officer shall address any material planning considerations before the Committee debate the application and come to a decision.

20. Members of the public, applicants or their representatives will not be able to take part in the debate, nor ask questions of the Committee or officers.

Additional Considerations

Impact on Resources

Clearly introducing public speaking at Planning Committee will have an impact on staff resources. Additional officer time (both Planning Officers and Democratic and Scrutiny Officers) will be taken up in explaining and organising public speaking for each Committee that people register to speak at. The actual amount of time will be dependent on the extent that the opportunity to speak at Planning Committee is taken up. However, the protocol has been specifically designed to try and minimise the impact that the procedures will have on staff resources whilst at the same time ensuring that applicants and third parties can make beneficial use of the process.

An associated impact on officer and Member time would also arise from the increase in time actually spent in presenting items to Committee and reaching a decision. This would include legal officers, planning officers, democratic and scrutiny officers as well as the additional time required by Members themselves. In addition, depending on the actual amount time taken at any particular Committee, a possible additional cost could be legitimate subsistence claims by both officers and Members depending on the circumstances of each case.

The chart set out below provides data on the number and type of officers that have been involved in presenting Planning Committee over the last 12 months as well as the length of time taken in carrying out the meeting and the number of applications considered. From this an indication can be gained of how much additional officer and Member time could accrue from introducing public speaking. It can be seen that the average number of officers present is 7, the average length of time taken in undertaking the meeting was 1 hour 10 minutes and the average number of items considered was 5. If it is assumed that the average Committee has 6 speakers and the time taken for them to get organised, to speak and to resolve any issues arising from their presentation was 6 minutes then it could be very generally assumed that extent of officer time taken could be in the region of 3 hours per meeting (ie. 36

minutes x 5 officers) This would broadly translate to 48 additional officer hours per year. In addition this would also take in the region of an additional 7.2 hours of Member time per meeting (115 additional Member hours per year).

These figures are given just as a general guide as the actual time would vary from meeting to meeting and depend on how well organised the public were in their actual presentation as well as the extent that their comments might fuel the length of the subsequent debate by Members.

Data on Planning Committee from November 2011 to October 2012

Date of meeting	Length of meeting	No. applications on agenda	No. planning officers* attended	No. other officers attended
9 th Nov 2011	20 minutes	2	3	2
30 th Nov 2011	25 mins	2	3	2
11 th Jan 2012	30 mins	1	3	2
1 st Feb 2012	35 mins	4	3	2
22 nd Feb 2012	1hr 50 mins	4	4	2
14 th March 2012	1hr 20 mins	5	6	2
4 th April 2012	1hr	6	6	2
25 th April 2012	1hr 10 mins	5	5	2
23 rd May 2012	35mins	4	4	2
13 th June 2012	1hr 20mins	7	6	2
4 th July 2012	1hr 45mins	6	5	2
25 th July 2012	1hr 25mins	6	4	2
15 th August 2012	2hrs 5mins	6	5	2
5 th Sept 2012	1hr	4	4	2

26 th Sept 2012	2hrs 25mins	13	9	2
17 th Oct 2012	1hr 20mins	4	4	2

Systems Thinking

In gathering information in the preparation of this report it was evident that some authorities sent out a second letter to inform those who had made written representations that the option to speak at committee might be available to them. However, the additional cost and time that this would require does not conform to the recent systems thinking approach that has been successfully adopted in the planning department. It was therefore decided that the Council would inform the public that they may have the right to speak if the application goes to committee when initial consultations are undertaken and the application is validated. In other words, the responsibility of monitoring the progress of a given application and whether it goes before Planning Committee for a decision clearly lies with the third party and applicant. This approach was evidenced at a number of neighbouring authorities and seemed to work successfully.

If more than one member of the public registers to speak in the same category (2x supporters / 2x objectors) a group can be formed. The formation of such groups can take place either within the planning department (by the case officer) or by democratic services. The cost / time implications for each of these options will need to be assessed in more detail before a final decision can be made. Within this assessment, the 'systems thinking' approach would need to be adopted within the planning department to ensure any new processes operate in sympathy with established practice.

Equality and Diversity Issues

The draft protocol may need to be amended to take into account a range of equality and diversity issues.

Name of Meeting: Planning Committee

Date Of Meeting: 9th January 2013

Subject Matter: Protocol on Public Speaking at Planning Committee

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	09.01.2013
Report Title	Delegated Decisions –16.11.2012 to 13.12.2012
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 – 09.01.2013

Delegated Decisions – From 16.11.2012 To 13.12.2012

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: 09.01.2013
Subject Matter: Delegated Decisions – 16.11.2012 to 13.12.2012
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 16.11.2012 TO 13.12.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/2058 Refused 29.11.2012</i>	85 Lawford Road Rugby	Erection of a storage shed forward of the principal elevation above an existing detached garage
<i>R12/1779 Refused 29.11.2012</i>	Mickle Hill Farm Fosse Way Wolston	Retention of rebuilt and renovated buildings for agricultural uses (partial resubmission following refusal of R11/2319.)
<i>R12/1961 Refused 04.12.2012</i>	The Revel C of E (Aided) Primary School Brockhurst Lane Monks Kirby	Erection of a thatched gazebo to be used as an additional educational facility.

**Applications
Approved**

<i>R12/1711 Approved 16.11.2012</i>	120 Hillmorton Road Rugby	Erection of single-storey rear extension.
<i>R12/1792 Approved 16.11.2012</i>	Unit 3 Cawston Local Centre Heritage Close (Off Gerard Road) Cawston	Use of Unit 3 as a Noodle Bar for purposes within Class A5 of the Town & Country Planning (Use Classes) Order 1987(as amended) and installation of a new shop front.
<i>R12/0134 Approved 16.11.2012</i>	Former Peugeot Factory Site C Oxford Road Ryton on Dunsmore	Use of land for the parking and storage of heavy goods vehicles and trailers with alterations to access and formation of access ramp into the site, plus ancillary development.
<i>R12/1879 Approved 19.11.2012</i>	Plot adjacent Alarene Bulkington Road Wolvey	New build 3-bedroom dormer bungalow on land adjacent Alarene. 3m wide access from existing pavement crossover with vehicle turning space. High quality site landscaping.
<i>R12/1796 Approved 19.11.2012</i>	2 Archers Spinney Watts Lane Hillmorton	Proposed alterations, garage conversion and erection of a first floor to an existing detached bungalow

<i>R12/0857 Approved 20.11.2012</i>	Bush Hill Farm Bungalow Bush Hill Farm Bush Hill Lane Flecknoe	Erection of a replacement dwelling.
<i>R12/0987 Approved 20.11.2012</i>	14 Castle Street Rugby	Change of use of property from residential (Use Class C3) to offices (use class B1)
<i>R12/1967 Approved 21.11.2012</i>	83 Deerings Road Rugby	Erection of a rear conservatory
<i>R12/1859 Approved 22.11.2012</i>	Wychwood Lodge Sedlescombe Park Park	Erection of a residential dwelling
<i>R12/1900 Approved 22.11.2012</i>	Elysian Fields Southam Road Leamington Hastings	Use of equestrian land and buildings for commercial equestrian purposes and stationing of a mobile home for a period of three years for use as a temporary rural workers dwelling (part-retrospective)
<i>R12/1826 Approved 22.11.2012</i>	Orchard House 42 The Crescent Brinklow	Erection of two storey rear extension, single storey rear extension and store and associated ground works
<i>R12/1934 Approved 26.11.2012</i>	19 School Street Long Lawford	Erection of a single storey rear & front extension, addition of a roof canopy over the principal elevation and the addition of a first storey to part of the original and previously extended element of the property.
<i>R12/2061 Approved 28.11.2012</i>	13 Long Furlong Rugby	Erection of a single storey rear extension.
<i>R12/2055 Approved 28.11.2012</i>	27 North Road Clifton on Dunsmore	Erection of a single storey rear extension and garage extension to the side and rear of the existing dwelling (amendments to approval R11/1978)
<i>R12/1693 Approved 28.11.2012</i>	68 Tennyson Avenue Rugby	Single storey rear extension
<i>R12/0808 Approved 29.11.2012</i>	19 Winfield Street Rugby	Erection of a single-storey rear extension

<i>R12/1522 Approved 29.11.2012</i>	28 Wise Grove Rugby	Single storey extension to side and rear
<i>R12/1944 Approved 30.11.2012</i>	St Philips Pentecostal Church Wood Street Rugby	Erection of a brick built dwarf wall with wrought iron railings along the northwest, northeast and southeast boundaries
<i>R11/1895 Approved 30.11.2012</i>	Fields Farm Lower Green Woolscott	Change of use of holiday lets for use as residential accommodation (retrospective)
<i>R12/2016 Approved 30.11.2012</i>	20 Church Road Shilton	Continuation of use of land as a residential garden for No 20 Church Road, erection of a 1.2 metre in height picket fence and erection of a conservatory
<i>R12/1966 Approved 30.11.2012</i>	152c Murray Road Rugby	Variation of Conditions 2 (plans) and 5 (windows) of planning permission R11/1729 (Conversion of existing building to a dwelling, including internal and external alterations) dated 22/11/11, to allow internal and external alterations.
<i>R12/1968 Temporary Planning Permission 03.12.2012</i>	2 Market Place Rugby	Change of Use from Class A1 (retail) to Class A2 (financial and professional services)
<i>R12/1479 Approved 03.12.2012</i>	The Stables (rear of 9 Main Street) Clifton Upon Dunsmore	Application for a Minor Material Amendment to planning permission R11/1608 (erection of a single storey dwelling) for alterations to new dwelling including entrance door and porch, dormer window in East elevation, roof and window alterations. Internal alterations to provide rooms in roof space, alteration of part of garage to laundry room with rear porch and provision of cloakroom.
<i>R12/1922 Approved 03.12.2012</i>	337 Dunchurch Road Rugby	Erection of a single storey rear/side extension
<i>R12/1432 Approved 03.12.2012</i>	Rear of 47 Hillmorton Rugby	Demolition of existing outbuilding and erection of pair of semi-detached dwellings and additional garage for No.47 - (Amendment to a previously approved scheme under R05/0632/00052/P granted 13th October 2005

for Conversion and extension of existing outbuildings to form 2 flats, garages and additional garage for No.47 (resubmission)).

*R12/2054
Approved
05.12.2012*

Chestnut House
North Street

Alteration to frontage to provide new entrance door to unit 3.

*R12/2092
Approved
05.12.2012*

224 Alwyn Road
Bilton

Erection of a single storey front extension.

*R12/2065
Approved
06.12.2012*

93 Oxford Street
Rugby

Continuation of use from Class C3 (single dwelling) to Class C4 (house in multiple occupation) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

*R12/2094
Approved
06.12.2012*

3 Hargrave Close
Grandborough

Erection of a single storey rear extension.

*R12/1897
Approved
06.12.2012*

Mill Barn
Clayhill Lane
Long Lawford

Change of use of the converted barn from studio offices (use class B1) with ancillary residential unit to full residential use (use class C3) of both ground floor and first floor (retrospective)

*R12/1593
Approved
06.12.2012*

70 South Road
Clifton Upon Dunsmore

Erection of extensions and alterations to existing property

*R12/2105
Approved
07.12.2012*

32 Paddocks Close
Wolston

Erection of a single storey front extension

*R12/1903
Approved
07.12.2012*

39 Main Street
Newbold

External wall insulation to dwelling

*R12/2107
Approved
07.12.2012*

57 Church Road
Ryton on Dunsmore

Erection of a first floor side extension.

*R12/2067
Approved
07.12.2012*

2 Aikman Green
Grandborough

Conversion of the loft to living accommodation.

*R12/1958
Approved*

33 Lammas Court
Coventry

Retention of rear conservatory

07.12.2012

R12/0044
Approved
10.12.2012

Land rear of
263-273B Hillmorton
Road
Rugby

Erection of 8 dwellings with associated access,
parking and landscaping.

R12/0721
Approved
10.12.2012

41 Wood Street
Rugby

Change of use of part of ground floor and
garage for additional storage purposes under
Class A1 (retail) of the Town and Country
Planning (Use Classes) Order 1987, and
installation of security shutters.

R12/2112
Approved
10.12.2012

70 Craven Avenue
Binley Woods

Addition of a first floor incorporating a two
storey rear extension and the erection of a
single storey side extension - Revision to
permission R12/1743.

R12/1915
Approved
11.12.2012

Rocheberie House
26 Albert Street
Rugby

Proposed change of use from Offices (B1
Business) to a Health Clinic (D1 Non
Residential Institution).

R12/2116
Approved
12.12.2012

94 Rugby Road
Binley

External alterations and the erection of a single
storey rear extension

Listed Building Consents

R12/1945
Listed Building
Consent
30.11.2012

St Philips Pentecostal
Church
Wood Street
Rugby

Listed Building application for erection of a
brick built dwarf wall with wrought iron railings
along the northwest, northeast and southeast
boundaries

R12/1856
Listed Building
Consent
07.12.2012

The Grain Barn
66 Oxford Road
Marton

Listed building consent for the installation of an
externally mounted electricity box
(Retrospective)

Conservation Area Consents

R12/2080
Conservation Area
Consent
07.12.2012

Rear of
47 Hillmorton Road
Rugby

Conservation Area Consent for the demolition
of outbuildings in relation to application for the
erection of pair of semi-detached dwellings and
additional garage for No.47 - (Amendment to a
previously approved scheme under
R05/0632/00052/P granted 13th October 2005
for Conversion and extension of existing
outbuildings to form 2 flats, garages and
additional garage for No.47 (resubmission)).

Advertisement Consents

<i>R12/1979 Advertisement Consent - Split Decision 19.11.2012</i>	The Range Unit 4 Junction One Retail Park Leicester Road Rugby	Retention of 3 internally illuminated and 1 non-illuminated fascia signs to the front elevation and 1 internally illuminated fascia sign to the rear elevation.
<i>R12/0726 Advertisement Consent 29.11.2012</i>	Rugby School Rugby School Campus (Various Locations) 12 Horton Crescent	Installation of information boards and directional signage at various locations within the School Campus
<i>R12/2063 Advertisement Consent 29.11.2012</i>	Dunchurch Sportsfield & Village Hall Rugby Road Dunchurch	Provision of 2 freestanding advertisement boards.
<i>R12/1373 Advertisement Consent 29.11.2012</i>	Sainsburys Units 1 & 2 Ansty Park Draken Drive	Display of advertisement signs comprising 1 externally illuminated freestanding site entrance sign, 7 freestanding directional signs and 2 internally illuminated fascia signs.
<i>R12/2069 Advertisement Consent 04.12.2012</i>	Unit 2 Chestnut House North Street	Proposed display of non-illuminated fascia signage including a hanging sign
<i>R12/2102 Advertisement Consent 10.12.2012</i>	26 Sheep Street Rugby	Provision of 2 No. Internally illuminated fascia signage, 1 No. blank fascia panel, 1 No. non-illuminated projecting sign, 1 No. wall mounted name plate and 1 No. internally applied window vinyl.

Certificate of Lawful Use or Development

<i>R12/1964 Certificate of Lawful Use or Development 05.12.2012</i>	The Green The Willows and Hillside Nettle Hill Brinklow Road Ansty	Certificate of Lawful Existing Use of The Green, The Willows and Hillside as residential dwellings.
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Approval of Details/ Materials

<i>R09/0746/PLN Approval of Details 20.11.2012</i>	Field House Farm Broadwell	Erection of a replacement dwelling
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<i>R12/1161 Approval of non-material changes 21.11.2012</i>	27 Glebe Crescent New Bilton	Erection of two storey side and rear extension to dwelling
<i>R09/0972/MAJP Approval of Details 29.11.2012</i>	Land East of Calvestone Road Calvestone Road Cawston	Outline application with all matters reserved for the development of up to 145 dwellings.
<i>R12/0445 Approval of Details 04.12.2012</i>	Rugby High School Longrood Road Bilton	Erection of a three storey extension to provide permanent teaching and sixth form facilities, extension of the existing indoor sports accommodation, and associated landscaping and works.
<i>R10/1998 Approval of Details 06.12.2012</i>	The Dell Fosse Way Rugby	Renewal of Planning Approval R07/1779/PLN (Erection of a garage and provision of a new vehicular access)
<i>R10/2138 Approval of Details 06.12.2012</i>	The Dell Fosse Way Rugby	Substitution of house type against previously approved residential dwelling under permission reference no. R09/0321/PLN
<i>Withdrawn/ De-registered</i>		
<i>R12/1817 Withdrawn 15.11.2012</i>	24 Bilton Road Rugby	Alterations to windows
<i>R12/1207 Withdrawn 22.11.2012</i>	30 Hoskyn Close Hillmorton	Infill extension to front, single storey extension to rear and widening existing block paved driveway
<i>R12/1225 Withdrawn 29.11.2012</i>	Land on the West side of Oxford Road (Sunrise Park) Ryton on Dunsmore	Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission APP/E3715/C/09/2110115 (R09/0291/MDPT) granted on appeal on 4th February 2010 to allow the permanent occupation of the land by the applicants. (Re-submission of previously withdrawn application R11/0059 dated 25/07/2011)