

21st January 2013

PLANNING COMMITTEE - 30TH JANUARY 2013

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 30th January 2013 in the Council Chamber, Town Hall, Rugby.

Site Visits

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

- | | |
|--------|---|
| 2.30pm | Manor Barn, Church Road, Church Lawford, CV23 9EG |
| 3.00pm | Magpie Lodge Farm, Lilbourne Road, Clifton-upon-Dunsmore,
CV23 0BB |
| 3.30pm | 16 Brambling Close, Rugby, CV23 0WR |

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 9th January 2013.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

5. Planning Appeals Update.

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

7. Delegated Decisions – 14th December 2012 – 17th January 2013.

8. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution: -

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

PART 2 – EXEMPT INFORMATION

1. Enforcement.

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

The Reports of Officers (Ref. PLN 2012/13 – 13) 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 – 30TH 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
2	R12/1684	1 Bawnmore Park, Rugby Demolition of existing dwelling and erection of 3 detached dwellings with associated parking and works.	8

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
3	R12/1610	Land at Leicester Road, Leicester Road, Rugby Erection of 89 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works – submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref: R06/0064/MAJP dated 17.09.2007	13

4	R12/2309	Holly Lodge Day Nursery, Fareham Avenue, Rugby Variation of Condition 1 of R12/1465 dated 12 September 2012 varying condition 1 of R02/0511/04875/P dated 5th August 2002 for the retention of two modular buildings for nursery / day care purposes for a further 10 year period.	30
5	R12/1539	The Forge, The Square, Dunchurch, Rugby Proposed conversion and extension of existing builders yard and office to a residential dwelling.	34
6	R12/0843	Land South Side of Top Road, Barnacle The change of use of land from a paddock to a mixed use of a paddock and for the siting of residential caravans, trailers and commercial vehicles, and the formation of hard standings and erection of timber sheds in so far as it relates to the creation of a one pitches only (variation of condition 3 of appeal reference APP/E3715/C/11/215065-70 dated 12/12/11 to allow no more than two static caravans).	44
7	R12/1848	16 Brambling Close, Rugby Retention of a detached outbuilding	51
8	R12/2223	Magpie Lodge Farmyard, Lilbourne Road, Clifton-upon-Dunsmore, Rugby Change of use existing building for the purposes of rodent breeding (sui generis) (Retrospective)	54
9	R12/1821	Plot 5D, Moor Lane, Willoughby Erection of animal shelter	59
10	R12/1520	34 Clifton Road, Rugby. CV21 3QF Change of use of property from Use Class D1 (Non Residential Institution) to 5 No. residential apartments (C3) and associated works including erection of a single storey rear extension.	63

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.

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 number: R12/1684

Site address: 1 Bawnmore Park, Rugby

Description: Demolition of existing dwelling and erection of 3 detached dwellings with associated parking and works.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the demolition of the existing 2-storey detached dwelling and the erection of three 5-bed detached dwellings with integral garages, associated parking and landscaping. All 3 dwellings will be 3-storeys in height with the 3rd floor contained within the roof space and each will have its own rear garden. The proposal also involves works to and removal of trees protected by Tree Preservation Orders.

In relation to the letters of objections received the agent has written providing a response to the issues raised. It addresses matters including the variety of other dwellings in the locality, the nature of the proposals drawing on natural elements to reduce carbon emission whilst increasing energy efficiency, the proposal being comparable with the area covered by 2, 3 and 4 Bawnmore Park, it not impacting on highway safety or traffic with no objection having been made by WCC Highway Authority and not resulting in any overlooking that in their opinion would justify a refusal.

Amended plans have also been received showing the retention of the Maple Tree.

The applicant Tree advisor has provided a response to the point raised by the Council's Tree Officer indicating that, amongst other things, the dwelling on plot 3 is outside the root protection area of the Maple Tree and the Holly Trees are not visible from outside of the site in public areas.

Site History;

R83/0503/5480/OP	Erection of three detached dwellings, garages and improvements to access way but allowed on	Refused 10.08.1983 appeal
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Consultee Correspondence;

RBC Environmental Health	No objections	Request conditions and informatives
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TPO Officer	Object	On the grounds of loos and impact on trees protected by TPO's.
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WCC Ecology	No objections	Request a condition and informatives
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WCC Highway Authority	No objections	Request conditions
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Third Party Correspondence;

Neighbours (12)	Object	On the grounds of poor visibility at the Bawnmore Park / Bawnmore Road junction which is single width; no visibility splays; high hedges and trees at junction; adjacent to school grounds; traffic levels high at school times; increased vehicle levels; highway safety concerns; number of units on Bawnmore Park reduced to 3 on the application where it was approved on highway concerns; out of keeping with other nearby houses; proposed dwellings too big for their plots; increased traffic; increased noise and fumes levels; out of character with the area; impact on privacy; highway safety concerns; extended disruption during construction; loss of trees; national policy recently excluding residential garden areas from brown field to green field classification; health and safety concerns over car levels; Section 9 of the application form not fully completed as plan references are not stated; Certificate A has been signed when Certificate B is needed as it applies to
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joint ownership of the access; proposal is for profit; inappropriate design, appearance and materials proposed; proposed houses at odds with existing dwellings; concerns over access by emergency and refuse vehicles; maintenance concerns over fence separating main drive from adjacent school; concerns over the maintenance of the drive; highway safety concerns; scale and position of proposed dwelling on plot 3 inappropriate; loss of trees along site boundary; loss of privacy; proposed dwellings over-large of the scale and character of the close; out of scale with area; garden grabbing nature of the proposal; as well as increased noise and disturbance.

Other Relevant Information;

Cllr Lisa Parker has requested the application be brought for determination by the Planning Committee with the reasons being the proposal is on existing garden land that should be retained, the design of the buildings as outlined is not in keeping with the character and appearance of the existing dwellings and that she believes the proposal is an overdevelopment of the site given the area is characterised by dwellings with large gardens.

Located within the Rugby Urban Area, the application site is occupied by a 2-storey detached dwelling with detached garage served off a private access road that also serves 3 other 2-storey detached dwellings. There are a number of TPO's on the application site as well as along the access drive that were put in place following the 1983 application being allowed on appeal as the Inspector, in allowing the appeal, made specific reference to the trees on the site, (those now covered by the TPO's), contributing to the site and area that would serve to provide screening and protection / provision of amenities.

Outside of the site and Bawnmore Park the immediate and wider area is characterised by 2-storey detached and semi-detached dwellings with, in the main, large rear gardens although there are a number of flats in the locality. Adjacent to and on the east of the access road is a Infant School and Childrens Nursery.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Conflicts	Sustainable Design & Construction
RBLP Saved Policy GP2	Conflicts	Landscaping
RBLP Saved Policy E6	Complies	Biodiversity

Planning Obligations SPD

NPPF

Consideration;

The issues for consideration relate to the acceptability or otherwise of the proposal then subsequently matters relating to design, appearance, character, amenity, highways / parking, ecology and trees. For ease these will be dealt with under appropriate headings.

Principle;

The site is situated within the Rugby Urban Area. Core Strategy policy CS1 relates to development strategy indicating that whilst developments should be directed towards the town centre in the first instance and out from there, residential development within the defined urban area is acceptable.

The 3 dwellings proposed will replace the existing dwelling with the majority of the buildings being sited on the current dwellings rear garden area. Whilst reference is made within paragraph 53 of the NPPF to Local Planning Authorities considering the cases for putting forward policies to resist inappropriate development on residential gardens, no such policy exists in the Core Strategy or any other relevant local document. As such the development of residential garden land within the urban area for residential purposes is acceptable.

Overall therefore as the development of land, including residential garden areas, within the Rugby Urban Area is acceptable in accordance with the provisions of policy CS1 the principle of the development is acceptable.

Design & Appearance:

The existing dwellings on Bawnmore Park, including that to be demolished, are traditional 2-storey dwellings of a design, character, scale, massing and proportions reflective of developments in the 1980's. Outside of Bawnmore Park along Bawnmore Road the area is characterised by other traditional 2-storey dwellings although there are a number of recent modern 2-storey dwellings in the area providing a variation in the design, appearance and character of the streetscene.

Within the site the proposed dwellings have been sited in an arc arrangement seeking to utilise the existing parking and turning area to the front of the existing dwellings as a focal area which is an appropriate form drawing on an existing feature. This arrangement along with access and parking areas to the front of each dwelling has resulted in each have a rear garden area of around 20m in depth which, although less than a number of gardens in the area, are comparable with a reasonable amount in the immediate locality including the other 3 dwellings on Bawnmore Park.

The proposed dwellings are all 3-storey in height with the 3rd floor being contained in the roof space served by gable end and roof light window openings. They are all of a modern appearance utilising high levels of glazing and timber cladding with painted render on walls with slate roofing. Whilst not the same as the adjacent 3 dwellings in Bawnmore Park, they have similar features of some of the other modern dwellings in the immediate area and will, officers consider, provide an attractive complementary design and appearance to other more traditional dwellings in the area. Due to their being 3-storey in height, albeit with the 3rd floor being located within the roof, the height, scale, massing and bulk appear greater than other dwellings in the locality where their emphasis is on the horizontal axis however this change is considered to be in a form that will contribute to the area in an appropriate manner drawing on the tall nature of trees in the immediate and wider areas.

Their design and orientation have been arranged in a manner so that whilst providing and utilising the existing focal point to the front of the existing dwellings, full use of energy efficiency and sustainability principals is achieved through the use of solar gain etc, which is in part why the buildings are of the design and appearance as proposed.

Overall therefore it is considered that the design, appearance, scale, massing, proportions and layout of the proposed dwellings is acceptable in accordance with the provisions of policy CS16.

Trees:

There are a number of trees on the application site, including along the access road, which are covered by Tree Preservations. These tree preservation orders were put in place following the refused 1983 application being allowed on appeal by virtue of the Inspector stating in their report that the trees on the north, east and western sides of the application site contributing to the amenity and character of the site and area whilst also providing screening that should be retained and enhanced.

The application originally included works to some of these along with the removal on some Holly trees and a Maple tree that were covered by TPO's on the basis that they would be impacted upon as a result of the dwelling on plot 3. The Tree Officer objected to the proposal on the grounds of the trees sought to be removed providing an effective and attractive screen on the site boundary as highlighted in the submitted tree survey and report and would go against the comments made by the appeal inspector in 1983.

Following this objection the agent has provided an amended plan showing the retention of the Maple Tree. An amended landscaping plan has also been provided along with a response to the Tree Officer's objection written by the applicants tree specialist. These detail amongst other things that the Holly trees are interspersed with mature Cherry Laurels trees that are not covered by a TPO with the applicants

specialist estimating the cherry laurel comprises approximately 50% of the visible canopy so its removal can be done without any permission that will reduce the screening effects and amenity values at this point. Reference is also made in respect of a permission given for the removal of a Horse Chesnut tree that was stated as having little or no public amenity value with only the top of it being visible from outside the site. Furthermore, the amended landscaping plan shows replacement and additional planting that is contended would continue to afford the screening currently received by both neighbouring dwellings and the development as well as enhancing the area.

In response to this the Councils tree officer has responded stating that the Horse Chesnut tree was heavily diseased and nearly dead so meaning it had a very limited amenity value. The response also highlights that the holly trees do have a limited public amenity value but are visible to residents of Bawnmore Park, provide a good level of screening as highlight by the appeal inspector as being important.

The provisions of policy CS16 seek to ensure developments do not harm the quality, character or amenity of an area. Taking the various arguments together officers are of the opinion that whilst the holly tree may not be readily visible from outside Bawnmore Park and the grounds of 67A Bawnmore Road, the adjacent neighbour who has objected on the loss of the holly tree and resultant impact on their amenity, it is visible from these areas where it serves as an attractive feature that screens the original development from the neighbouring site to west and south. Furthermore it could serve to provide the same features to the proposed development. Whilst replacement planting could achieve the same purposes it would require a reasonable period of time in order to become establish although this could allow the development to take place in a manner with less future pressure for works to TPO'd trees.

On balance therefore it is considered that the works to and removal of this group of Holly trees would reduce established landscaping that positively contributes to the character, appearance and amenity on the site whilst removing screening to existing and proposed dwellings to the detriment of their amenity contrary to the requirements of policy CS16.

Amenity:

Notwithstanding the amenity issues highlighted already discussed under the Trees heading, the dwellings have been designed with principal room windows laid out to face the front and rear of each plot with the position of each dwelling and plot such as to avoid overlooking as well as loss of privacy and light. On plot 3 this has been achieved through the house being positioned on an angle so as to no result in any undue overlooking of either 2 Bawnmore Park to its front or 67A Bawnmore Lane to its rear and where any overlooking does occur it is considered that it will be to a limited level that would not justify a refusal being issued. Flank wall windows on upper floors are indicated on the submitted plan to be obscure glazed so would not raise any issues.

As already indicated it is not considered that the height would result in any amenity issues.

Highway & Parking:

In respect of the intensification of the access the Highway Authority has commented stating no objections subject to conditions as they are satisfied it would not result in any adverse or detrimental highway or pedestrian safety issues.

In respect of parking provision, all 3 proposed dwellings having integral parking spaces as well as space to the front of them for additional parking so that the required parking spaces as detailed in the Planning Obligations SPD are provided whilst still also providing sufficient turning and manoeuvring space.

Ecology:

With regards to ecological matters, the submitted details have been assessed by Warwickshire County Council Ecology Unit who has no objections to the proposal subject to conditions being attached to any approval.

Conclusion:

Whilst the principle of the development is acceptable along with design, appearance, ecology and highway matters with sufficient parking provided, the proposed removal of the Holly trees covered by a Tree Preservation Order will result in the unacceptable loss of a feature that positively contribute to the character and amenity of the site, area and neighbouring dwellings contrary to the provisions of policy CS16.

Recommendation;

Recommend refusal for the following reason.

Report prepared by: Richard Redford 16th January 2013

DRAFT DECISION

APPLICATION NUMBER

R12/1684

DATE VALID

12/11/2012

ADDRESS OF DEVELOPMENT

1 BAWNMORE PARK
RUGBY
CV22 6JW

APPLICANT/AGENT

Mrs Rebecca Chapman
Chapman Design
10 David Road
Rugby
Warwickshire
CV22 7PX
On behalf of Mr & Mrs Blee

APPLICATION DESCRIPTION

Demolition of existing dwelling and erection of 3 detached dwellings with associated parking and works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1;

The proposed removal of the mature Holly trees covered by Tree Preservation Order number 75 will result in the unacceptable loss of an established landscaping feature that contribute positively to the character, amenity and appearance of the application site and immediate area contrary to the requirements of Rugby Borough Core Strategy policy CS16 that specifically seeks to ensure developments do not harm the quality, character or amenity of an area.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy policies CS1 and CS16
Rugby Borough Saved Local Plan policies GP2 and E6
Planning Obligations SPD
NPPF

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

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 exploring all avenues in order to overcome the reason for refusal.

Reference number: R12/1610

Site address: Land at Leicester Road, Leicester Road, Rugby

Description : Erection of 89 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works – submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref: R06/0064/MAJP dated 17.09.2007

Case Officer Name & Number: Steve Parkes 01788 533633

Authorised Use

Mixed use redevelopment site

Relevant decisions

Redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540 no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store (5,156sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975sq.m) and garden centre products (1245sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works. (Application ref. R06/0064/MAJP)	approved (outline)	17.09.07
Submission of reserved matters (layout, scale, appearance and landscaping) pursuant to outline planning permission ref. R06/0064/MAJP for the erection of a College of Further Education with associated open space, wind turbine, car parking, landscaping and ancillary works. (Application ref. R07/2055/MRES)	approved	06.05.08
Relocation of the war memorial from the Mill Road site entrance to a central location within the site. (Application ref. R08/0370/MRES)	approved	20.05.08
Relocation of the war memorial from the Mill Road site entrance to a central location within the site. (Listed Building Consent - Application ref. R08/0365/LBC)	approved	12.06.08
Submission of reserved matters (layout, scale, appearance and landscaping) pursuant to outline planning permission ref. no. R06/0064/MAJP dated 17/09/2007 for the construction of a spine road between Mill Road and Leicester Road, and the Hunters Lane link. (Application ref. R08/0456/MRES)	approved	21.07.09
Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works (Application ref. R07/1918/MAJP)	approved	08.02.12

Technical Consultations

WCC Highways	observations awaited	
WCC Archaeology	no objection	
WCC Ecology	comments	no overriding ecology issues subject to conditions and subject to safeguards and mitigation to ensure protected species are not harmed and to increase the value of the site for biodiversity
Warks Police	no objection	make recommendations in connection with crime prevention
Environment Agency	no objection	
STW	no objection	
Environmental Services	no objection	in respect of noise issues in view of the relationship to the spine road (Technology Drive); confirms that verification report still required in connection with conditions covering the remediation of contamination
Housing Manager	comments	disappointed in reduction in affordable housing provision; that provided should be for social rent; internal layout of affordable dwelling type and parking arrangement needs further consideration
Parks and Cemeteries Manager	observations awaited	
Tree Officer	observations awaited	
Landscape Officer	observations awaited	
Works Services	comments	need to ensure adequacy of size of bin store serving apartments and that it is not obstructed

Third Party Consultations

Cllr.C.Edwards & Cllr.A.Coles	concerns	impact of apartments on the amenities of neighbouring properties 14–16 Aqua Place in terms of loss of light, loss of privacy and overshadowing of garden areas; effect of apartments on TV reception – asks that a condition be attached to ensure that signals are not adversely affected and that the developer mitigate any problems; footpath/cycleway to Aqua Place – understood this was excluded at the outline stage, will
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become short-cut/rat run and source of anti-social behaviour; low level of affordable housing provision – is an increasing need, Registered Partners should have management structures in place in Rugby to manage the homes and the affordable dwellings should be of a standard that they can be readily converted to meet disability needs; location of teenage play area near war memorial; location of toddler play area near balancing ponds/river and not properly overlooked; conditions should restrict noise, out of hours working and ensure that dust, rubble and mud on roads are kept to a minimum

Neighbours
(4 letters from 3 households)

objection

- impact of 3 storey apartments on nos 15 and 16 Aqua Place: loss of light, overshadowing of dwellings and garden areas, overbearing, overlooking from upper floors, loss of privacy, increase in noise and potential loss of security from parking area and overdevelopment
- pedestrian/cycle link to Aqua Place: will result in an increase in the number of people using the area and potential increase in crime and anti-social behaviour, will change the character of the locality, loss of privacy and noise disturbance arising from use of the connection, potential of additional vehicular activity and parking issues
- orientation of plots 32-35 will potentially generate noise at night
- insufficient visitor parking so may park In Aqua Place
- plans do not include all trees on the boundary with Aqua Place and the existing hedgerow should be retained
- period for submission of reserved matters has expired
- lack of affordable housing contrary to policy and no indication of whether that proposed to be social rent or shared ownership
- does not comply with PPS3 density Requirements

- development should be compliant with policies GP4, GP8, GP9, GP10, GP15 and E17 standards
- no confirmation of how additional traffic is to be mitigated
- proposals should comply with the Development Framework document
- education demand generated should be taken into account
- apartments at Mill Road end do not comply with the outline approval
- adequate provision for television reception should be made
- non-compliance with energy efficiency requirements contrary to policy CS17

Other Relevant Information

This application has been brought before the Committee for determination at the request of Cllr.Edwards.

Background

Outline planning permission for the comprehensive, mixed-use redevelopment of the Leicester Road opportunity area as originally defined in the Rugby Borough Local Plan, July 2006, was granted on 17th September 2007. The distribution of land uses comprising a mix of housing, employment and retail development together with a campus for Warwickshire College, public open space and a new link road between Leicester Road and Mill Road was indicated on an approved framework plan. The outline planning permission was also the subject of a Section 106 agreement which included, amongst other things, the provision of 25% affordable housing. Outline planning permission was granted in February 2012 for residential development in substitution for the retail element contained in the original outline proposals.

The Warwickshire College campus and link road (Technology Drive) have been completed to date in accordance with the provisions of the outline planning permission and are fully operational. In addition, the site has been cleared of buildings and hardstandings and remediation of contamination is progressing. The war memorial which originally stood at the Mill Road entrance has been relocated to an area of open space in front of retained employment buildings on Technology Drive.

The Application

The application comprises the submission of reserved matters in respect of layout, scale, appearance, access and landscaping for the erection of dwellings in phase 1 of residential development located at the eastern end of the larger redevelopment site. The reserved matters are submitted under condition 4 of the outline planning permission and are also linked to other conditions which require related details to be submitted concurrently and which impact on the layout and design of the development. These include details under condition 5 in respect of drainage, parking, boundary treatment and levels.

The site is bounded by the River Avon to the north, retained employment buildings to the west, the Aqua Place residential area to the east and by Technology Drive to the south. The site has been cleared of previous development and remediated from contamination. Levels fall gently across the site towards the north from Technology Drive.

The 4.13ha site includes the first phase of residential development amounting to some 2.55ha together with 1.27ha of public open space and a landscaped wildlife area amounting to 0.31ha which incorporates a balancing pond. A second phase of residential development located between phase 1 and the area of public open space on 2.24ha of land is shown indicatively and would be the subject of a separate reserved matters application.

The proposals are primarily for a mix of detached and semi-detached two, two and a half and three storey dwellings together with a small block of apartments. As originally submitted the scheme comprised a total of 89 dwellings comprising 4no. two-bed units, 33no. three-bed units, 44no. four-bed units and 8 apartments (2no. one-bed units and 6no two-bed units) in a four storey block. In response to representations received, the height of the apartment block has been reduced to three storeys with the loss of 2no. two-bed units giving a revised total of 87 dwellings. Four of the two-bed, semi-detached dwellings are identified as affordable housing for shared ownership purposes. The scheme is at a net density of approximately 35 dwellings/ha.

Access

The primary vehicular access to the site comprises an estate road from Technology Drive at a point towards the eastern end of the frontage fixed during the design and construction of the link road which serves the larger redevelopment area. It is intended that the estate road will form a loop linking back to Technology Drive to the west as part of the phase 2 proposals. As originally submitted the scheme included a pedestrian/cycle link from the proposed development into the neighbouring area of public open space in Aqua Place. As a result of concerns expressed about this element by Ward Councillors and neighbours, the link has subsequently been deleted from the scheme. Pedestrian links will be provided from the housing to the proposed area of public open space serving this development via the phase 2 scheme and will also include a footpath through the open space linking to the war memorial and Technology Drive.

Layout

The layout of the development is based around a hierarchy of roads comprising the loop road and cul-de-sac and private drives served from it aligned along or at right angles to the contours across the site. The dwellings are principally arranged in a series of small perimeter blocks with enclosing brick screen walls on key frontages. A small number of dwellings back on to the eastern boundary with Aqua Place whilst the block of apartments and associated parking area are located towards the Mill Road end of the frontage to Technology Drive on the south side of dwellings on Aqua Place. Dwellings to part of the Technology Drive frontage are set back behind a private drive served by an estate road from within the site. Parking provision is predominantly in the form of detached garages set behind the properties and parking spaces between the dwellings. The parking ratio approximates to 2.5 spaces per unit across the site with most properties being provided with 2 spaces and larger properties with 3 spaces.

The main area of public open space, which incorporates both toddler and teenager play areas, is located on the west side of the development adjacent to retained employment buildings and includes the relocated war memorial. A second area located on the north side of the development adjacent to the River Avon incorporates a balancing pond and is intended to become a nature conservation/wildlife habitat. A small area at the Mill Road end of Technology Drive described as a pocket park is intended for use as a public garden.

Appearance and Scale

The proposed dwellings are of a traditional design and appearance with gables and pitched roofs and incorporate bay window and chimney features in a range of styles and architectural detailing. Larger dwellings in terms of scale and massing with more steeply pitched roofs are located along the frontage to Technology Drive with other larger dwellings located at key visual points within the layout.

Materials are drawn from a palette of four predominantly orange/red sandfaced brick types and a single concrete tile profile in two contrasting colour finishes. Through colour render finish panels are also incorporated in a number of house types whilst timber weatherboarding is to be used on the upper part of the apartment block.

Landscaping

Soft landscaping proposals comprise a mix of indigenous and ornamental trees and shrubs. Street tree planting is proposed along the frontage to Technology Drive together with a hedgerow behind iron railings returning along the first part of the principal estate road serving the development as an entrance feature. The existing hedgerow to the boundary with Aqua Place is to be retained and reinforced.

Significant planting is also proposed in the areas of public open space to assist in providing a green buffer when viewed against existing neighbouring employment buildings and to eventually provide a natural wildlife habitat. The landscape scheme takes account of, and includes the relocated war memorial to the west of the site. Hard landscaping essentially comprises a mix of macadam, concrete setts and paving slabs with granite setts laid in macadam to define parking spaces. Private garden and other areas are to be enclosed by a mix of 1.8m high brick walls, timber fences and 1.0m high iron railings. The pocket park will be enclosed with a knee rail to the frontage with Technology Drive.

The proposals include some re-grading works and adjustment of levels, including the spreading of a capping layer of material to an average depth of approximately 1.0m in order to facilitate the development, including the drainage of the site.

Drainage

The proposals include a sustainable urban drainage scheme (SUDS) with surface water being discharged to the balancing pond located in the north of the site with outfall to the River Avon. The finished floor level of the dwellings is set at least 600mm above the modelled 1 in 100 year flood level to ensure that there is no risk of flooding in an extreme event due to climate change. Foul sewage will discharge by gravity to a pumping station located in the north-west corner of the housing site and then pumped via a rising main to the existing public sewer in Technology Drive.

Other

The application is supported by a Design and Access Statement which includes a sustainability assessment and other documents comprising noise, ecology and arboricultural reports, and a viability assessment.

The noise report comprises an assessment of the impact on the proposed development of noise levels likely to arise from traffic use of Technology Drive in accordance with the requirements of condition no.33 attached to the original outline planning permission. It confirms that standard double glazing with window or wall mounted trickle vents will provide satisfactory noise attenuation for the dwellings adjacent to Technology Drive. Beyond that it also confirms that there will be a significant reduction in noise levels due to the screening effects of the development and the increasing distance away from the main road. Nonetheless it recommends that such proprietary glazing is provided to all habitable rooms throughout the development.

The ecology reports update the position in respect of the impact on wildlife and makes recommendations in respect of planting in the proposed nature conservation area in the north of the site. The Arboricultural Report, amongst other things, considers the health of existing trees on land directly adjacent to the proposed development on land owned and maintained by the Borough Council in Aqua Place. It concludes that a Poplar tree and Willow trees are in particularly poor condition and a potential danger to existing properties and to the proposed development. Although the layout of development has been arranged having regard to the relationship with the trees, in view of their condition, it recommends that they be removed.

The viability assessment considers the profitability of the development of the site against the obligations contained in the S106 Agreement attached to the original outline planning permission and policies contained in the Council's Core Strategy, with particular regard to the costs of the incorporation of renewable energy technology, taking account of changed economic circumstances and reduced land values. The assessment concludes that the requirement to make 25% affordable housing provision and to include renewable energy technology would make development of the site unviable. A 5% level of shared ownership affordable housing is therefore proposed comprising 4no. two-bed semi-detached dwellings which are identified in the layout.

Relevant Planning Policies

LDF Core Strategy, June 2011 including "saved" policies

CS14	conforms	enhancing the strategic green infrastructure network
CS16	conforms	sustainable design
CS17	conforms	reducing carbon emissions
CS19	conforms	affordable housing
GP2	conforms	landscaping
GP6	conforms	safeguarding development potential
E6	conforms	biodiversity
T5	conforms	parking provision
H11	conforms	open space provision
LR1	conforms	open space standards
LR3	conforms	quality and accessibility of open space

Sustainable Design and Construction SPD, February 2012 (RBC)

Planning Obligations SPD, March 2012 (RBC)

Housing Needs SPD, March 2012 (RBC)

National Planning Policy Framework, March 2012 – Section 4: Promoting sustainable transport; Section 6: Delivering a wide choice of high quality homes; Section 7: Requiring good design; Section 8: Promoting healthy communities; Section 10: Meeting the challenge of climate change and flooding; Section 11: Conserving and enhancing the natural environment

Determining Considerations

The principle of the development of this site for residential purposes is long established with the grant of outline planning permission in 2007. It is therefore only the details of the development comprised in the reserved matters in respect of layout, appearance and scale, access and landscaping, together with other matters to discharge associated conditions, which fall to be considered in this case having regard to policies controlling development contained in the Council's Local Development Framework Core Strategy, June 2011, including "saved" policies, government planning policy guidance contained in the National Planning Policy Framework, March 2012 (NPPF) and any other material considerations including the relationship with existing neighbouring development, the topography of the site and nature of its surroundings, and the viability of the development.

Layout

The layout has been arrived at having regard to the context set by existing development and the approach to the detailed development of the site indicated on the framework plan, the illustrative layout, and the design and access statement which accompanied the original outline application. The layout has also been arrived at having regard to safeguarding the development potential of adjoining land which will form a second phase of development.

The layout of the housing around the loop road in a number of distinct parcels essentially forming perimeter blocks, together with the hierarchy of street types and links to the primary area of open space, is considered an acceptable, legible arrangement which will provide a high degree of permeability through the site. It also fully accords with secure by design principles to provide a safe and secure environment.

The relationship between proposed dwellings on the site and with existing neighbouring dwellings on Aqua Place takes account of amenity considerations and will ensure that acceptable levels of privacy are safeguarded in accordance with Core Strategy policy CS16. With regard to the apartment block, it is considered that the reduction in the height of the building will reduce any perceived overbearing impact and minimise any potential overshadowing and loss of light to neighbouring properties on Aqua Place. In addition, the layout of habitable rooms and windows in the rear elevation have been arranged such that it is considered that there will be no significant overlooking from upper floors and thereby loss of privacy.

The main area of public open space along the western part of the site will not only provide useable recreational and amenity green space but will also eventually provide a setting for the development following the completion of phase 2 and also function as a landscaped buffer to the retained employment development beyond. Together with the relocated war memorial in this location, it will also assist in creating a strong sense of place and identity.

The laying out of dwellings to predominantly front on to the hierarchy of roads and green framework will provide strong frontage development and continuity in the street scene as well as natural surveillance in accordance with secure by design principles. The siting of dwellings close to the back of footways will create a sense of enclosure whilst it is considered that appropriate variation is included in the scheme to provide interest. The convenient location of parking spaces on plot predominantly between dwellings, together with associated garages, will minimise the impact of parking in the street scene. The range of boundary treatments proposed will have the effect of clearly defining public and private space.

Appearance and Scale

In terms of scale, the different heights and massing of the dwellings ranging from two storey to three storey units will add to the variety and interest on the development. The dwelling types and sizes will meet a diverse range of accommodation needs. Though it was originally envisaged at the outline stage that three to four storey apartments would dominate and provide continuity and enclosure along the link road, Technology Drive, the applicant advises that the market has changed such that there is currently significantly reduced demand for such development. The larger house types in the scheme have nonetheless been sited along the Technology Drive frontage with the scale beyond returning to two storey but with two and a half storey dwellings in key locations. Though the apartment block has been reduced in height and scale, it will both frame the proposed pocket park and provide a gateway into the larger redevelopment area.

The mix of house types, designs, styles and architectural detailing is of a traditional nature as opposed to a more modern approach though the detailing has been updated to a more contemporary style. The palette of materials proposed, including some render, will add contrast and visual interest to the elevations of the dwellings. The materials will promote distinctiveness but at the same time blend sympathetically with existing residential development in the locality. As such it is considered that the

appearance and scale of the proposed development is acceptable; that it will assimilate and harmonise with its surroundings; that it meets the requirements for high quality, inclusive and sustainable design and that it will not cause any material harm to the quality, character and amenities of the locality in accordance with the requirements of Core Strategy policy CS16. In addition, it complies with policy guidance contained in sections 6 and 7 of the NPPF which seek to ensure that a wide choice of quality homes are provided of a high quality design.

The design, appearance and materials to be used in the construction of the proposed affordable dwellings also reflects that of the market housing such that they will largely be indistinguishable and well assimilated into the overall development.

The proposed housing will be of sustainable design to minimise energy use by maximising natural light and ventilation and the use of the most energy efficient materials in construction to meet energy conservation requirements in accordance with the Building Regulations, Core Strategy policy CS17, the Council's Sustainable Design and Construction SPD and section 6 of the NPPF. The development will meet level 4 of the Code for Sustainable Homes in respect of water conservation in accordance with Core Strategy policy CS16. Policy CS17 requires that all new developments of 10 dwellings or more shall incorporate renewable or low carbon energy equipment to reduce predicted CO2 emissions by at least 10%. It also states that actual provision will be determined through negotiation having regard to site characteristics and issues of viability. The applicant points out that no conditions were attached to the outline planning permission covering this aspect and that, nonetheless, it has been demonstrated that the viability of the scheme precludes the inclusion of renewable energy technology in accordance with the requirements of policy CS17.

Access (including transport and parking)

The primary means of vehicular access to the site was fixed at the time of the design and construction of the link road, Technology Drive. Minor revisions have been made to the geometry of the road layout within the site to meet the requirements of the Highway Authority. At the time of writing, the Authority's formal observations on revised drawings are awaited and will be reported verbally at the meeting.

Measures mitigating the transport impacts of the redevelopment of the Leicester Road opportunity area as a whole were carried through into the Section 106 Agreement at the outline stage by way of a financial contribution towards the provision of public transport together with off-site highway improvements.

The level of parking provision across the site is considered acceptable in accordance with "saved" policy T5 and the Council's parking standards contained in the Council's Planning Obligations SPD.

The layout of the development incorporates safe, convenient and suitable access for all and an appropriate level of parking provision in accordance with section 4 of the NPPF.

Landscaping

The hard and soft landscaping has been considered as an integral part of the scheme in accordance with "saved" policy GP2 and will add to the quality of the environment created and provide a visually interesting setting for the built development. The proposals will also enhance the green infrastructure network in the locality as defined in Core Strategy policy CS14. The detailed soft landscape proposals will enhance the appearance and soften the impact of the development in the street scene. The landscaping in the primary area of public open space will also serve to soften the impact and views of the existing employment buildings beyond. The proposed native hedgerow planting and street trees along the Technology Drive frontage are designed to filter views of the development whilst the planting scheme is also designed to emphasise the main gateway into the site along the primary residential street.

The planting scheme, including choice of species, is designed to encourage wildlife and in the medium to longer term to secure a net gain in biodiversity. The proposals for the balancing pond and natural wildlife area will provide new habitat and be of added nature conservation value. The proposals therefore accord with Core Strategy policy CS14, saved policy E6 and section 11 of the NPPF which seeks to conserve and enhance the natural environment..

The Council's landscape and tree officers are in agreement with the recommendations contained in the Arboricultural Report that the nearby Poplar and Willow trees be removed. The applicant's have confirmed that they will meet the reasonable costs of removing the trees and providing replacement planting.

Other

Core Strategy policy CS19 and the Council's Housing Needs SPD, March 2012, explain that where the provision of levels of affordable housing are likely to threaten the financial viability of a scheme, the Council will consider reduced provision.

The viability assessment referred to above has been the subject of an independent appraisal by the Valuation Office Agency (VOA) on behalf of the Council. The Agency has confirmed that a policy compliant scheme which includes 25% affordable housing as originally envisaged, together with the incorporation of renewable energy technology, would render the development of the site unviable. The Government has advised Local Planning Authorities that in such circumstances, and taking account of the current economic climate, the requirements of S106 Agreements with particular regard to affordable housing provision should be re-examined to ensure that they do not prevent housing development coming forward. Whilst it has been demonstrated that a policy compliant scheme is unviable, at the time of writing, discussions with the VOA and the applicant is on-going in respect of testing the 5% affordable housing offer, the outcome of which will be reported verbally at the meeting.

The comments of the Council's Housing Manager in respect of the room layouts and parking provision for the affordable housing have been taken into account in revised drawings.

With regard to noise, section 11 of the NPPF advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts as a result of new development. The Council's Head of Environmental Services is satisfied with the recommendations contained in the noise report and confirms that the relevant condition covering this aspect may be discharged. A separate submission has been made to discharge a condition attached to the original outline planning permission covering the verification of the remediation of contamination on this part of the larger redevelopment site.

The location of the toddler and teenage play areas together with details of the design and type of play equipment to be included in the primary area of public open space has been agreed in discussion with the Council's Parks and Cemeteries Manager and accords with the Council's Play Strategy. The area of public open space within which it is located, together with the other green spaces meet the requirements of saved policies H11, LR1 and LR3 with regard to the level and quality of provision and will be adopted and managed by the Borough Council. At the time of writing, the final observations of the Council's Parks and Cemeteries Manager (to include those of the Council's Landscape and Tree Officers) in respect of revised drawings is awaited and will be reported verbally at the meeting.

Third Party Representations

A number of issues have been raised by Ward Councillors and by neighbours in connection with the proposals as originally submitted, particularly in respect of the impact of the proposed apartment block on the amenities of existing adjoining properties and the originally proposed footpath/cycle link into Aqua Place. At the time of writing, a re-consultation with neighbours in respect of amended drawings has been carried out, the outcome of which will be reported verbally at the meeting.

Careful consideration has been given to the relationship between the apartment block and the neighbouring properties on Aqua Place, particularly in respect of nos. 14, 15 and 16 to ensure that any potential impact on the residential amenities of the occupiers is minimised in accordance with Core Strategy policy CS16. As a result of the original representations received, as advised above, the height of the apartment block has been reduced from four storeys to three storeys, with the second floor accommodated in the roof space, measuring approximately 6.5m to the eaves and 10.5m to the ridge of the roof. The building itself at its closest point sits approximately 12.0m off the boundary with the neighbouring dwellings with the longer elevation some 16.0m to 17.5m off the boundary. Windows in the rear elevation of the apartment block in the gable closest to neighbouring properties comprise a kitchen and lounge window at first floor and a kitchen/dining window on the second floor. Windows in the longer elevation set further away at first and second floor principally serve non-habitable rooms (bathrooms/hall/lobby) and kitchens. The distance between principal windows of the apartments and the neighbouring dwellings varies between 24m and 29m.

The relationship with neighbouring dwellings which sit at a lower level has also been carefully considered having regard to sections drawings and sun study drawings submitted to assess the potential impact of overshadowing of the existing development at different times of the year. These have also been compared with the impact of the gatehouse which was previously located on the site. This shows that the only time any shadow would be cast would be at midday in winter months only to the garden area of no 16 Aqua Place but that the impact would be minimal and largely unchanged from the position as existed with the gatehouse.

In the circumstances, it is not considered that the apartment block will have any material adverse impact on the amenities of the neighbouring properties by reason of loss of light, overshadowing, overbearing impact or loss of privacy. In addition, it is not considered that the use of the parking area in terms of noise and general disturbance will have any significant adverse impact on the amenities of the neighbouring properties. The apartment block will itself serve to attenuate traffic noise from the use of Technology Drive.

The apartment block is lower than the 3 – 4 storey development originally envisaged in the indicative scheme which accompanied the outline application. The area within which the block sits extends slightly further along Technology Drive to the rear of properties on Aqua Place than shown on the originally approved framework plan at the outline stage. It was originally envisaged that part of this area, including that on which the pocket park is located, would need to be retained as a large turning and manoeuvring area for vehicles accessing the Colas rail repair workshops on Mill Road. More detailed assessment was made of manoeuvring requirements when the link road, Technology Drive, was designed and it was confirmed that the turning area could be significantly reduced over that originally envisaged.

With regard to the Aqua Place link, as result of representations received, the need or otherwise for the link has been given further consideration. Whilst it may be considered that the link would be beneficial to residents on both Aqua Place and the proposed development in terms of connectivity and permeability, it is not considered essential to the scheme whilst its deletion will not be prejudicial to accessibility in the locality generally.

With regard to other matters raised, the applicants have confirmed that the hedgerow along the Aqua Place boundary is to be retained and reinforced. As advised above, the Councils tree and landscape officers are of the view that the existing Willow trees and Poplar tree in the open space on the Aqua Place side of the site boundary are in poor condition, potentially present a danger to both existing and proposed properties and should therefore be removed. The applicants have agreed to meet the costs of removal and replacement planting.

The application has been made within the period stipulated in the outline planning permission for the submission of reserved matters; density is no longer prescribed in the NPPF which replaced PPS3 but is comparable to previous requirements whilst the policies referred to by the neighbour were included in

the Rugby Borough Local Plan, July 2006, but have not been saved in conjunction with policies contained in the Council's Core Strategy.

Traffic generation and associated mitigation was considered at the outline stage and does not preclude the development of this part of the larger redevelopment site. The requirement for education contributions is covered in the Section 106 agreement entered into in connection with the outline planning permission. In view of the nature and scale of the development, it is not anticipated that there will be any significant impact on TV reception whilst energy efficiency requirements in connection with Core Strategy policy CS17 are subject to viability considerations. As referred to above, the applicants have demonstrated that meeting the requirements for renewable energy systems would detrimentally effect the viability of the scheme as a whole. Nonetheless, the scheme has to meet sustainable energy efficiency requirements under the Building Regulations.

The much reduced level of affordable housing provision due to viability considerations has been covered above. The Council's Parks and Cemeteries Manager has confirmed that he is satisfied with the location of the play facilities in the primary area of public open space. The teenage play area towards the frontage with Technology Drive is in a location where activity can readily be seen and will be overlooked by the proposed development in phase 2. The toddler play area will also be overlooked. It is not located in proximity to the River Avon whilst the cooling ponds serving the existing employment area are secured by 2.5m high steel palisade fencing.

Recommendation

Subject to:

- i) no objections being raised by the Highway Authority and the Council's Parks and Cemeteries Manager in respect of revised drawings,
- ii) agreement being reached on the level of affordable housing provision on conclusion of the appraisal of the viability assessment, and,
- iii) no new material matters being raised in connection with the neighbour re-consultation

approve the details comprised in the reserved matters submission in respect of layout, scale appearance, access and landscaping together with related details in respect of roads, drainage, parking, site boundaries treatment, levels, refuse storage and noise attenuation in accordance with condition nos. 4a), 4b), 4c) – part, 4d), 4e), 5a), 5b), 5c), 5d), 5f), 5i) and 33 attached to outline planning permission ref. R06/0064/MAJP dated 17th September 2007, subject to the additional conditions below.

DRAFT DECISION

APPLICATION NUMBER

R12/1610

DATE VALID

03/10/2012

ADDRESS OF DEVELOPMENT

Land at Leicester Road
Leicester Road
Rugby

APPLICANT/AGENT

Mrs Kathryn Ventham
Barton Willmore Llp
Regent House
Prince's Gate
Solihull
West Midlands
B91 3QQ
On behalf of Mr Robin Smith, St.Modwen
Homes

APPLICATION DESCRIPTION

Erection of 87 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works - submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007

Condition Number & Details

- 4a) – layout
- 4b) – scale
- 4c) (part) – appearance of the development including materials
- 4d) – means of access to and within the site
- 4e) – hard and soft landscaping including the design and treatment of all open spaces
- 5a) – layout, dimensions, levels and surfacing of all roads, pedestrian crossings, footpaths, verges, parking areas and private drives
- 5b) – means of drainage and sewage disposal
- 5c) – parking accommodation
- 5d) – siting, height and design of all fences and walls on the site and treatment of the site boundaries
- 5f) – existing and proposed site levels and finished ground floor levels of all buildings
- 5i) – provision of refuse storage facilities
- 33 – assessment of noise levels, attenuation and ventilation to residential properties

Plans & Details Approved

Layout Plans

PL01 Rev A	Site Location Plan
PL02 Rev A	Existing Site Plan
PL03 Rev K	Proposed Development Site Layout Plan
PL06 Rev F	Boundaries Plan
PL07 Rev F	Materials Plan
PL11 Rev D	Proposed Heights Plan
PL12 Rev C	Phase 1 Proposed Street Elevation
PL13 Rev C	Proposed Site Cross Sections
PL15 Rev B	Eastern Boundary Section AA
PL16 Rev B	Eastern Boundary Section BB
PL17 Rev B	Proposed 3 storey apartments and adjoining site sections
PL18	Eastern Boundary Section Aqua Place
PL47	Eastern Boundary Section CC

1415 02	Landscape Proposals
1415 03 Rev G	Landscape Strategy Plan
1415 04 Rev E	Detailed Planting Plan Sheet 1 of 4
1415/05 Rev F	Detailed Planting Plan Sheet 2 of 4
1415/06 Rev E	Detailed Planting Plan Sheet 3 of 4
1415 07	Car Port Screening Sketch Proposals
1415/09 Rev A	Pocket Park Detailed Planting Plan
1415/10 Rev D	Detailed Planting Plan Sheet 4 of 4
1415/11 Rev B	POS: Proposed Planting Plan Sheet 1 of 3
1415/12 Rev B	POS: Proposed Planting Plan Sheet 2 of 3
1415/13	POS: Proposed Planting Plan Sheet 3 of 3
1415 14	Balancing Pond Sketch Proposals
1415 15 Rev B	Proposed Bank Section
1415 16	Toddler Play Area
1415 17	Teen Play Area

Rev 1	Tree Protection Plan
202 Rev D	Preliminary Finished Floor Levels
203 Rev D	Earthworks Layout
204	Long Sections
230	Current Extent of Remediation
DS01 Rev C	Drainage Strategy
STD 1016 Rev 02	Sewage Pumping Station Template Site Layout (STW)
STD 1018 Rev 01	Sewage Pumping Station Template Generic Pipework General Arrangement Plans and Section (STW)

House Types

PL22C & PL23B	Unit C – Plans and Elevations
PL24B & PL25B	Unit D – Plans and Elevations
PL26A & PL27A	Unit F – Plans and Elevations
PL28B & PL29B	Unit G – Plans and Elevations
PL30B & PL31B	Unit H – Plans and Elevations
PL32D & PL33D	Unit J – Plans and Elevations
PL34C, PL35C & PL36B	Unit P – Plans and Elevations
PL37B & PL38B	Unit RL08-2 – Plans and Elevations
PL39B & PL40B	Unit RL09-1 – Plans and Elevations
PL41B, PL42C, PL43C & 44C	– Proposed Apartments
PL45 B & PL46B	Unit AH2
PL08	Bin Store for Apartment Block Plans & Elevations
PL09	Proposed Garages
PL10	Proposed Car Ports
1.4.2 Section-B&B	Casement Window Detail Outer Frame – Sash
1.4.2 Section-C	Casement Window Detail – Standard Cill Options Trimvent Select Xtra XS13 Ventilator

Supporting Documents

Design and Access Statement, Rev A (Roberts Limbrick Architects)
 Arboricultural Report, Rev 1, 10 December 2012 (Andrew Day Arboricultural Consultancy)
 Report on Existing Noise Climate, Rev 1, 20/09/12 (Hoare Lea Acoustics)
 Glass and Noise Technical Bulletin (Pilkington)
 Bat Survey, Ref.no 111015/Gatehouse, 18th September 2012 (Whitcher Wildlife Ltd)
 Mill Road, Rugby, Badger Report, 18th September 2012 (Whitcher Wildlife Ltd)

This permission is subject to the following additional conditions:

CONDITION: 38

Notwithstanding the provisions of Class F, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 and Class B, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those Orders, no hard surface shall be constructed within the open frontage landscape areas in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in the interests of the visual amenities of the locality.

CONDITION: 39

Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008, or any order revoking or re-enacting those Orders, no development shall be carried out which comes within Class B, Part 1 of the Order without the prior permission of the Local Planning Authority.

REASON:

In the interests of the residential amenities of the proposed and neighbouring properties.

CONDITION: 40

Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008, or any order revoking or re-enacting those Orders, no development shall be carried out which comes within Classes A and E, Part 1 of the Order in respect of plots 14 – 19 inclusive, without the prior permission of the Local Planning Authority.

REASON:

In the interests of the residential amenities of the proposed and neighbouring properties.

CONDITION: 41

Notwithstanding the provisions of Class A, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, other than those fences or walls shown on the plans hereby approved, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of, or to the side of the proposed dwellings without the prior permission of the Local Planning Authority.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 42

No gates or barriers shall be erected across vehicular access driveways/hardstandings serving individual dwellings or within car ports and drive-throughs any closer than 5.5 metres to the near edge of the public highway or private drives and any such gates or barriers shall not open outwards towards the highway or private drive.

REASON:

In the interests of public and highway safety.

CONDITION: 43

The recommendations contained in the Arboricultural Report, Rev 1, 10 December 2012, to safeguard trees during construction works, including protective fencing, materials storage and works within root protection areas, shall be fully implemented throughout the course of the development of the site.

REASON:

To protect trees during the course of development in the interests of the amenities of the locality.

CONDITION: 44

Adequate measures shall be employed on site at all times to prevent the deposit of deleterious material on the public highway.

REASON:

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

CONDITION: 45

No work shall be carried out on the site except between the hours of 07:30 – 18:00 Monday to Friday and 07:30 to 13:00 Saturday, and at no time on Sunday or Bank Holidays.

REASON:

In the interests of the amenities of the locality

CONDITION: 46

No part of the development within the vicinity of the badger sett shall be commenced until a detailed badger mitigation and method statement by a suitably qualified badger consultant has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

REASON:

To ensure appropriate measures are taken in relation to protected species.

RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

Rugby Borough Local Development Framework Core Strategy, June 2011, policies CS14, CS16, CS17 and CS19 together with Rugby Borough Local Plan, 2006, “saved” policies GP2, GP6, E6, T5, H11, LR1 and LR3.

Sustainable Design and Construction SPD, February 2012 (RBC)

Planning Obligations SPD, March 2012 (RBC)

Housing Needs SPD, March 2012 (RBC)

National Planning Policy Framework, March 2012 – Section 4: Promoting sustainable transport; Section 6: Delivering a wide choice of high quality homes; Section 7: Requiring good design; Section 8: Promoting healthy communities; Section 10: Meeting the challenge of climate change and flooding; Section 11: Conserving and enhancing the natural environment

REASONS FOR APPROVAL

The principle of the residential development of this site is already established by virtue of the outline planning permission granted in September 2007 for comprehensive mixed use redevelopment.

The reserved matters comprising the proposed layout, scale and appearance of the development are considered acceptable. The proposed development will assimilate and harmonise with its surroundings, meets the requirements for high quality, inclusive and sustainable design and construction, takes account of secure by design principles, will not have an adverse impact on the character of the area and safeguards residential amenity in accordance with the requirements of policies CS16 and CS17 of the Rugby Borough Local Development Framework Core Strategy, June 2011 and associated SPDs, and government guidance contained in sections 6, 7, 8 and 10 of the NPPF, March 2012.

The scheme includes the provision of appropriate high quality open space, landscaping has been considered as an integral part of the development and there will be no adverse impact on biodiversity in accordance with Core Strategy policy CS14, “saved” Rugby Borough Local Plan, 2006, policies GP2, E6, H11, LR1 and LR3, and government guidance contained in sections 7, 8 and 11 of the NPPF. The access and highway layout, parking provision and drainage proposals are acceptable in accordance with “saved” policy T5 and government guidance contained in sections 4 and 10 of the NPPF.

The level and type of affordable housing to be provided, having regard to viability assessment, accords with Core Strategy policy CS19, the Council’s Housing Needs and Planning Obligations SPDs and sections 6 and 8 of the NPPF.

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 National Planning Policy Framework, March 2012

INFORMATIVES:

a) The developers attention is drawn to the informatives attached to the original outline planning permission ref. R06/0064/MAJP as relating to the development of this site, particularly informative n)iii in connection with minimising the emission of dust from the site during construction and q) in relation to the disturbance of badgers. Badgers and their setts are protected under the 1992 Badgers Act. In connection with condition 46, Warwickshire Ecology advise that it is unclear if a Natural England derogation licence for disturbance will be required due to the proximity of the development to the existing sett. It will be important that access is available to suitable habitat for foraging and the mitigation strategy should detail how this will be achieved, in addition to appropriate safeguards such as enabling escape from foundation trenches and to ensure no disturbance of the existing sett during construction works and once the development is completed.

b) Warwickshire Police advise that the development should take account of Secured by Design advice and guidance – visit the web site www.securedbydesign.com or contact Mark English, the Force Crime Prevention Design Advisor, tel. 01926 684154

c) With regard to condition 43, the developer should discuss and agree the removal of the Poplar and Willow trees referred to in the report, together with replacement planting, with the Council's Landscape and Tree Officers, Neil Collett and Dave Gower – Tel. 01788 533768 or 01788 533634. The trees should not be removed unless and until a bat survey has been carried out and any required mitigation thereafter implemented in full. The developer is advised to take professional advice on the matter as bats and their roost sites are protected under the Wildlife and Countryside Act 1981 and the Habitat Regulations.

d) Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September though birds can nest at any time and the site should ideally be checked for their presence immediately before works start. In addition, though it is considered unlikely that the site will support protected species of amphibians and reptiles, in view of the location of the site adjacent to the River Avon, Warwickshire Ecology advise that care should be taken during site clearance, in particular of existing rubble piles.

e) Condition 4c) is discharged in part – full details of lighting remain to be submitted. In this regard, Warwickshire Ecology advise that lighting should avoid ecological corridors and that lighting should be kept to a minimum at night across the whole site in order to minimise impact.

Reference number: R12/2309

Site address: Holly Lodge Day Nursery, Fareham Avenue, Rugby

Description: Variation of Condition 1 of R12/1465 dated 12 September 2012 varying condition 1 of R02/0511/04875/P dated 5th August 2002 for the retention of two modular buildings for nursery / day care purposes for a further 10 year period.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the variation of Condition 1 of R12/1465 dated 12 September 2012 varying condition 1 of R02/0511/04875/P dated 5th August 2002 for the retention of two modular buildings for nursery / day care purposes for a further 10 year period. Justification put forward by the agent in support of the application details that the 10 year period is required instead of the 5 year period granted for reasons including in order for the applicants to continue negotiations with WCC to purchase the site, implement the 2012 permission for a permanent period as well as to house operations currently taking place in the old school building when the applicants ability to use this adjacent building is removed whilst also affording time to look at future replacement of these building through a new building or extension of the approved permanent building.

Planning approval R12/1465 granted temporary permission for the retention of the 2 modular buildings on site for a 5 year period following the originally sought 10 year temporary period having been reduced at officers request.

Site History;

Siting of portacabin and use as a nursery / day care facility Temporary
(R91/0489/4872/P) approval dated
31.07.91 up to 30.06.96

Retention of portable building and use as nursery / day care facility Temporary approval dated
(R96/0288/4872/P) 06.06.96 up to 30.06.02

Siting of portable building and use as a nursery / day care facility Temporary approval dated
(R00/0777/4872/P) 21.12.2000 up to 30.06.02

Renewal of planning permission R96/0288/4872/P dated 6 June Temporary approval dated 1996,
R96/0289/4872/P dated 7 June 1996 and 05.08.2022 up to 30.06.12 R00/0777/4872/P dated 21
December 2000 to retain existing buildings for nursery / day care purposes (R02/0511/4872/P)

Erection of additional nursery building (R11/1317) Approved 23.07.2012

Renewal of planning permission dated 5th August 2002 to retain Temporary approval dated existing
temporary buildings for nursery / day care 12.09.2012 up to 31.12.17 purposes for a further 5
year period (R12/1465)

Consultee Correspondence;

Highway Authority No objections

Third Party Correspondence;

No third party correspondence has been received.

Other Relevant Information;

The application is before you for determination at the request of Cllr J Roodhouse.

Located within the Rugby Urban Area the application site is occupied by 2 temporary porta-cabin style buildings used as a day nursery for children to which this application relates. Planning permission has been granted for an additional permanent building to provide additional facilities but work has not yet commenced. Within the overall site the adjacent building was formerly a primary school but the building(s) is no longer in use as the school operations have transferred to a site on the opposite side of the road.

Relevant Policies;

RBCS Policy CS16 Complies Sustainable Design

Planning Obligations SPD

Consideration;

The main issue for consideration relates to the continued use of the 2 temporary building for providing a childrens nursery given the temporary nature of the buildings, the length of time they have been in situ and the fact that the basis for the temporary approvals has been that the temporary nature of the buildings is not considered to be an acceptable long term solution. Subsequent to this other matters relate to parking, time periods and design.

The previous approvals for the structures to which this application relates were granted temporary approvals on the basis that the nature, type and appearance of the buildings were not considered acceptable in the long term. On the previous application that originally proposed the retention of the buildings for a further 10 years it was considered that the 10 year period was unacceptable as it would have resulted in their having been on site for over 25 years which could be seen as permanent whilst the 5 year period granted had the aim of seeking to get an additional permanent building approved with a further temporary permission potentially capable of support beyond that 5 year period whilst the additional building was implemented. However, the information put forward with this application was not provided as part of the previous approval and as such officers were unaware of the full business operation and that negotiations were taking place with Warwickshire County Council pursuant to buying the application site. In light of the additional information put forward in this application justifying the 10 year period sought it is considered that, on balance, it is acceptable in that it would allow a number of matters to be resolved whilst still affording time for permission to be obtained on a permanent building or extension to the approved permanent building as a replacement for the buildings to which this application relates.

The design, appearance, size, scale, massing and bulk are predetermined by virtue of the application seeking a temporary renewal and whilst acceptable for a temporary basis would not be acceptable in the long term. Although it could be argued that a further 10 year temporary permission resulting in the building having been on site for more than 30 years is comparable with some permanent buildings, for the afore mentioned reasons it is in this instance considered on balance to be acceptable. The temporary buildings are currently screened on its Fareham Avenue frontage by a section of established hedgerow although after the site they are visible as the hedging stops. There is a play are to the front of the elements visible such that attention is drawn away from the temporary nature of the building.

Parking will remain as per the current level in-line with the Planning Obligations SPD which is acceptable.

Recommendation;

Recommend temporary approval subject to conditions.

Report prepared by: Richard Redford 17th January 2013

DRAFT DECISION

APPLICATION NUMBER

R12/2309

DATE VALID

07/12/2012

ADDRESS OF DEVELOPMENT

Holly Lodge Day Nursery
Fareham Avenue
Rugby
CV22 5HS

APPLICANT/AGENT

Mrs Sally Stroman
Wilbraham Associates
18a Regent Place
Rugby
Warwickshire
CV21 2PN
On behalf of Mr & Mrs Sargent, Holly Lodge Day
Nursery

APPLICATION DESCRIPTION

Variation of Condition 1 of R12/1465 dated 12 September 2012 varying condition 1 of R02/0511/04875/P dated 5th August 2002 for the retention of two modular buildings for nursery / day care purposes for a further 10 year period.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1;

This permission shall be for a period expiring on 31st January 2023 on or before which date the buildings and works hereby permitted shall be removed and the land reinstated to enable its former use to be resumed.

REASON;

The type of buildings are not suitable for retention on a permanent basis in view of its appearance and form of construction.

CONDITION 2;

The premises shall only be used for the purposes of a nursery / day care facility between the hours of 08.00 - 18.00 Monday to Friday inclusive and at no other times.

REASON;

In the interests of the amenities of the locality.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy policy CS16

Planning Obligations SPD

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 retention of the 2 temporary buildings for a further 5 years is an acceptable temporary form of development whilst a permanent replacement is investigated and will 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: R12/1539

Site address: The Forge, The Square, Dunchurch, Rugby

Description: Proposed conversion and extension of existing builders yard and office to a residential dwelling

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee on the request of Councillor Howard Roberts

Site Description

The forge is located within the centre of Dunchurch which is identified as a main rural settlement within the Core Strategy 2011. The property is also situated within a Conservation Area and situated to the rear of a Grade II listed building.

The site consists of a single storey gable ended building and is surrounded by a small area of land which at present is lawned. There is a wall enclosing this area and beyond this is an open air swimming pool in the ownership of the applicants. The site also includes a garage which is accessed via a narrow entrance at the top end of the small cul de sac to which the property is located.

The site is surrounded by residential dwellings with the Forge, and number 87 the Square which is grade II listed backing onto the site. On the other side of the site is a relatively new dwelling which sits at a 90 degree angle to that of the site and existing building. This is a two storey dwelling house.

Proposal Description

The proposal is for the conversion and extension of the existing builder's yard and office to a residential dwelling.

The proposed extension is to extend off the existing building into an open area to the side of the building. The extension is to be a two storey extension and will form the main body of the new residential dwelling. The height of the extension is relatively low to that of the neighbouring dwellings.

The dwelling created will be a 3 bedroom property with lounge, kitchen, utility, bedroom and bathroom located on the ground floor.

The applicants have specified that "the choice and use of materials would be matching facing brickwork to the external walls and plain clay 'Rosemary' roof tiles to the roof all to match and joint to existing so that they match that of the appearance of the local area.

The dwelling has varying roof shapes in order to take into account of the positioning close to neighbouring boundaries and has certain features such as a chimney, dormer window and Juliet balcony.

Relevant Planning History

Proposed conversion of the forge into two flats – Approved 13/06/49

Erection of a garage – Approved 28/10/68

Technical Consultation Responses

Tree Officer – No objection

Environmental Services – No objection subject to conditions

WCC Highways – No objections subject to conditions

WCC Archaeology – No objection subject to conditions

Third Party Responses

Neighbours (1) Objection Concern is not so much the proposed dwelling itself but the potential impact on access and parking in the square. Already difficult to park and is difficult for any wedding car and funeral hearses to get near to entry gates. Development could make matters worse.

Parish Council – No objections

Relevant Planning Policies and Guidance

Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

Saved Local Plan Policies

T5 – Parking Facilities

Assessment of Proposals

The determining issues to take into account in this case are the principle of the development within this main rural settlement, the impact upon the character and appearance of the area, the impact upon the neighbouring amenities and the impact upon highway safety and biodiversity.

Principle of Development

Dunchurch is categorised as a Main Rural Settlement by Core Strategy policy CS1. Development is therefore permitted within the village boundaries but local housing needs are prioritised over market housing. Policy CS20 supports this approach but also states that in circumstances where the provision of these requirements is likely to threaten the financial viability of a development scheme, the Council will consider a reduced provision.

A Housing Needs Survey was undertaken for Dunchurch in 2011 and is therefore relevant to this application. The survey identified a need for the following affordable dwellings: x3 two bedroom houses for social rent and x2 two bedroom houses for shared ownership. The survey also identifies that there is a need for x1 sheltered housing.

It has not been specified who will take residency in the dwelling. If it were the applicants they would meet the local connection criteria as identified within Policy CS20 and could therefore occupy a local housing needs dwelling should the Council require one is provided. However, the Council has undertaken viability assessments as part of the Core Strategy evidence base that demonstrate that the provision of affordable housing is not financially viable upon small development sites such as this one. It is therefore accepted that it would not be financially viable to provide the affordable housing required by

the Dunchurch Housing Need Survey 2011 upon this proposed site. At present there is no identified market housing need in Dunchurch and therefore the delivery of local housing needs on a small site would be unviable. As such an application for a market dwelling as proposed is, in principle, acceptable.

It is therefore considered that the policy principle of the provision of an open market dwelling upon the application site is acceptable and as such the proposed development complies with policies CS1, CS2 CS19 and CS20 of the Core Strategy.

With regards to the loss of the existing use of the site as a builder's yard and office, this due to its positioning and size would not be a significant loss to warrant any justification. The removal of this use within a conservation area and in such close proximity to residential properties would be of a benefit to the area.

Character and Appearance

Policy CS16 of the Core Strategy states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. It also states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings.

The proposed dwelling will replace an existing builder's yard which consisted of a single storey building, garage and walled area of land. The existing building will be utilised and converted to form part of the new dwelling with a large extension to the existing building forming the other part of the house. The yard and building are situated to the rear of the properties 87, The Square and The Forge, The Square with vehicular access gained to the side of number 87. The site is sandwiched by the properties on The Square and by the property Shepherds Fold which is a relatively new addition to the area. This property is a backland development and has been sensitively designed to take into account its positioning within the Conservation Area.

The proposed development has been designed by taking influences of the architecture from the neighbouring property Shepherds Fold and has been designed to take account of its positioning within a conservation area and within close proximity to a grade II Listed Building but also taking into account its positioning close to neighbouring boundaries.

The property will not be visible from any public domain with the exception of the church yard at St Peters Church. The vista towards the development site includes the Guys Common development, Sheppard's Fold and the Listed Buildings behind. This is an important view and the new dwelling would sit comfortably within it due to its design. The property Shepherds Fold is a full height two storey house and has gable ended elevations. The new dwelling would step down in height to approximately one and half storeys before stepping down further to the existing single storey building which sits close to the rear of number 87, a Grade II Listed Building. The gable end of the new dwelling will be of similar width and will have a similar pitch to its roof than that of the neighbouring building. It has also been agreed and shown that the detailing of the fascia will be corbelled brick detailing to match that of the existing building and will avoid the use of modern fascia boards which are not seen within this particular townscape. The buildings in the background of the development site which includes Guy Fawkes House all have gable ended elevations and are only marred by a modern dormer window to the rear of the Forge so taking into account the above it is considered that the new dwelling would appear in character and would be well integrated in to the townscape. The design of the property would be suitable and although the Juliet balcony doesn't exactly match the design to which the dwelling is targeting there has been evidence produced to show that they are not an alien feature in the area. Materials of the dwelling are yet to be sourced however a condition has been attached to ensure a satisfactory appearance is achieved.

Taking into account the above it is considered that the proposed new dwelling would have a satisfactory appearance and would sit comfortably within the townscape complying with policy CS16 of the Core Strategy 2011.

Neighbouring Amenities

Policy CS16 also states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The proposed new dwelling will be situated close to the boundary with three dwellings however the property due to its design, scale, and orientation would not have significant impact on the neighbouring amenities.

Impact on 87, The Square

The neighbouring property number 87 has between the main dwelling and the boundary with the development site a detached garage of its own which sits along the rear boundary and is also within close proximity of the rear windows of the property. The existing single storey building on the site would be utilised which will ensure that the closest part of the new dwelling would not alter in height therefore the impact on the neighbouring amenities would not significantly alter. The neighbouring property is situated to the north east of the new development therefore it would only be the very early morning light that would be interrupted by the dwelling, although the other neighbouring dwelling Shepherds Fold would also contribute to this factor. The two storey extension of the new development would be located approximately 17 metres away from the rear of the neighbouring property number 87 therefore would have a reduced impact.

Impact on the Forge

The new development does not sit directly behind the neighbouring property, The Forge however the rear garden of The Forge runs to the side of the development. To the rear of the garden sits an outbuilding which sits side on to the development site. The existing building again sits along the boundary with the neighbour and will be utilised. The new extension will increase the built form along the boundary with the Forge and will increase the height along the boundary significantly. However the rear of the garden at the Forge already has a substantial outbuilding occupying this area and the orientation of the properties situates the new development to the North therefore in terms of loss of light to the amenity area this would be minimal therefore not impacting on the amenities. There are windows to the elevation which faces the garden of the Forge however the windows are to be on the ground floor therefore would be obscured by the boundary fence. The roof lights to the dwelling would be at a height that would not result in overlooking and loss of privacy.

Impact on Shepherds Fold

The property Shepherds Fold is positioned so that it is at a 90 degree angle to the development site and is a back land development which is accessed via a shared driveway off the Daventry Road. The new dwelling will project closer to the boundary with Shepherds Fold than that of the existing building and will be set forward of the front of the neighbouring property. When adopting the 45 degree code in relation to two storey extensions the proposed new dwelling breaches the line by 0.5 metres. Although the line is breached the proposed dwelling is situated to the north west of the neighbouring property so therefore would have minimal impact in terms of loss of light and would not be significant. The new property has a gable ended roof so therefore the height of the building would rise away from the neighbouring boundary further reducing its impact. There are side facing windows to the property Shepherds Fold which serves habitable rooms however the proposed new dwelling does not project as far back as these windows so they remain unaffected by the development. The windows are positioned close to the boundary wall which separates the two dwellings so the windows are already affected in terms of light by this wall. It is considered due to this fact and due to the orientation of the properties; the windows of the neighbours would not be affected in terms of loss of light.

The new dwelling will have a large amount of windows to the elevation which faces out across the amenity space towards St Peters Church. These windows will give certain views towards the side facing windows of Shepherds Fold and also a window to a family room on a rear projection which is angled so looking back towards the new property. The distance between the family room window and first floor rear window of the new property to the neighbouring house is 17 metres. The views from the Juliet balcony towards the neighbouring window would be at an angle and a section of the window would be obscured by the main bulk of the neighbouring property therefore it is considered that the impact in terms of overlooking would not be significant enough to warrant refusal. The views towards the side facing windows of Shepherds Fold would be acute and therefore significantly reduce the impact of overlooking minimising the loss of privacy on the neighbours. The other views obtained from the Juliet balcony into the garden of Shepherds Fold would be similar to that of any other neighbouring house. The main bulk of Shepherds Fold due to its set back will screen a large amount of its amenity space from the new dwelling helping to reduce further the impact of overlooking. The side facing roof lights to the new dwelling that face towards Shepherds Fold are again of a level which would avoid overlooking.

Highway Safety

In highway terms, proposals to replace a builder's yard with a residential dwelling can be supported as there would be no restriction upon the size of the vehicles accessing the site, or the frequency of use. This would then be likely to equate to the level of movements (albeit at differing times of the day) which would be anticipated in respect of a residential use.

These points notwithstanding, it seems reasonable to request that the applicant makes provision for the remarking of the "Keep Clear" marking, and extension of the 'box' by a further 2 metres in order to ensure that sufficient space exists for access.

Further, whilst there is no physical restriction upon parking in the area, the parking of construction and operative vehicles, together with space for deliveries may cause problems. The developer will therefore be required to submit a method statement for approval detailing measures to mitigate the impact of construction operations.

Biodiversity

As part of the planning submission a bat survey was undertaken and a report produced. The report states that the lofts of the existing outbuildings are both well-sealed with no access points for bats identified and no evidence of bats was found either internally or externally. No external crevices or cavities were identified, which are features which have potential to support crevice dwelling bats such as pipistrelle. However due to the suitability of the surrounding habitat and nature of the work, ecology have recommended that an informative be added to the decision to make the applicant/developer aware of the protected status of bats and should any be found during works, all works must stop and Natural England be contacted immediately for further advice. If possible, roofing material should be carefully removed by hand.

The ecology team have also stated that the existing habitat within the site comprises of well-maintained amenity grassland and is considered to be largely sub-optimal terrestrial habitat for great crested newts. There were no suitable refugia such as log piles identified. They contacted the ecological consultant who confirmed that the existing paving slabs are all tight fitting and therefore unsuitable as potential refugia. The report states that the site is enclosed by brick walls and the only access point is via a gate on the north-east corner. Taking the above into account the ecology team have decided that the risk of any potential impact on great crested newts is considered to be low however have again suggested an informative be added to any decision. Taking into account the above it is considered that the proposed development would comply with saved policy E6 of the Local Plan 2006.

Other Considerations

Within close proximity to the site is a Maple tree. This tree has been inspected by the Tree Officer who states that "the tree is upwards of 7-8 metres in height and is displaying good form, vitality and is an attractive feature within the front garden of the property".

However he also states that "the tree it has minimal or no public amenity value being only partially visible from the churchyard and the car park of the adjacent new development. The positioning of the tree is not the best and is likely to get much larger in time. There is a high potential for it to damage the existing wall (45cm away) and also for it to start having an adverse affect on the adjacent property (2.7 metres away). Due to the future growth potential and its existing position it has a limited useful life expectancy. It is therefore considered that the impact on the tree would not be significant".

Recommendation

Approval Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1539

DATE VALID

11/07/2012

ADDRESS OF DEVELOPMENT

THE FORGE
THE SQUARE
DUNCHURCH
RUGBY
CV22 6NU

APPLICANT/AGENT

Mr Philip Baumber
Philip Baumber Architectural Technician
50 Radmore Road
Hinckley
Leicestershire
LE10 0RQ
On behalf of Mr and Mrs N Loydall

APPLICATION DESCRIPTION

Proposed conversion and extension of existing builders yard and office to a residential dwelling

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows, including the reveal depths as well as the type and size of the proposed rooflights, and external doors shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

REASON:

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

CONDITION: 4

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

REASON:

In the interest of health and safety.

CONDITION: 5

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

REASON:

In the interests of highway safety

CONDITION: 6

Notwithstanding the details shown on the approved drawing, the development hereby permitted shall not be occupied until the existing "keep Clear" road marking has been extended and remarked (at the applicant/developer expense), in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety

CONDITION: 7

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

REASON:

In interests of archaeology

CONDITION: 8

Other than those shown on the approved plans no new windows/rooflights shall be formed in the proposed development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 9

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

REASON:

In the interest of residential amenity.

CONDITION: 10

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

Drawing Nos. NL/11/12 05 Rev B received on the 16th January 2013

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and Saved Policy E6 of the Rugby Borough Local Plan 2006.

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 principle of the development within the main rural settlement of Dunchurch would be acceptable. The proposed dwelling will be in keeping with the surrounding conservation area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006.

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.

INFORMATIVE: 1

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE: 2

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE: 3

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

INFORMATIVE: 4

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

INFORMATIVE: 5

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. It should also be noted that if the work to the house is not carried out within two years of issue of the submitted bat report then further survey work may be necessary. Further

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

INFORMATIVE: 6

In view of the pond and records nearby, advice should be sought by your consultant ecologist for best practice during ground clearance works prior to development. This includes storage of building materials above ground on pallets and undertaking ground clearance works with care. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523

INFORMATIVE: 7

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so should work take place during this time period, then the site should ideally be checked for their presence before work commences

Reference number: R12/0843

Site address: Land South Side of Top Road, Barnacle

Description: The change of use of land from a paddock to a mixed use of a paddock and for the siting of residential caravans, trailers and commercial vehicles, and the formation of hard standings and erection of timber sheds in so far as it relates to the creation of a one pitches only (variation of condition 3 of appeal reference APP/E3715/C/11/215065-70 dated 12/12/11 to allow no more than two static caravans).

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Proposals

The application site also known as the Paddocks, currently benefits from a temporary consent for a mixed use of the land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 1 pitches only.

The application seeks the variation of condition 3 of appeal reference APP/E3715/C/11/215065-70 dated 12/12/11 (LPA ref: R10/730).

Condition 3 states:

'There shall be no more than one pitch on the site. On it no more than two caravans, as defined in the Caravan Site and Control of Development Act 1960 and the Caravan Site Act 1968, as amended, shall be stationed at any time, of which no more than one shall be a static'

The applicant seeks to vary this condition to allow no more than two static caravans to be stationed at any time.

The static caravan would be occupied by the applicant, his wife and residential dependants, who were permitted to reside on the land as part of the 2011 appeal decision, as carer to Mr Brinkley and to allow the applicants son to continue this schooling.

Description of Site

The site lies on the south side of Top Road, Barnacle and is some 0.8km to the west of the small settlement of Barnacle. Barnacle is a small hamlet with a population of circa 250 people with very limited commercial and community facilities comprising solely of a village hall and Chapel. It has no shops, schools, public houses, or other retail facilities. The nearest facilities are located in Bulkington, Coventry, which is approximately 2km from the centre of Bulkington. There is no regular bus service, and no provision for a footpath along Top Road (D2305). Top Road is an unclassified country lane with mainly soft verges and hedges and is subject to national speed limits. The road is rural in character notably due to the absence of signage, kerbs and street lighting.

The surrounding area is flat open countryside in which the pattern of development largely comprises of agricultural and equestrian development. Some 150m west of the site is an unauthorised gypsy site comprising of 25 to 29 separate pitches (Top Park) which is currently subject to appeal.

Relevant planning history

R12/0833	The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.
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R10/1730	Change of use of land for use as a residential caravan site for gypsy families, comprising of 3 no. pitches and the siting of 3 mobile homes and 3 touring caravans including ancillary works and the erection of three timber buildings (part retrospective).	Refused
01-Dec-2010		

In November 2011 a public inquiry was held at Rugby Borough Council into seven appeals on the south side of Top Road Barnacle. The Inspector, Mr Antony Fussey dismissed the appeal against the refusal of planning permission. His decision in respect of the six section 174 enforcement notice appeals was more complex. He allowed the appeals in part:

- Varying the compliance period;
- Allowing Appeals A and D in part and granting planning permission for (a) the change of use of the land from paddock to a mixed use of paddock and for the siting of residential caravans, trailers and commercial vehicles, and for (b) the formation of hard standings and erection of timber shed buildings insofar as (a) and (b) relate to the creation of one pitch only, subject to seven conditions, these conditions included a temporary permission for 3 years, and restricting the development to one pitch and no more than two caravans on site of which no more than one shall be a static caravan, and restricting the occupation to named persons.
- Dismissing Appeals A and D and upholding the enforcement notice other than in respect of the one pitch for which he was granting planning permission.

Tom Gaskin has challenged the appeal decision in the High Court. This challenge is due to be heard on March 2013.

Planning policies and guidance

Regional Spatial Strategy

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

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

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy complies

CS16: Sustainable Design and Construction complies

Saved Local Plan Policies (Post Core Strategy Adoption)

E6 Biodiversity complies

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

Third party comments

Neighbours

46 household objections

70 letters of objection

- Make worse/contribute to localised flooding
- Land is within the Green Belt and should not be built upon or development for residential purposes.
- No amenities within Barnacle
- Increase traffic along a narrow lane
- Antisocial Behaviour
- Too many traveller's site surrounding Barnacle Village

- Devaluation of properties in Barnacle
- Detracts from the Rural aspect of the surrounding area
- No special circumstances
- Has not complied with the Sequential approach outlined within the local plans
- Impact upon Coventry Way Footpath
- Increase light pollution
- Space exists at Woodside Park
- Visual harm
- Impact upon openness
- Effect on Character and appearance
- No pavement or street lighting along Top Road making it dangerous for pedestrians
- Would lead to a more permanent site
- Would set a precedent if allowed
- Detrimental to the character of Barnacle
- The variation of conditions would make a mockery of the inquiry system and should be resisted
- No public transport to support the family
- Inadequate sewage arrangements
- Contrary to policies controlling development of Green Belt land
- Lack of integration with Barnacle residents
- Space at the Griff Council Traveller Site
- They have been away from the site for 4 months only recently returning
- Loss of privacy
- Noise by traffic

Shilton Parish Council

- The site is located within the Green Belt, and there should be a presumption against inappropriate development at this location.
- The applicant has indicated no special circumstances why development at this site is required, or why Green Belt designation should be over-ridden.
- The site is in an open rural location, and the siting of caravans would be visible from considerable distance in every direction, increasing the impact that it would have.
- There are concerns at the impact of light pollution in this area, which otherwise has no streetlights and therefore benefits from a lack of artificial lighting.
- There appears to have been no attempt by the applicant to undertake the sequential approach to the identification of a suitable site for development, as required by Rugby's Local Plan.
- There is an existing over-concentration of gypsy and traveller sites within and around Barnacle and Shilton, far in excess of what might be considered as giving a balance to the settled community. This would only be exaggerated by the approval of a further site, even if that permission was to be temporary.
- A Planning Inspector has already found that sufficient room exists for the applicant to reside at Woodside Park, Ryton-on-Dunsmore should it be considered that the applicant might otherwise be homeless.

Nuneaton and Bedworth

Borough Council - no comments received

Coventry City Council - no objection

Assessment of proposal

The mixed use of the site for residential purposes has been granted on a temporary basis for three years, expiring on the 12th December 2014. This permission deemed the siting of caravans within this Green Belt location acceptable for a limited period of time, however, restricted the use/development to one pitch and two caravans of which no more than one shall be static. The applicant and his family are

permitted to reside on the land and do so within the touring caravan currently on site. The applicant states that the touring caravan on site is insufficient for the families needs, and they wish to reside in larger accommodation. The applicant states that justification for the proposed variation of condition is based on the changes in the personal circumstances of Mr and Mrs Gaskin's family, in that at the time of the appeal decision Mr Gaskin and wife had 2 children, and since such time Mrs Gaskin had given birth to a baby boy. The applicant now contends that living accommodation within the touring caravan is overcrowded and cramped.

The proposed variation of condition seeks the replacement of a touring caravan with a static single unit caravan. Whilst a touring caravan on site would appear more transient in nature and have a lessened impact upon the character of the area and the openness of the green belt, the condition imposed by the inspector did not restrict the size and type of touring caravan and static caravan permitted. Touring caravans are typically restricted in height, but they can be of a size in length similar to a single unit static caravan. The touring caravan currently on site is approximately 9 metres in length by 3 metres in width and the proposed static caravan would be 11 metres in length by 4 metres in width. Currently on site the static caravan is a single unit caravan. However, the applicant could if they wish site a larger static caravan on the site such as a twin unit mobile home, similar to those currently on Top Park. The siting of such a larger mobile home would have a greater impact upon the character of the area and openness of the green belt.

It is therefore considered that the proposed variation would not have a materially greater impact upon the openness of the green belt and the character of the area, given the temporary nature of the site, together with the type and size of caravans that are currently permitted. It would also allow the LPA to have greater control on the type and size of static caravans to ensure that larger static caravans are not brought onto the site. It is also considered that the increase family size is justification for larger accommodation to accommodate the family. It is therefore considered, that the proposed variation of condition would accord with policies CS1 and CS16 of the Core Strategy 2011 and the National Planning Policy Framework.

Residential amenity

It is not considered that the proposed development would impact upon the amenities of nearby residential properties given the distance of the site to residential properties.

Highways safety and parking

It is not considered that the proposal would increase traffic into the site to the determinant of highway safety, and would not alter parking provisions within the site.

Biodiversity

Given that the site is already developed it is not considered that the proposal would impact upon protected species/habitat and as such would accord with saved Local Plan Policies (Post Core Strategy Adoption) E6.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R12/0843

DATE VALID

01/11/2012

ADDRESS OF DEVELOPMENT

LAND SOUTH SIDE OF
TOP ROAD
BARNACLE
CV7 9LE

APPLICANT/AGENT

Angus Murdoch
Murdoch Planning
Po Box 71
Ilminster
Somerset
TA19 0WF

On behalf of Mr Leonard Gaskin

APPLICATION DESCRIPTION

The change of use of land from a paddock to a mixed use of a paddock and for the siting of residential caravans, trailers and commercial vehicles, and the formation of hard standings and erection of timber sheds in so far as it relates to the creation of a one pitches only (variation of condition 3 of appeal reference APP/E3715/C/11/2150565-70 dated 12/12/11 to allow no more than two static caravans).

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1

The use hereby permitted shall be carried on only by the following: Mr Anthony (Johnty) & Mrs Carol Brinkley; Mr Leonard & Mrs Olivia Gaskin and their resident dependants, and shall be for a limited period ending on the 12 December 2014, or the period during which the premises are occupied by them, whichever is the shorter.

REASON

The development hereby permitted was specifically intended for those named within this condition.

CONDITION 2

When the premises cease to be occupied by those named in condition 1 above, or at the end of the limited period ending on the 12 December 2014, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials, and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

REASON

To ensure that the land is restored to its condition before the development took place in the interest of visual amenity and the green belt.

CONDITION 3

There shall be no more than one pitch on the site. On it no more than two single unit static caravans, as defined in the Caravan Site and Control of Development Act 1960 and the Caravan Site Act 1968, as amended, shall be stationed at any time. The caravans hereby permitted shall not exceed a size of 45 square metres.

REASON

In the interest of visual amenity, and to protect the openness of the green belt.

CONDITION 4

The development shall be undertaken in accordance with the Drawing 1683 B dated March 2012 received by the Local Planning Authority on the 2nd April 2012. There shall be no variations or additions to the items contained in this drawing without the prior written consent of the local planning authority. Within one month from the date of this permission details shall be submitted for the written approval of the Local Planning Authority detailing the means of restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, and shall be undertaken in accordance with these details.

REASON

To ensure that the development is acceptable and in the interest of visual amenity

CONDITION 5

No commercial activities shall take place on the land, including the storage of material.

REASON

In the interest of visual amenity and to ensure that the development is acceptable

CONDITION 6

No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

REASON

In the interest of visual amenity and highway safety.

CONDITION 7

Any gates and barriers shall open into the site and not be placed within the vehicular access closer than 12.0m from the near edge of the carriageway of Top Road.

REASON

In the interest of highway safety

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Regional Spatial Strategy

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy

CS16: Sustainable Design and Construction

Saved Local Plan Policies (Post Core Strategy Adoption)

E6 Biodiversity

National Planning Policy Guidance

National Planning Policy Framework 2012

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

REASON FOR APPROVAL:

The use of the site for the siting of residential caravans has been granted on a temporary basis as it was considered that very special circumstances existed to justify the granting of a temporary planning permission, in accordance with policy CS1 as contained within the Rugby Borough Council Core Strategy 2011 and guidance contained within the National Planning Policy Framework. The variation of the condition to allow the replacement of a touring caravan with a static caravan would be deemed acceptable taking into consideration the personal circumstances of the applicant and that it is not considered the proposed variation of condition would have a materially greater impact upon the openness of the green belt and the character of the area, given the temporary nature of the site, together with the type and size of caravans that are currently permitted, therefore complying with policy CS16 of the Core Strategy 2011. This variation of condition would still relate to the temporary approval.

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.

The application was reported to members of the planning committee on the 9th January 2013 at the request of Cllr Robbins and was deferred for a Site Visit by committee members.

Description of Site

The application site relates to a detached dwelling house with residential curtilage, located within a cul-de-sac off Coton Park Drive, 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 for 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 Park Drive). 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 most 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.

Reference number: R12/2223

Site address: Magpie Lodge Farmyard, Lilbourne Road, Clifton-upon-Dunsmore, Rugby

Description: Change of use existing building for the purposes of rodent breeding (sui generis) (Retrospective)

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of proposal

The application retrospectively seeks the change of use of a redundant agricultural building for the purposes of the breeding of rodents. The applicant states that the breeding of rodents is for the personal use of the tenants who wants a reliable and affordable supply of food for his reptiles and for three other snake breeders, who have a combined total of 700 snakes.

There are approximately 740 cages which approximately 1900 breeding females and 39 males. Each female could on average breed a litter for 6 to 10 young every 6 to 8 weeks.

The application is to be determined by members of the planning committee and subject to a committee site visit at the request of Cllr Leigh Hunt who is concerned and the suitability of the building and the yard for the use, the impact upon residential amenity, and the suitability of the highway access.

Description of site

The site is located outside of the defined settlement boundary of Clifton-upon-Dunsmore within the countryside. The site is currently a working farm associated with Clifton Hall Farm, which is situated some 300m to the west along Lilbourne Road. The site had been part of Magpie Lodge Farm, however this was divided into two sites, and now occupied separately not in connection with the farmyard.

Within the site there is a number of agricultural buildings/structure including a more recent steel frame agricultural building. The building subject to this application is sited to the north of the site approximately 12m away from the north boundary of the site. Access to the site is to the north-west of the site off the Lilbourne Road. The building has a floor space of approximately 98m² with a height of 5 metres.

Relevant Planning History

None relevant

Third Party Comments

Neighbours (3) objections

- Do not want breeding rodents close to residential properties
- The applicant is misleading as it is for a commercial rodent breeding establishment
- Health implications
- The building is unsuitable for this use as it is a ramshackle, leading to rats escaping
- Spread of diseases such as Leptospirosis, cryptosporidium and toxoplasmosis
- No supporting information has been submitted as to how the premises will be monitored and inspected, and how waste will be disposed of.
- Site is within the green belt and is designed as agricultural land, the breeding of rats is not agricultural.
- Rugby Council as obligated under The Prevention of Damage by Pests Act 1949 to ensure that land owners keep their land free from rodents.
- Impact upon noise and disturbance
- Increase in traffic.

A letter has also been received by The Park Veterinary Group outlining their concerns of the use primarily concerned about the spreading of Leptospirosis.

Clifton-upon-Dunsmore Parish Council

- Clifton Parish Council are concerned about the security of the building holding the rats
- The parish council has concern that this may be a commercial operation
- This enterprise could become a target for animal rights
- The parish council are concerned about the environmental and health issues connected with the enterprise
- The parish council objected to the planning application

Technical Consultation Responses

WCC Highways no objection subject to a personal condition

Environmental no objection subject to conditions relating disposal of waste and preventing Services onsite sales to the general public.

Relevant policy/guidance

Rugby Borough Council LDF

Core Strategy 2011

CS1 Development Hierarchy complies

CS16 Sustainable Design complies

National policy/guidance

National Planning Policy Framework

Assessment of proposal

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy." The proposed location is in the penultimate tier of the hierarchy within the countryside, development within this area as identified with the this policy states that development will be resisted and only where national policy allows will development be permitted. National policy comprises of the National Planning Policy Framework (The Framework).

The application retrospectively seeks the re-use of a disused agricultural building for the breeding of animals i.e. rodents for the personal use of the tenant. The NPPF supports the development and diversification of agricultural and other land-based rural businesses, as well as supporting the sustainable growth and expansion of all types of business and enterprises in rural areas, through conversion of existing building. The applicants have sought to diversify the existing agricultural business through the leasing out of a redundant agricultural building to be used for the breeding of rodents, and the rental income generated from this would help subsidise the agricultural business. It is considered that an agricultural building within the countryside is an appropriate location for this business given that the use is not dissimilar to the agricultural use of the land, in that the rodents are being kept for the production of food, albeit that it does not form part of the human food chain, either directly or indirectly. As such it is considered that the principle of the development is acceptable in accordance with the NPPF and Core Strategy Policy CS1.

In respect to visual amenity, no external alterations are proposed, and as such the retention of this use would not have an adverse impact upon the visual amenity in accordance with policy CS16 of the Core Strategy.

In terms of residential amenity, the nearest property that this change of use may impact upon is Magpie Lodge. The building that this application seeks the change of use of is situated 12m from the residential curtilage of Magpie Lodge. Comments have been received from third parties raising concerns relating to the suitability of the building, the spread of diseases such as Leptospirosis (also known as Weil's Disease), and how the waste from the use would be disposed of.

Environment Services were consulted as part of this application and have raised no objection to the proposal subject to conditions requiring the submission of details relating to the disposal of waste. Officers from the Council's Environmental Protection Team have been out and inspected the building and are satisfied that the building is pest proof. A pest control management programme is in place on site to ensure that wild rats entering the building and the yard are controlled. Pest control measures include the use of bait bags filled with rat poison that are positioned within the building and outside within the yard. Rat traps are also located within the building and around the yard in ten different locations. The Council's Environmental Protection Team considers these measures as sufficient for controlling pests.

Whilst concerns have been expressed relating to the spread of disease such as Leptospirosis (also known as Weil's Disease), Environmental Services do not consider that the health of occupiers of adjacent properties would be put at risk by the use, in addition to this the rodents are kept in cages that are cleaned on a regular basis and the rodents are monitored for signs of illnesses.

In respect to monitoring and control of this use the Council's Regulatory Services have consulted the Department of Food, Environment & Rural Affairs (DEFRA) and the Animal Health and Veterinary Laboratories Agency regarding the control on animal by-products and derived products not intended for human consumption. The governing EU legislation is Regulation (EC) 1069/2009 and is administered and enforced by the Animal By-Products (Enforcement) (England) Regulations 2011.

Both agencies have confirmed that rats are category 3 (low risk) material under article 10 (m) of EU Regulation 1069/2009. DEFRA consider the description of the activity as essentially a farming operation and in this case does not require registration or approval under the Regulations under exception Article 23.4.

An informative will be added informing to applicant on how to comply with the legal requirements of the EU legislation.

It is therefore considered that the continued use of the building, subject to conditions, would not impact upon the residential amenity of nearby residential properties in accordance with policy CS16 of the Core Strategy 2011.

Following consultation with Warwickshire County Council Highway Authority it is not considered that the use would have a detrimental impact upon the highway network subject to condition restricting it to personal use.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R12/2223

DATE VALID

27/11/2012

ADDRESS OF DEVELOPMENT

LAND ADJACENT MAGPIE LODGE FARM
(BELONGING TO CLIFTON HALL FARM)
LILBOURNE ROAD
Clifton-upon-Dunsmore
RUGBY
CV23 0BB

APPLICANT/AGENT

Mr Robert Spencer
G A Spencer And Son
Magpie Lodge Farmyard
Lilbourne Road
Rugby
Warwickshire
CV23 0BB

APPLICATION DESCRIPTION

Change of use of existing building for the purposes of rodent breeding (sui generis) (Retrospective)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 30th January 2013.

REASON:

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

CONDITION 2:

The use hereby permitted shall not be for commercial purposes and no rodents shall be sold on site.

REASON

To ensure that the development is acceptable and in the interest of residential amenity and highway safety.

CONDITION 3:

Details shall be submitted to the Local Planning Authority within 1 month from the date of this decision detailing how waste (e.g. bedding and dead carcasses) is dealt with from the rodent breeding operation. Such details shall also include a Pest Control Management Programme.

REASON

In the interest of residential amenity

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council LDF
Core Strategy 2011
CS1 Development Hierarchy
CS16 Sustainable Design

National Policy/Guidance
National Planning Policy Framework

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

REASON FOR APPROVAL:

It is considered that the continued use of this building for the purposes hereby permitted would be acceptable in this countryside location and would not impact on the character of the surrounding area complying with policy CS1 and CS16 of the Rugby Borough Core Strategy 2011 and also the guidance contained in the NPPF. The use would not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally it is also considered, subject to conditions, that the proposed use would not have a detrimental impact upon highway safety.

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.

INFORMATIVE 1

Regulatory Services have consulted the Department of Food, Environment & Rural Affairs (DEFRA) and the Animal Health and Veterinary Laboratories Agency regarding the control on animal by-products and derived products not intended for human consumption. The governing EU legislation is Regulation (EC) 1069/2009 and administered and enforced by the Animal By-Products (Enforcement) (England) Regulations 2011.

Both agencies have confirmed that rats are category 3 (low risk) material under article 10 (m) of EU Regulation 1069/2009. DEFRA consider the description of the activity as essentially a farming operation and in this case does not require registration or approval under the Regulations under exception Article 23.4.

Guidance on Regulation (EC) 1069/2009 and accompanying implementing Regulation (EC) 142/2011, enforced in England by the Animal By- Products (Enforcement) (England) Regulations 2011 have been produced by DEFRA.

These guidance note provide informal advice on how to comply with the legal requirements of the EU legislation and our domestic Animal By-Products (Enforcement) (England) Regulations 2011. This guidance explains the different categories of animal by-products, how they should be used or disposed of, and where this can safely be done. It also explains which animal by-products fall outside the Regulations. However, dispatch of the carcasses is covered by the Regulation's requirements for commercial documentation under the Regulation.

This guidance is applicable to any person/business generating, using, disposing of, storing, handling or transporting animal by-products and can be downloaded online at:

<http://www.defra.gov.uk/publications/files/pb13688-animal-by-products-controls-111130.pdf>

REF: R12/1821

Plot 5D, Moor Lane, Willoughby

Erection of animal shelter

The Proposal

This application is for the determination of the Planning Committee following a call in by Councillor Hazelton.

The proposal originally involved two wooden shed type structures joined together and situated along the Western boundary of the site. Amended plans have been submitted during the course of the application to alter the design and position of the shelter. The shelter now proposed is a timber open fronted design and is proposed to be sited along the Southern boundary of the site.

The site is accessed via a long track from Moor Lane, although a public Right of Way runs across a nearby plot to the West of the site and there is also a path beyond the land to the rear (South).

Site History

R10/0052: Siting of storage container – Refused.

R09/0663: Retention of gates – Approved.

Technical Consultees

None.

Third Party Responses

Comments received in relation to original plans:

Bath Farm, Moor Lane – Object. Inappropriate style and type of building and is sited in open countryside adjacent to a public footpath. Open fronted shelter would be more than adequate for intended purpose.

Willoughby House – Concerned about application. Should determine what sort of animals are going to shelter in the proposed buildings. Land is currently let for sheep grazing and applicant does not provide shepherding himself, and if sheep require shelter can be moved by farmer. Buildings appear to be more suitable for general storage. Countryside around Willoughby is being ruined by indiscriminate erection of small stables and stores. Not appropriate in the countryside and do not constitute financially viable and sustainable development. Buildings can be seen from adjacent footpath and are an unreasonable intrusion. Suggest buildings be placed on Southern boundary of site instead.

Church View, Lower Street – Object. Sheep have been on land belonging to a local farmer who has been grazing his sheep and would be able to move them to his own barns should the need arise. Also understand that applicant does not have his own sheep and assume building would be used for alternative purposes.

Willoughby Parish Council – Object. Building appears to be temporary and could give the area a ramshackled outlook. Could lead to further applications on adjoining plots and create a shanty town appearance.

No comments received regarding amended plans

Relevant Planning Policies and Guidance

CS1	Development Strategy	Complies
CS16	Sustainable Design and Construction	Complies
NPPF		Complies

Determining Considerations

The main issues concerning this application are the impacts of the proposal upon the countryside and visual and residential amenities.

The shelter is proposed near the corner of the field. A row of trees is present along the Southern boundary and also along the Western boundary. The trees would provide some screening although the structure would still be visible from parts of the public footpath to the West.

The original shelter proposed had the appearance of domestic sheds and was unsuitable in design. This has since been amended however and the proposed shelter is now a suitably open fronted design for its purpose. The shelter is also of an appropriate size for its purpose. The trees present along the Southern and Western boundaries provide a degree of screening for the shelter, and although it may be visible from certain locations it is not considered to feature prominently. Overall the effect of the proposal upon visual amenities and the countryside is considered acceptable.

The applicant has stated that an average of sixty ewes and lambs owned by a local farmer have been grazing on the site over the last 3 years. During a visit to the site the land was occupied by many sheep. The applicant has also stated that he intends to purchase 25 lambs and ewes for himself. As the land may be regularly used for sheep grazing it is considered acceptable to provide the shelter in this location. In addition to providing a facility during lambing season, the shelter would also be of benefit in inclement weather, which can change frequently and at short notice. On the basis of the available information it is considered that the provision of a shelter can be reasonably justified. It is considered appropriate however to include a condition restricting the use of the shelter for livestock only and that it should not be used for the storage of items, as there has not been a need for this demonstrated and this would be unsuitable for its rural location.

Recommendation

The proposal is recommended for approval.

Report prepared by: M Needham 17th January 2013

DRAFT DECISION

APPLICATION NUMBER

R12/1821

DATE VALID

03/10/2012

ADDRESS OF DEVELOPMENT

PLOT 5D LAND AT WILLOUGHBY
SAWBRIDGE ROAD
WILLOUGHBY

APPLICANT/AGENT

Mr James Keenan
Toll Cottage
Cattle Market Road
Northampton
Northamptonshire
NN1 1HW

APPLICATION DESCRIPTION

Erection of animal shelter

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

This permission relates to the following plans and information:

Amended Site Location Plan, Elevations and Plans received 11th December 2012.

Applicant's letter and Block Plan of 15th January 2013.

REASON:

For the avoidance of doubt.

CONDITION 3:

Unless otherwise agreed in writing by the Local Planning Authority the shelter shall not be used for any purpose other than for the shelter of livestock, and shall at no times be used for storage of items.

REASON:

To ensure the details of the development are acceptable to the Local Planning Authority and in the interests of amenity.

CONDITION 4:

Unless otherwise agreed in writing by the Local Planning Authority the proposed shelter shall be finished in dark brown or dark green.

REASON:

In the interests of the visual amenities of the locality

REASON FOR APPROVAL:

The proposed shelter will have an acceptable impact upon the countryside, the visual appearance of the area and residential amenities and therefore complies with policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS16, NPPF

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

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:

R12/1520

Site address:

34 Clifton Road, Rugby. CV21 3QF

Description:

Change of use of property from Use Class D1 (Non Residential Institution) to 5 No. residential apartments (C3) and associated works including erection of a single storey rear extension.

Case Officer Name & Number:

Nisar Mogul. 01788 533688

Site Description

The property, number 34 Clifton Road, is at present a vacant unit which previously was used to operate as a mental health care unit. However, in April 2012 planning permission was granted for change of use of the building to a single residential unit under planning permission reference number R12/0364. This permission to date has not been implemented.

The property is a traditional brick built semi detached dwelling which has been converted over the years. The property has dominant double gable features to its front elevation that include prominent bay windows to both its ground and first floor front elevations. Additionally there is a basement area with a small light well situated in the front garden to provide light to this area. There are gardens to both front and rear of the property, with current off road parking to the rear of the rear garden to a hardstanding area. This parking area is accessed via a shared access from Queen Victoria Street.

The property is set within a predominately residential area although there are numerous other uses within the street scene including Doctors and Dental surgeries and Hotels. The site lies on the fringe of the town centre and also within a Conservation Area.

Proposal Description

The initial proposal was for the change of use of the property from D1 use to 6 No. residential apartments and included a single storey rear extension and associated works. The 6 No. units comprised of one 2 bed apartment that is spread over the basement and part of the ground floor and five 1 bed apartments that cover part of the ground floor to the second floor level.

However, through negotiations with the Applicants the proposal has been amended to change of use of the property from D1 to 5 No. residential apartments and includes a single storey rear extension and associated works. The 5 units now comprise of 2 No. two bed apartments and 3 No. one bed apartments.

The change of use will not result in extensive alterations to the external façade of the building other than a new larger lightwell to the front garden area with a low brick wall and iron railing around it, removal of some external chimneys to the rear of the property and erection of a small flat roofed rear extension. The majority of the alterations involved with the change of use will involve the alteration of the internal layout of the building to convert it from the mental health care set up of offices and ancillary kitchens to that of apartments with appropriate sections of habitable accommodation being provided for residential purposes.

The existing front garden would provide the amenity space for the apartments with Apartment 2 having a private garden area to the rear garden. One off road parking space will be provided for each of the five apartments with one extra parking space in addition to a four rack cycle stand.

Relevant Planning History

R86/1942/3364/GP – Use of existing building as mental health resource centre – Determined by SoS approved 24/04/87

R99/0463/3364/P – Erection of single storey extension to form improved internal fire escape to existing mental health resource centre – Approved 4/8/99

R12/0364 - Change of use of property from Use Class D1 to single dwelling house Use Class C3 – Approved 17/4/12.

Technical Consultation Responses

On original plans:

Environmental Services – No objections subject to conditions and informatives.

WCC Ecology - No objections subject to informatives.

WCC Archaeology - No objections.

Tree Officer - No objections subject to a condition following a tree report.

WCC Highways – No objections subject to conditions and informatives following a TRiCS report.

On amended plans:

WCC Highways – No objections subject to conditions and informatives

Third Party Responses

On original plans:

Neighbours – 5 letters of objections and a petition of 56 signatures received:

The proposal will lead to removal of trees replacing a green area with concrete to provide 6 parking spaces. Increased traffic on Queen Victoria Street and therefore increased noise. Loss of privacy through encroachment onto neighbouring properties. Increased usage of the small access track that links the development to Queen Victoria Street. The access alley from Queen Victoria Street is too narrow. No provision for visitor parking. Covenant on property stating property can not be used as a business. Current parking problems in the area, frontage not sufficient for accommodating 6 parking permits. Queen Victoria street suffers from pressures with parking due to visitors at the local health centres and Mr. Chips. Communal bins of 1100 litre capacity is not workable. Potential increase of noise to residents of No.34 Clifton Road from the residents of the new flats. The Acacia Tree should be retained. The character of the area will be lost and there are a number of flats empty in the street and so there is no need for more.

On amended plans:

Neighbours – 3 letters of objection received:

The proposed reduction from 6 to 5 flats will have little effect on the concerns raised on original plan. Access alley is poor. The plans only provide one additional car space above the allocation of 1 per flat. Queen Victoria Street is already congested with traffic. We note the improved allocation of 3 wheelie bins for each unit but this will cause congestion on Queen Victoria Street. Current parking problems in the area are dire and the flats will make it worse. Frontage of Clifton Road is not sufficient for parking 6 cars. There are empty flats in the street so why the need for more?

Relevant Planning Policies and Guidance

National Policy

National Planning Policy Framework - Complies

Core Strategy

CS1 – Development Strategy - Complies
CS16 – Sustainable Design - Complies

Saved Policies

T5 – Parking Standards - Complies
E6 – Biodiversity - Complies

Assessment of Proposals

The determining issues to take into account in this case is the principle of the change of use, the impact on the appearance of the property and surrounding area and the impact on the neighbouring amenities and highway safety.

The property is located outside of the town centre and whilst it has offices within it, it would not be classed as an employment use as it does not fall within the B1 use class therefore the change of use would not be a loss of employment land. The building was an NHS building for mental health care before it came vacant and whilst within the D1 use class the building and its existing use would not be classed as a community use as it is not a building where by people could visit or drop in without appointments therefore the change of use would not result in a loss of a community facility. As the building is located in a predominately residential area within the urban area of Rugby and was previously a dwelling house the change of use of the property back to residential occupation would in principle be acceptable thereby complying with policy CS1 of the Core Strategy.

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. There are minimal proposed changes to the external appearance of the building so therefore the change of use would not impact on the appearance of the property or street scene complying with policy CS16 of the Core Strategy.

The policy continues to state that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

Similarly, chapter 12 of the NPPF – Conserving and enhancing the historic environment states local planning authorities should take into account the desirability of new development making a positive contribution to local character and its distinctiveness.

The proposed change of use would revert the property back to residential use. As there are limited external alterations to the property other than a new entrance door to the side elevation with two new windows and a single storey flat roofed rear extension being the main changes. These alterations will not lead an increase of any overlooking or loss of privacy to that which was originally enjoyed by neighbours when the property used to be a dwelling house or when it used to be occupied by the NHS staff. The provision of the six off road parking spaces will be located to the rear garden where there is an existing access via Queen Victoria Road and three off road parking spaces exist to a hardstanding area at present. It is considered that the new parking arrangements will not have any further impact on the neighbouring residents. Taking into account the above it is considered that the proposed extensions would have minimal impact on the neighbouring amenities therefore complying with policy CS16 of the Core Strategy 2011 and Chapter 12 of NPPF as the proposal will make a positive contribution to the Conservation Area that it lies in.

Saved policy T5 of the Local Plan and the adopted Interim Parking Standards Guidance Note May 2011 indicate that within a high access area in which this property lies, should have a minimum of 0.75 spaces per unit. As the proposed apartments will provide 6 parking spaces, equating to 1.2 spaces per dwelling, hence this would comply with policy T5 of the Local Plan and also the parking standards guidance.

Furthermore, WCC Highways were consulted on the proposal from a point of view of highway safety. On the original proposal that was for 6 No. flats they raised objections on the grounds that the proposal would lead to the intensification in the use of the junction of Queen Victoria Street into Lower Hillmorton Road. This was based on an assumption that if the 3 existing parking spaces were used by staff employed by the NHS, and assuming 4 trips a day took place would result in a total of 12 trips.

Based on residential use, as a "rule of thumb" 4 trips are generated by a single residential apartment and thereby this would lead to 24 trips per day and hence double the number of trips and therefore detrimental to highway safety. Subsequently, the Applicants submitted a traffic impact assessment based on data from TRiCS database. The report concluded that the trips generated from each apartment would be 2 per day resulting in 12 in total and therefore equal to the trips generated in the previous D1 use. The Highways Department accept the findings of this report and therefore withdrew their objection.

Furthermore, on the amended application for the reduced 5 apartments, the Highways Department concluded that the proposal will lead to less trips being generated than the previous D1 use, therefore, have not objected to the proposal subject to conditions and informatives.

Environmental Health have commented on the proposal and subject to conditions and informatives have raised no objections to the proposals.

The Rugby Borough Council Tree Officer initially objected to the proposal due to the lack information provided regarding the trees adjacent to the proposed parking area, however, following the submission of a tree survey outlining the retention of the Silver Birch Tree and the mitigation measures proposed to protect it, the objection was removed subject to conditions.

Overall therefore the proposal accords with Policies CS1 and CS16 of the Rugby Borough Core Strategy and Saved Policy T5 and E6 of the Rugby Borough Local Plan and NPPF relating to Conserving and enhancing the historical environment.

Report prepared by: Nisar Mogul.

Recommendation:

Approve subject to appropriate conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R12/1520

DATE VALID

28/08/2012

ADDRESS OF DEVELOPMENT

34 Clifton Road
Rugby
CV21 3QF

APPLICANT/AGENT

Mr Bill Essex
Cleford Essex Associates Ltd
45 North Bar Street
Banbury
Oxfordshire
OX16 0TH
On behalf of Mrs Lizzy Tyrrell

APPLICATION DESCRIPTION

Change of use of the building from D1 (Non Residential Institution) to 5 No. residential apartments and associated works including erection of a single storey rear extension.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

The development shall not be carried out other than in accordance with amended Site Location & Block Plan reference number 1255 - LP -BP A received by the Local Planning Authority on 28th August 2012 and amended plan reference numbers 1255-04 Rev C and 1255-05 Rev B received by the Local Planning Authority on 17th December 2012.

REASON:

For the avoidance of doubt.

CONDITION 3:

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

REASON:

To ensure a satisfactory external appearance.

CONDITION 4:

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

REASON:

In the interests of public and highway safety.

CONDITION 5:

The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.

REASON:

In the interest of sustainability.

CONDITION 6:

All tree protection measures and tree pruning works identified within the arboricultural report/tree protection plan/method statement (ref: SB/JS/268/TS) relating to the approved design details should be implemented prior to the development phase to the satisfaction and written approval of the LPA. This includes the erection of protective fencing around all retained trees during the development phase and the installation of a 'CellWeb' cellular confinement system around the base of T1 (Silver Birch). Protective fencing should remain in place until completion of all construction works. Root protection areas should be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. All tree works should be carried as per BS3998:2010 (Tree work - recommendations).

REASON:

To protect retained tree stock during the development phase in interests of local amenity.

CONDITION 7:

No development shall commence unless and until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 8:

Prior to any development commencing a full noise assessment, with proposed mitigation should be submitted to and approved by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of residential amenity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS1, CS16, Saved Policy T5 and E6 and NPPF

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

REASON FOR APPROVAL:

The proposed change of use will be in keeping with the existing building and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS1 and CS16 of the Rugby Borough Core Strategy 2011 and will not result in the proposal leading to an adverse parking situation or have an adverse affect on the Biodiversity in the area and therefore the proposal will accord with Saved Policy T5 and E6 of the Rugby Borough Local Plan 2006. Furthermore, the proposal complies with the NPPF as it does not harm the Conservation Area that it lies in.

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.

INFORMATIVE 1:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team - Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE 2:

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

INFORMATIVE 3:

The developer is required to contribute £50 per dwelling for Sustainable Welcome Packs and to help promote sustainable travel in the local area.

For further information regarding Sustainability Welcome Packs, contact Nicola Small, Sustainable Project Officer on 01926 412105.

INFORMATIVE 4:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 5:

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

INFORMATIVE 6:

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

INFORMATIVE 7:

The applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. For more information if needed please contact WCC Ecological Services (01926 418060).

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	30 th January 2013
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/10/2012 to 31/12/2012.

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

Planning Committee – 30th January 2013

Planning Appeals Update

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter (1st October to 31st December 2012) a total of 10 planning appeals were determined, of which 2 were allowed (one with conditions), 1 was determined with a split decision and 7 were dismissed. A schedule of the appeal cases for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st December 2012 there were 21 planning appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date Of Meeting: 30th January 2013
Subject Matter: Planning Appeals Update
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st October 2012 - 31st December 2012

Application Ref No.	Location	Description	Appeal Decision	Planning Inspectorate Appeal Ref No. Decision Type
R12/0597 MN	41 Orchard Way Bilton Rugby CV22 7PS	Retention of container to provide garden store	Written Reps Dismissed 05/11/2012	APP/E3715/D/12/2180741 Delegated – Refused 15/05/2012
R12/1259 BS	32 Linnell Road Rugby CV21 4AN	Erection of two storey side extension	Written Reps Dismissed 07/11/2012	APP/E3715/D/12/2183295 Delegated – Refused 03/08/2012
	Siloam Cottage Little Lawford Lane Little Lawford CV23 0JJ	Erection of a two storey side extension	Written Reps Dismissed 20/11/2012	APP/E3715/D/12/2182850 Delegated – Refused 03/08/2012
R12/0893 RR	12 Berrybanks Cawston Rugby CV22 7JJ	Conversion of garage to ancillary living accommodation	Written Reps Dismissed 23/11/2012	APP/E3715/D/12/2184949 Delegated – Refused 23/11/2012
R12/0476 and R11/0805 MN	The Old Dairy Home Farm Birdingbury Road Bourton on Dunsmore CV23 9RA	Erection of extensions to building including increase in height of dwelling to provide additional rooms at first floor level	Written Reps Both dismissed 05/12/2012	APP/E3715/A/12/2181369 R12/0476 - Delegated – Refused 13/04/2012 R11/0805 – Delegated – Refused 11/04/2012
R12/0597 CD	25 Fareham Avenue Hillmorton Rugby CV22 5HS	Erection of a first floor side extension.	Written Reps Dismissed 03/12/2012	APP/E3715/A/12/2183444 Delegated – Refused 21/06/2012

R12/1186 SP	Well Cottage Church Lane Thurlaston CV23 9JY	Retrospective permission for the erection of a detached car port	Written Reps Dismissed 06/12/2012	APP/E3715/D/12/2183800 Delegated – Refused 23/07/2012
R12/0455 KMcC	Land rear of 13 TO 29 Crick Road Rugby	Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road.	Written Reps Allowed 07/12/2012	APP/E3715/A/12/2178105 Committee - Refused 13/06/2012
R12/0853 OW	Finches Poppy Close Heath Lane Brinklow CV23 0PY	Variation of condition 2 and removal of conditions 3 and 4 of approval R11/1068	Written Reps Split decision: (Dismissed Conds. 2&3 Allowed re. remaining appealed conditions.) 18.12.2012	APP/E3715/A/12/2180009 Delegated – Refused 11/06/2012
R11/1284 CD	Land at Burton Lane, Burton Hastings, CV11 6RJ	Installation of two flood lights of 6m height to the south west boundary of the existing ménage.	Written Reps Allowed (conditional) 28/12/2012	APP/E3715/A/12/2175819 Delegated - Refused 08/12/2011

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.12.2012

Application Ref No.	Location	Description	Appeal Type	Planning Inspectorate Appeal Ref No. Decision Type
NL	Top Park Top Road Barnacle Coventry CV7 9FS	The change of use, without planning permission, of the land from paddock to a use for the siting of residential caravans, trailers and commercial vehicles.	Enforcement Inquiry	APP/E3715/C/11/2153638 Linked Appeal ref. APPE3715/C/11/2154137 APP/E3715/A/11/2153749(as below)
R10/2298 NL	Site at Top Park Top Road Barnacle Coventry CV7 9FS	The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)	Inquiry	APP/E3715/A/11/2153749 Committee – Refused 06/04/2011
R11/0239 KMcC	Land at Stretton Croft Wolvey Road Burbage LE10 3JB	Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.	Inquiry	APP/E3715/V/12/2179915 Undetermined as at 22/08/2012
R12/0425 RR	58 Rugby Road Binley Woods Coventry CV3 2AX	Erection of two detached dwellings and garages to rear of 58 Rugby Road (Re-submission of R11/0016)	Written Reps	APP/E3715/A/12/2182056 Delegated – Refused 04/04/2012

R11/0432 MN	133 Overslade Lane Rugby CV22 6EF	Erection of replacement dwelling and formation of new access	Written Reps	APP/E3715/A/12/2183438 Delegated – Refused 23/05/2012
R12/1029 CD	Land rear of Fosse Bank 4 Rugby Lane Stretton on Dunsmore CV23 9JH	Use of land as a private garden and fishing lake.	Written Reps	APP/3715/ X/12/2183941 Delegated – Refused 29/08/2012
R12/1583 KMcC	Unit 2 5 Castle Mound Way Rugby CV23 0WB	Display of 2 non-illuminated fascia signs	Written Reps	APP/3715/ H/12/2174438 Delegated – Refused 20/09/2012
R12/0952 MN	6 Brook View Rugby CV22 6RR	Erection of first floor extension over existing garage with link to dwelling.	Written Reps	APP/E3715/A/12/2184294 Delegated – Refused 21/06/2012
R12/1194 OW	Land off Priory Road and School Street Wolston Warwickshire	Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012)	Inquiry	APP/E3715/A/12/2186128 Committee - Refused 17/10/2012
R12/0358 NL	Bates Farm Bush Hill Lane Flecknoe CV23 8AX	Retention of timber cabin to be used as ancillary accommodation to existing house	Hearing	APP/E3715/A/12/2184173 Committee – Refused 05/04/2012
R11/1737 MN	Spicers Wood Coventry Road Pailton CV23 0QA	Conversion of building (garage and workshop) to single dwelling	Written Reps	APP/E3715/A/12/2185863 Delegated – Refused 24/05/2012
R12/0818 BS	The Byre Brockhurst Lane Monks Kirby CV23 0RA	Installation of new windows and doors	Written Reps	APP/E3715/D/12/2185992 Delegated – Refused 24/05/2012
R12/1401 RR	Featherstone Farm Leamington Road Ryton on Dunsmore CV8 3EL	Erection of swimming pool and enclosure.	Written Reps	APP/E3715/D/12/2186354 Delegated – Refused 29/08/2012

R12/1279 AC	22 Gold Avenue Cawston Rugby CV22 7FB	Erection of fence to the side of the dwelling	Written Reps	APP/E3715/D/12/2186407 Delegated – Refused 03/08/2012
R12/0637 NL	The White House Oxford Road Princethorpe CV23 9QD	Change of use from residential to guest house to include retrospective permission for first floor guest bedrooms	Written Reps	APP/E3715/A/12/2188540 Delegated – Refused 30/05/2012
R12/0731 CD	Land rear of 38 North Road Clifton on Dunsmore CV23 0BN	Erection of a detached dormer bungalow.	Written Reps	APP/E3715/A/12/2186678 Delegated – Refused 06/06/2012
R12/1159 SP	77 Bilton Road Rugby CV22 7AW	Retrospective application for the replacement of a veranda cover to the rear of the property	Written Reps	APP/E3715/D/12/2185522 Delegated – Refused 20/07/2012
R12/1176 AC	Former David Smith Packaging Site Brownsover Lane Rugby CV21 1HL	Proposed detached dwelling with vehicular access and car parking	Written Reps	APP/E3715/A/12/2186323 Delegated – Refused 05/09/2012
R12/1969 CD	Thurlby Main Street Birdingbury CV23 8EL	Continuation of use of existing domestic annex for the provision of short term residential accommodation for business visitors.	Written Reps	APP/E3715/A/12/2189600 Delegated – Conditional Approval 14/11/2012
R12/1733 AC	Martingale Main Street Frankton CV23 9PB	Proposed single storey extension to form garden room, amendment to the windows in the northeast and southwest gable ends and insertion of flue into the southeast roof slope	Written Reps	APP/E3715/D/12/2189244 Committee – Refused 07/11/2012

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	30 th January 2013
Report Title	Delegated Decisions –14.12.2012 to 17.01.2013
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

Reasons for Recommendation To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 30th January 2013

Delegated Decisions – From 14.12.2012 To 17.01.2013

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: 30th January 2013
Subject Matter: Delegated Decisions – 14.12.2012 to 17.01.2013
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 14.12.2012 TO 17.01.2013

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/1342 Refused 18.12.2012</i>	54 Fisher Avenue Rugby	Erection of two-storey side and single-storey rear extensions.
<i>R12/2081 Refused 21.12.2012</i>	55 Westfield Road Rugby	Erection of a single storey rear extension.
<i>R12/1615 Refused 02.01.2013</i>	Stoney Grey Oxford Road Coventry	Erection of covered swimming pool.

**Applications
Approved**

<i>R12/2077 Approved 14.12.2012</i>	24 Ridge Drive Rugby	Change of use of the lounge area of the dwelling to a nail beauty practise.
<i>R12/1975 Approved 14.12.2012</i>	St Andrews Rugby Football Club Ashlawn Road Rugby	Erection of floodlighting system consisting of 4 no. 15m high masts.
<i>R12/2051 Approved 17.12.2012</i>	36 Avondale Road Brandon	Erection of a two storey side extension and a single storey front & rear extension - alteration to permission R12/1673.
<i>R12/2109 Approved 18.12.2012</i>	1 Newcombe Close Dunchurch	Provision of new pitched roof to existing garage and new hipped roof to existing dormer.
<i>R12/2155 Approved 18.12.2012</i>	13 Chester Street Rugby	Part retrospective planning permission for the installation of external wall insulation to the dwelling.
<i>R12/2152 Approved 18.12.2012</i>	24 Avenue Road New Bilton	Retrospective planning permission for the installation of external wall insulation to the dwelling.

<i>R12/2139 Approved 18.12.2012</i>	2B Longrood Road Rugby	Erection of a two storey side extension and single storey front & rear extension.
<i>R12/1853 Approved 19.12.2012</i>	Land adjacent 82 Claremont Road Rugby	Erection of new dwelling (including new parking area for no.82).
<i>R12/1763 Approved 20.12.2012</i>	Land off Orchard Close Wolvey	Erection of 2no. detached chalet bungalows with garages, provision of parking and associated works.
<i>R12/1708 Approved 20.12.2012</i>	Area R Whitefriars Drive Cawston	Erection of 6 dwellings and associated garages and works - substitution of house types approved under approval of details ref. R04/1118/21371/D, dated 9th November 2005, on plot nos. 625 - 626 and 628 - 631.
<i>R12/1939 Approved 21.12.2012</i>	Land Adjacent 242 London Road Stretton on Dunsmore	Erection of a stable block and tack room.
<i>R12/2089 Approved 21.12.2012</i>	Former Spectron Lasers Ltd Unit 7 Consul Road Brownsover	Change of use of building from B1 (Business) (previously restricted to Spectron Lasers only) to B1 (business), B2 (General Industrial) and B8 (Storage or Distribution).
<i>R12/2056 Approved 21.12.2012</i>	50 Lower Road Barnacle	Conversion and extension of existing outbuilding to form an ancillary residential annexe.
<i>R12/0323 Approved 27.12.2012</i>	The Old Vicarage London Road Ryton on Dunsmore	Retention of the change of use of dwelling to a dwelling and a flat.
<i>R11/2277 Approved 27.12.2012</i>	The Old Vicarage London Road Ryton on Dunsmore	Variation of Condition 6 of R08/0129/PLN (use of land and kennels for the storage, hire and repair of tents/marquees, together with associated items and equipment) to allow independent occupation of buildings A, B & C not associated with the Old Vicarage and to allow independent occupation of the flat not associated with the business use at the site.
<i>R12/0776 Approved 28.12.2012</i>	4 Morson Crescent Rugby	Erection of a two storey side and rear extension and a single storey rear extension.

<i>R12/2099 Approved 28.12.2012</i>	Ox House Toft Farm Southam Road Kytes Hardwick	Erection of a storage building and construction of a menage and exercise area.
<i>R11/2245 Approved 28.12.2012</i>	The Old Vicarage London Road Ryton on Dunsmore	Variation of Condition 6 of R10/0233 (elevational alterations, including new cladding to walls and roof, increase in roof heights and extension of roof area to increase covered areas to all 3 buildings) to allow independent occupation of buildings A, B & C not associated with the Old Vicarage and to allow independent occupation of the flat not associated with business use at site.
<i>R12/2167 Approved 28.12.2012</i>	Woodbine Cottage 11 High Street Ryton on Dunsmore	Extension and alteration of 2 attached outhouses to form a store-cum-summerhouse (partially retrospective). Provision of a parapet wall to existing flat roofed extension.
<i>R12/1165 Approved 28.12.2012</i>	The Chapel House Main Street Easenhall	Erection of single-storey rear extension and rear dormer window.
<i>R12/1904 Approved 02.01.2013</i>	1 St Johns Avenue Rugby	Amendment to extant planning permission R02/0568/18906/P for alterations to internal layout and elevations and insertion of a rooflight.
<i>R12/2225 Approved 02.01.2013</i>	44 Whittle Close Bilton	Two storey side extension and single storey rear extension (amendment to previously approved application R12/1568)
<i>R12/2248 Approved 02.01.2013</i>	Tesco 132 Hollowell Way Brownsover	Variation of condition 2 of planning permission R12/0799 (Installation of ATM and associated works) to relocate siting of ATM on front elevation.
<i>R12/2260 Approved 02.01.2013</i>	Woodview Burnthurst Lane Princethorpe	Demolition of existing dwelling and erection of a replacement dwelling.
<i>R12/2211 Approved 02.01.2013</i>	Land North East of Heath House Coalpit Lane Wolston	Retention of field shelter for cattle, sheep and horses (renewal of temporary planning approval R02/0854/07654/P).
<i>R12/2222</i>	67 King Edward Road	Retrospective planning permission for the

<i>Approved</i> 03.01.2013	Rugby	installation of external wall insulation to the dwelling.
<i>R12/2218</i> <i>Approved</i> 03.01.2013	6 Victoria Avenue New Bilton	Retrospective planning permission for the installation of external wall insulation to the dwelling.
<i>R12/2101</i> <i>Approved</i> 03.01.2013	7 Knob Hill Rugby	Alterations to existing roof to provide first floor loft conversion.
<i>R12/2161</i> <i>Approved</i> 03.01.2013	18 Boswell Road Rugby	Erection of a single storey rear extension and a single storey side extension incorporating a garage conversion.
<i>R12/2266</i> <i>Approved</i> 03.01.2013	7 Park Walk Rugby	Erection of a single storey rear extension, a detached garage outbuilding and 2.4 metre (8ft) high wall/fence boundary treatment.
<i>R12/2059</i> <i>Approved</i> 04.01.2013	106-108 Park Road Rugby	Change of Use from offices, shop and store to a dwelling (Use Class C3).
<i>R12/2100</i> <i>Approved</i> 04.01.2013	11 Barby Lane Hillmorton	Erection of two storey side and single storey rear extension.
<i>R12/2172</i> <i>Approved</i> 04.01.2013	11 Park Cottage Harborough Road Harborough Parva	Erection of a single storey side extension.
<i>R12/2275</i> <i>Approved</i> 04.01.2013	32 Linnell Road Rugby	Erection of two storey and single storey rear extension and new pitched roof to existing side outbuilding.
<i>R12/2158</i> <i>Approved</i> 04.01.2013	34 and 36 Kimberley Road Rugby	Retrospective planning permission for the installation of external wall insulation to the dwellings.
<i>R12/2216</i> <i>Approved</i> 04.01.2013	149 Wood Street Rugby	Retrospective planning permission for the installation of external wall insulation to the dwelling.
<i>R12/2277</i> <i>Approved</i> 07.01.2013	6 Hazelwood Close Dunchurch	Erection of a two storey side extension, single storey rear extension and new gable roof over an existing integral garage.

<i>R12/2068 Approved 07.01.2013</i>	46 Catesby Road Rugby	Erection of a single storey rear and side extension, new outbuilding and proposed repositioning of an existing detached garage.
<i>R12/1840 Approved 09.01.2013</i>	Clifton Upon Dunsmore C of E Primary School Station Road Clifton Upon Dunsmore	Proposed temporary classroom accommodation.
<i>R12/1864 Approved 09.01.2013</i>	Land adjacent to Unit 1 Wynter Road Rugby	Erection of an industrial unit and associated works including creation of an access off Somers Road and provision of off street parking (resubmission of planning application reference R12/0102, dated 10/08/12).
<i>R12/2311 Approved 10.01.2013</i>	5 Dickens Road Rugby	Erection of a single storey rear and side extension incorporating part demolition and conversion of an existing detached garage.
<i>R12/2282 Approved 10.01.2013</i>	398 Newbold Road Rugby	Retention of single storey extension with 3 velux roof lights.
<i>R12/1645 Approved 09.01.2013</i>	Glebe House 2 Clifton Road Rugby	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 and erection of boundary wall.
<i>R12/1357 Approved 09.01.2013</i>	2 Moultrie Road Rugby	Erection of a garage outbuilding with an associated forecourt, erection of a boundary wall and revised vehicle access arrangements linked to application R12/1645.
<i>R12/1965 Approved 11.01.2013</i>	Brownsover Community Centre Hollowell Way Brownsover	Minor Material Amendment application to vary Condition 13 of R79/0298/10760/P to permit use of premises between 07.00-18.00 Monday to Friday only (current permitted hours of use 08.30-23.00 Monday to Thursday, 08.30-23.30 Fridays and Saturdays and 09.30-22.00 Sundays).
<i>R12/1548 Approved 15.01.2013</i>	Newnham Hall Farm Barns Kings Newnham Road Kings Newnham	Installation of 4 air source heat pumps including the erection of 1.5 metre high hit and miss panel fencing.

<i>R12/1721 Approved 15.01.2013</i>	The Dell Fosse Way Princethorpe	Substitution of house type against previously approved residential dwelling under permission reference R10/2138 (4/01/2011) incorporating amendments to approved garage and access under permission reference R10/1998 dated 30th November 2010 together with the erection of a three-bay timber stable building within the paddock (field reference 3234).
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<i>R12/2316 Approved 15.01.2013</i>	Land adj. 45 Plantagenet Drive Bilton	Erection of a dwelling (Amendment to a previously approved scheme for the erection of a dwelling under planning permission reference No. R12/0791 granted 10th July 2012).
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Conservation Area Consents

<i>R12/1651 Conservation Area Consent 09.01.2013</i>	Glebe House 2 Clifton Road Rugby	Proposed demolition and replacement of 2 Clifton Road.
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Advertisement Consents

<i>R12/2159 Advertisement Consent 20.12.2012</i>	Swift House Cosford Lane Brownsover	Display of non illuminated sign.
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<i>R12/2177 Advertisement Consent 21.12.2012</i>	Great Central Service Station 89 Hillmorton Road Rugby	Display of illuminated and non-illuminated signs.
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<i>R12/1985 Advertisement Consent 04.01.2013</i>	Former Lloyds TSB Bank 23-25 The Green Bilton	Provision of 2 No. internally illuminated fascia signs.
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<i>R12/2299 Advertisement Consent 09.01.2013</i>	Rugby Gateway Leicester Road	Erection of two sales hoardings.
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<i>R12/2264 Advertisement Consent 10.01.2013</i>	Vets 4 Pets 213 Bilton Road	Retrospective consent for the provision of 3 internally illuminated fascia signs.
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Certificate of Lawful Use or Development

R12/2145
Certificate of Lawful Use or Development
19.12.2012

63 Alwyn Road
Bilton

Certificate of lawfulness for proposed loft conversion and rear dormer window.

R12/0327
Certificate of Lawful Use or Development
15.01.2013

Lodge Farm
Bilton Lane
Long Lawford

Certificate of Lawfulness for the erection of a building , known as The Quince, and the use for accommodation purposes of holiday lettings, short term lettings and overnight stays (for stays of up to 3 months).

Agricultural Determinations

R13/0006
Prior Notification
04.01.2013

Cottage Farm
Coventry Road
Wolvey

Application for prior notification under Schedule 2 Part 6 of the Town and Country Planning General Permitted Development Order 1995 for the erection of a steel portal framed agricultural building.

Telecommunications Determinations

R12/2017
Prior approval required and approved
18.12.2012

Dslam,
Huawei 96 Dslam,
Barby Road
Rugby

Determination as to whether prior approval is required for the installation of a DSLAM cabinet.

Approval of Details/ Materials

R11/2452
Approval of Details
14.12.2012

Allotment Grounds
Building to the North of
the Bungalow
High Street
Marton

Change of use of agricultural building to a residential bungalow and raising of roof.

R09/0331/MAJP
Approval of non-material changes
17.12.2012

Former Cattle Market
Site
Land Bounded by Murray
Road, Craven Road &
Railway Terrace

Mixed use development comprising:
Part full planning permission for the erection of buildings for use as a 72 bedroom hotel with ancillary bar/restaurant (C1/A3) and 420sqm GEA of retail floorspace (A1), an 80 bed nursing home (C2), a 45 unit extra-care sheltered housing development (C3) and the erection of 47 no. affordable residential units (C3) together with associated access, parking and landscaping.
Part outline planning permission for the erection of 69 no. residential units (C3), the erection of buildings for employment use (B1

(a), (b) and (c) - maximum floorspace 3842sqm GEA) and community use (D1/D2 - maximum floorspace 2250sq.m GEA) and the provision of public open space (0.95ha) - all matters reserved apart from access, and in the case of the residential units and public open space apart from layout and scale.

R12/1900
Approval of Details
21.12.2012

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).

R12/1672
Approval of Details
31.12.2012

3 and 4 Corbridge Place
Cawston

Erection of fence along boundary and gates.

R10/1298
Approval of Details
09.01.2013

Rugby Gateway (Part of Site)
Leicester Road

Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).

R12/1436
Approval of non-material changes
11.01.2013

Land rear of
99 High Street
Hillmorton

Erection of detached bungalow (resubmission of previously approved scheme under planning Ref. No. R10/2052 granted 21/12/10).

R11/0244
Approval of Details
15.01.2013

Former Works Site
Willow Lane
Rugby

Demolition of existing workshops and erection of 5 new residential dwellings.

**Withdrawn/
De-registered**

R12/1996
Withdrawn
11.12.2012

3 Lutterworth Road
Pailton

Conversion of redundant outbuildings including a one and half storey extension. (amendment to approval R11/1407 to show modification of approved access driveway).

R12/1756
Withdrawn
20.12.2012

21 Durrell Drive
Cawston

Erection of a 1m high boundary fence to the front of the property, including 1m high access gates serving the existing driveway.