

3<sup>rd</sup> June 2013

## **PLANNING COMMITTEE - 12<sup>TH</sup> JUNE 2013**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 12<sup>th</sup> June 2013 in the Council Chamber, Town Hall, Rugby.

### **Site visits**

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

3.30pm	Frankton Lane Garage, Frankton Lane, Stretton on Dunsmore
4.00pm	The Red Lion Public House, 23 Main Street, Wolston
4.30pm	2 Cave Close, Cawston

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 22<sup>nd</sup> May 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. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.

6. Delegated Decisions – 3<sup>rd</sup> May 2013 to 23<sup>rd</sup> May 2013.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2013/14 – 3) are attached.

### **Membership of the Committee:-**

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

***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](mailto: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 – 12<sup>TH</sup> JUNE 2013  
REPORT OF THE HEAD OF PLANNING AND CULTURE  
APPLICATIONS FOR CONSIDERATION**

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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	R13/0589	Frankton Lane Garage, Frankton Lane, Stretton on Dunsmore Extension of garage/workshop building, cover over existing vehicle ramp, and erection of WC, washroom and plant room buildings (retrospective).	4
2	R12/2337	Land at rear of 125 Yates Avenue, Newbold, Rugby Proposed change of use of land to create additional parking facilities on former railway embankment land.	8
3	R11/1725	Red Lion PH, 23 Main Street, Wolston Coventry CV8 3HH Change of use of existing public house to provide a single residential dwelling, demolition and re erection of front elevation wall [re using cleaned good existing bricks] and the re introduction of Georgian style timber framed windows and replacement door, restoration and refurbishment [localised repair where necessary ] to side gable walls, refurbishment of existing roof to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows, demolition of rear two storey element and single storey additions and replacement with two storey extension, erection of 2 bay detached car port with external store, ancillary storage and provision of new residential curtilage and new boundary wall in accordance with planning permission reference R11/2409 dated 18/2/2013 .	15
4	R13/0765	Red Lion, 23 Main Street, Wolston, Rugby CV8 3HH Conservation Area Consent for demolition works to existing Red Lion PH.	26

### Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
5	R13-0253	72 Overslade Lane, Rugby Erection of two storey side and single storey front and rear extensions, two storey rear extension and single storey front addition to existing bay window.	<u>30</u>

6	R11/1166	Home Farm, Oxford Road, Ryton on Dunsmore Change of use of site to a caravan and camping site with 40 pitches and erection of associated facilities building.	35
7	R12/0960	Land adjacent to the Oxford Canal, Onley and land at the junction of the A45 and Onley Lane Demolition of barn and partial demolition of second barn, construction of marina comprising 550 non-residential berths, marina services and amenities buildings and boat repair facility, with associated car parking and service areas, landscaped areas and minor works to adopted and unadopted roads (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council as shown on drawing No. EX/01P7).	45
8	R12/1735	The Paddocks, Smeaton Lane, Stretton-under-Fosse Change of use of land to private gypsy caravan site (permanent occupation) including the erection of a day room.	59
9	R12/2238	Grange Farm, Biggin Hall Lane, Thurlaston Erection of a single storey extension.	72
10	R13/0098	Springfield Farm, Fosse Way, Princethorpe Retrospective Permission for the erection of single storey extensions to the existing bungalow.	77
11	R13/0094	Springfield, Fosse Way, Princethorpe Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels.	81
12	R13/0873	Land adjacent Moor Lane, Willoughby Erection of a livestock field shelter.	93
13	R13/0400	2 Cave Close, Cawston Erection of a two-storey rear extension and installation of first floor side facing window	97

**Reference number:** R13/0589

**Site address:** Frankton Lane Garage, Frankton Lane, Stretton on Dunsmore

**Case Officer:** Chris Davies 01788 533627

**Description:** Extension of garage/workshop building, cover over existing vehicle ramp, and erection of WC, washroom and plant room buildings (retrospective).

**History:**

R80/0666/11279/EUC	Application for Established Use Certificate for use of land for General Industrial purposes.	Approved 15/10/81
R86/1664/11279/P	Erection of building and use as garage repair workshop.	Approved 11/03/87
R93/0794/11279/P	Erection of single storey extension to workshop.	Approved 08/12/93
R96/0705/11279/P	Erection of single storey building and use to provide new workshop, rest room, office and WC.	Approved 19/08/97

**Proposal:**

The applicants seek planning permission to retain and complete an extension to an existing workshop, together with associated works. Part of the extension will cover an existing service ramp already in use.

**Other Relevant Information:**

This application had been brought before the Committee for consideration at the request of Councillor Roberts.

The site lies outside the village boundary of Stretton on Dunsmore, and is therefore entirely within the West Midlands Green Belt. It occupies a corner plot immediately adjacent to the junction of Frankton Lane and Fosse Way.

Access is via an open slope off Frankton Lane, with limited parking to the front for approximately 6no. vehicles. Beyond the forecourt is the main garage compound, which currently comprises 2no. main workshop buildings, and area for parking vehicles, and the steel portal framework for the extension subject of this application. The compound is bounded by a 2m high palisade fence.

The framework mentioned above can be viewed from Frankton Lane and Fosse Way (across open land). It is not clearly visible from the site frontage.

**Technical Consultation Responses:**

Environmental Health - Standing advice will be sufficient.  
WCC Ecology - Notes required re nesting birds.

**Parish/Ward Consultation Responses:**

Parish - No objections.

Ward - Application called in to Committee by Ward Councillor due to "controversial nature" and local opinion. A committee site visit was also requested.

**Neighbour Consultation Responses:**

None

Planning Policy:

Part 9 of the National Planning Policy Framework March 2012	Conflicts
Parts 3 and 11 of the National Planning Policy Framework March 2012	Complies

Rugby Borough Core Strategy 2011:

CS1: Development Strategy	Conflicts
CS2: Parish Plans	Conflicts
CS16: Sustainable Development	Conflicts

Rugby Borough Local Plan 2006 Saved Policies  
E6: Biodiversity    Complies

**Considerations:**

The key considerations in determining this application are the impact of the proposals on a) the Green Belt, b) concept of development, c) the character and appearance of the locality, d) residential amenity, and e) biodiversity.

**Green Belt**

The site lies entirely within the Green Belt. Any development on the site would therefore inevitably affect the character of the Green Belt of which it forms a part. Part 9 of the NPPF clearly identifies significant extension in the Green Belt as being detrimental and harmful. Whilst the Parish Council have raised no objections to the scheme, the Stretton on Dunsmore Parish Plan takes a similar line in relation to development in the Green Belt.

The existing site already has 2no. comparatively large buildings for a plot of this size.

The proposed extension would see an increase in volume of one of these buildings of approximately 63%.

Such a considerable increase in volume would inevitable have a detrimental impact on the open character of the Green Belt. The proposal therefore conflicts with Policies CS1: Development Strategy and CS2: Parish Plans of the Rugby Borough Core Strategy 2011, and Part 9 of the National Planning Policy Framework March 2012.

**Concept of Development**

The proposed extension would enable the continuation and/or increase of services provided on the site as part of the existing business.

It would therefore support a rural enterprise in accordance with Part 3 of the National Planning Policy Framework March 2012.

**Appearance and Design**

Whilst the design of the proposed extension is in keeping with the industrial character of the existing buildings and the present operations on the site, it would nevertheless significantly increase the visual impact of the building, and at 63% cannot be considered to be limited in terms of size or scale.

The proposal would have a detrimental impact on the character of the site and the wider setting in terms of bulk and volume, and therefore conflicts with the relevant elements of Policy CS16: Sustainable Development of the Rugby Borough Core Strategy 2011 that relate to character and appearance.

**Residential Amenity**

The nearest residential properties are on Fosse Way, with the closest dwelling being some 65m away from the proposed extension. From this distance it is not considered that the extension would materially impact on the amenities of the occupants of these properties.

The proposed extension therefore complies by default with the relevant elements of Policy CS16: Sustainable Development of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

## **Ecology and Biodiversity**

WCC Ecology Unit has no objections to the development, and has not requested any restrictive or compensatory conditions relating to habitat protection or regeneration.

They have recommended inclusion of an advisory note regarding nesting birds to guide the applicants, which would be included in the decision.

The scheme therefore complies with Saved Policy E6: Biodiversity of the Rugby Borough Local Plan 2006 and guidance set out in Part 11 of the National Planning Policy Framework March 2012.

### **Recommendation:**

Refusal due to conflict with local and national policy.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/0589

### **DATE VALID**

08/04/2013

### **ADDRESS OF DEVELOPMENT**

Frankton Lane Garage  
Frankton Lane  
Stretton on Dunsmore  
Rugby  
CV23 9TQ

### **APPLICANT/AGENT**

Mr Joseph W. Wroe  
401 London Road  
Coventry  
West Midlands  
CV3 4DA  
On behalf of Mr John Pearson

### **APPLICATION DESCRIPTION**

Extension of garage/workshop building, cover over existing vehicle ramp, and erection of WC, washroom and plant room buildings (retrospective).

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

National Planning Policy Framework March 2012

Policies CS1: Development Strategy, CS2: Parish Plans and CS16: Sustainable Development

Saved Policy E6: Biodiversity 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](http://www.rugby.gov.uk) or at the Council Offices.

### **REASON FOR REFUSAL 1:**

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

The proposed extension is not limited in size and scale. Therefore the proposed extension constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority there are no special circumstances which would justify the granting of planning permission for an extension of this size in the face of a strong presumption against



inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policies CS1 and CS2 of the Rugby Borough Core Strategy 2011 and the NPPF.

**REASON FOR REFUSAL 2:**

It is considered that the size and scale of the proposal would significantly increase the visual impact of the building on both the site and the locality to the detriment of their character. The proposal therefore conflicts 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. Unfortunately in this instance it has not been possible to negotiate a solution in the face of conflict with local and national policies.

**Reference number: R12/2337**

**Site address: Land at rear of 125 Yates Avenue, Newbold, Rugby**

**Description: Proposed change of use of land to create additional parking facilities on former railway embankment land**

**Case Officer Name & Number: Alice Cosnett – 01788 533489**

The application has been called into Planning Committee at the request of Councillor Kaur

### **Site Description**

The section of land to the rear of no.125 Yates Avenue currently forms part of the embankment adjacent to the Grade II Listed railway viaduct. The application site consists of a corner plot with Yates Avenue sited to its southwest, Leicester Road to its southeast and the railway viaduct to its northeast. There is a section of wooded land (the railway embankment) to the north of the site and Eleven Arches House (no.125 Yates Avenue) is an office building located toward the south of the site.

### **Proposal Description**

Planning permission is sought for the change of use and creation of an additional car park on a section of land to the rear (north) of Eleven Arches House. The section of the site to which the car park will be sited is outside the line edged in red which was approved on the site location plan submitted when the office building was granted permission in 2004 (planning application reference R04/0164/2117/P) and as such, a change of use is required as well as consent being required for the creation of the car park itself. It is currently formed of the embankment to the Grade II Listed railway viaduct. The car park is intended to create an additional 14 car parking spaces.

### **Relevant Planning History**

R04/0164/2117/P	Erection of three storey office building with associated parking	Approved 3.6.2004
R06/0872/VAR	Continue to use premises without complying with Condition 16 of Planning Permission Ref. No. R04/0164/2117/P dated 3/6/04 by extending the permitted office hours of between 07:00-19:00 on Monday to Friday to 07:00-22:00 Monday to Friday	Refused 13.7.2006

### **Technical Consultation Responses**

Environment Agency – no objection subject to informatives

English Heritage – no objection

RBC Arboricultural Officer – no objection subject to condition

RBC Environmental Health – no objection subject to informatives

WCC Archaeology – no comment

WCC Ecology – further surveys required. Application should be refused if these surveys are not forthcoming

WCC Highways – no objection

## **Third Party Responses**

Councillors – Cllr Kaur called application in to be determined at Planning Committee

Neighbours – 5 letters have been received from 5 neighbouring households raising objection to the application for the following planning points:

- Adverse impact upon ecological features
- The removal of the trees would have a detrimental impact upon the visual amenity of the area
- Concern that security will be worsened if the area is cleared of trees and levelled
- Offsite parking is available
- The character of the area would be completely changed
- Additional noise and pollution throughout the day
- Too intrusive in a residential area
- Loss of privacy to both the neighbouring dwellings and their associated gardens
- Further light pollution caused by additional lighting within the proposed car park

1 letter of representation has also been received which asserts the parking situation at Eleven Arches House has arisen due to mismanagement of the available spaces.

2 letters have been received from 2 neighbouring households raising objection to the amended plan for the same reasons detailed to the original proposal.

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1                      Development Strategy  
CS16                     Sustainable Design

### Saved Local Plan Policies

E6                        Biodiversity  
T5                        Parking Facilities

### Other Documents

Planning Obligations SPD

### National Policy

National Planning Policy Framework (NPPF)  
Part 1 – Building a Strong and Competitive Economy  
Part 4 – Promoting Sustainable Transport  
Part 7 – Requiring Good Design  
Part 11 – Conserving and Enhancing the Natural Environment  
Part 12 – Conserving and Enhancing the Historic Environment

## **Assessment of Proposals**

In the assessment of this application the determining factors are the principle of the proposed development, its impact on the qualities, character and amenity of the area and its impact on the setting of the adjacent Grade II Listed railway viaduct, its impact on the amenity of neighbouring properties, protected species, highway safety and trees.

### Principle of development and impact on parking provision

Part 1 of the NPPF (Building a Strong, Competitive Economy) emphasises the Government's commitment to securing economic growth, a part of which is to ensure that the planning system does

everything it can to support sustainable economic growth. Part 4 of the NPPF (Promoting Sustainable Transport) recognises the importance of transport policies in facilitating sustainable development as well as the contribution they can provide to wider sustainability and health objectives. Furthermore, it states that if setting parking standards for both residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

Policy CS1 of the Core Strategy states that the Rugby Urban Area is the primary focus for meeting strategic growth targets. Saved Local Plan Policy T5 states that planning permission will only be granted for development incorporating satisfactory parking facilities continuing to state that the availability of car parking can influence people's transport decisions and an excessive increase in car parking provision can reinforce car dependency, with the associated congestion, pollution and road safety issues. The Council's Parking Standards contained within Appendix 2 of the Planning Obligations SPD provides maximum levels of car parking provision for different land uses. However, Policy T5 emphasises the need for flexibility in assessing an acceptable level of parking provision and emphasises the importance of local factors which in exceptional circumstances could justify some deviation above or below the maximum figures. Such exceptional circumstances which are outlined within this policy include the need to revitalise an area, the extent to which an area is environmentally sensitive, the availability of infrastructure for cyclists and pedestrians and the availability of public parking facilities.

Eleven Arches House provides approximately 1500m<sup>2</sup> of B1 office space. The Council's Parking Standards for this use state that 1 space should be provided per 30m<sup>2</sup> (in low access areas such as Yates Avenue), therefore resulting in a parking provision of a maximum of 50 spaces. As existing, 52 spaces are provided on site – a level of parking provision which was considered acceptable in the assessment of the 2004 planning application which approved the construction of Eleven Arches House. This planning approval was subject to a number of conditions, one of which was to ensure that a Travel Plan was to be submitted to the LPA which would include a target for the proportion of the workforce who would travel by means other than a car, a strategy for achieving this target and a process for monitoring the progress toward achieving this target. A Travel Plan was subsequently submitted and approved by the LPA.

The proposed development, which will facilitate the addition of 14 spaces results in a parking provision which significantly exceeds that which is provided as a maximum figure when calculated as per the Council's standards within the Planning Obligations SPD. Appendix A of the Supporting Statement which has been submitted with the application provides a Parking Need Statement which outlines the present parking situation at Eleven Arches House analysing how various occupiers of the office building have implemented the approved Travel Plan. The overall conclusion of the Parking Need Statement is that whilst personnel do car share, walk and use public transport where practical to do so, in most instances, there are limited opportunities to reduce their reliance on the private car. The following are outlined as the reasons for this:

- Different working hours to other personnel
- Reside in locations a long distance away and different to other personnel
- Need to drop children off to childcare premises or other additional trips
- Lack of alternative public transport options
- Need car during the day for meetings, visits, etc.

In addition the Parking Need Statement attributes the need for more parking based on the current economic climate where the supply of office space exceeds the demand for it. A letter from Storers Chartered Surveyors (dated May 2010) is provided within Appendix 4 of the Parking Need Statement which states that they have marketed the offices on a continuous basis since 2006. They state that since the offices came onto the market it has been a struggle to let the suites due to poor office market conditions and the oversupply of offices within the town. The letter emphasises the importance of the number of car parking spaces which are allocated to office suites in attracting tenants and that it is very unlikely that the last vacant suite within Eleven Arches House will be let with no parking provision. It

therefore concludes that in order to improve the commercial viability of the site, additional car parking needs to be provided.

Saved Local Plan Policy T5 states that the importance of local factors in determining the level of car parking provision is recognised and that local factors can justify in exceptional circumstances some deviation above (or below) maximum figures. It is considered that the Parking Need Statement within the Supporting Statement submitted with the planning application provides sufficient justification for the additional car parking spaces proposed. The Council is satisfied that the Travel Plan has been implemented as far as is possible and that the spaces are required in order to ensure the future viability of the office building, particularly in the current economic climate. Whilst the site occupies an accessible location (being close to both the town centre and public transport links) it is considered that the Parking Need Statement provided with the application outlines why these cannot be utilised by all members of staff within the office building and as such, that there is not further scope to reduce their reliance on the private car. It is therefore considered that the proposal, although resulting in a parking provision which will exceed the maximum figure calculated as per the Council's Parking Standards within the Planning Obligations SPD, is acceptable and does not conflict with the contents of Saved Local Plan Policy T5. Furthermore, whilst Part 4 of the NPPF (Promoting Sustainable Transport) emphasises the importance of transport policies in facilitating sustainable development and reducing the reliance on the private car, it also states that people should be given a real choice about how they travel and Part 1 (Building a Strong, Competitive Economy) emphasises the Government's commitment toward supporting sustainable economic growth. It is therefore considered that the development complies with the intentions of the NPPF and Council's Saved Local Plan Policy T5 and although exceeding the parking standards outlined in the Planning Obligations SPD, it is considered acceptable in this case. The principle of the proposed development is therefore acceptable.

#### Impact on the qualities, character and amenity of the area and impact on the adjacent Listed railway viaduct

Part 7 of the NPPF (Requiring Good Design) emphasises the importance of good quality design and Part 12 (Conserving and Enhancing the Historic Environment) of the NPPF emphasises the desirability of sustaining and enhancing the significance of heritage assets. 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 and that new development should seek to complement and enhance the historic environment. As existing, the section of land to the rear of the existing car park associated with Eleven Arches House forms part of the embankment against the Grade II Listed railway viaduct and as such is an area of land where trees and other vegetation have grown untouched for some length of time. The result is a triangle of land which, whilst not offering any specific trees of considerable visual merit, does provide some landscaping which acts to soften the visual appearance of the area, displaying a degree of amenity value. The land is visible from the access to Eleven Arches House as well as the trees being visible above the residential dwellings which line the east side of Yates Avenue and along Leicester Road. Whilst the development proposal will facilitate the removal of a large section of trees which do contribute to improving the visual amenity of the area, the development proposal does include the planting of trees along the west side of the proposed car park, adjacent to the rear boundaries of the residential neighbours along Yates Avenue. In addition, soft landscaping will be introduced throughout the site. It is therefore considered that if minded to approve and subject to a condition to ensure that a landscaping scheme is submitted and subsequently approved by the LPA, the loss of this wooded area would not cause such a significant impact to the visual amenity of the area so as to justify a refusal of planning permission. It is therefore considered that subject to an appropriate landscaping condition, the proposed development complies with the contents of Part 7 and 12 of the NPPF and Policy CS16 of the Core Strategy.

#### Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Due to the nature of the proposed development, it is not considered that it will cause any loss of amenity to neighbouring properties by way of either overbearing

or loss of light. Whilst it is acknowledged that some element of overlooking will be introduced through the loss of the trees and their replacement with a car park, it is considered that the introduction of trees along the west boundary of the car park will sufficiently ensure that the impact upon these neighbours is not so severe so as to justify a refusal of planning permission.

The Council's Environmental Health department raised no objection to the application subject to the attachment of a condition seeking the erection of a 1.8m high close boarded acoustic fence along the boundary adjacent to the residential properties on Yates Avenue that back onto the application site. Environmental Health do not consider it reasonable in this instance to request the submission of a noise assessment given that there is an existing car park on site, that the proposed car park would be considered as a low flow one as it is an office car park with relatively minimal vehicular movements and given that a restrictive hours of occupation condition is attached to Eleven Arches House (condition 16 of application reference R04/0164/02117/P states that the offices shall not be used except between the hours of 07.00 and 19.00 on Monday to Fridays and between 07.00 and 13.00 on Saturdays and at no time on Sundays and Bank Holidays). It is therefore considered that, although balanced, the impact on neighbouring amenity by way of additional noise and disturbance will not be so significant so as to justify a refusal of planning permission. Furthermore, whilst additional lighting is proposed within the proposed car park, specifications provided with the application show that they will be low level lighting bollards (having a maximum height of approximately 1m) and as such it is not considered that these will cause any significant additional impact to the amenity of neighbouring residential properties. It is therefore concluded that the proposed development complies with the relevant section of Policy CS16 which seeks to safeguard neighbouring amenity.

#### Impact on protected species

Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) emphasises the importance of minimising the impact of development on biodiversity and Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Appendix B of the Supporting Statements document provides a Protected Species Survey and as such County Ecology have been consulted on the application. They have conducted a site visit to the application site to assess the existing woodland and the ecological potential that it presents. They note that the woodland provides good habitat for foraging bats, nesting birds and invertebrates with many fallen trees and dead wood piles present. Furthermore, the site is considered to be of high value in the local context as broad-leaved semi-natural woodland is a rare habitat within the local area and due to its contribution as part of a wildlife corridor providing an important connective feature within the landscape (Rugby-Willey Railway pLWS and Ecosite). The site is part of the disused railway line which is an important wildlife corridor which in turn is considered to be of significant value within the local area, and has been recognised as such as a potential Local Wildlife Site. The NPPF has a guiding principle that all developments should result in a biodiversity gain. An assessment of the site shows that the development will result in a net loss of biodiversity which is in conflict with the NPPF. Therefore, due to the recognised ecological importance of the site and the adverse impact that the proposed development will have upon it, it is concluded that the development conflicts with the contents of Part 11 of the NPPF and the contents of Saved Local Plan Policy E6.

#### Impact on highway safety

The County Highways department has been consulted on the application. As the proposed car park would use the existing site access serving Eleven Arches House, the development will have no direct effect upon the adjacent highway. No objection was therefore raised and it is concluded that the development will not have an adverse impact upon highway safety.

#### Impact on trees

Appendix B of the Supporting Statements document provides an Arboricultural Report which the Council's Arboricultural Officer has been consulted on. It is noted that the area of land to which the application relates consists of dense woodland with a substantial amount of trees of mixed age classes, predominantly being Ash with an under storey of Hawthorn. The majority of the trees are in decline, are in poor condition and have a limited useful life expectancy. Various tree failures have already occurred.

Whilst it is noted that the area does offer a degree of amenity and habitat value, given the overall condition of the trees and their limited suitable useful life expectancy, the Council's Arboricultural Officer raises no objection to the scheme. Whilst the plans state that a line of Holly trees are to be planted, it is recommended that in the instance that the application is approved, a more diverse mix of native trees should be incorporated which is more in keeping with the wooded setting, and that tree planting should be incorporated within the car park itself as well as on top of the embankment. Therefore subject to a condition to ensure that a scheme for the protection of the retained trees is submitted to and approved by the LPA, which is to include the type and positions of protective fencing, the types of surfacing around retained trees, details of the trees to be removed, a comprehensive re-planting scheme to mitigate for proposed tree losses and proposed timings for the above works, no objection is raised to the proposed development.

**Recommendation:**

Refuse

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/2337

**DATE VALID**

02/01/2013

**ADDRESS OF DEVELOPMENT**

LAND AT REAR OF 125  
YATES AVENUE  
NEWBOLD  
RUGBY  
CV21 1FD

**APPLICANT/AGENT**

Mr Richard Palmer  
Hb Architects  
The Triforium  
17 Warwick Street  
Rugby  
Warwickshire  
CV21 3DH  
On behalf of Mr Ivan Norris, Eleven Arches  
House Pension Fund

**APPLICATION DESCRIPTION**

Proposed change of use of land to create additional parking facilities on former railway embankment land

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**REASON FOR REFUSAL:**

The site forms part of a non-statutory site of nature conservation and potential Local Wildlife Site (pLWS) Rugby-Willey Railway. Sufficient information has not been submitted with the application to evidence that the proposed development will not have a significant impact upon features of ecological importance. The development is therefore contrary to the contents of Part 11 of the NPPF 2012 and Saved Policy E6 of the Rugby Borough Local Plan 2006.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Core Strategy  
CS1 - Development Strategy  
CS16 - Sustainable Design

Saved Local Plan Policies  
E6 - Biodiversity  
T5 - Parking Facilities

Other Documents  
Planning Obligations SPD

National Planning Policy Framework (NPPF)  
Part 1 - Building a Strong and Competitive Economy  
Part 4 - Promoting Sustainable Transport  
Part 7 - Requiring Good Design  
Part 11 - Conserving and Enhancing the Natural Environment  
Part 12 - Conserving and Enhancing the Historic Environment

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

**INFORMATIVE 1:**

For the avoidance of doubt, the refusal refers to amended plan no.R78.12.10E received by the Local Planning Authority on 15 May 2013.



**Reference number:** R11/1725

**Site address:** Red Lion PH, 23 Main Street, Wolston Coventry CV8 3HH

**Description:** Change of use of existing public house to provide a single residential dwelling, demolition and re erection of front elevation wall [ re using cleaned good existing bricks] and the re introduction of Georgian style timber framed windows and replacement door, restoration and refurbishment [localised repair where necessary ] to side gable walls, refurbishment of existing roof to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows, demolition of rear two storey element and single storey additions and replacement with two storey extension, erection of 2 bay detached car port with external store, ancillary storage and provision of new residential curtilage and new boundary wall in accordance with planning permission reference R11/2409 dated 18/2/2013

**Case officer:** Brian Slater 3624

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### **Site description and the surroundings**

The property is a former public house that is situated in the centre of the village of Wolston and also within the Conservation Area. Known as the Red Lion PH it has been closed for business since September 2011. The main host building along the frontage to Main Street is a 3 storey with a two storey section to the rear and single storey flat roofed outbuildings which have been added over a number of years. Access to the car park associated with the former public house is formed across a bridge over a brook from Main Street. Planning permission has been granted adjacent to the site for "Erection of barn style mews comprising 4 two bed dwellings and 4 one bed flats with associated parking and landscaping" Approved 18/2/2013

The immediate area is predominantly terraced style cottages with a mix of residential and commercial properties. The adjacent property No 25 is the village fish bar and a public house known as the Rose and Crown stands opposite the application site. A thatched grade 2 listed cottage stands immediately to the south-east of the Red Lion. The existing car park extends to the south west to a group of trees that stand adjacent to the joint dividing boundary with detached residential properties off Paddocks Close.

### **Relevant decisions**

Reference R11/2408 Erection of barn style mews comprising 4 two bed dwellings and 4 one bed flats with associated parking and landscaping Approved 18/2/2013

### **The proposal**

The proposal is to create a five bedroom family house with large kitchen/dining area, large family lounge, snug room and a study. It is proposed to rebuild the front elevation wall reusing all good bricks by turning them around or to be cleaned. The gable walls will have localised remedial works to damaged brickwork where necessary. The existing roof will be refurbished to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows.

### **Two storey extension**

The rear wing and flat roofed outbuildings will be demolished and replaced with a new two storey element to provide an entrance lobby leading to a large family kitchen and living area. Stairs lead from the entrance lobby to a gallery landing to the first floor bedrooms and bathrooms.

### Car port

To the rear of the site, it is proposed to construct a two storey building for two cars with secure storage space to the side and above. The car port measures 11m wide by 6.0 m wide and has a height to eaves of 6.0 metres. It is situated close to the rear boundary of the site with properties on Paddock Close. The construction will mirror that of the main dwelling, with lead cheeked dormers, oak framing, and flemish garden wall bond brickwork.

### Boundary wall and fences

The existing garden wall on the southern boundary wall will be taken down and rebuilt to match existing whilst a new boundary wall to the proposed residential ornamental garden and lawn. This proposed boundary wall has already been granted planning permission under reference R11/2408 referred to above.

### Materials

The building works are to be of traditional construction re-using all good brickwork along with sourced reclaimed brick to match the existing. The roof tiles are to be re used plain clay along with sourced reclaimed tile to match the existing. All windows are to be timber framed with Georgian style windows in the front elevation facing Main Street. Rain water goods and foul pipes are to be black to match existing.

### Access

The site is currently accessed from Main Street via a small bridge across an adjacent brook. Black painted metal gates currently secure the site. These gates are to be replaced with wrought iron style gates set back from the front boundary in accordance with planning permission R11/ 2408.

### **Technical Consultations**

WCC Archaeology      No objection subject to a condition

Natural England      No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes and also there is sufficient information available regarding bats

WCC Ecology          No objection subject to a condition and informatives notes

Environment Agency   No objection

Tree Officer          No objection subject to a condition

### **Third Party Consultation**

*Neighbours [3] letters received*

- *No objection to the change of use .Red lion ceased trading over 1 year ago and because of the nature of the trade there, the village has benefitted by its closure/*
- *Whilst Red Lion is situated in a Conservation Area and it is not a heritage asset but in a very poor condition. It's an eyesore/.*
- *The two bay detached car port and is not in keeping with the character of the area*
- *Size of car port,*
- *Removal of copse of trees which screens adjacent properties would be great loss and significantly change rural feel.*
- *Removal of existing tree screen would result in the loss of privacy /planting of a beech hedge is not necessary.*
- *External store is positioned too close to boundary fence for maintenance and repair purposes/position of wheelie bins will result in smell, noise general health hazard and loss of privacy.*

Parish Council No objection subject to neighbour consultation and neighbour comments to be taken into consideration.

Ward Members Councillor Poole has requested that a site visit be carried out and that this application be determined by the Planning Committee.

**Planning Policy Guidance**

Rugby Borough Council Core Strategy 2011 Policy CS 16 Sustainable Design  
Rugby Borough Council Saved Policy E6 Biodiversity  
Rugby Borough Council Saved Policy T5 Parking  
Rugby Borough Council Saved Policy GP2 Landscaping

Sustainable Design and Construction SPD

Planning Obligations SPD March 2012

Residential Extension Design Guide SPD

NPPF [National Planning Policy Framework]

**Borough Core Strategy 2011 Policy CS16 Sustainable Design**

Policy CS 16 mentions that new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Furthermore new development should seek to compliment, enhance and utilise where possible, the historic environment and must not have a significant impact on the existing designated and non-designated heritage assets and their setting.

**Determining considerations**

Whilst the proposal primarily relates to a conversion and extension and erection of a two storey building in the rear garden with associated works the local planning authority considers that the main consideration in the determination of this proposed development is the demolition works to a building in a conservation area.

**Demolition works**

The works to the host building include the demolition of the front elevation wall. The applicant considers that whilst the building is structurally sound that the exposed beams to the front elevation are aesthetically very poor and not in keeping with the building. In addition the applicant also considers that the non-original porous paint that was added to this front elevation has caused cracking in places which adds to the poor visual condition. As such the applicant considers that it is not viable to retain the external bracing which penetrates through the building and has proposed to demolish this front elevation wall and rebuild this elevation reusing all good bricks by turning them around. In addition the applicant has also proposed remedial repairs to the gable walls and refurbishment of existing roof to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows and this results in a virtual rebuild.

### **Structural survey**

The applicant as part of the submission has submitted a structural survey of the building. The report mentions that historically, this building has suffered from extensive movement, indicated by the severe bowing to the front and rear elevations. The movement that has occurred to the building has led historically to previous major structural interventions with significant amounts of steel work being introduced. This has been in the form of several steel channels externally to the front and rear elevations, which apart from being bolted through the building, are also bolted to each gable elevation and also tie bars on both ends. This has arrested the movement. The building currently shows no sign of significant structural distress and the building at present is structurally stable.

The Council's Building Control Surveyor has mentioned that it is obvious that considerable movement has taken place in this building and that some temporary repairs to prevent this deterioration further were undertaken some 20-25 years ago, this entailed placing external steelwork around the building with tie bars through the building to provide restraint. This has been effective in largely preventing further movement as acknowledged in the Structural Engineers report dated February 2013.

The Council therefore considers that the proposed demolition works would lead to substantial harm of a building within a conservation area. Whilst the building is not listed it has historic value within the village setting. The fabric of the main host building has not changed over this period but extensions have been added to the rear of the building which are unsightly and detract from character and traditional appearance of the host building.

Whilst the external bracing is unsympathetic to the external façade it is necessary to support and maintain the integrity of the building, if removed the building is likely to collapse. The Local Planning Authority therefore considers that the removal of the rear two storey wing and single storey building, and the demolition works to the host building will result in a virtual rebuild of this property.

Section 12 [Conserving and enhancing the historic environment] of the NPPF mentions that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater weight should be.

Paragraph 133 mentions that where a proposal development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweighs the harm or loss whilst paragraph 138 mentions that the loss of a building

which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 , taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

The structural report mentions that the building currently shows no sign of significant structural distress and the building at present is structurally stable. Therefore there is no need to remove the steelwork. However the applicant doesn't wish to retain this external bracing and with the severe bowing to the front elevation wall and cracking local repair considers it more costly to repair, but he considers by undertaking works as proposed will restore the building to its historic past.

The Local Planning Authority considers that whilst the building is structural stable there is no substantial benefit to the public that will outweigh the harm and loss of this building within the wider village setting and the character and appearance of the Conservation Area and therefore the proposed demolition works to the main host building are considered to be an inappropriate form of development and will not comply with paragraph 133 and 138 of section 12 of the NPPF and also Policy CS 16 of the Borough Core Strategy 2011.

#### **Application for change of use of building**

Policy CS 13 concerns Local Services and Community Facilities. Existing local services and community facilities should be retained unless it can be demonstrated that: there is no realistic prospect of the existing use continuing for commercial and or operation reasons; the site has been actively marketed for a similar or alternative type of service or facility that would benefit the local community; and the existing service or facility can be provided in an alternative manner or on a different site in the local area.

The existing property is a former public house now vacant .The Red Lion PH has been closed for business since September 2011 following around three and half years of marketing to find either a new owner or licensee. A report has been submitted by Fleurets Chartered Surveyors who marketed the property since April 2011. In this report he mentions that in July 2008 the property ceased to trade and remained closed for 4 months. From November 2008-September 2011 leased, the property has been occupied on a tenancy. Attempts were made to re let by Enterprise Inns with primary objective to source a new tenant, this involved specific marketing of prospective tenants, extensive mailing advertising. Despite this, they were unable to identify a suitable lessee in 3 years of marketing [ July 2008-July 2011].To assist in the process of finding a tenant , enterprise also enlisted the services of Melrose Commercial property who marketed the property between March 2009 and September 2010 Between this period 15 parties looked at the property but no firm offers.

Fleurets proceeded to market the property in July 2011 and erected a for sale sign, advertised on a web site and contacted/targeted a total of 19,431 parties including pubs companies multiple occupiers private individuals, locals and developers and also arranged open viewing. In response 48 specific requests and 8 viewers, three offers received all for alternative use.

The Local Planning Authority is satisfied that there is no realistic prospect of the existing use continuing for commercial and or operation reasons, the site has been actively marketed and the service cannot be provided in an alternative manner. The Red Lion is one of 4 public houses within 0.4 miles and the surveyors in their evidence based assessment have suggested that Wolston has more pubs than it needs.

Therefore the proposal for a change of use to a dwelling house will comply with policy CS 13 of the Borough Core Strategy.

The Parish Council support the change of use of the building to residential purposes and in addition 3 letters of support from local residents have also been received supporting the conversion and extension to residential use and have mentioned that the village has benefitted enormously from the closure of the Red Lion PH.

### **Design and Appearance**

Section 7 [Good Quality Design] of the NPPF [National Planning Policy Framework] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity

Policy CS 16 requires that all development will demonstrate high quality, inclusive and sustainable design and will only be permitted where proposals are of a scale density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The main influence of this building is the 3 storey element which historically contributes towards the character of the area and the general street scene and the Conservation Area. A two storey wing and flat roofed outbuildings are formed at the rear of the building. The single storey flat roofed outbuildings have been added over time and are very unsightly. The masonry to the front elevation and gable walls have previously been painted.

The applicant seeks permission to demolish the rear wing and flat roofed buildings and to erect a two storey addition to the host building. The proposed design replaces the original wing and flat roofed outbuildings. The proposal does not extend beyond the rear line of these original outbuildings and the eaves line of the proposal does not exceed the height of the original two storey wing close to the joint dividing boundary with Numbers 19-21 Main Street.

The extension is subservient to the main host building with a low central and stepped down ridge. The north elevation incorporates dormer windows at eaves level with a feature two storey entrance lobby and atrium /gallery landing at first floor which will be timber framed with feature oak members and tinted glazing.

The south elevation is a blank wall with several roof lights and the rear elevation has a two storey oak framed hardwood tinted glazed window feature with bi-folding doors at ground level and small Juliet balcony at first floor.

The overall design and appearance of the proposed two storey addition is sympathetic with the host dwelling and will not detract from the visual amenity of the area and will preserve and enhance the character and appearance of the Wolston Conservation Area.

The proposed car port with secure storage space to the side and above will mirror that of the main dwelling, with lead chequered dormers, oak framing, and flemish garden wall bond brickwork. The overall design and appearance inclusive roof pitch and dormers will also mimic the appearance of the façade of the host building. The ridge height of the car port at 6 metres is lower than the approved development for [Reference R11/2408 for the erection of barn style mews comprising 4 two bed dwellings and 4 one bed flats with associated parking and landscaping Approved 18/2/2013. This development is situated adjacent to the existing car parking area

associated with the pub. The location of the approved development is currently a grassed area.

Whilst 3 letters of objection have been received regarding the size and appearance of the proposed car port in the Conservation Area, the Local Planning Authority considers that the overall design and appearance relates to the development that has been previously granted as mentioned above. The height of the proposed development for the two storey barn / mews style dwellings is around 7.2 metres. The proposed car port at 6.0 m will be situated approx. 18.0 metres from this new development but the height, scale, appearance and juxtaposition of the proposed car port will be sympathetic to this development and also the new extension at the rear of the host property [Red Lion]. The proposal will not harm the character of the Conservation Area but will add interest and variety to the rear of the host building and will improve the quality of the environment in this particular location.

The existing garden wall along the southern boundary with Numbers 19 -21 Main Street will be taken down and rebuilt to match existing. A new boundary wall will, be erected along the curtilage to the proposed residential development. This proposed boundary wall will be 2 metres in height to the rear garden with matching brickwork and 0.7 metres high with iron work above to the side paved area. This wall has already been granted planning permission under reference R11/2408.

### **Amenity**

The adjacent property Numbers 19-21 Main Street is an L shaped thatched two storey listed cottage with a habitable room windows to the rear gable elevation of the two storey wing. A private garden [grassed turfed area] abuts the side facing wall of the existing two storey wing of the Red Lion PH which projects 16.5 metres from the rear of the host building. A tall boundary wall extends the remainder of the joint dividing boundary. The proposal to demolish the two storey wing and replace it with a two storey extension will not result in an overbearing form of development on this adjacent property. Whilst the proposal will conflict with the Borough Council's 45 degree code of practice for extensions, in this case the new extension replaces the existing wing. The development will be set in slightly off the boundary to avoid encroachment by guttering and the eaves height will not be raised. The length of the extension will also be the same depth as the existing two storey wing. Therefore the impact will remain neutral and therefore the proposed two storey addition is not overbearing and will not adversely impact on the amenities of the adjacent properties Nos. 19-21 and 25 Main Street by reason of loss of sunlight or daylight or privacy.

The existing two storey rear section has side facing windows at first floor level. The proposal includes an atrium style gallery window in the side elevation at first floor level. This gallery window is tinted whilst other side facing windows serve bedrooms and an en suite. The large tinted atrium style window and the proposed side windows will not result in significant overlooking and distance views over rear gardens of properties along Main Street to the north-west of the property.

The planning authority have received 3 letters of objection regarding the size and appearance of the car port. The Local Planning Authority considers that the car port will not impact significantly on the amenities of neighbouring properties. The car port stands close to the rear joint dividing boundary of the site with No 21 Paddocks Close. This house has a garden depth of around 10.4 metres. The building stands at around 11.6 metres from this property with an eaves height of 3.2 metres. The ridge height of the proposed car port is 6.0 metres and is 14.0 metres from the rear of this house. Whilst part of the garden will be shadowed by the car port at certain times of the day, generally the garden and rear aspect of the house will not be seriously

impacted by loss of sunlight or daylight due to the direction of sunlight. In addition the proposal will not result in overlooking and loss of privacy but the dormer windows to the front of the building should be obscured glazed and fixed with top opening lights only to prevent overlooking into the adjacent neighbouring property at 19-21 Main Street.

#### **Impact on listed building**

The adjacent property No 19 -21 Main street is a grade 2 listed building. Currently it is over shadowed by the existing rear section to the host building .The proposal will not worsen the current relationship between the Red Lion building and this property and therefore will not have an adverse impact on the setting of the listed property.

#### **Archaeology**

The WCC archaeology has mentioned that the proposed development is within an area of significant archaeological potential, within the probable extent of the mediaeval settlement of Wolston [Warwickshire Sites and Monuments Record MWA 9541]. There is potential for the proposed development to impact upon the archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the mediaeval and later occupation of this area.

The WCC Archaeology do not wish to object to the principle of the development, however some archaeological work should be required if consent is forthcoming and the applicant will be required to undertake a written scheme of investigation before any works take place.

Therefore the proposal will comply with requirements of section 12 of the NPPF in relation to archaeology [Conserving and enhancing the historic environment]

#### **Ecology**

Section 11 [Conserving and enhancing the natural environment] mentions that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity

Saved policy E6 of the Rugby Borough Local Plan 2006 mentions that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance, in particular priority habitats /species and species of conservation concern. This is reflected in section 11 of the NPPF [National Planning Policy Framework]

The applicant has submitted a bat survey as part of his submission.

The WCC Ecology has mentioned that the existing building was inspected for evidence and potential for bats .The surveyor was able to access all existing roof voids of the main two storey building and the two single storey sections and no evidence of bats was found either internally or externally. A number of potential access points were however present, including access at the brick work and ridge tiles of the existing dormer windows on the north-east elevation and at the north-east gable end The roof voids were generally draughty and unlined and considered unlikely to be used by roosting bats , however initial surveys can only provide a limited assessment.



The surrounding habitat is considered to be highly suitable for foraging and commuting bats and there are a number of known records within the local area. Although no evidence was found, there are a small number of features present which are suitable for crevice dwelling species, such as pipistrelle, such as gaps under ridge tiles and under fascia boarding. In view of the limited bat potential the WCC recommend that a suitable qualified bat ecologist is present on site while the existing roof is being modified and or disturbed. All roofing materials should be removed carefully by hand and the work force should have a species awareness briefing.

Although the survey makes no mention of any breeding bird activity, the building does have potential to play host to variety of nesting species. The WCC strongly recommend that tree and scrub removal is undertaken outside of the nesting bird season to avoid disturbance to nesting birds.

In addition two ash trees and a number of small trees/scrub are proposed to be removed as part of the proposal The WCC Ecology have mentioned that these trees are not considered likely to support roosting bats however care is taken during felling of trees to ensure that the work does not disturb nesting birds, with work ideally being carried out outside the main nesting season [March-September]

In addition the WCC welcome the proposed tree planting within the landscaping scheme and would recommend that tree species used are native and fruit / berry producing which provide valuable habitat for native invertebrates and birds. This is in accordance with one of the principles of the NPPF to increase the biodiversity value of the development

### **Trees**

The Local Planning Authority have received objection to the loss of this coppice of trees. The

Council's tree officer has mentioned that these comprise of poor quality fruit trees and laurel which are not particularly significant /valuable in the Conservation Area. In addition two poor quality Ash trees are to be removed. Therefore no objection subject to a beech hedge to be planted at the rear to re-create screening when re-established and this will be subject to a condition if planning permission is granted.

Therefore the proposed development will comply with saved policy E6 of the Rugby Borough Local plan 2006 which now forms part of the Borough Core Strategy 2011 and also the requirements of section 11 of the NPPF.

### **Landscaping**

Two existing ash trees impinging the existing garden wall to the southern boundary has previously been granted permission to remove [R06/0852 TCA] but the work was not carried out and permission has now expired. On this occasion the trees will need to be removed and, along with a tree at the south west end of the site which is a poor specimen. Instead, new indigenous fruit trees will be planted in the proposed garden along with a lawn, raised flower beds and new trees /shrubs on the boundary to provide additional screening Therefore the proposal will comply with saved policy GP 2 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011.

### **Parking**

Saved policy T5 of the Rugby Borough Local Plan which now forms part of the Borough Core Strategy mentions that planning permission will only be granted for development incorporating satisfactory parking facilities based on the Rugby Borough Council Parking Standards. Five bed house in a low access area will need

to provide 3 spaces and cycle provision. The car port will provide 2 spaces with space for parking at the side of the car port.

Therefore the proposal will comply with saved policy T 5 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011

### **Environment Agency**

The Environment Agency has no objections to the proposed development .The flood plain up stream of the access bridge over the Wolston Brook has been updated by the 2010 River Avon Model and shows the brook remaining in bank in a 1% event. Downstream still shows the pre update estimated flow extent. As the upstream flood plain is the accurate one there is no Flood Zone 3 risk to the access crossing. Therefore no concerns regarding access and egress.

### **Conclusion**

The Council considers that the proposed demolition works would lead to substantial harm of a building within a conservation area. Whilst the building is not listed it has historic value within the village setting. The fabric of the main host building has not changed over this period but extensions have been added to the rear of the building which are unsightly and detract from character and traditional appearance of the host building.

The Local Planning Authority considers that the proposed demolition works to the main host building will result in a virtual re build of this property are therefore considered to be an inappropriate form of development and will not comply with paragraph 133 and 138 of section 12 of the NPPF as the proposal will lead to the loss of a building and substantial harm to a significant asset in the conservation area and the significance of the conservation area and there is no public benefits that would outweigh the harm or loss In addition the proposed works would also be contrary to Policy CS 16 of the Borough Core Strategy as the proposal will have a significant impact on the existing heritage asset [Wolston Conservation Area]

### **Recommendation**

That planning permission is refused

### **Prepared by**

BRIAN SLATER

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R11/1725

#### **DATE VALID**

24/04/2013

#### **ADDRESS OF DEVELOPMENT**

RED LION INN  
23 MAIN STREET  
WOLSTON  
COVENTRY  
CV8 3HH

#### **APPLICANT/AGENT**

Mr Micheal Smiton  
Aplan Architectural Design Limited  
86 School Street  
Wolston  
Rugby  
Warwickshire  
CV8 3HF  
On behalf of Mr Alan Robinson

#### **APPLICATION DESCRIPTION**

Change of use of existing public house to provide a single residential dwelling, demolition and re erection of front elevation wall [ re using cleaned good existing bricks] and the re introduction of Georgian style timber framed windows and replacement door,restoration and refurbishment [localised repair where necessary ] to side gable walls, refurbishment of existing roof to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows, demolition of rear two storey element and single storey additions and replacement with two storey extension,erection of 2 bay detached car port with external store, ancillary storage and provision of new residential curtilage and new boundary wall in accordance with planning permission reference R11/2409 dated 18/2/2013

### **REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **REASON FOR REFUSAL:**

The proposal will result in the substantial demolition of a building in a prominent location within the Conservation Area. The building is structurally sound and the applicant cannot demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that would outweigh the harm or loss of the building within the wider setting and the character and appearance of the Conservation Area in which this building is situated. Therefore the proposed development will be contrary to Section 12 [ Conserving and Enhancing the Historic Environment] of the National Planning Policy Framework 2012 and also Policy CS 16 of the Borough Core Strategy 2011

#### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE**

Borough Core Strategy 2011 Policies CS 16, CS 13, Rugby Borough Local Plan 2006, Saved policies E 6, T 5, GP2 , Sustainable Design and Construction SPD [Residential extension design guide] ,NPPF Planning Obligations SPD March 2012

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices and Local Government and Communities web site on [www.communities.gov.uk](http://www.communities.gov.uk)

#### **.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.Pre application discussions have taken place over several months but it was not possible to reach agreement in this instance.

#### **INFORMATIVE:**

This decision relates to the following plans received by the Local Planning Authority

Drawing reference numbers 11.1114.GA 001, 11.1114.GA 110A, 11.1114.GA 103 E, 11.1114.GA 104 F,11.1114.GA 102 C, 11.1114.GA 101E, 11.1114.GA 105 A and 11.1114.GA 112 received by the Local Planning Authority on 22/4/2013

**Reference number: R13/0765**

**Site address: Red Lion, 23 Main Street, Wolston, Rugby CV8 3HH**

**Description: Conservation Area Consent for demolition works to existing Red Lion PH**

**Case officer: Brian Slater 3624**

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**This application has been brought to Planning Committee as it relates to application to Ref R11/1725**

**Site description and the surroundings**

The property is a former public house that is situated in the centre of the village of Wolston and also within the Conservation Area. Known as the Red Lion PH it has been closed for business since September 2011. The main host building along the frontage to Main Street is a 3 storey with a two storey section to the rear and single storey flat roofed outbuildings which have been added over a number of years. Access to the car park associated with the former public house is formed across a bridge over a brook from Main Street. Planning permission has been granted for the "Erection of barn style mews comprising 4 two bed dwellings and 4 one bed flats with associated parking and landscaping" Approved 18/2/2013 [Reference R11/2408]

The immediate area is predominantly terraced style cottages with a mix of residential and commercial properties. The adjacent property Number 25 is the village fish bar and a public house known as the Rose and Crown stands opposite the application site. A thatched grade 2 listed cottage stands immediately to the south-east of the Red Lion. The existing car park extends to the south west to a group of trees that stand adjacent to the joint dividing boundary with detached residential properties off Paddocks Close.

**Relevant planning history**

Reference R11/2408 Erection of barn style mews comprising 4 two bed dwellings and 4 one bed flats with associated parking and landscaping Approved 18/2/2013

**The Proposal**

The applicant seeks permission for Conservation Area Consent for demolition works to the existing Red Lion PH.

The proposal is to create a five bedroom family house with large kitchen/dining area, large family lounge, snug room and a study. It is proposed to rebuild the front elevation wall reusing all good bricks by turning them around. The gable walls will have localised remedial works to damaged brickwork where necessary. The existing roof will be refurbished to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows.

The rear two storey wing and single storey outbuildings will be demolished and replaced with a two storey addition to the host building.

**Technical Consultations**

WCC Archaeology No objection subject to a condition

WCC Ecology No objection subject to a condition and informatives

Environment Agency No objection

Natural England No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes and also there is sufficient information available regarding bats.

### **Third Party Consultation**

Neighbours *3 letters received in support of the demolition works.*

Ward Members No comments received.

Parish Council No objection to the proposals, subject to neighbour consultation and neighbour comments to be taken into consideration.

### **Planning Policy Guidance**

Borough Core Strategy Policy CS 16 Sustainable Design  
NPPF [National Planning Policy Framework]

### **Borough Core Strategy 2011**

Policy CS 16 mentions that new development should seek to compliment, enhance and utilise where possible, the historic environment and must not have a significant impact on the existing designated and non-designated heritage assets and their setting.

### **Demolition works**

The works to the host building include the demolition of the front elevation wall. The applicant considers that whilst the building is structurally sound that the exposed beams to the front elevation are aesthetically very poor and not in keeping with the building. In addition the applicant also considers that the non-original porous paint that was added to this front elevation has caused cracking in places which adds to the poor visual condition. As such the applicant considers that it is not viable to retain the external bracing which penetrates through the building and has proposed to demolish this front elevation wall and rebuild this elevation reusing all good bricks by turning them around or to be cleaned. In addition the applicant has also proposed remedial repairs to the gable walls and refurbishment of existing roof to include re-use of existing tiles and replacement of existing rafters where necessary and new dormer windows.

The rear two storey wing and single storey outbuildings will be demolished and replaced with a two storey addition to the host building.

### **Structural survey**

The applicant as part of the submission has submitted a structural survey of the building. The report mention that historically, this building has suffered from extensive movement, indicated by the severe bowing to the front and rear elevations. The movements that has occurred to the building has lead historically to previous major structural interventions with significant amounts of steel work being introduced. This has been in the form of several steel channels externally to the front and rear elevations, which apart from being bolted through the building, are also bolted to each gable elevation and also tie bars on both ends This has arrested the movement. The building currently shows no sign of significant structural distress and the building at present is structurally stable.

The Councils Building Control Surveyor has mentioned that it is obvious that considerable movement has taken place in this building and that some temporary repairs to prevent this deterioration further was undertaken some 20-25 years ago, this entailed placing external steelwork around the building with tie bars through the building to provide restraint .This has been effective in largely preventing further movement as acknowledged in the Structural Engineers report dated February 2013.

The Council therefore considers that the proposed demolition works would lead to substantial harm of a building within a Conservation Area. Whilst the building is not listed it has historic value within the village setting. The fabric of the main host building has not changed over this period but extensions have been added to the rear of the building which are unsightly and detract from character and traditional appearance of the host building.

Whilst the external bracing is unsympathetic to the external façade it is necessary to support and maintain the integrity of the building, if removed the building is likely to collapse. The Local Planning Authority therefore considers that the removal of the rear two storey wing and single storey building which are unsightly and detract from the character and traditional appearance of the host building.

Section 12 [Conserving and enhancing the historic environment] mentions that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater weight should be.

Paragraph 133 mentions that where a proposal development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh the harm or loss whilst paragraph 138 mentions that the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 , taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

The structural report mentions that the building currently shows no signs of significant structural distress and the building at present is structurally stable .Therefore there is no need to remove the steelwork. However the applicant doesn't wish to retain this external bracing and with severe bowing to the front elevation wall and cracking local repair considers it more costly to repair, but he considers by undertaking works as proposed will restore the building to its historic past.

The Local Planning Authority considers that whilst the building is structural stable there is no substantial benefit that will outweigh the harm and loss of this building within the wider village setting and the character and appearance of the conservation area and therefore the proposed demolition works to the main host building are considered to be an inappropriate form of development and will not comply with paragraph 133 and 138 of section 12 of the NPPF and also Policy CS 16 of the Borough Core Strategy 2011.

### **Recommendation**

That conservation area consent is refused.

### **Prepared by**

BRIAN SLATER

**DRAFT DECISION**

**APPLICATION NUMBER**

R13/0765

**DATE VALID**

24/04/2013

**ADDRESS OF DEVELOPMENT**

RED LION PH  
23 MAIN STREET  
WOLSTON  
COVENTRY  
CV8 3HH

**APPLICANT/AGENT**

Mr M Smiton  
Aplan Architectural Design Limited  
86 School Street  
Wolston  
Rugby  
Warwickshire  
CV8 3HF  
On behalf of Mr A Robinson

**APPLICATION DESCRIPTION**

Conservation area consent for demolition works to Red Lion PH

**REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**REASON FOR REFUSAL:**

The proposal will result in the substantial demolition of a building in a prominent location within the conservation area .The building is structurally sound and the applicant cannot demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that would outweigh that harm or loss of the building within the wider setting and the character and appearance of the Conservation Area. Therefore the proposal will be contrary to section 12 of the National Planning Policy Framework and also Policy CS 16 of the Borough Core Strategy 2011.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Borough Core Strategy 2011 Policy CS 16, NPPF

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices and Local Government and Communities web site on [www.communities.gov.uk](http://www.communities.gov.uk)

**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.Pre application discussions have taken place over several months but it was not possible to reach agreement in this instance

**INFORMATIVE 1:**

This decision relates to the following plans received by the Local Planning Authority

Drawing reference numbers 11.1114.GA 001, 11.1114GA 110A, , 11.1114 GA 103E, 11.1114 GA 104F, 11.1114 GA 102C, received by the Llocal Plannning Authority ON 20/3/2013

**Reference number:** R13-0253

**Site address:** 72 Overslade Lane, Rugby.

**Description:** Erection of two storey side and single storey front and rear extensions, two storey rear extension and single storey front addition to existing bay window

**Case officer:** Brian Slater 3624

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**Relevant decisions**

Application reference R/08/0168 /HOUS Erection of a two storey side/front and part single, part two storey rear extension, new bay and canopy to front Approved 19/3/2008

**Technical Consultations**

WCC Ecology No objection subject to informative notes

**Third Party Consultation**

Neighbours No comments received

Ward Members No comments received

**Site description and the surroundings**

The property is a detached dwelling house that stands within a large plot. The dwelling house stands above the level of the highway within a residential area comprising mainly large detached houses of varying styles and design. A flat roofed garage is formed at the rear of the house.

It is constructed from a buff brick with render and brown interlocking tiles. Parking and turning is formed on a hard standing in front of the dwelling.

Number 74, is a detached dwelling house and has a first floor obscure glazed side-facing window that serves a dressing room. A flat roofed extension is formed at the rear of the house with a 1.8 metre high wall that extends along the joint dividing boundary.

Number 70 is also a detached dwelling house with a conservatory formed off a living room at the rear of the property close the joint dividing boundary. A 1.8 metre high fence is formed along this joint dividing boundary.

The property currently comprises a lounge1 and a lounge 2, dining room, kitchen and reception on the ground floor with 3 bedrooms and a bathroom at first floor level.

**The application**

The applicant seeks permission for the "Erection of two storey side and single storey front and rear extensions, two storey rear extension and single storey front addition to existing bay window" The ground floor has been re modelled to provide a new garage, kitchen and utility room and the first floor two additional bedrooms.



This application is to be determined by the Planning Committee as the applicant is related to a member of the council

### **Planning Policy Guidance**

Rugby Borough Council Core Strategy 2011 Policy CS 16 Sustainable Design

Rugby Borough Council Saved Policy E6 Biodiversity

Rugby Borough Council Saved Policy T 5 Parking

Sustainable Design and Construction SPD [Appendix B Residential Extension Design Guide]

Planning Obligations SPD March 2012.

NPPF [National Planning Policy Framework].

### **Determining Considerations**

Policy CS 16 requires that all development will demonstrate high quality, inclusive and sustainable design and will only be permitted where proposals are of a scale density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Furthermore development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

### **NPPF**

Section 7 [Good Quality Design] of the NPPF [National Planning Policy Framework] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity.

### **Design and Appearance**

The overall design and appearance massing of the proposed development is sympathetic with the host dwelling and will not detract from the visual amenity of the area.

### **Amenity**

The two-storey side addition will sit adjacent to and comfortable with the side elevation wall of number 74. An obscure glazed window is formed in this elevation towards the front of the building. The owner-occupier has advised that this window serves a dressing room and is used for ventilation purposes and not for outlook.

Whilst the two-storey and single storey rear extension extends 5.7 metres the proposal because of its siting and relationship with the adjacent property number 70 will comply with the council's 45 degree code of practice. The proposal is not considered to be an overbearing form of development and will not adversely affect the amenities of the occupiers due loss of sunlight, daylight or privacy. In addition the proposed two storey rear addition stands approx. 8.0 metres from number 74 and will not materially impact on the amenities of the occupiers of this property.

The changes to the front elevation of the dwelling will create an interest to a rather bland an uninteresting facia. These alterations will not adversely affect the amenities of neighbouring occupiers. The two storey side extension and single storey front extension extends forward of the principal elevation of number 70. Whilst the single storey aspect will contravene the 45 code, the proposal will not impact on the amenity of the occupiers as the adjacent elevation is a garage door.

Therefore it is considered that the proposed development will not have any materially adverse impact on the residential amenities of the occupants of neighbouring properties.

Therefore the proposal will comply with policy CS 16 of the Core Strategy 2011 and the Sustainable Design and Appearance SPD [ Appendix B Residential Extension Design Guide] and the requirements of section 7 [ Good quality design] of the NPPF [National Planning Policy Framework]

### **Parking**

Saved policy T 5 of the Rugby Borough Local Plan 2006 mentions that planning permission will only be granted for development incorporating satisfactory parking arrangements. The Borough Council's car parking standards require a maximum of 2/3 spaces for this type of dwelling house. The existing parking area in front of the property will cater for 2 vehicles whilst the garage will provide 1 space and therefore the proposal will comply with saved policy T 5 of the Rugby Borough Local Plan 2006 and the Rugby Borough Council Planning Obligations Parking Standards March 2012.

### **Ecology**

Saved policy E6 of the Rugby Borough Local Plan 2006 mentions that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance, in particular priority habitats /species and species of conservation concern. This is reflected in section 11 of the NPPF [National Planning Policy Framework].

The WCC Ecology has mentioned that as the roof of the existing building appears to be generally in good condition, they do not recommend a bat survey in this case .However in the light of the nature of the works they recommend that precautions are taken during removal of existing roof tiles, which should be carefully removed by hand. As such they recommend that an informative note is added to any permission that is granted regarding the protected status of bats and nesting birds.

There is also a pond in the garden which appears to be stocked with fish and therefore highly unlikely to support protected species of amphibians such as great crested newts .However they recommend a note is attached to any permission that is granted regarding the protected status of crest created newts.

Therefore the proposed development will comply with saved policy E 6 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011 and also the requirements of section 11 of the NPPF.

### **Recommendation**

That planning permission is granted

### **Prepared by**

BRIAN SLATER

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/0253

### **DATE VALID**

03/05/2013

**ADDRESS OF DEVELOPMENT**

72 OVERSLADE LANE  
RUGBY  
CV22 6EF

**APPLICANT/AGENT**

Mr Peter Smith  
72 Overslade Lane  
Rugby  
Warwickshire  
CV22 6EF

**APPLICATION DESCRIPTION**

Erection of two storey side and single storey front and rear extensions, two storey rear extension and single storey front addition to existing bay window

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

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

Site location plan received by the Local Planning Authority on 3/5/2013 and drawing references 002 ,003 and 004 received by the Local Planning Authority on 10/4/2013

**REASON:**

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

**CONDITION 3 :**

No new windows shall be formed in the first floor side elevation walls of the proposed extensions, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 4:**

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 10/4/2013

**REASON:**

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

**REASON FOR APPROVAL:**

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and section 7 [Good quality design ] of the NPPF and also the Sustainable Design and Construction SPD [Residential extension design guide ]. 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 which now

forms part of the Borough Core strategy 2011 and also the requirements of section 11 of the NPPF. Parking provision is satisfactory and will accord with Saved policy T5 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011

#### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE

Borough Core Strategy 2011 Policy CS 16, Rugby Borough Local Plan 2006 Saved Policy E 6, T5, NPPF, Sustainable Design and Construction SPD [Residential extension design guide], Planning Obligation SPD March 2012

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices and Local Government and Communities web site on [www.communities.gov.uk](http://www.communities.gov.uk)

#### 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:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

#### INFORMATIVE 2:

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

#### INFORMATIVE 3:

In view of the pond nearby, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 on advise 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 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 4523.

**Reference number: R11/1166**

**Site address: Home Farm, Oxford Road, Ryton On Dunsmore**

**Description: Change of use of site to a caravan and camping site with 40 pitches and erection of associated facilities building.**

**Case Officer Name & Number: Richard Redford, ext 3625**

**The Proposal;**

Planning permission is sought for the change of use of the site currently used for pasture purposes to a caravan and camping site with 40 pitches and erection of associated facilities building. Whilst the Design & Access Statement submitted as part of the proposal details how the larger site could be developed the provide up to 120 caravan / camping pitches, this application seeks permission for 40 to be served by the proposed facilities building that will provide. The pitches will be of varying sizes being 7.5m x10.5, 9.5m x 11m and 11m x 11.5m. A play area will be provided. In respect of the facilities building with a footprint measuring 10m deep x 21.5m wide, whilst being 2.5m high to eaves and 6m high to ridge, it will provide separate male and female WC / washing areas, disabled washroom, utensil washroom, chemical disposal point, a reception / shop, office and tractor store.

An additional plan showing the location of the proposed electrical hook-up points and water points has been provided with an extended phase 1 habitat survey has been provided. In a covering letter submitted with the plan, it is detailed that markers will separate the pitches and that the internal roadways will be laid with tarmac or similar.

**Relevant Site History;**

The site has an extensive history however none are relevant to this application

**Consultee Correspondence;**

Highway Authority	No objection	Request conditions and informatives
Environmental Health	No objections	Request conditions and informatives
WCC Ecology	No Objections	Request conditions and informatives be attached to any approval.
WCC Fire & Rescue	No objections	Request conditions

**Third Party Correspondence;**

Ryton On Dunsmore	Comment	Note the sites green belt location; unclear from plans Parish Council how much of the access in the site is to be covered in tarmac; no details shown with regards to electric hook up, hard standing, drainage etc; no details of location or numbers of water stanchions; proposed building contains a shop whilst the plans indicate one is not to be provided; will there be the selling of or storage of pressurized gas containers; screening of pitches adjacent to the road; no boundary at end of field; plans show 40 pitches but Design & Access Statement state 120 so unsure how many being proposed; potential
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highway safety issues; sustainable form of recreation and holidaying but no specific green or sustainable features incorporated within the proposal.

Neighbours (2)      Object      On the grounds of pitches adjacent to the A45 which is a busy main road; noise and odour concerns from having pitches directly opposite residential dwellings; loss of amenity; fire risks; increased vehicle levels; late night setting up; big impact on the green belt; inadequate parking provision; sites location adjacent to a main road means proposal is unlikely to be used by cyclists or hikers; no provision for additional waste storage and collection; access concerns; the sites green belt location; noise concerns during construction and use; development of the site; amenity building if approved will be converted to residential in due course; other caravan sites in the locality; and highway safety concerns.

**Other Relevant Information;**

Located within the West Midlands Green Belt the site is occupied by a Bed & Breakfast, dwelling as well as a poly-tunnel. There is a parking area on one-side of the poly-tunnel whilst on the other is a grassed field. A row of established, tall mature conifers separate the application site from the A45 Oxford Road. Ground levels rise from the site entrance up the grassed field and along the A45 away from Ryton On Dunsmore.

**Relevant Policies;**

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design & Construction

Saved Policy E6	Complies	Ecology
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Planning Obligations SPD

NPPF

**Consideration;**

Issues for consideration relate to the principle of the development given the sites green belt location, design, appearance, layout, amenity, parking and landscaping.

Principle;

The site is located within the West Midlands Green Belt where the provisions of Core Strategy policy CS1 detail that new development will be resisted in the green belt and only permitted where national policy allows. Section 9 of the National Planning Policy Framework (NPPF) relates specifically to the protection of the green belt through preventing urban sprawl to retain the essential characteristics of the Green Belt which are openness and permanence. Paragraph 87 of the NPPF details that inappropriate development is by definition harmful to the green belt and should only be approved in very special circumstances whilst paragraph 89 provides details of exceptions to this including where buildings relate to agriculture and forestry, as well

as where the proposal relates to the provision of appropriate facilities for outdoor sport and recreation.

The provision of a 40-pitch site to be used to accommodate both caravans and campers being used for holidaying purposes with associated facilities building is a form of use that falls under the heading of outdoor sport and recreation. It is considered that the provision of such a development within this Green Belt location is acceptable given it is a form of development that cannot be readily provided or catered for within the Rugby Urban Area or other settlements within the Borough. Furthermore, the site is located adjacent to an existing Bed & Breakfast building as well as a number of attractions capable of use by users of and complementary to the proposal.

Within the proposal is a building to provide an office including shop, bathing and washing facilities, store and toilets. Its provision will be ancillary and complementary to the operation of the camping and caravan pitches and it is considered that given the principal of providing facilities for outdoor sport and recreation is acceptable, the provision of facility buildings associated with and ancillary to them is appropriate. Whilst the size of the building could be seen as disproportionate to the number of pitches proposed, and therefore unacceptable in principle, the Design & Access Statement indicates that there is potential for the number of pitches to be increased in at least 2 further phases by a combined total of 80 more pitches against which it will continue to be appropriate in the context of acting as a reception and booking in point as well as providing a proportion of the toilet and showers required and a basic shop.

Overall therefore the principle of the development is acceptable.

#### *Design, Appearance & Layout:*

The proposal, as a whole, can be broken down into 2 elements comprising firstly the camping and caravan pitches and secondly the building element to provide the reception, shop, store, and bathing facilities.

As a whole the proposal has been arranged so that the amenities building is positioned at the site entrance adjacent to a group of other buildings on the site in the form of the applicants dwelling and a building that provides Bed & Breakfast accommodation. An area of parking is proposed adjacent to this for users to utilise upon arrival when booking in before following a tarmacked road around which the pitches are positioned. This arrangement has the effect of ensuring the development is, when viewed, seen against the backdrop of existing buildings that limits the extent of sprawl within this green belt location.

Making use of the existing semi-mature landscaping along the sites boundary with Oxford Road that provides a good level of natural screening, the individual pitches are to be separated from each other through the use of low level timber posts in the corner of the pitches adjacent to which the electrical hook-up points will be positioned. The use of natural marker posts to separate the pitches as well as the positioning of the electrical hook-up points beside them serves to reduce visual prominence that could be created if the pitches were separated from each other by other means such as hedging. It also allows the proposal to continue to fit in with the landscape during both busy and quiet periods. During busy times the existing landscaping along the road will continue to serve to limit views into and out of the site and where oblique views of the site can be seen it will be viewed as a camping and caravan site located adjacent to the buildings so ensuring any visual impact is low.

The pitches to be provided are of varying sizes to allow for different users with different needs, yet all provide space for the parking of vehicles on them alongside a caravan or tent whilst also providing an area for outside sitting, cooking etc. These provide a variety on the site that is appropriate to the sites green belt location.

In addition to each pitch having an electrical connection point, 2 water points are to be provided at opposite ends of the site. Their positioning are such that it will allow use on a reasonable basis whilst not resulting in any visual impact.

With regards to the building element of the proposal, it is situated beside existing buildings on-site against which it will be read so serving to reduce any impact it may have on the area. With a design and appearance in-keeping with the adjacent buildings it will be constructed of materials to match the neighbouring buildings so further ensuring it will fit in with the area. Its height, scale, massing and proportions are appropriate to the neighbouring buildings whilst also commensurate with the functions it will provide in association with the camping and caravan use as well as the character and appearance of the other buildings on site. Its height is less than that of the buildings beside which it will be located which will result in a gradual increase in height from ground level to the amenity building then on to the adjacent Bed & Breakfast building which is respectful, appropriate and maintains the character of the area.

#### Parking & Access:

A total of 14 on-site parking spaces, including 2 disabled spaces, are proposed adjacent to the amenity building to be utilised by users of the site on their arrival and departure before moving to their pitch or leaving the site respectively. Each camping / caravan pitch is of a size that can accommodate a tent or caravan and associated vehicle so allowing users to park on their pitch and minimising the amount of the site needed to be laid out to hard standing for parking purposes, giving a further 40 parking spaces on the site and an overall figure of 54. This number of parking spaces is acceptable and in-line with levels contained within the Planning Obligations SPD.

Access to and from the site will be via the existing site access point. In assessing the proposal the Highway Authority has commented that at present the visibility from the site access on departure is restricted due to the existing hedge which is overgrown in parts, however, this could be trimmed to provide the necessary visibility without the hedge having to be removed. This has resulted in the Highway Authority having no objections to the proposal subject to conditions and informatives being attached to any approval.

#### Amenities:

The proposal is positioned adjacent to other buildings and land within the applicants ownership and although there are a number of other dwellings outside the applicants control within the locality, they are positioned in locations a distance away from the site such that it is considered the proposal will not impact upon their amenities.

#### Landscaping:

Along the sites boundary with Oxford Road there is existing, semi-mature hedging and trees whilst other site boundaries are currently 1m high stock proof fencing. The existing landscaping provides a good treatment from positions where the site could be viewed and whilst there are a couple of openings in this stretch of landscaping



they are in the form of field access points through which views of the proposal could be obtained but on a very shallow angle such that a condition requiring them to be filled in would be unreasonable.

Beyond the stock proof fencing are other agricultural fields and Ryton Wood that provides an enclosed nature to the site when taken with the sites landscaping so that it is considered the provision of further landscaping along the lines of the stock proof fencing would be out of keeping with the area.

Notwithstanding this it is considered that some landscaping should be provided to separate the pitches from the play area and as such a condition relating to this should be attached.

Ecology:

Following a request by Warwickshire County Council Ecology team, an Extended Phase 1 survey has been submitted. It has been assessed by the Ecology team who are satisfied that the proposal is unlikely to impact upon protected species, however, in order to ensure no impact on Great Crested Newts a condition has been requested which is acceptable.

Conclusion:

Overall it can be seen that the principle of the development is acceptable as a result of the proposal as a whole being outdoor sport and recreation that is accepted as being appropriate development in the green belt.

**Recommendation;**

Recommend approval subject to conditions.

Report prepared by: Richard Redford                      20<sup>th</sup> May 2013

**DRAFT DECISION**

**APPLICATION NUMBER**

R11/1166

**DATE VALID**

20/06/2012

**ADDRESS OF DEVELOPMENT**

HOME FARM  
OXFORD ROAD  
RYTON ON DUNSMORE  
COVENTRY  
CV8 3EA

**APPLICANT/AGENT**

Mr M Ryan  
The Annex, Home Farm  
Oxford Road  
Ryton On Dunsmore  
Warwickshire  
CV8 3EP

**APPLICATION DESCRIPTION**

Change of use of site to a caravan and camping site with 40 pitches and erection of associated facilities building.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

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

Application forms and drawings numbered MR-005 1 of 3, MR-005 2 of 3 and MR-005 3 of 3 all dated 1st May 2012 submitted to and received by the Local Planning Authority on 20th June 2012; and

E-mail from Sue Foster dated 29th November 2012; and

Extended Phase 1 Habitat Survey by Cotswold Wildlife Survey dated 6th December 2012 submitted to and received by the Local Planning Authority on 19th December 2012; and

Letter dated 16th January 2013 and additional drawing numbered MR-005 1 of 3 dated 1 May 2012 showing the location of the fire hydrant, Electricity Hook Up Points and Water Stand Pipes both submitted to and received by the Local Planning Authority on 17th January 2013

**REASON:**

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

**CONDITION 3;**

The amenity building hereby approved as part of this development, to be constructed of the materials as detailed in the Planning Application forms, shall only be used for purposes associated with the caravan and camping site and for no other purpose without the approval of the Local Planning Authority.

**REASON;**

For the avoidance of doubt.

**CONDITION 4;**

Before the development hereby permitted commences samples of the markers to be used to separate the pitches shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

**REASON;**

In the interests of visual amenity.

**CONDITION 5;**

Before the development hereby approved commences a plan showing layout and elevations of the bin storage areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented in accordance with the agreed details after before the site is first brought into use and retained thereafter.

REASON;

To ensure a bin store is provided and retained in association with the approved development.

CONDITION 6;

The use of the site by caravans as part of the hereby approved development shall be limited solely to touring caravans only.

REASON;

For the avoidance of doubt.

CONDITION 7;

The maximum stay permitted for any vehicle, caravan, motorhome, trailer tent or tent entering the site and using the pitches hereby permitted shall not exceed 28 days in duration. Upon leaving the site no return is permitted until a period of 28 days has elapsed.

REASON:

To prevent the permanent occupation of the site by caravans, trailer tents, tents or other motor vehicles.

CONDITION 8;

The development hereby permitted shall not commence until a detailed great crested newt method statement (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 9;

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

A) A 7.5m radius on the southern side of the access.

B) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 18.0 metres from the near edge of the highway carriageway.

C) Visibility splays for vehicles having been provided with an 'x' distance of 2.4metres and 'y' distances of 215 metres as measured from the centre of the access. No structure, erection, trees or shrubs exceeding (0.6, 0.9) metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.

REASON;

In the interests of highway safety.

CONDITION 10;

The development hereby permitted shall not be used before the highway (verge crossing has been laid out and constructed to the satisfaction of the Local Planning Authority in accordance with the standard specification of the Highway Authority.

REASON;

In the interests of highway safety.

CONDITION 11;

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or Contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Oxford Road - A423). Adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON;

In the interest of highway safety.

CONDITION 12:

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Planning Authority expects lighting to be kept to a minimum at night across the whole site in order to minimise the impacts on local wildlife and the sites value for them. This could be achieved in the following ways:

- a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- b) the brightness of lights should be as low as legally possible;
- c) lighting should be timed to provide some dark periods;
- d) connections to areas important for foraging should contain unlit stretches.

REASON:

In accordance with the NPPF and ODPM circular 2005/06.

CONDITION 13;

Prior to the development hereby approved commencing a Phase 1 and Phase 2 Contaminated Land investigation shall be carried out with resultant report, to include mitigation measures where necessary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

REASON;

In the interest of contamination.

CONDITION 14;

The parking spaces shown around the amenity building approved as part of this development shall be provided before the site is first brought into occupation and thereafter permanently retained.

REASON;

To ensure sufficient parking is provided and retained for use on arrival and departure by users of the site.

CONDITION 15:

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning

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

**REASON:**

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

**REASON FOR APPROVAL;**

The principle of this change of use to form a camping and caravan site with amenity building would be acceptable in accordance with Policy CS1 of the Rugby Borough Core Strategy 2011 and the National Planning Policy Framework. The proposed buildings and structures on site will be in keeping with the rural character of the site whilst positioning of the buildings will retain the openness of the countryside. The proposals 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.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Core Strategy policies CS1 and CS16

Saved Policy 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](http://www.rugby.gov.uk) or at the Council Offices.

**INFORMATIVE 1;**

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 2;**

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species, native species planting of hedges and wild flower meadows, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The applicant is 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. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

**INFORMATIVE 3;**

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

**INFORMATIVE 4;**

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 5;**

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under Section 184 of the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

**INFORMATIVE 6;**

The applicant is advised that a caravan site licence would be required and they should contact the Public Health & Licensing Team for further details on (01788) 533 882. Furthermore the proposed small shop element would need to register as a food business with the Public Health & Licensing Team.

**Reference number: R12/0960**

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

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

**Case Officer Name & Number: Richard Redford, ext 3625**

**The Proposal;**

The proposal as a whole comprises the demolition of a barn along with the partial demolition of a second barn, the construction of a marina comprising 550 non-residential berths with associated marina services including service docks, amenities buildings and boat repair facility, with associated car parking and service areas, publically accessible landscaped areas including meadows, wetlands, woodlands and games areas as well as provision of a shop, café, restaurant and marina centre with minor works to adopted and un-adopted roads. The site is located across the administrative boundaries of Rugby Borough Council and Daventry District Council with the lion share of the development is situated within Daventry District Councils area.

The elements within Rugby Borough include 78 berths at the southern end of the south pool, amenity building, parking spaces and landscaping as well as wetland and meadow areas of public open space and highway works to the A45 / Onley Lane junction.

The application was presented before the Planning Committee on 7<sup>th</sup> November 2012 with a recommendation for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement relating to the provision of open space. The Committee resolved to grant planning permission subject to the applicant entering into the Section 106 legal agreement and the conditions detailed in the committee report.

On 13<sup>th</sup> March 2013 it was brought back before the Committee for alterations to the resolution in the form of changes to the Section 106 Legal Agreement (changing from open space to permissive footpaths) on which discussions were continuing along with changes to and the insertion of further conditions. Committee resolved to grant permission subject to the changes detailed.

Following this resolution further discussions have taken place between the applicant, their agent and officers from both Councils in respect of the permissive footpaths resulting in it being brought back to committee to gain approval for the insertion of 2 further conditions. The first additional condition requires the permissive footpaths to be built in accordance with details drawings relating to and including the layout, means of construction, finished levels and surface treatment that shall be submitted to and approved in writing by the Local Planning Authority to ensure the footpaths are done to secure safe and adequate public access to the site. The second condition requires a maintenance and management scheme for the permissive footpaths be submitted to and approved by the Local Planning Authorities so as to maintain safe and adequate public access in the interests of wider community benefit.

**Consideration:**

The issues for consideration relate to the additional conditions proposed, their purpose and their compliance with the conditions circular.

Both conditions relate to the permissive footpaths, the provision of which will still be covered by the Section 106 Agreement, with the conditions proposed relating specifically in the first condition to their construction, specification, finish and layout, and in the second condition their subsequent maintenance and management.

The first condition will allow for details relating to the permissive footpaths construction, levels, finish and other matter to be approved on a phase by phase basis before work on the phase commences. This condition will enable the Local Planning Authorities to ensure they are satisfied with these matters so that they will be to an acceptable standard for members of the public to use.

The second additional condition requires that a maintenance and management plan be provided to and approved by the Local Planning Authorities in respect of the permissive footpaths then used in the maintenance and management of the footpaths. The provision of this condition will ensure the paths are, following construction, maintained and managed appropriately in accordance with agreed details.

In relation to the various tests for conditions, both proposed additional conditions are considered necessary in order to ensure the permissive footpaths are constructed then subsequently maintained and managed to a good level in relation to their use by members of the public whilst being relevant to the development permitted and relevant to planning. Furthermore, the wording has been agreed with all parties involved and has been done in a precise manner that ensures enforceability. As such the proposed additional conditions comply with the provisions of Circular 11/95.

Overall therefore the conditions are considered to be acceptable.

**Recommendation:**

Overall therefore the original resolution to approve subject to a Section 106 legal agreement is requested to remain along with the changes to the agreement and conditions also agreed but with the 2 additional conditions requested attached.

**DRAFT DECISION**

**APPLICATION NUMBER**

R12/0960

**DATE VALID**

17/06/2012

**ADDRESS OF DEVELOPMENT**

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

**APPLICANT/AGENT**

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



## **APPLICATION DESCRIPTION**

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

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

### CONDITION 1:

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

### REASON:

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

### CONDITION 2;

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

### REASON;

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

### CONDITION 3:

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

#### Documents;

Covering letter dated 29th April 2012, Agricultural Statement dated March 2012, Arboricultural Survey and Assessment ref MFE 107-10 dated March 2012, Arboricultural Implications Assessment ref MFE 107-10/ issue 090112 dated January 2012, Design & Access Statement (undated), Energy Efficiency Statement (undated), Environmental Statement including Appendices all dated April 2012, Environmental Statement Non-Technical Summary dated April 2012, Planning Supporting Statement dated April 2012, Panel Engineer Letter ref RAC/60/1/1101/CGH dated 4 April 2012, Outline Management Construction Plan ref 14224 dated 26th April 2012, Statement Of Community Involvement dated March 2012, Transport Assessment dated March 2012 and Waste Management Plan undated, all submitted to and received by the Local Planning Authority on 1st May 2012;

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

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

#### Plans;

JML-EX-01-P7 dated 6 February 2012,  
JML-LA-03-P3 dated 5th February 2012,  
JML-LA-04-P2 dated 2nd February 2012,  
JML-LA-05-P5 dated 6 February 2012  
JML-EX-02-P2 dated 2 February 2012,  
JML-EX-03-P2 2 February 2012  
JML-sk-01-P13 dated 31 March 2012,  
JML-sk-10-P7 dated 6 January 2012,  
JML-sk-02-P13 dated 31 March 2012,  
JML-sk-09-P7 dated 6 January 2012,  
JML-sk-13-P7 dated 12 April 2012,  
JML-sk-03-P11 dated 31 March 2012,  
JML-sk-04-P11 dated 6 January 2012,  
JML-sk-07-P8 dated 4 January 2012,  
JML-SK-08-P2 dated 2 February 2012,  
JML-SK-05-P7 dated 2 February 2012,  
JML-SK-06-P7 dated 2 February 2012,  
14224-GE-002A dated 6 February 2012,  
14224-GE-610C dated 27 April 2012,  
14224-GE-004B dated 27 April 2012,  
14224-GE-003B dated 24 April 2012,  
14224-GE-600E dated 24 April 2012,  
14224-GE-601E dated 24 April 2012, and  
0414 1.1 dated 1 February 2012, 0414 1.2 and 0414 1.3 dated 6 February 2012 and

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

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

**REASON:**

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

**CONDITION 4;**

The occupation of the 'guard boat' details of which (including location and any associated curtilage including any means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority before it is brought into the site and shall be limited to persons employed in connection with the marina development hereby approved. The 'guard boat' shall be located and occupied in accordance with the agreed details.

**REASON;**

For the avoidance of doubt.

**CONDITION 5;**

With the exception of the "guard boat" none of the berths hereby approved as part of this development shall be used for the provision of residential moorings in any form.

**REASON:**

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

**CONDITION 6;**

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

**REASON:**

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

**CONDITION 7;**

No development shall take place in respect of each phase until details and a proposed timetable of earthworks required for that phase of the development have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved plans.

**REASON;**

In the interest of amenity and for the avoidance of doubt.

**CONDITION 8;**

The landscaping for each phase as shown on the approved landscaping plans shall be implemented in accordance with a Landscaping Implementation Scheme for that phase which shall be submitted to and agreed in writing by the Local Planning Authority prior to any works on that phase commencing. If within a period of 5 years from the date of planting any tree/shrub/hedgerow is removed, uprooted, destroyed or dies (or becomes in the opinion of the LPA seriously damaged or defective) another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

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

**CONDITION 9;**

No development shall take place in respect of each phase until, a plan indicating the positions, design, materials and type of boundary treatments to be erected for that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

**REASON;**

In the interests of visual amenity and for the avoidance of doubt.

**CONDITION 10;**

No phase of development shall take place until a landscape scheme for that phase of development has been submitted to and approved in writing by the local planning authority. The landscape scheme shall be carried out as approved. The scheme for each phase shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species, except where shown otherwise on the application plans).
- details of any new habitat created on site.
- details of treatment of the phase site boundaries and/or buffers around water bodies.
- details of phasing of the work.
- in the case of Phases 1 and 2, a separate section which details restoration/enhancement measures to be carried out immediately to the north of the Rains Brook tributary.

REASON;

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

CONDITION 11;

Prior to the occupation of a phase, a landscape management plan for that phase, including long term design objectives, public access arrangements (not to include marina pool secure areas), management responsibilities and maintenance schedules for all landscape areas included within the phase, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON;

In the interest of public access and for the avoidance of doubt.

CONDITION 12:

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

REASON:

In the interest of visual amenity.

CONDITION 13;

No equipment, machinery or materials shall be brought onto the site for the purposes of a development phase until details for the phase of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site (including retention of hedgerows along the Canal frontage), have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials relating to the development of the phase have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.

REASON;

In the interests of amenity and for the avoidance of doubt.

CONDITION 14;

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

**REASON;**

To ensure a satisfactory relationship with the environment.

**CONDITION 15;**

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

**REASON:**

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

**CONDITION 16;**

Prior to each phase of development being brought into use, a CCTV system for that phase shall be installed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and thereafter retained unless otherwise agreed.

**REASON;**

In the interests of site security.

**CONDITION 17:**

No phase of the development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site for that phase, has been submitted to, and approved in writing by, the Local Planning Authority. The phase of development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:**

In the interests of fire safety.

**CONDITION 18;**

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

1. Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed existing run-off rates and not increase the risk of flooding off-site. Paragraphs 6.5.19, 6.5.22 to 23.
2. Demonstration that a protection and/or reduction in the existing level of flood risk to the site and adjacent properties will be provided, by the requirements of the

Reservoirs Act 1975 and the provision of a culvert extension and Trash/Security screens. Paragraphs 6.4.4, 6.5.2, 6.5.15, 6.5.25 to 26, 6.5.39 to 42.

The mitigation measures associated with each phase shall be fully implemented prior to first occupation of that phase or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON;

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

CONDITION 19;

No phase of development shall take place until details of the implementation, maintenance and management of the Sustainable Drainage Systems for that phase, or the development as a whole, have been submitted to and approved in writing by the Local Planning Authority. The systems associated with that phase shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall be based on the principles set out in the Environmental Statement, specifically Appendix 6.1, the approved Flood Risk Assessment (FRA), dated October 2011 ref 14224-R07 Rev A and shall include;

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

REASON;

To ensure its satisfactory management and maintenance.

CONDITION 20:

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

REASON:

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

CONDITION 21;

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

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

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

**REASON;**

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

**CONDITION 22;**

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

**REASON:**

To ensure the protection of the environment.

**CONDITION 23;**

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

The plan for each phase or the site as a whole shall include details of the following:

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

**REASON;**

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

**CONDITION 24;**

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

**REASON:**

To ensure the satisfactory management and monitoring of protected species.

**CONDITION 25;**

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

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

**REASON;**

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

**CONDITION 26;**

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

**REASON:**

To ensure the satisfactory protection of protected species.

**CONDITION 27;**

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



**REASON:**

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

**CONDITION 28;**

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

**REASON:**

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

**CONDITION 29;**

The A45 junction improvements, including footway, bus stop and pedestrian crossing alterations, shall be laid out in accordance with the amended plan 0333-002H within 6 months of the first use of a canal boat on the marina approved unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of highway safety.

**CONDITION 30:**

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

**REASON:**

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

**CONDITION 31;**

Prior to any phase of development being first brought into use the permissive footpaths to serve that phase as shown coloured light green on drawing no JML-LA-04 rev P2 'Access and pathways' shall be constructed in accordance with detailed drawings to be submitted and agreed in writing by the Local Planning Authority before work on that phase commences. The detailed drawings shall include; the proposed layout of the paths; typical cross-section of the paths; its means of construction; including surface treatment; existing and finished levels; The permissive footpaths shall not be altered, varied or amended from the approved layout without the prior written approval of the Local Planning Authority.

**REASON:**

To secure safe and adequate public access to the development site in the interests of wider community benefit.

**CONDITION 32;**

The permissive footpaths as approved under condition 31 shall be maintained and managed in accordance with a maintenance and management scheme to be submitted to and agreed in writing by the Local Planning Authority before works on the permissive footpaths for that phase are commence.

**REASON:**

To maintain safe and adequate public access to the development site in the interests of wider community benefit.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

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

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

Daventry District Council Grand Union / Oxford Canal Conservation Area Appraisal

**NPPF**

Guide to Tourism

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

**REASON FOR APPROVAL:**

The proposed development of a marina with associated works including landscaping, amenity buildings and highway junction improvements adjacent to the Oxford Canal represents and appropriate use of land within the open countryside for recreation purposes that will contribute toward improved economic, social and sustainability in the area to the benefits of the area in accordance with policies CS1, CS11, CS13, CS14, CS16 and CS17 of the Rugby Borough Core Strategy, saved Rugby Borough Local Plan policies GP2, GP5, E6 and LR10, the Rugby Borough Council Planning Obligations SPD, Daventry District Council Grand Union / Oxford Canal Conservation Area Appraisal, policies PA10 and PA14 of the West Midlands Regional Spatial Strategy and the NPPF. It also represents an enhancement of ecological habitat as well as the A45 / Onley Lane road junction.

**INFORMATIVE 1;**

This development is subject to a Section 106 Legal Agreement.

**INFORMATIVE 2;**

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

**INFORMATIVE 3;**

Note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England.

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

**INFORMATIVE 4;**

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

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

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

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

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

**INFORMATIVE 5;**

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

**INFORMATIVE 6;**

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

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

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

**INFORMATIVE 7:**

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

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

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

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

**ENVIRONMENTAL STATEMENT:**

The information contained within the Environmental Statement submitted under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as part of this planning application has been taken into account in the assessment, consideration and determination of the application by the Local Planning Authority.

**Reference number: R12/1735**

**Site address: The Paddocks, Smeaton Lane, Stretton-under-Fosse**

**Description: Change of use of land to private gypsy caravan site (permanent occupation) including the erection of a day room.**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

### **Description of proposal**

The application seeks the change of use of land to private gypsy caravan site for permanent occupation together with the erection of a day room. This currently benefits from a temporary permission, but the applicant's Mr and Mrs Smith, together with their family seek to reside permanently on the site. The site is currently occupied by Mr Tommy and Mrs Collette Smith and their two youngest daughters.

The application also seeks the erection of a single-storey day room building to provide a bathroom, shower room and laundry & kitchen room for use ancillary to use of the site as a residential caravan site. The application has been amended and the size of the dayroom has been significantly reduced to approximately 30m<sup>2</sup> with a height of 3.9m.

The application is to be determined by members of the planning committee at the request of Cllr Anthony Gillias.

### **Description of site**

The application site is an existing gypsy and traveller site which benefits from temporary consent for 4 years expiring on the 6<sup>th</sup> January 2015. The site is located within the West Midlands Green Belt outside of any defined settlement boundary.

The application site is a triangular shaped area of land on the north side of Smeaton Lane. The site as existing has been extensively covered in hard-standing and vehicular access to the site is formed from the east of the application site.

Along Smeaton lane is a fragmented form of linear development, comprising a mix of residential, agricultural, equestrian and industrial buildings. To the south of the application site is a row of terrace cottages, and a detached bungalow to the west of the site with associated equestrian building and land, with agricultural land to the north and agricultural buildings to the east. The site is screened from the public highway with a 2m high close boarded fencing with mature deciduous vegetation in front.

### **Background**

The land was originally part of a larger field (O.S 6600) before it was separated off to become a parcel of land with its own boundaries. In the 1960's the land, together with a concrete sectional building that still stands in the north west corner, was used as a riding club. This use was authorised by a planning permission granted in 1966. The permission was for a temporary period until 1973 but this use continued until 1990. In 1990 an agricultural contracting business was run from the site without the benefit of planning permission. The contractor's yard was used for the parking of a number of JCB vehicles (up to five or six) and the storage of plant, machinery, materials and smaller pieces of equipment and a diesel tank. In 1997 an enforcement notice was served relating to the erection of a building. It appears from the Council's records the use of the site as an agricultural contracting business

continued until July 2001. In 2009, the site became occupied by the applicant and used for residential purposes.

### **Relevant Planning History**

R11/1601	Erection of a Dayroom Withdrawn 26.09.12
R09/0826/PLN	Use of land for purposes associated with use as a Refused 17.02.10 private gypsy caravan site for one gypsy family (4 year permission including the retention of 2 no. mobile homes, granted on appeal area of hardstanding and formation of a dated 06.01.15) vehicular access (retrospective)

### **Third party comments**

Neighbours Support (6 letters of support and 5 householder letters)

- No alternative site
- Site was previously derelict and used as a plant hire operation business and not fit for agriculture
- The family have integrated well with the community
- It would provide the children with stability
- The family is an asset to the community
- Permission should be personal to the family themselves

Neighbour Objections (4 householder letters)

- Applicant moved on without planning permission
- Temporary permission allowed such time for the applicant to find a more suitable site.
- Set a precedent
- Members of the settled community have health problems and none of us would use this as extenuating circumstances
- What will happen to the land and dayroom when it is no longer needed
- Inappropriate development
- The Inspector in the appeal decision states that the site "is only acceptable for a temporary period"
- The Inspector in the previous appeal attached substantial weight to the harm that has resulted to the loss of openness of the development and encroachment into the countryside, and that very special circumstances did not exist, and concluded that it would be inappropriate on a permanent basis.
- Site is within the green belt and is protected by the strong presumption against such developments
- The Council are only part way through their call for site as part of the DPD allocation document and the grant of a permanent permission would be premature
- Development not sustainable
- The application is an attempt to use person's progressive illness to manipulate a precedent

- From an economic perspective it is more economical to replace an existing touring caravan with a static as oppose to building a day room and is more practical for the applicants health to replace the tourer with static then retain the touring caravan and build a dayroom as the applicant would have to travel from the touring caravan to the dayroom.
- Alternatives are available
- Given the extent of this application affordability is not an issue
- The sites location would exacerbate the child's current asthmatic condition.
- Building of a dayroom is not a practical solution for an MS suffer have to go back and forth to the dayroom in all weather conditions.
- The immediate neighbours to the site, one of the occupiers of this house is suffering from significant health issues and the continued push for permanent development at the site is creating unnecessary stress which has exasperated these health issues, and as a result is currently unable to work.
- Consideration should therefore be taken to the health issues being caused by the anxiety of this development on the immediate neighbours.
- Loss of privacy on the immediate neighbours.

#### Coombe Field Parish Council Objection

- The application will expire in 2015 which will allow time for alternatives to be identified within the DPD process
- No justification to change to permanent occupation within the green belt
- RBC have already offered alternative site
- Would set a precedent
- Day room is not proportionate to the site and being of brick is not a temporary structure.

#### Pailton Parish Council

- Opposed to the proposal to build on Green Belt Land

#### Stretton-under-Fosse Parish Council

- Nothing as materially changed since the inspector's original decision.
- A mobile home as oppose to a day room would be more appropriate
- Day room is to large and in excess of requirements
- The application is premature which the Council are producing its Gypsy and Traveller DPD
- Some Councillor would support an extension to the temporary permission

#### Cllr Anthony Gillias

- Clear breach of Green Belt policy and the Council's Core Strategy. The proposed day room is unacceptable from a local community perspective.

### **Third party comments following amendments**

#### Stretton-under-Fosse Parish Council

- It is not felt appropriate to approve a permanent structure, when a temporary permission has already been granted and when it is felt the applicants needs could be met by a temporary structure

#### Coombe Fields Parish Council

- It's inappropriate to construct a permanent building on a site that has only been given temporary permission.

Neighbours Objections (two householder letters)

- Unacceptable development
- Such a reduced requirement as shown on the amended plan can easily be accommodated in a mobile home/static caravan.

### **Technical consultation responses**

Development Strategy

- The very special circumstances demonstrated by the family are sufficient for the provision of an ancillary building and for the site to have a permission granted that is sufficient for the time that the family will reside there. The very special circumstances of the family, in this case outweigh the impact of the development on the Green Belt. As the permission is specially linked to the family's circumstances, this should be for their residence only and therefore require a named condition.

WCC Highways

- No objection

Environment Service

- No objection subject to conditions relating to number of caravans permitted, condition restricting the occupation to named individuals, drainage details relating to the dayroom.

### **Relevant planning policies and guidance**

Rugby Borough Council LDF Core Strategy 2011

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

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

### **Assessment of proposal**

#### Gypsy Status

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

#### Green Belt

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore inappropriate development that is, by definition, harmful to the Green Belt. Policy E of the Planning Policy for Traveller Sites states that traveller sites in the Green Belt are inappropriate development.

Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an



inappropriate form of development in the Green Belt, the onus falls on the applicant(s) to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt.

The 'material consideration' advanced by the applicants are:

- The education needs of the children
- The health needs particularly of the applicant Tommy Smith
- The health needs of one of the children
- Need within the Borough to provide provisions for pitches for gypsy and travellers
- Financial circumstances

The applicants clearly have some connection to the local area; one of the children currently attends a local primary school and evidence from the School has been submitted to show that this child has good attendance levels circa 90%. Mrs Smith is a governor at this school representing the traveller community; this demonstrates the family's proactive approach to education. One of the other children previously attended a local school, however, due to an incident that occurred at this school was unable to continue attending this school and is now home tutored. A confidential letter has been submitted from WCC Traveller Education Support stating that the health needs of this child, who suffers from post traumatic stress disorder, and currently seeks treatment within the Borough for this condition, would be affected by any move as she needs the stability and security that a permanent home can provide in order to successfully continue her education. Since home tutoring, this child has made significant progress in her education, as well as improving the child's self-esteem which has led to this child attending dance events at the local sports centre.

Mr Tommy Smith has a diagnosis of Primary Progressive Multiple Sclerosis (MS). Confidential letters from Birmingham Community Healthcare has been submitted stating that this is a progressive disease which means that Mr Smith's symptoms will worsen over time. The applicant's have submitted literature on MS outlining that stress has a very detrimental effect on this condition. The applicant's state that stress is compounded by uncertainty of the future occupation of the site and could be worsened if Mr Smith would have to leave the site after the temporary permission has expired. A letter dated 28<sup>th</sup> May 2013 has been received by Warwickshire County Council Housing Adaptation Team outlining Mr Smith's condition which has of late progressed.

It is considered that a permanent site, within this location, would be beneficial in this respect to ensuring continued access to medical services and also ensuring that the children continue with their education.

If an alternative site was to become available for the applicants it needs to be suitable, available and affordable, it would also need to be within the Borough to ensure that the education of the applicant's two youngest children is not disrupted, and access to medical services could continue. Within the 2011 appeal decision the Inspector considered that Woodside Park was not suitable or acceptable to the applicant as a result of past incidents that this family have suffered on other multi-occupied public sites. However, the Inspector did not rule out entirely the acceptability of a pitch on a local authority site at a future date. Currently, there are no vacant pitches available at Woodside Park for the applicants and the expression of interest list is circa 16. However, there is a strip of undeveloped land at Woodside Park that the applicants could discuss with the Council regarding developing this land or a small proportion of it.

Mr Smith's condition has resulted in him being unable to seek employment. As a result of this, should any alternative accommodation outside of the green belt become available, it would not necessarily, be affordable to the applicants. Given the trouble that the family has experienced on other public sites, for the family to reside at Woodside Park would result in undue stress for Mr Smith and would increase tension for the family and that of one of their children who currently suffers from Post-Traumatic Stress. Should the family be unable to continue to use the land for residential purposes, they would go on the roadside rather than return to a public site. Given the particular experiences that this family have experienced on public sites, a small private family site would be a suitable alternative.

The impact on the Green Belt is a key factor in the determination of the planning application for a permanent site. The Inspector within the appeal decision found that the use of the site for a residential caravan site detracts very little, if at all, from its surrounding, and in terms of Smeaton Lane, it fits in well with the pocket of development around it. The site itself is well screened and is capable of successfully assimilating itself within the surrounding area. The actual harm to the openness of the green belt as found by the previous Inspector is limited given the small scale and low intensity of development on the site. The Inspector concluded that the planning history of the site led her to conclude that: (i) the land has not been in agricultural use for over forty years and in recent years. In assessing the effect of the development on the Green Belt, the Inspector concluded that the comparison is not with land in agricultural use but with a neglected and unused area of land, probably of nil use, having an area of hard surfacing and a small building. As the site has not been used for agricultural purposes for a significant period of time and the previous authorised use of the site was as a riding club, the site is considered to be previously developed land as outlined within Annex 2 of the NPPF. In line with the Planning Policy for Traveller Sites weight is given to the effective use of this previously derelict and untidy land. The proposed development would constitute limited infill of previously developed land.

This application also seeks the erection of a dayroom. The dayroom would replace the existing wooden shed currently used as a toilet and washing facilities. The erection of such a building would constitute inappropriate development within the green belt. However, given the health needs of Mr Smith it is considered that such a building is genuinely required. A letter submitted by Warwickshire County Council Housing Adaptation Team indicates that Mr Smith is unable to complete transfer in/out of his cubicle shower and there is no room for a shower chair to be provided because of space in that area. Mr Smith is unable to complete personal care independently, so requires close assistance from his wife, who is his main carer. A dayroom would provide a much needed facility on site and would be for significant benefit to Mr Smith. One of the applicant's daughters also suffers from asthma, and in 2011 suffered from a severe asthma attack that resulted in her being admitted to the High Dependency Unit. A private and confidential letter has been received from a Locum Consultant Paediatrician at Coventry and Warwickshire University Hospitals stating that the use of the wooden shed for toilet and washing facilities particularly over the wintertime could trigger severe asthma attacks and as such a dayroom would provide warmer facilities which would be of benefit to her.

The provision of the various facilities within the building would be a significant asset and enable its occupiers to enjoy a better quality of life. Government guidance published in May 2008, entitled *Designing Gypsy and Traveller Sites – A Good Practices Guide* recommends that amenity building area provided on each

permanent Gypsy site to include a kitchen, dining, bathroom, toilet and a day room facility in the interest of health and hygiene. The erection of a dayroom to replace the existing outdoor wooden shed used currently used for washing and toilet facilities would be of a significant benefit to the family. Given the need for such a building within the application site and the significant benefit such a building would bring to the site, this is considered to constitute 'very special circumstances' to allow such a development on the application site. The size of the building proposed is not considered to be disproportionate to the size of the site, and the size of the building also takes into consideration the health needs and requirements for Mr Smith. Whilst the erection of a day room would have an impact upon the openness of the green belt, taking into consideration the scale and massing of the building together with the boundary screening it is not considered to have an undue impact upon the openness of the green belt and visual amenity of the area in accordance with policy CS1 and CS16.

In terms of need, the Council does not have an up to date five year land supply for gypsy and traveller accommodation as required by the NPPF and the Planning Policy for Traveller Sites. There is a shortfall of 43 pitches to be identified within the borough. The Council has undertaken two calls for sites as part of the Strategic Land Allocation Assessment in the preparation of the Gypsy and Traveller DPD process. No new sites have been brought forward as part of this process, although the applicants have brought this site forward for consideration. Paragraph 25 of the Planning Policy for Traveller Sites states that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. Given the size and scale of the development, surrounding land use, together with existing boundary treatments, the harm to the openness of the green belt and the character and appearance of the area is considered limited. The fact that the Council does not have an up to date five year land supply for delivering gypsy and traveller sites is a material consideration in favour of granting a further temporary planning permission, however when this is considered alongside the personal circumstances of the applicant including the health and educational needs of the family, and the former condition of the land which was derelict/untidy and previously developed land, it is considered that these factors taken collectively constitute 'very special' circumstances to allow this development within the green belt on a permanent basis, within this location.

Policy CS22 sets out a sequential approach to determining planning applications which reflects the settlement hierarchy within Policy CS1. A site within the green belt, as is the case for this application site is at the bottom of this order of preference. In line with Policy CS22 it is necessary for the applicant to consider alternative non green belt locations. However, taking into consideration the fact that the site is previously developed land and the proposed use would not have an undue impact upon the 'openness' of the green belt, together with the personal circumstances advanced and the need of the family for a permanent settled base within this location, it is considered that the applicants would not have to submit evidence showing that they have considered alternative non-green belt locations given that the 'very special' circumstances advanced outweigh the harm to the green belt by reason of inappropriateness. The fact that the Council has undertaken two calls for sites with no new sites coming forward, indicates that should such a search be undertaken

it is unlikely that an alternative site that would meet the specific needs of the applicants and their family would be found.

Third party comments have been received stating that such permission for permanent occupation in advance of the DPD process would be premature. However, it is considered that because the impact of the development on the openness of the Green Belt is limited and the 'special circumstances' are so acute, and the fact that it is unlikely that an alternative site would be found to meet the specific needs of this family, it is considered on balance that an application for a permanent permission is justified to such an extent that approval of the application could be recommended in advance of the DPD process.

### **Other Material Consideration**

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

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

Stretton-under-Fosse has a farm shop, which is open every day of the week. The site is within close proximity to Brinklow which is a Main Rural Settlement, which has a primary school, village shop and post office, doctors surgery and two public houses. The application site is within a 2.5km walking distance to the village of Wolvey. Whilst Smeaton Lane is unlit with no footpaths: it is nevertheless relatively flat with verges either side and good visibility. There are footpaths along the Fosse Way to enable the applicants to walk to Brinklow or Stretton-under-Fosse.

It is considered that the scale of this development is proportionate in scale to the nearest settlement of Stretton-under-Fosse.

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

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

#### **3) The site is capable of sympathetic assimilation into the surroundings**

As detailed within the report, it is considered given the existing site boundary treatment that the continued use of the site on a permanent basis together with the erection of a day room would not have an adverse impact upon the visual amenity of the area, and is capable of sympathetic assimilation into the surroundings.

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

The inspector within the previous appeal considered that the use would not have an adverse impact upon the amenities of nearby residential properties, and such a reason for refusal within the previous application was not advanced by the Local Planning Authority. Given the existing boundary treatments around the site it is not considered that the proposed development would not result in a loss of privacy to nearby residential properties.

Gypsy and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsy and travellers and poor health and education. As such the health issues are material consideration as part of the consideration of this planning application and the need for a settled base to benefit from medical and education requirements. Without a settled base the applicant would be unable to access medical and education facilities. The weight to be given to these issues is more apparent in the case of this family given their existing medical and education circumstances and need.

The neighbouring property have submitted letters of objection together with private and confidential documents stating that the stress and anxiety as a result of this land use adjacent to them has exacerbated an existing health condition (Chronic Fatigue Syndrome) which one of the occupiers of this property suffers from. The health needs of the neighbouring occupiers are only compounded by the land use of the adjoining site, and not directly relating to the occupiers of this site. Given that they have a permanent settled base the access medical facilities, unlike the applicants, less weight is given to their health needs and the impact of this land use upon existing health conditions.

It is therefore considered that the proposed development and continued use of the site on a permanent basis would not have a detrimental impact upon the amenities of nearby residential properties in accordance with policy CS16.

### **Recommendation**

Approval subject to conditions.

#### **APPLICATION NUMBER**

R12/1735

#### **DATE VALID**

04/12/2012

#### **ADDRESS OF DEVELOPMENT**

LAND AT SMEATON LANE (known as  
Smeaton Paddocks)  
SMEATON LANE  
STRETTON-UNDER-FOSSE

#### **APPLICANT/AGENT**

Tom Smith  
Smeaton Paddocks  
Smeaton Lane  
Stretton-Under-Fosse  
Warwickshire

#### **APPLICATION DESCRIPTION**

Change of use of land to private gypsy caravan site (permanent occupation) including the erection of a day room.

#### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

##### **CONDITION 1:**

This permission shall be deemed to have taken effect on 12<sup>th</sup> June 2013.

REASON:

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

**CONDITION 2:**

The occupation of the site hereby permitted shall be carried on only by Mr Tommy Smith and Mrs Colette Smith and their children and their children's children.

REASON:

The development hereby permitted is specifically intended for the applicants and their children as detailed in the submission which represents the very special circumstance and justification given the sites Green Belt Location.

**CONDITION 3:**

When the land ceases to be occupied by those named in condition 2 above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use or works undertaken in connection with the use, shall be removed. The dayroom hereby permitted shall also be demolished and all material arising from its demolition removed off site.

REASON:

The development hereby permitted is specifically intended for the applicants and their children as detailed in the submission which represents the very special circumstance and justification given the sites Green Belt Location.

**CONDITION 4:**

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

Application Forms dated 8/11/12

Site Location Plan date stamped 19 Aug 2009

Amended Proposed Amenity Block received by the Local Planning Authority on 2nd April 2013

Amended Site Development Plan received by the Local Planning Authority on 2nd April 2013

REASON:

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

**CONDITION 5:**

No more than two touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

REASON:

In the interest of the visual amenity of the area

**CONDITION 6:**

No commercial activities and no storage of material shall take place on the site.

REASON:

In the interest of visual and residential amenity.

**CONDITION 7:**

No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

REASON:

In the interest of visual amenity and highway safety.

**CONDITION 8:**

Construction of the day room hereby approved shall not be commenced until samples of materials to be used in construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.

REASON:

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

**CONDITION 9:**

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

REASON:

To ensure that the development is acceptable within the green belt and in the interest of amenities of the locality

**CONDITION 10:**

Within three months from the date of this permission drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details within three months from the date in which these details are approved.

REASON:

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

**CONDITION 11:**

Following completion of the day room the wooden shed currently used as a toilet and washing facilities shall be removed off site within three months.

**REASON:**

The proposed day room seeks to replace the wooden shed and as such this should be removed of site, in the interest of the amenities of the area.

**CONDITION 12:**

The existing outbuilding as shown on the amended site development plan received by the Local Planning Authority on the 02nd April 2013 shall only be used ancillary to the use of the site as a private gypsy caravans site.

**REASON:**

In the interest of the amenities of the area.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Council LDF Core Strategy 2011

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

National Planning Policy Guidance

- National Planning Policy Framework 2012
- Planning Policy for traveller sites

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

**REASON FOR APPROVAL:**

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.



The development constitutes inappropriate development in the Green Belt, however, it is the opinion of the Local Planning Authority very special circumstances have been established in this application to justify the grant of planning permission in accordance with policy CS1 and CS22 of the Core Strategy and guidance contained within the NPPF and the Planning Policy for Traveller Sites. The circumstances comprise the identification of a short fall in the provision of such sites within the Borough, the fact that the site comprises the re-use of previously developed, derelict land, and information pertaining to both education and health needs having been shown. It is considered taking into consideration the size and scale of the development, the surrounding land use, together with existing boundary treatments, it is considered that the proposed development would not have any adverse or detrimental impact on the character, appearance or open nature of the Green Belt or raise any impacts on amenity whilst access and highway matters are acceptable. As such the proposal complies with policy CS16, CS22 and guidance contained within the NPPF and Planning Policy for Traveller Sites.

#### 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: R12/2238**

**Site address: Grange Farm, Biggin Hall Lane, Thurlaston**

**Description: Erection of a single storey extension**

**Case Officer Name & Number: Owain Williams – 01788 533789**

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

### **Site Description**

Grange Farm is located close to the local need settlement of Thurlaston which is sited in close proximity to Draycote Water.

The farm is located along a narrow country road and enjoys uninterrupted views across Draycote Water. The farm consists of a group of buildings which have now been converted and split into separate dwelling houses.

The buildings still in the ownership of Grange Farm itself include the main dwelling house, a garage and a stable building located to the rear of the amenity space of the farm house which is open allowing for the views across the reservoir.

The main farm house is attached to the neighbouring dwelling by a single storey link.

### **Proposal Description**

The proposal is for the erection of a single storey extension to the dwelling

The original submission of the application did also include the conversion of an outbuilding/stable to form an annex to the main dwelling however this has since been omitted from the scheme.

The proposed extension is to be sited to the front of the dwelling and will project out 3.5 metres. The property is an 'L' shape and section of the house projects forward of the front of the house to where the extension would be located. The proposed extension would not project beyond this section of the house however would project beyond the neighbouring property.

The proposed extension will have a low hipped roof line which would also have a section of the roof being flat. This will match the roof shape on another addition to the property.

### **Relevant Planning History**

Erection of conservatory – Approved 15/03/2000

Erection of a two storey and single storey rear extension – Approved 20/06/04

### **Technical Consultation Responses**

WCC Ecology – No objections subject to informatives

### **Third Party Responses**

## Neighbour – Objection

Comments were given by the neighbour before the conversion of the stable building was omitted from the scheme so included objections to both elements. The comments given below are the objections regarding the extension only.

- The extension will be an encroachment in visual terms
- An opening window is proposed which will overlook the wall into our house
- The proposed changes will result in a loss of privacy and potential kitchen smells being carried into our courtyard
- The extension will also carry noise into our courtyard where it will echo within the courtyard
- The extension exceeds the size suggested for permitted development.
- The extension is disproportionately large for the house.
- We have given consent to previous developments even though there is a legal covenant which prevents any building on Grange Farm without our agreement.

## Parish Council – Comments

- As long as the proposed extension does not impact upon the privacy of the immediate neighbours and surrounding area it is acceptable if it meets with planning, conservation, neighbourhood and local deed requirements
- It is a single storey extension of a fairly modest proportion.

## Relevant Planning Policies and Guidance

### Core Strategy

CS1 – Development Strategy  
CS16 – Sustainable Design

### Saved Local Plan Policies

E6 – Biodiversity

Guidance

Sustainable Design and Construction SPD 2012

## Assessment of Proposals

The determining issues to take into account in this case would be the impact on the character and appearance of the dwelling and area, the impact on the neighbouring amenities and the impact on biodiversity.

Policy CS16 states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The proposed extension to the dwelling will sit to the front of the dwelling but due to the shape of the dwelling will bring the dwelling almost level with its furthest projection. The proposed extension will bring the front door from the side of the elevation to the front

and make the front of the dwelling more obvious when approaching. The design of the extension would be sympathetic to that of the character and appearance and matches a similar single storey projection already added to the property. The extension will not project off the single storey link between the dwelling and the neighbouring property therefore will be separated still from the neighbouring building and boundary.

The proposed extension is of a fairly modest size in comparison to the dwelling and although the dwelling has been extended previously it is not considered that this proposed extension would add to its bulk to the detriment of its appearance. The dwelling is located with the Countryside and not the Green Belt so would be judged on its impact on the appearance of the dwelling and not whether it resulted in a disproportionate addition to the size of the original dwelling.

Policy CS16 continues to state that development shall ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The proposed extension will be located away from the boundary of the only neighbouring property by approximately 1.3 metres. The extension would not project beyond the two storey project that it adjoins therefore would not result in further overshadowing already caused by the two storey projection. The proposed extension due to its roof shape would reduce the impact on the neighbouring amenities as it would slope away from the boundary. When adopting the 45 degree code the proposed extension would comply, therefore the modest length of the extension along with its roof shape combined its positioning next to a two storey wall would result in a minimal impact on the neighbouring amenities.

In terms of the loss of privacy there will be no impact on the neighbouring property. The proposed extension does have a fully glazed corner which results in a window to the side facing towards the neighbouring windows. However the boundary wall would screen the views between the windows. There will only be approximately 0.3 metres of window that will sit above the boundary wall and this section of window will be at a high level approximately 1.8 metres so not allowing any occupier within the extension to gain views out of and into the neighbouring windows.

Taking the above into account it is considered that the proposed extension and conversion of the outbuilding would comply with policy CS16 of the Core Strategy 2011.

### **Recommendation**

Grant Permission Subject to Conditions

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R12/2238

#### **DATE VALID**

22/03/2013

#### **ADDRESS OF DEVELOPMENT**

GRANGE FARM  
BIGGIN HALL LANE  
THURLASTON  
CV23 9LD

#### **APPLICANT/AGENT**

Mr Robert O'callaghan  
Robert O'callaghan Architects  
Ivy House  
Church Street  
Churchover

Rugby  
Warwickshire  
CV23 0EW  
On behalf of Mr A Torrence

**APPLICATION DESCRIPTION**

Erection of a single storey 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**

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:

Dwg No. ROC\552\PD\002 received by the Local Planning Authority on the 22nd March 2013

**REASON:**

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

**CONDITION: 3**

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

**REASON:**

To ensure a satisfactory external appearance.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policy 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](http://www.rugby.gov.uk) or at the Council Offices.

**REASON FOR APPROVAL:**

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006.

**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**

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

**Reference number: R13/0098**

**Site address: Springfield Farm, Fosse Way, Princethorpe**

**Description: Retrospective Permission for the erection of single storey extensions to the existing bungalow**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought forward to committee as the applicant is a relative of a Councillor.

### **Site Description**

The application site is located to the South Western extent of Rugby Borough, approximately 0.3 miles to the North East of the Village Boundary of Princethorpe. The site is of a generally rectangular shape and covers an area of approximately 6.79 hectares.

The site comprises a four bedroom detached bungalow a detached garage and six additional outbuildings which have D2 and Sui Generis class of use.

The bungalow is situated to the north of the group of the buildings which make up the rest of the site and is situated approximately 11 metres away from the highway. The front of the dwelling faces south inwards towards the other buildings. The bungalow has been previously extended with a conservatory added to the side of the dwelling projecting closer towards the highway than that of the existing.

The dwelling is accessed off the Fosse Way via an existing driveway. The front of the site is heavily landscaped with the vegetation also continuing around the periphery of the site.

### **Proposal Description**

The application is for retrospective for the erection of two extensions to the dwelling. The first of the extensions is located to the front of the dwelling and measures 3 metres by 3.5 metres. The extension has a gable ended roof to match that of the existing dwelling.

The other extension is to the side of the dwelling. This extension is a flat roofed addition and is attached to the existing conservatory. The extension measures 3.5 metres by 4.5 metres.

The extensions have been added to the dwelling in order to allow for more room for the extended family to live whilst the proposed dwelling on the site is erected. The dwelling to which these extensions have been made will be demolished once the larger new dwelling which is also for consideration as part of this planning committee has been built.

### **Relevant Planning History**

R13/0094 - Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels – To be decided by planning committee on the 12<sup>th</sup> June 2013.

R06/0400/PLN - Retrospective application for siting of 2no. mobile homes – Refused Permission

R07/1269/PLN - Retrospective application for siting of 2 no. mobile homes.  
(Resubmission of planning application R06/0400/PLN) – Refused Permission

### **Technical Consultation Responses**

WCC Ecology – No objections subject to conditions

### **Third Party Responses**

Neighbours – None

Parish Council – No objection

- Trusts that due attention is given by the Planning Department of the RBC to any observations made by other consultees.
- The Parish Council also wishes to inform the Planning Department of the RBC that it takes a dim view of retrospective planning

### **Relevant Planning Policies and Guidance**

#### Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

#### Saved Local Plan Policies

E6 - Biodiversity

National Planning Policy Framework

### **Assessment of Proposals**

Section 9 of the National Planning Policy Framework seeks to protect the Green Belt. It states that any properties within the Green Belt that are to be extended have to be limited and avoid being of a disproportionate size to that of the original dwelling house. The proposed extensions would be of a modest size in relation to that of the existing building and when calculating the footprint of the extensions combined with the existing conservatory already added it would only equate to a 33% increase in the footprint of the original dwelling. Taking this into account it is considered that the extensions would not appear as disproportionate additions to that of the original dwelling. The proposal therefore complies with the guidance contained in the NPPF which seeks to protect the Green Belt from inappropriate development but which allow limited extension of existing residential dwellings

Policy CS16 states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The front extension to the dwelling would have a gable end which will match with that of the original design of the existing dwelling house and would not dominate the frontage as the height and



width of the extension is significantly less than that of the existing dwelling. The side extension will have a flat roof and although this will not appear in keeping with the gable ended dwelling the roof will sit below the eaves level of the dwelling and conservatory so minimising its conflict with the original design. The flat roof attached to the conservatory would avoid creating a valley between the two roofs which would therefore be of a benefit to its appearance. Taking the above into account it is considered the proposed extensions would have a minimal impact on the appearance of the dwelling therefore complying with policy CS16 of the Core Strategy 2011.

Policy CS16 continues to states that development shall ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The dwelling house is located in an isolated position away from any neighbouring properties therefore the extensions will have no impact on any neighbouring amenities complying with policy CS16 of the Core Strategy 2011.

Saved Policy E6 of the Local Plan 2006 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. The policy continues to state that developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protect and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. There are no objections raised from Ecology to the proposed extension therefore the proposal would comply with policy E6 of the Local Plan 2006.

### **Recommendation**

Grant Permission Subject to Conditions

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R13/0098

#### **DATE VALID**

11/01/2013

#### **ADDRESS OF DEVELOPMENT**

SPRINGFIELD  
FOSSE WAY  
PRINCETHORPE  
RUGBY  
CV23 9PG

#### **APPLICANT/AGENT**

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

#### **APPLICATION DESCRIPTION**

Erection of single storey extensions to the existing bungalow

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

### **CONDITION: 1**

This permission shall be deemed to have taken effect on 12th June 2013

### **REASON:**

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

### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policies CS1 and CS16 of the Rugby Borough Core Strategy and Policy E6 of 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](http://www.rugby.gov.uk) or at the Council Offices.

### **REASON FOR APPROVAL:**

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006.

### **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: R13/0094**

**Site address: Springfield, Fosse Way, Princethorpe**

**Description: Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels.**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought forward to committee as the applicant is a relative of a Councillor.

### **Site Description**

The application site is located to the South Western extent of Rugby Borough, approximately 0.3 miles to the North East of the Village Boundary of Princethorpe. The site is of a generally rectangular shape and covers an area of approximately 6.79 hectares.

The site comprises a four bedroom detached bungalow (which has been extended), a detached garage and six additional outbuildings which have D2 and Sui Generis class of use.

The topography of the land falls from east to west, with the south west corner of the site being at the lowest level. The site has some unnatural topography understood to potentially have been formed when land was cleared to form the equine facilities such as the ménage.

The site is accessed off the Fosse Way via an existing driveway. The front of the site is heavily landscaped with the vegetation also continuing around the periphery of the site.

### **Proposal Description**

Planning permission is sought for the demolition of the existing dwelling, detached garage and commercial buildings and the construction of a replacement dwelling and associated garage with a first floor annex.

The proposed dwelling will provide up to 7 bedrooms including an accessible bedroom provided on the ground floor. A detached two storey garage will be sited close to the south western boundary of the site. The garage building will provide residential accommodation comprising a one bedroom flat which will be resided by a full time carer. The annex will be solely used as accommodation ancillary to the main dwelling house.

In regard to the extent of the new buildings, the proposed dwelling and garage will have a gross external footprint of 752.54 sq m. As detailed within the submitted Design and Access Statement, the existing buildings currently on site equates to 1307 sq m.

The proposals will include extensive landscaping which will be located to boundaries of the site. There will be ponds introduced to the corners of the site which will help improve the biodiversity of the area.

The other proposed addition to the site is the installation of free standing solar panels. The panels will be located to the north of the site and will consist of 16 panels.

### **Relevant Planning History**

R06/0400/PLN - Retrospective application for siting of 2no. mobile homes – Refused Permission

R07/1269/PLN - Retrospective application for siting of 2 no. mobile homes. (Resubmission of planning application R06/0400/PLN) – Refused Permission

### **Technical Consultation Responses**

Environmental Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

WCC Ecology – No objections subject to conditions

WCC Highways – No objection subject to conditions

WCC Archaeology – No objections

Airport Safeguarding – No objections

### **Third Party Responses**

Neighbour – Objection

- The proposed house is completely out of proportion to both the site and the area in which it is proposed and will be clearly visible and intrusive from the surrounding areas and will overlook the adjacent land and properties
- The land is currently elevated and open, capable of being used for agriculture or recreation etc. this proposed development both by its size and location will restrict this land as a resource of this type
- It will impact on the openness of the surrounding greenbelt.
- Masking the dwelling with trees, landscaping and general planting is not mitigation to offset the general harm to the surrounding area imposed by an inappropriate build.
- There are major documented issues with the current land profile, drainage and sewage at Springfield Farm; these will be exacerbated by the proposed design and location of the new build.
- The property currently under construction (The Dell) adjacent to Springfield farm is a replacement build on the original site and is in size comparable to the original property. The base location is sited below road level and will be shielded from the roadway by fencing/hedges etc.
- The applicant has conveniently not quoted para. 88 “very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- The similar cases given are not the same as this scenario and shouldn't be compared.

#### Parish Council – Objects

- Princethorpe Parish Council does not consider that there are any “Very Special Circumstances” which would allow such a project as proposed in planning application R13/0094 to be undertaken therefore would conflict with section 9 of the National Planning Policy Framework.
- The siting and height of the proposed domestic dwelling is such that it would dominate the landscape particularly as seen from the south side of the village.
- The proposed dwelling is totally out of context with the wishes of the parishioners of Princethorpe
- The proposed drainage system of soakaways and cess pit would be inadequate for a domestic construction as shown on the plans.
- This application is intended solely as a replacement domestic dwelling for the domestic dwelling in existence (which is also subject to Planning Application R13/0098) and as such would encroach on the green belt and would not be appropriate in the rural environment which exists in and around the village of Princethorpe

### **Relevant Planning Policies and Guidance**

#### Core Strategy 2011

CS1 – Development Strategy	Complies
CS16 – Sustainable Design	Complies

#### Saved Policies from Local Plan 2006

GP2 – Landscaping	Complies
T5 – Parking Facilities	Complies

#### National Guidance

National Planning Policy Framework (NPPF)

### **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of development in this location, the impact on the character and appearance of the area, the impact on the neighbouring amenities and the impact on highway safety and biodiversity.

#### Principle of Development

The site lies within the West Midlands Green Belt approximately 5 miles to the south west of Rugby. Policy CS1, Development Strategy, of the Rugby Borough Core Strategy (2011) provides clear sequential approach to directing proposals towards the most sustainable locations within the Borough, principally the urban area of Rugby. In this regard it is clear that the development site is in a 6<sup>th</sup> priority Green Belt location where development will be resisted unless it meets the requirements of national policy contained within the National Planning Policy Framework (NPPF).

The essential characteristics of Green Belts as stated at Para 79 of the NPPF is their openness and permanence. The planning statement submitted with the planning application states that the existing dwelling, detached garage and commercial outbuildings currently on the site will be demolished including the removal of 2 No. mobile homes. The intention of the proposal is to consolidate the built form of those buildings to be demolished into the proposed dwelling and garage which would potentially lead to an enhancement of the immediate setting.

The NPPF at Para 89 states that the redevelopment of previously developed sites, whether redundant or in continuing use is acceptable in principle, providing that it does not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. The applicant has demonstrated through their planning statement that the proposed volume and floor space of the proposed dwelling is less than the total of those buildings which will be lost through demolition. Therefore, the proposed dwelling will not be materially larger than those buildings which it replaces.

The site clearly lies within the least desirable location for development within the Borough as defined within Policy CS1 of the Core Strategy. However, the benefits of the development are acknowledged and therefore if the proposal is considered to have a lesser impact on the Green Belt than those buildings currently on the site then the development will be acceptable in principle. If this is the case it would be considered that that the purposes and aims of including land within the Green Belt as set out within the NPPF would not be compromised should the application be approved.

The test to undertake in this case in relation to the above policy within paragraph 89 would be whether or not the new proposal would have a greater impact on the openness of the Green Belt than the existing built form. This test will be a subjective one and there are various factors to take account of.

The proposed new dwelling will be sited further away from the highway than the existing buildings and therefore on higher ground however from the public domain (highway to the front of the site) the dwelling would not be any more conspicuous than the existing complex due to the existing vegetation to the front of the site. As part of the scheme there are intentions to landscape the site which would see dense landscaping situated to the boundaries of the site. This landscaping, would once established help to screen the development from the views experienced across the landscape from Fosse Crescent. The gradient of the land whilst positioning the dwelling on a higher level to that of the existing buildings would also ensure that the dwelling would not be viewed from across landscape when viewing the application site from the North. The gradient of the land rises significantly to the north with the highest section of the site above that of the ridge of the proposed dwelling. This difference has been magnified due to the cutting in of the dwelling into the landscape to ultimately try and reduce the impact of the dwelling within the landscape.

Another factor to be taken into consideration would be that of the footprint and volumes of the buildings that are being demolished and that which they are being replaced. It has already been touched upon that the volume and footprint of the new dwelling is less than the total volume and footprint of the buildings being replaced. The reduction in the footprint of the buildings would reduce the impact of encroachment into the countryside and the reduction in volume would reduce the bulk visible however whilst this in black and white shows no more bulk is being added to the site the new build will be higher than the existing buildings.

On balance the consolidation of development into a single, resolved, articulated architectural form would reinforce the strong visual sense of a reduction in overall built form on the site. The house is set on the rising ground and though accident or design, this gives it a slightly elevated position more consistent with its architecture, as it more properly addresses the landscape before it. The landscaping scheme presented with the proposals would also more effectively frame the house in its wider landscape context whilst also screening and softening the impact of the dwelling from wider views. The result is a dwelling with a more comfortable and picturesque relationship with the surrounding landscape. To conclude it is for the reasons above that the proposals will not result in a reduction in the openness of the Green Belt, its most important attribute. It is also considered that this proposal would be consistent with one of the key purposes of the Green Belt designation, to assist in safeguarding the countryside from encroachment complying with policy CS1 of the Core Strategy 2011.

### Character and Appearance

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and 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.

Whilst a lot has already been mentioned about the positioning of the dwelling, the dwelling itself has been designed to have an appearance of a large traditional country house, taking design cues from nearby dwellings, in particular Manor House on the Oxford Road, Princethorpe which is a Grade II Listed Building.

The dwelling house will be a two storey dwelling and will have varying different projections both at single storey and two storey to give the property different dimensions, light and shade to break up the bulk and massing of the dwelling. The roof shapes and height are also designed to break up the massing with different heights given. Chimneys are introduced into the design of the dwelling which will give a rural character to the building however there will also be modern additions in the form of a balcony and glazed links. It has been stated in the design and access statement that the choice of materials has been essential in deriving a dwelling which is sympathetic to its surroundings. The materials chosen will consist of Rosemary clay tiles, traditional bricks, traditional joinery, thatched roofing in part, oak frame and pastel rendering.

There is no distinct character to the area in terms of architecture with varying different houses of different sizes seen along the Fosse Way. The property has been designed in a way to fit into the countryside, using a mixture of natural and local materials by taking certain references from the more prominent and dominate properties in the area. The demolition of the existing buildings on the site and the erection of the proposed dwelling will obviously be an improvement visually as the untidy sprawl of the existing buildings would be removed and a more sympathetic single development replacing it. The design and detailing of the building is of a quality which would be acceptable and contribute to providing a visual improvement in the area therefore complying with policy CS16 of the Core Strategy 2011.

The proposed landscaping to the site would also have to be taken into consideration when assessing the character and appearance of the development. The landscaping proposed will include 3800 trees, 7600 shrubs and also 82 focal trees. As part of the proposal the tree officer was consulted who commented that "Landscaping proposals have been submitted to enhance existing tree cover which will increase

amenity/biodiversity potential and also serve to screen the site and the associated proposals". The proposed landscaping over time will serve to enhance and improve the character and appearance of the landscape complying with policy CS16 of the Core Strategy 2011.

With regards to the solar panels these will be located away from the house to the north of the site. There are 16 panels proposed which will be sited on a higher level of land to that of the dwelling house. However the panels will be ground mounted panels and will only stand approximately 2 metres above the ground therefore not being visible from any public domain. The visual impact of the solar panels would due to the amount, size and location would be minimal complying with policy CS16 of the Core Strategy 2011.

#### Impact on neighbouring amenities

Policy CS16 states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The proposed new dwelling would be located in an isolated position well away from the neighbouring properties on Fosse Crescent therefore no impact will be had upon the neighbouring amenities.

#### Highway Safety

The proposal is utilising the existing access to the site off the Fosse Way. The proposed use of the access for residential only would not differ greatly to that of the existing use which would involve residential traffic along with horse boxes and other related traffic. The access out of the site is substandard however as the existing access to the site is being utilised the proposal would not have a significant impact on highway safety.

#### Biodiversity

Saved Policy E6 of the Local Plan 2006 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. The policy continues to state that developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protect and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. As part of the proposed development there is a significant amount of landscaping proposed. The landscaping would also include three generous pond areas. The proposals have been assessed by the Warwickshire County Ecologists and they have welcomed the proposals as it would increase the value of the site for biodiversity. However the county ecologists wish to ensure that the landscaping proposed delivers upon providing suitable habitats for wildlife. It has been stated that there is a concern about the landscaping as the plans indicate tree planting on the existing potential Local Wildlife Site (Princethorpe Fields pLWS). As a site which has been selected for its value as a semi-improved grassland, it is recommended to be retained as such, rather than woodland creation as it already has been recognised as having existing ecological value as semi-improved grassland, an increasingly rare habitat within the county. It has been discussed with the applicant who is willing to undertake alterations to the landscaping. In order to ensure that the landscaping is satisfactory in terms of creating suitable habitats and protecting areas already highlighted as a potential local wildlife site a condition has been added requested a



combined ecological and landscape scheme to be submitted prior to commencement of works. The applicant has undertaken bat and newt surveys and submitted these for assessment by the ecologists. The surveys have been assessed and found to be acceptable subject to further updated surveys being carried out prior to commencement of works. Taking into account the above it is considered that the proposed development subject to further details that can be agreed before commencement of works is of a benefit to biodiversity complying with saved policy E6 of the Local Plan 2006.

**Recommendation**

Grant Permission Subject to Conditions

**DRAFT DECISION**

**APPLICATION NUMBER**

R13/0094

**DATE VALID**

12/12/2012

**ADDRESS OF DEVELOPMENT**

SPRINGFIELD  
FOSSE WAY  
PRINCETHORPE  
RUGBY  
CV23 9PG

**APPLICANT/AGENT**

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

**APPLICATION DESCRIPTION**

Demolition of existing dwelling and outbuildings and the erection of a replacement dwelling and garage including landscaping works and free standing solar panels.

**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 18 of the Planning (Listed Building and Conservation Area) Act 1990.

**CONDITION: 2**

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

Drawing Nos PSF/01, PSF/02, PSF/03, PSF/04, PSF/05, PSF/06, PSF/07, and PSF/09 received by the Local Planning Authority on 12th December 2012

Drawing No PSF/10 Rev B received by the Local Planning Authority on 31st May 2013

Materials - Brick - Wienberger Olde Farndale Multi  
Tile - Rosemary Clay Plain Blues  
Joinery - Idigbo and Euro Oak Timbers

**REASON:**

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

**CONDITION: 3**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority. The scheme must include all aspects of landscaping including details of; habitat creation and enhancements for wildlife, appropriate management of habitats for wildlife, species to be planted, timing of works, programme of implementation and lighting scheme details. The agreed scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives written consent to any variations.

**REASON:**

In accordance with the NPPF and RBC Core Strategy Policy CS14

**CONDITION: 4**

The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys, Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**REASON:**

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

**CONDITION: 5**

The development hereby permitted shall not commence until a detailed method statement for great crested newts (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been

submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

**REASON:**

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

**CONDITION: 6**

Prior to commencement of works full details of the proposed/ existing septic tank should be submitted to and approved by the Local Planning Authority

**REASON:**

In the interests of health and safety

**CONDITION: 7**

Within 3 months of occupation of the new dwelling all existing buildings including the bungalow shall be demolished and all deleterious materials removed from site.

**REASON:**

To ensure that the proposal is an appropriate form of development in the Green Belt and to ensure that openness is retained in compliance with the NPPF.

**CONDITION: 8**

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

**REASON:**

In the interests of highway safety

**CONDITION: 9**

Full details (including elevations) of the proposed walls, fences and gates, shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first occupied.

**REASON:**

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

**CONDITION: 10**

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

Classes A, B, C, D, E, F 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: 11**

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

**REASON:**

In the interest of visual amenity.

**CONDITION: 12**

The proposed garage building hereby approved shall not be used for any purpose other than ancillary to the residential use of the new dwelling and the ground floor shall only be used for the parking of vehicles and shall not be converted to living accommodation.

**REASON:**

To ensure that the proposal is an appropriate form of development in the Green Belt and remains fit for the purpose as intended.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policies CS1 and CS16 of the Core Strategy 2011; Policies GP2 and T5 of Local Plan 2006 and the guidance within the National Planning Policy Framework.

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

**REASON FOR APPROVAL:**

The proposed development would result in the redevelopment of previously developed site within the Green Belt which would not have a greater impact on the openness complying with the National Planning Policy Framework and policy CS1 of the Core Strategy 2011. The design and appearance of the development including the proposed landscaping would be sit well within its surroundings whilst not adversely affecting any neighbouring amenities complying with policy CS16 of the 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**

Lowland grassland is a Local Biodiversity Action Plan habitat. One of the main factors affecting this habitat is changes in management from cutting to year round grazing (often by ponies or horses) resulting in floristic change, over grazing and poaching. As a consequence sites may become invaded by weed species such as ragwort, dock and thistles. One of the targets of habitat action plans is to actively promote the appropriate management of all neutral grassland sites over 0.25ha. To maintain condition or improve to good condition. Due to the use of the site for grazing previously, we strongly recommend that sensitive mowing or grazing management practices are employed at the site in order to enhance the grassland's floristic diversity. Further information can be found on the Grassland Trust website [www.grasslands-trust.org](http://www.grasslands-trust.org), WCC Ecological Services (01926 418060) or the applicant's surveyor.

#### **INFORMATIVE: 2**

The site is within the Princethorpe Woodlands Project area, a current landscape-wide scheme led by Warwickshire Wildlife Trust which aims to reconnect the fragmented ancient woodlands via enhancement and planting of hedgerows. The applicant may wish to contact the Project Officer of scheme regarding support/advice for hedgerow planting/management. Further information can be found on the WWT website: [www.wildlifetrusts.org/living-landscape/schemes/princethorpe-woodlands](http://www.wildlifetrusts.org/living-landscape/schemes/princethorpe-woodlands)

#### **INFORMATIVE: 3**

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

#### **INFORMATIVE: 4**

In view of the nearby reptile records and composition of the surrounding habitat, care should be taken when clearing the ground prior to development. If any evidence of specially protected species such as grass snake, slow worm or common lizard is found, work should stop while WCC Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part1) of the Wildlife and Countryside act 1981, makes it is an offence to intentionally or recklessly kill or injure any of the species listed above.

#### **INFORMATIVE: 5**

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

Monday - Friday 7.30 a.m. - 18.00 p.m.  
Saturday - 8.30 a.m. - 13.00 p.m.  
NO WORK ON SUNDAYS & BANK HOLIDAYS.

**Reference number: R13/0873**

**Site address: Land adjacent Moor Lane, Willoughby**

**Description: Erection of a livestock field shelter.**

**Case Officer Name & Number: John Wilbraham – 01788 533549**

### **Site Description**

The site forms part of a collection of small parcels of land which are fenced off. There is an access track which runs from Moor Lane along the northern boundary of the fields before coming to a stop outside a double field gate which gives access to the parcel where the field shelter is proposed. The site is located within the open countryside. A public footpath runs along the boundary of the field adjacent to the site which affords some views into the site.

### **Proposal Description**

The application is seeking permission for the erection of a field shelter measuring 7.2m in length, 3.6m in width with a total height of 2.85m. The shelter would be constructed of timber shiplap boarding that would be stained a dark green colour and it would have an Onduline roof. The front of the shelter would have two openings with metal gates across them.

### **Relevant Planning History**

*Article 4 - Willoughby - Feb 2009*

### **Technical Consultation Responses**

WCC Ecology – no comments received to date (consultations expire 5/6/13)

### **Third Party Responses**

Cllr Hazleton – Comments; There is, I am informed, a Covenant in the deeds of that land preventing any building or the erection of any building on this land. It would be detrimental to the appearance of the countryside to erect buildings on this land. It will be opposed by the Willoughby Parish Council as contributing to a “Shanty Town” appearance to the area (21/5/13)

Parish – no comments received to date (consultations expire 5/6/13)

Neighbours – no comments received to date (consultations expire 5/6/13)

### **Relevant Planning Policies and Guidance**

#### Core Strategy

CS1	Complies	Development Strategy
CS16	Complies	Sustainable Design

#### Saved Local Plan Policies

E6	Complies	Biodiversity
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## National Policy

### National Planning Policy Framework (NPPF)

#### **Assessment of Proposals**

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

#### Impact on the qualities, character and amenity of the countryside

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Similarly, Part 3 of the NPPF encourages development which supports a prosperous rural economy.

The shelter is proposed to be sited adjacent to the western boundary close to the north-western corner of the field. A row of trees is present along the western and northern boundaries which effectively screen the structure from the public footpath to the West. The applicant has stated that the land is currently un-grazed and is being 'locked' up for mowing grass to make hay. He also has between 90-100 head of livestock, a mix of sheep and cattle, which are currently kept at his main holding at Upper Radbourne. He wishes to utilise this area as an extra parcel of grazing land but states that due to the distance from his main holding, he is unable to utilise the field without some form of shelter for the animals especially during the winter months.

The proposed shelter has the appearance of a typical field shelter being constructed of timber with steel gates across the two openings. The shelter is considered to be of an appropriate size for its purpose. Whilst its siting and the vegetation on the boundaries will give good screening of the shelter I consider it is a feature often seen in the open countryside and is therefore acceptable. I note the concerns of the Ward Member about the proliferation of field shelters in this location which stems from the subdivision of the fields in to smaller holdings. However field shelters are structures typically found in the open countryside, whether isolated or in clusters, and I do not consider that the effect of the proposal upon the visual amenities of the open countryside is so significant and demonstrably harmful that it justifies a refusal of planning permission.

As the land may be regularly used for sheep and cow 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 machinery or other items, as there has not been a need for this demonstrated and this would be unsuitable for its rural location given the size of the field. I am satisfied that an agricultural need has been demonstrated and the design of the proposal is acceptable, the development is therefore considered to meet the provisions of Policy CS16 and Part 3 of the NPPF.

I note that the issue of covenants has been raised by the Ward Member but these are a civil matter and not considered by planning.



Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The nearest neighbouring property is Willoughby House which is some 400m from the site of the proposed field shelter. I consider that this is a great enough distance to ensure the proposal will not have an adverse impact on the amenity of this property.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Paragraph 118 of the NPPF requires local authorities to have regard to the conservation and preservation of protected species and their habitats. The County Ecologist has not commented on the proposal and due to the nature of the landscape and the development proposed I consider the impact to protected species would be low. No advisory notes are recommended.

**Recommendation:**

Approve subject to appropriate conditions.

Report prepared by: John Wilbraham 31/5/13

**DRAFT DECISION**

Notice is hereby given that the Borough Council in pursuance of its powers under the above mentioned Act, as amended and Rules, Orders and Regulations made there under, grants planning permission for the development referred to hereunder subject to the conditions also specified and in accordance with the plans and particulars submitted except insofar as may otherwise be required by the conditions.

**APPLICATION NUMBER**

**APPLICATION VALID**

R13/0873

**DATE**

14/05/2013

**ADDRESS OF DEVELOPMENT**

PLOT 5C LAND AT WILLOUGHBY  
MOOR LANE  
WILLOUGHBY  
Warwickshire

**APPLICANT/AGENT**

Mr Rupert Rayson  
Godfrey-Payton  
Godfrey-Payton  
25 High Street  
Warwick  
CV34 4BB  
On behalf of Mr Jack  
Wrycroft, Paxhall Farms

**APPLICATION DESCRIPTION**

Erection of a livestock field shelter.

## **CONDITIONS, REASON FOR APPROVAL & RELEVANT DEVELOPMENT PLAN POLICIES**

### **CONDITION 1:**

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

### **REASON:**

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

### **CONDITION 2:**

The development shall not be carried out other than in accordance with the plans: Location plan to scale 1:2500, Proposed field shelter elevation drawings to scale 1:20 and proposed field shelter perspective view to scale 1:20 received by the Local Planning Authority on 17 April 2013.

### **REASON:**

For the avoidance of doubt.

### **CONDITION 3:**

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 17 April 2013.

### **REASON:**

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

### **REASON FOR APPROVAL:**

The proposed field shelter is not considered to give rise to unacceptable harm to the open countryside or 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.

### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

CS1 and 16 and the NPPF

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://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: R13/0400**

**Site address: 2 Cave Close, Cawston**

**Description: Erection of a two-storey rear extension and installation of first floor side facing window**

**Case Officer Name & Number: Martin Needham (01788 533741)**

### **Description of proposal**

This application is for the consideration of the planning committee following a request by Councillor Stokes.

Planning permission is sought for a two-storey rear extension. The application is partly retrospective as the majority of the extension has already been built.

The site benefits from permission for a two-storey rear and two-storey side extension granted in 2012 (ref: R12/0877). This application has been made following enforcement action, as the extension as built is not in accordance with the previously approved details. The main difference between the previously approved plans and the extension as built is that the two-storey side extension is no longer proposed. This has resulted in the overall design and angle of the roof being altered. The length of the extension measures 3.6m instead of 3.5m as previously approved, however the length and position of the rear extension is otherwise substantially the same.

A window is proposed in the first floor of the East elevation of the dwelling.

### **Description of site**

The property is a detached two-storey dwelling located in Cawston. The rear of the property is in line with the fronts of 16 and 18 Cave Close.

### **Relevant Planning History**

R12/0877: Erection of two-storey rear and side extension and alterations to property including windows and provision of roofs to front

### **Technical Consultation Responses**

Highways Authority – No objection.

WCC Ecology – Recommend advisory notes regarding bats and protected birds.

### **Interested Party Responses**

16 Cave Close – Object. Inaccurate and incomplete plans, problems with blocked drains, request plans for sewer easement. Loss of light. Extension is to the front of property, not in keeping. Layout is vague with no measurements. Request clarification on use of rooms. Alarmed that new layout differs from previous approval and does not appear to be for disabled use or accommodation for carers. Internal layout is vague. Implication that no intention of building to previous approval. Do not believe accuracy of plans. Still lack of measurements and difficulty with deciphering technical drawings. Situation is diabolical disgrace and disregard for anyone other than the party applying for planning permission. Sheer scale of extension is excessive, ugly and sets terrible precedent for Cawston. Not in keeping with the 'scene' of the estate which so many Councillors fight hard to keep. It is an eyesore that can be seen from almost 1 mile away upon entering the estate from the Western Relief Road at the top of Cawston Grange Drive.

18 Cave Close – Object. Inaccurate and inconsistent plans, adverse loss of light, overshadowing, 45 degree guideline breached, overbearing, incongruous feature in the streetscene, extension built under PD rights would have had less of an impact. Concerns of consultations period given.. Revised plans still of a poor standard and contain inaccuracies. Discrepancy between height of dwelling on existing plans and proposed. Window positions not shown.

20 Cave Close – Object. Extension has already been erected and has pronounced negative effect, would like to understand how it has been allowed to get to this stage. Impact on view and affects light and view of no.18. Extension is bad enough without side facing window. With widow looking directly into bedroom situation would be even worse.

37 Brudenell Close – Concerns that new window will overlook.

Cawston Parish Council – Support the objections and concerns already raised. Would appreciate looking carefully at application and ensuring that no precedent is set for future applications.

#### **Relevant Planning Policies/Guidance**

CS16	Sustainable Design and Construction	Complies
T5	Parking Facilities	Complies
E6	Biodiversity	Complies
NPPF		Complies
	Residential Design Guide SPD	Complies

#### **Assessment of Proposal**

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

In terms of the rear extension's effect on the visual appearance of the area, as the length of the extension as built and its overall design is substantially similar to the previous approval, similar considerations apply. In the previous application it was noted that:

*The extension would be visible from the gap between the neighbouring dwelling no. 18 Cave Close and its garage. Due to the orientation of the properties the rear extension would be seen from the fronts of the properties by 16-20 Cave Close. The garage of no.18 serves as a suitable 'stop' at the end of this part of the street, and although the extension would be visible beyond this, it is not considered that the extension would appear incongruous or be so detrimental to visual amenities as to warrant a refusal of planning permission. A park is situated to the rear of the property however the extension is considered to appear acceptable when viewed from this area. Some trees are present along the Eastern boundary to screen the extension from Cawston Grange Drive to an extent, however even though the extension would be visible it is not considered to be harmful to the streetscene. It is also noted that a rear extension of similar visual impact (albeit half a metre shorter and set slightly further away from the boundary), could and may likely be built under Permitted Development provisions as an alternative. The site is near to the edge of the urban area but is comfortably within the boundary. The property is firmly part of overall Cawston development and the extension would not adversely affect the character of*

*the countryside. Overall the extension and its impacts upon visual amenities are considered acceptable.*

The main difference between the previous approval and the current application is that the extension as built has a reduced width due to side element no longer being proposed. It is considered that the above observations are still applicable.

A representation received has commented that an extension built under Permitted Development provisions would have less of an impact than the structure as built, however notwithstanding this the impact of the development upon visual amenities is still considered acceptable.

In terms of the effect on residential amenities, it was considered in the previous application that:

*The rear extension projects 3.5 metres from the main rear wall of the dwelling. The Rugby Borough Council Residential Design Guide states that as a guideline for two-storey extensions, a 45-degree line is taken from 1 metre in from the edge of the neighbouring dwelling, to prevent loss of daylight and overbearing extensions. The proposed rear extension is approximately in line with a 45-degree line from this point. As the property is North facing the impact on direct sunlight is reduced somewhat. While the proposal would still affect light to a degree and would be visible from the fronts of 16 and 18 Cave Close (and from further along the street), it is considered that on balance the impact of the extension upon the amenity of the neighbouring properties is acceptable. An objection received has highlighted that the extension would breach a 45-degree line taken vertically from the nearest window, however this is not the normal method the guideline is applied, and the extension is considered to be in compliance with planning guidance. The accuracy of the 45 degree guideline has also been questioned, however following a further visit to the site for closer inspection it is considered this has been assessed with sufficient accuracy. Overall however, it is not considered that the proposed extension would be significantly overbearing or harmful to residential amenities.*

The current application does have a length of 3.6m instead of 3.5m however the above observations are still considered applicable. The absence of a window in the side elevation facing no.18 does result in a more unbroken mass, however it is not considered that this would be overbearing to the extent of warranting a refusal of planning permission. The extension is also considered to have an acceptable impact upon light reaching neighbouring properties.

The window proposed in the East elevation would look in the direction of the properties on Brudenell Close. Although this window would introduce an angle of overlooking, these dwellings are situated approximately 50m from the window. Due to the distance, it is not considered that the proposal would be demonstrably harmful to the privacy enjoyed by these properties.

Overall it is considered that the extension has an acceptable impact upon neighbouring properties' amenities.

It is also noted that in the event of a refusal of planning permission, the applicant would be entitled to build the extension they already have approval for. The impacts of which are substantially similar on the neighbouring properties.

Concerns have been raised regarding the accuracy of the submitted plans and the internal floor layout. The plans have been drawn to scale and it is considered they are sufficiently accurately to show the development and assess its impacts. Following

submission of the latest amended plans, it has transpired that the dwelling is shown higher on the proposed plans than the existing (and as built). A minor modification for accuracy has been requested. It is considered that notwithstanding this discrepancy, the impacts of the development can be clearly assessed and that neighbours and interested parties have had full opportunity to comment on the scheme (indeed the revised plan would show a reduced overall height and therefore there would not be any increase in the impact).

Only the new proposed window has been shown on the floor plans and not the existing windows, however this is considered acceptable in detailing the proposed development. It is considered that sufficient information has been provided to accurately assess the impact of the development, and the specific use of each of the rooms does not significantly affect the impacts of the development.

A neighbour has commented that they are not familiar with technical drawings and have found the plans difficult to understand. Whilst this is unfortunate, the drawings are nonetheless drawn to an acceptable standard and further information of the size of the development is not required. The exterior of the extension is substantially complete and this also allows observations of the development.

Concerns have been raised regarding the length of time given for comments to be received, however consultations have been done in accordance with legislation and it is considered reasonable opportunity has been given for comment.

With regard to concerns relating to blocked drains, this would be a civil matter to resolve between neighbours, and does not significantly affect consideration of the planning issues in this application.

Overall the proposed alterations are considered acceptable.

### **Recommendation**

The proposal is recommended for approval.

Report prepared by: M Needham 3<sup>rd</sup> June 2013

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R13/0400

#### **DATE VALID**

25/03/2013

#### **ADDRESS OF DEVELOPMENT**

2 CAVE CLOSE  
CAWSTON  
RUGBY  
CV22 7GL

#### **APPLICANT/AGENT**

Mr Phil Godden  
Phil Godden Building Contracts  
Management  
The Cellar  
66 Railway Terrace  
Rugby  
Warwickshire  
CV21 3EX  
On behalf of Mr C Godfrey

### **APPLICATION DESCRIPTION**

Erection of a two-storey rear extension and installation of first floor side facing window

### **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:

Site Location Plan, Existing Plans, 111/A12/C, 111/A14/C received 17th May 2013

Block Plan received 22nd February 2013.

#### REASON:

For the avoidance of doubt.

#### CONDITION 3:

No new windows/rooflights shall be formed in the West elevation of the rear extension..

#### REASON:

In the interest of residential amenity.

#### REASON FOR APPROVAL:

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF. 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. The proposal will retain a satisfactory level of parking and would not be detrimental to highway safety in accordance with saved policy T5 of the Rugby Borough Local Plan 2006 and the NPPF.

#### RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS16, 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](http://www.rugby.gov.uk) or at the Council Offices.

#### INFORMATIVE 1:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and

Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

#### INFORMATIVE 2:

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.

#### STATEMENT OF POSITIVE ENGAGEMENT:

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



**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	12.06.2013
<b>Report Title</b>	Delegated Decisions – 03.05.2013 to 23.05.2013
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Paul Varnish 3774
<b>Report Subject to Call-in</b>	Y
<b>Report En-Bloc</b>	N
<b>Forward Plan</b>	N
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	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 – 12.06.2013**

**Delegated Decisions – From 03.05.2013 To 23.05.2013**

**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: 12.06.2013  
Subject Matter: Delegated Decisions – 03.05.2013 to 23.05.2013  
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.

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\* 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 03.05.2013 TO 23.05.2013

**A. APPLICATIONS – DELEGATED**

<b>Applications Refused</b>		
<i>R12/2217 Refused 17.05.2013</i>	8 Croft Close Wolvey Hinckley	Erection of two-storey side extension.
<i>R13/0636 Refused 20.05.2013</i>	10 Shuckburgh Crescent Rugby	Erection of part two storey and part single storey rear extension.
<b>Applications Approved</b>		
<i>R13/0528 Approved 30.04.2013</i>	24 Main Street Monks Kirby	Erection of a summer house and shed.
<i>R13/0381 Approved 30.04.2013</i>	230 Dunchurch Road Rugby	Erection of a first floor side extension over existing garage.
<i>R12/2345 Approved 02.05.2013</i>	Rugby School Former Bishop Wulstan RC School Oak Street Rugby	Demolition of part of existing wall, formation of new gated vehicular and pedestrian access together with replacement tree planting to provide new entrance to existing school premises from Barby Road.
<i>R13/0624 Approved 02.05.2013</i>	73 Chaucer Road Rugby	Erection of a part single storey part two storey front and side extension, provision of a front bay window and erection of an entrance canopy to front elevation.
<i>R13/0502 Approved 02.05.2013</i>	21 Pytchley Road Rugby	Proposed single storey rear extension (part-retrospective).
<i>R13/0497 Approved 01.05.2013</i>	Land at Gipsy Lane Gipsy Lane Wolvey	Erection of stable building to include 4 stables, tack room and store, and construction of ménage.

<i>R12/1882 Approved 03.05.2013</i>	Land to the North of 69 Hillmorton Road Rugby	Erection of a pair of semi-detached dwellings.
<i>R13/0567 Approved 07.05.2013</i>	7 Bronze Road Cawston Grange Rugby	Resurfacing the existing driveway with permeable block paving (retrospective).
<i>R13/0651 Approved 07.05.2013</i>	11 Elms Drive Rugby	Erection of a first floor side extension.
<i>R13/0278 Approved 08.05.2013</i>	25 Plexfield Road Bilton	Erection of a detached double garage.
<i>R13/0629 Approved 08.05.2013</i>	12 Brambling Close Rugby	Erection of two storey side extension & single storey rear extension.
<i>R12/2039 Approved 08.05.2013</i>	45 Millfields Avenue Hillmorton	Variation of conditions 2, 3, 4, 6 & 7 of planning permission R10/2107 (for the erection of 6 houses and 1 bungalow, provision of new access and relocated parking spaces for existing bungalow, associated works and landscaping) to make alterations to the layout involving the substitution and repositioning of plots, including details relating to external materials, landscaping, boundary treatments and drainage.
<i>R13/0639 Approved 08.05.2013</i>	Gate Farm Wolfhampcote Lane Sawbridge	Amendment to R07/1633/PLN (Erection of a two storey side, first floor rear and a single storey rear extension) comprising provision of a brick chimney in place of a flue.
<i>R12/0677 Approved 08.05.2013</i>	Land adjacent to M6 Montilo Lane Harborough Magna	Erection of a polytunnel and laying of hardstanding (part-retrospective).
<i>R13/0256 Approved 09.05.2013</i>	123 Oxford Street Rugby	Demolition of existing outbuilding and erection of single storey rear extension.
<i>R13/0657 Approved 09.05.2013</i>	Newton House Newton Road Newton	Demolition of the existing conservatory and erection of a single storey rear extension.

<i>R13/0564 Approved 10.05.2013</i>	165 Lawford Lane Bilton	Change of use of the existing playroom area to a hairdressing business.
<i>R12/2033 Approved 10.05.2013</i>	Home Farm Barns 3 Main Street Stretton under Fosse	Change of use of land for use as a private domestic garden (retrospective).
<i>R12/2029 Approved 10.05.2013</i>	2 The Linhay Home Farm Barns Main Street Rugby	Change of use of land for use as a private domestic garden (retrospective).
<i>R13/0708 Approved 13.05.2013</i>	25 Long Furlong Rugby	Proposed single storey rear extension.
<i>R12/1216 Approved 13.05.2013</i>	Land adjacent to Technology Drive (Proposed Public House/Restaurant Site) Rugby	Erection of part two storey, part single storey building for use as a restaurant / public house (Classes A3/A4) with ancillary residential accommodation and associated play area, car parking, drainage, landscaping and external lighting together with associated works.
<i>R12/1744 Approved 13.05.2013</i>	37 Slade Road Rugby	Ground and 1st floor rear extension.
<i>R13/0719 Approved 14.05.2013</i>	17 Lawrence Road Rugby	Single storey rear extension.
<i>R13/0711 Approved 14.05.2013</i>	Hayes Close Mill Farm Mill Row Wolvey	Demolition of existing outbuildings and construct new dwelling and part convert existing steel structure to form new garage block.
<i>R13/0692 Approved 14.05.2013</i>	111 Firs Drive Bilton	Erection of a two storey extension to the side of the existing dwelling.
<i>R13/0460 Approved 14.05.2013</i>	3 Kirby Close Brandon	Proposed render and clad to front of dwelling.
<i>R13/0467 Approved 15.05.2013</i>	4 Park Farm Close Rugby	Conversion of part of existing garage into play room.

R13/0421 Approved 16.05.2013	6 Benches Furlong Rugby	Erection of a two storey side/rear, single storey front and single storey rear extensions.
R13/0358 Approved 17.05.2013	Sainsbury's Store Support Centre Unit 1, Draken Drive Ansty	Erection of conservatory extension to existing staff restaurant.
R13/0477 Approved 17.05.2013	53 Pytchley Road Rugby	Erection of part two storey and single storey rear extension and single storey side extension.
R13/0228 Approved 20.05.2013	Housing 21 Farmers Court Charolais Close Rugby	Use of existing guest suite as an additional one bedroom apartment and conversion of existing assisted bathroom/store to provide guest room.
R13/0681 Approved 20.05.2013	2 Kareen Grove Binley Woods	Proposed loft conversion and creation of additional roofspace with dormers to the front and side elevations, and provision of a side facing rooflight (resubmission of R12/2325).
R13/0747 Approved 22.05.2013	Rugby Christian Fellowship 46 Cambridge Street Rugby	Erection of side extension to existing church hall.
R13/0762 Approved 22.05.2013	P T Engineers Ltd 38 Somers Road Rugby	Proposed first floor extension above retained parking level.
R13/0631 Approved 22.05.2013	Glebe Farm Barn Birdingbury Road Rugby	Formal amendment to planning permission R12/1895 (relating to alterations to external appearance of dwelling), to include additional rooflights and meter housing shed.
<b>Conservation Area Consents</b>		
R13/0052 Conservation Area Consent 02.05.2013	Rugby School Bishop Wulstan RC High School Oak Street Rugby	Application for Conservation Area Consent for demolition of part of existing wall to enable formation of new gated vehicular and pedestrian access together with replacement tree planting to provide new entrance to existing school premises from Barby Road.



<b>Approval of Details/ Materials</b>		
<i>R11/2040 Approval of non- material changes 01.05.2013</i>	The Old Rectory Frankton Road Birdingbury	Listed Building Consent for the erection of a single storey rear extension.
<i>R11/2038 Approval of non- material changes 01.05.2013</i>	The Old Rectory Frankton Road Birdingbury	Listed Building Consent for the erection of a single storey rear extension.
<i>R10/1972 Approval of Details 08.05.2013</i>	Former Peugeot Works Site B, Oxford Road Ryton-on-Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
<i>R11/0514 Approval of Details 10.05.2013</i>	7-15 Hillmorton Road Rugby	Erection of railings and gates to the front of the dwellings.
<i>R10/1281 Approval of Details 14.05.2013</i>	Rugby Gateway Phase R1 Leicester Road Rugby	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<i>R10/0679 Approval of reserved matters 14.05.2013</i>	Land to the SouthWest of 23 Plexfield Road Bilton	Outline Planning application for a detached one and half storey bungalow (approval of access, siting and massing).
<i>R11/2016 (E2E 665) Approval of Details 16.05.2013</i>	Lime Tree Village Cawston Lane Rugby	Discharge of conditions 3-6, 9, 10, 13, 14, 17, 19 & 20 of E2E Ref 665 - Extension to Lime Tree Village to form a Continuing Care Retirement Community (Use Class C2) incorporating a 30 bed Care Home, 47 Extra Care Cottages (Use Class C2), 12 Extra Care Apartments (Use Class C2) associated communal facilities, open space and car parking facilities.
<i>R12/0737 Approval of Details</i>	Land rear of 24 David Road	Erection of detached dwelling in the form of a dormer bungalow.

16.05.2013	Bilton	
<i>R11/1680 Approval of Details 17.05.2013</i>	Land adjacent to Gas Street Gas Street Rugby	Variation of condition 3 of planning permission 430 / R10/0093 (Demolition of existing buildings, erection of 25 dwellings (3 houses & 22 apartments) and associated works.) to require dwellings to be provided to Level 3 of the Code for Sustainable Homes (instead of Level 5).
<i>R13/0337 Approval of non-material changes 17.05.2013</i>	Land East of Calvestone Road Calvestone Road Cawston	Erection of 3 dwellings and associated garages and works - substitution of house types approved under ref. R11/0926 on plot nos. 11, 12 and 47.
<i>R12/0452 Approval of Details 17.05.2013</i>	Sainsbury's Unit 1 & 2 Ansty Park Draken Drive Ansty	Erection of two storey building and use as a Product Development Centre, multi-storey car park, a glazed link between the existing business premises and related ancillary development comprising an energy centre and associated landscaping and drainage provisions.
<i>R10/1972 Approval of reserved matters 20.05.2013</i>	Former Peugeot Factory Plot 3/ Units DC3 & DC4 Site B, Oxford Road Ryton-on-Dunsmore	Approval of reserved matters for Units 3&4/Plot 3 relating to layout, appearance, landscaping and scale (Application D) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].