

2<sup>nd</sup> August 2013

## **PLANNING COMMITTEE - 14<sup>TH</sup> AUGUST 2013**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 14<sup>th</sup> August 2013 in the Council Chamber, Town Hall, Rugby.

### **Site visit**

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

4.00pm      Gate Farm, Main Street, Bourton-on-Dunsmore, CV23 9QX

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 24<sup>th</sup> July 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 – 5<sup>th</sup> July – 25<sup>th</sup> July 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 – 6) 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.*

**AGENDA ITEM 4**

**RUGBY BOROUGH COUNCIL  
PLANNING COMMITTEE – 14<sup>TH</sup> AUGUST 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

<b>Item</b>	<b>Application Ref Number</b>	<b>Location Site and Description</b>	<b>Page number</b>
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### Recommendations for Approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location Site and Description</b>	<b>Page number</b>
2	R12/1456	Gate Farm, Main Street, Bourton on Dunsmore, Rugby Erection of a new dwelling	7
3	R13/0236	Bilton High School, Lawford Lane, Rugby Construction of new sports hall and sports hall facilities building, parking facilities and associated works	19

**Reference number: R13/1276**

**Site address: 61 Browning Road, Hillmorton**

**Description: Single storey rear extension**

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

**Site Description**

The site is located in Hillmorton which is within the Rugby Urban Area. The dwelling sits at the end of a cul-de-sac abutting a circular turning area with the houses being similar styled pairs of semi-detached properties. The applicant's property has a parking area to the side leading to a garage. The rear boundary of the property backs on to a wooded area that forms part of the buffer between the dwellings here and the railway line.

**Proposal Description**

The application is seeking permission for the erection of a single storey rear extension which measures 5.7m in width with a depth of 4m. The roof is styled like a flat roof but there is a slight slope in it meaning a difference in height of 0.1m from the front eaves to where it joins the main house.

**Relevant Planning History**

N/A

**Technical Consultation Responses**

WCC Ecology – If any scrub vegetation requires removal we would recommend that a note to highlight to protected status of nesting birds is attached to any permission granted (25/7/13)

**Third Party Responses**

Cllr Sewell – I would request that it be submitted to the Planning Committee for discussion and subsequent approval/refusal (30/7/13)

Parish – no response received to date (consultations expire on the 30/7/13)

Neighbours – no response received to date (consultations expire on the 30/7/13)

**Relevant Planning Policies and Guidance**

Core Strategy

CS16 Complies in part Sustainable Design

Saved Local Plan Policies

E6 Complies Biodiversity

National Policy

National Planning Policy Framework (NPPF)

Guidance

Sustainable Design and Construction SPD

## **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 area, amenity of neighbouring properties and impact on protected species.

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

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Similarly, the Sustainable Design and Construction Supplementary Planning Document states that the siting, size and design of an extension must not dominate the existing building and should be sympathetic with and appear subservient to the original dwelling. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design.

The proposed extension is located to the rear of the building and therefore will not have an impact on the streetscene. Although flat roofs are generally discouraged the current proposal cannot be seen from any public vantage points. Aside from this the design of the proposal is in keeping with the dwelling and the rest of the street therefore I consider that the extension is acceptable having regard to Policy CS16, the design SPD and Paragraphs 56 and 57 of the NPPF.

### 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.

Under the updated permitted development rights the applicant initially applied for a similar extension but withdrew the application as the height exceeded the maximum eaves height of 3m. This current scheme is the same proposal. Whilst under the prior notification system the proposal would not require further assessment unless neighbour objections were received, this proposal has been submitted through the formal application process and therefore is subject to the standard assessments. The applicant could reduce the height of the proposal down by 0.1m to meet the requirements of permitted development and re-apply through the prior notification process.

The neighbour I have had most regard to is the adjoining property no. 59. This property mirrors the applicant's dwelling in layout although there is a conservatory on the rear which extends approximately 2m from the rear wall. I have applied the 45 degree test from the kitchen window of the neighbouring property which I found was contravened on the proposal, however having regard to the orientation of the dwellings whose rear elevations face north I do not consider there would be an unacceptable loss of light. I do though consider that the proposal will have an unacceptably overbearing impact on the kitchen and dining room of no. 59 as well as the amenity area immediately to the rear of the property. The proposal will extend for 2m beyond the rear of the neighbour's conservatory and at a higher height. The expanse of solid brick wall from the extension would in my opinion create an oppressive feature causing an overbearing effect on no. 59 contrary to Policy CS16.

### Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. 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 suggested that an advisory note is attached to any permission granted. Based on this advice I am satisfied the proposal would not have an adverse impact on protected species having regard to Policy E6 and Paragraph 118.

**Recommendation:**

Refuse planning permission

**Draft Decision**

**APPLICATION NUMBER**

R13/1276

**DATE APPLICATION VALID**

09/07/2013

**ADDRESS OF DEVELOPMENT**

61 Browning Road  
Rugby  
CV21 4BU

**APPLICANT/AGENT**

Mr Paul Robinson  
Rbstudio Ltd  
Rbstudio Ltd  
21a Haven  
Road  
Poole  
Dorset  
BH13 7LE  
On behalf  
of Mr  
Matthew  
Robinson

**APPLICATION DESCRIPTION**

Single storey rear extension

**REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES**

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

CS16, E6, the National Planning Policy Framework and the Sustainable Design and Construction SPD

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:**

The proposal due its siting, size, massing and position is considered to be an un-neighbourly form of development which will cause an unacceptably overbearing impact on the rear kitchen and dining room windows of no. 59 Browning Road as well as the amenity area immediately at the rear of the property. The proposal is therefore contrary to policy CS 16 of the Borough Core Strategy 2011 and also the Sustainable Design and Construction SPD [Residential Extension Design Guide], which seeks to ensure the amenities of neighbouring occupiers are safeguarded, and the NPPF which seeks to ensure that new development is of an inclusive design that creates comfortable places to live work and visit.

**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 a suitable compromise could not be reached.

**Reference number: R12/1456**

**Site address: Gate Farm, Main Street, Bourton on Dunsmore, Rugby**

**Description: Erection of a new dwelling**

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

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

### **Site Description**

Gate Farm is located on the edge of the local need settlement of Bourton on Dunsmore within Green Belt; however the site itself is located just inside the village boundary.

The site is a narrow site situated between the access drive to Gate Farm and the neighbouring boundary with Ashmore. The neighbouring property Ashmore is a large two storey dwelling and forms one of the most recent developments in the village.

The farm itself consists of several different buildings with the main farm house being the focal point. It is evident from site and from the planning history within this report that there have been several alterations to the farm buildings including the division of the farm house into two and the conversion of the barns into separate residential units.

The site allocated for the proposed dwelling is to be situated to the front of the farm house on the opposite side of the access driveway. The character and appearance of the area is one of a small rural village however the houses on approach into the village are large detached houses with the village hall, the exception to the case, positioned on the corner opposite.

### **Proposal Description**

The proposal is for the erection of a detached dwelling. The dwelling is being provided to allow the applicants daughter to stay within the village and to give her some independence within an affordable house.

The proposed dwelling is a two bedroom house and stands two storeys high. The dwelling situated on a long and narrow site follows the same shape with gable ends either side. The principle elevation of the building does not face out onto the highway, Main Street, but inwards towards the driveway it will be accessed off. Due to this orientation the house will be facing on coming traffic as you enter the village from the Straight Mile.

The side elevation facing out onto Main Street will not be blank and will have windows in both at ground floor and first floor. The other side elevation follows suit however with the exception of a small ground floor projection.

Off street parking will be provided the side of the dwelling closest to Main Street, however will be accessed from the driveway rather than straight out onto the main road. The private amenity space will be provided to the other side of the dwelling

furthest away from the highway. The rear of the house is tight up to the boundary with the neighbour therefore not allowing for any rear amenity space.

### **Relevant Planning History**

R05/1059/11518/PLN - Conversion of existing agricultural building to residential use – Approved 25/11/2005

R06/0039/PLN - Conversion of the existing barn and attached building for use within Classes B1 (offices/light industry), B2 (general industry) and B8 (warehouse/distribution centre) of the Town and Country Planning (Use Classes) Order 1987 (Resubmission) – Approved 22/02/2006

R07/0372/OP - Outline application for erection of a dwelling – Refused Permission 05/04/2007

R10/0480 - Sub division of existing farmhouse into 2 dwelling and formation of new vehicular access – Approved 19/08/10

R10/2120 - Conversion of barns to form 3 residential dwellings including demolition of modern agricultural barn and erection of garage block – Approved 05/11/10

### **Technical Consultation Responses**

Tree Officer – No objection subject to conditions

Environmental Services – No objection subject to conditions

WCC Ecology – No objections subject to informatives

WCC Highways – No objections subject to conditions

Severn Trent – No objections

### **Third Party Responses**

Neighbours – Objections

- No more housing should be allowed in the village especially in the area near Gate Farm and the village hall opposite
- Lack of proper drainage
- Inadequate sewerage system
- Negative impact on the rural landscape
- Dwelling will be partially in the Green Belt
- Flooding has recently been a major issue and will only get worse as there doesn't seem to be any plans to improve drainage.
- Potential traffic issues at the junction opposite the property
- This end of the village is becoming overdeveloped and affecting the rural landscape
- Recent development at Gate Farm could have been done for their daughter, however it was sold, this would have been the ideal opportunity to do it instead of building yet another dwelling.

- Why has the needs changed from the previous planning application submitted (which was declined from that of special needs to that of affordable housing/local connection criteria.
- A hedgerow demarcates the village boundary and that is still in situ, the dwelling will be outside of this and therefore the village
- Would a restriction upon future sale price or who the house can be sold to going to be put upon the new dwelling
- There is a restrictive covenant which expressly prohibits any development without all parties consent.
- The land to where the house is intended to be built has been recently used as a scrap storage area and has contaminated this and surrounding land
- The dwelling would impact on the light into garden, have an overbearing impact and would overlook neighbouring dwellings.
- Concerned the trees to the front will not survive due to the closeness of the dwelling.
- Levels of noise and light pollution would increase

#### Parish Council – Objection

- The proposed development straddles the village envelope, thus infringing in part on the Green Belt
- The development is contrary to know covenants restricting development without written agreement from other residents
- The development would overlook existing dwellings
- The area is known to be flood prone, especially now that the ditch has been interfered with
- The size and location of the planned dwelling with adversely affect the character of the area
- It is adjacent to a busy and badly laid out road junction
- The plans are inaccurate and carry no dimensions to the proposed property
- The parish already has a ready turnover of modestly priced homes. The applicants original home was sub divided and could have provided a home for the daughter but half was sold.
- In the last 10 years the number of homes has increased by 35% and is set to further increase with barn conversions already approved.
- Housing needs survey carried out in 2007 had no supporters of social housing respond giving the parish the impression that it was not a priority.
- Gate Farm originally contained 1 dwelling which has been subdivided and extended to make 3. The barn conversions will add another 3 and the new dwelling will make 7 which is regarded as gross overdevelopment of the site.

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

##### Core Strategy

CS1 – Development Strategy  
 CS16 – Sustainable Development  
 CS19 – Affordable Housing  
 CS20 – Local Housing Needs

##### Saved Polices of the Local Plan 2006

E6 – Biodiversity  
 T5 – Parking Facilities

## Guidance

### Rugby Borough Planning Obligations SPD

#### **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of building a new dwelling within a local needs settlement, the impact on the character and appearance of the area, the impact on neighbouring amenities and the impact on biodiversity, highway safety and trees.

#### **The principle of development**

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy. The policy categorises Thurlaston as a Local Needs Settlement therefore small scale residential development, such as that proposed, is permitted where it satisfies a locally identified need and the criteria contained within Policies CS1 and CS20: Local Housing Need.

Policy CS19, Affordable Housing, states that Local Housing Need dwellings will be provided in accordance with CS20 and contribute to the achievement of the affordable housing provision target.

Policy CS20 supports the strategy set out in CS1. The policy states that in local need settlements such as Thurlaston, only housing that meets locally identified needs will be permitted on sites smaller than 0.2Ha. The Need will be judged with reference to the circumstances of the proposed resident including;

- The suitability of present accommodation to meet the need and whether it can be converted to meet it; and
- Whether the need can be met from the existing housing stock.

For an individual to claim to have a housing need they must have an established local connection. From the submitted information it is apparent that the proposed resident has lived in the Parish in excess of 5 years out of the last 20 and therefore meets the local connection criteria contained within Policy CS20.

Para 9.13 of the Core Strategy and Para 3.2 of the Housing Needs SPD (2012) set out the three distinct categories which local housing needs fall into, these are, affordable housing for local people, market housing for local people and specialised types of housing for local people.

In the absence of an up to date Housing Needs Survey for the Parish, the agent has submitted information which sets out the affordable housing need of the proposed dwellings resident Ms Amy Wells. This information, verified by Rugby Borough Council, outlines Ms Wells unique financial position and demonstrates that there is a lack of affordable properties in the parish or adjoining parishes to meet her need.

In conclusion, residential development such as that proposed is permissible in line with the strategy set out within Policy CS1 and supported by CS20 of the Core Strategy. The submitted information sufficiently demonstrates that Ms Amy Wells meets the Borough Council's Local Connection Criteria and that there is currently a lack of affordable properties to meet her housing need. Should this application be

approved, subject to other material considerations, the applicant will be required to enter into a Section 106 Agreement. This legal agreement will ensure that the dwelling remains both affordable and occupied by a local person, as per Policy CS20, in perpetuity.

With regards to the issues of the dwelling straddling the village boundary raised by the neighbours and the parish council, the Council's records and defined village boundary on the mapping system indicates that the dwelling is just within the confines of the village boundary therefore not within the Green Belt and an appropriate form of development.

### **Character and Appearance**

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 section of street scene to which the new dwelling will be situated is characterised by large detached houses which are mainly gable ended. The exception to the case is the village hall located opposite the site which is a long narrow building. The proposed dwelling due to the constraints of the site is also a long and narrow building and when viewed in context with the village hall they could be both seen as book ends to development within the street scene and the village boundary.

The design and appearance of the dwelling itself would be in keeping with the design of the neighbouring housing with a gable ended frontage, small front dormer and similar eaves levels. The proposed dwelling is to sit forwards of the neighbouring house Ashmore by approximately a metre. There is no strict building line within the street with the row of 6 detached dwellings all set forwards and back from each other, therefore, the forward projecting nature of the dwelling will not appear out of sync and will follow the pattern of development.

There has been a concern raised regarding the overdevelopment of Gate Farm. The farm house has been divided into separate dwellings and the farm buildings converted into dwelling houses. These buildings are all set back away from the road so are not viewed in context with the street scene. The new dwelling will be the first new build within the curtilage of Gate Farm and would be set away from the existing buildings closer to the road and more in context with the street scene. Due to the distance between the buildings and with this being the only new build it would not constitute over development of site.

Taking into account the above it is considered that the proposed new dwelling would comply with policy CS16 of the Core Strategy 2011.

### **Impact on neighbouring amenities**

Policy CS16 continues to state that development ensure that the amenities of existing and future neighbouring occupiers are safeguarded

The proposed new dwelling will be sited close the boundary with the neighbouring property Ashmore and it will project beyond the first floor element of the neighbouring house and will project level with the single storey conservatory to the rear. The proposed dwelling will be located to the north of Ashmore so will have minimal impact in terms on light lost to the neighbouring amenity space and rooms.

When adopting the 45 degree code from the first floor bedroom window the proposed dwelling would not conflict with this code therefore having a minimal impact on the neighbouring amenities.

It has been stated within the neighbouring objections that the new dwelling would overlook the surrounding neighbouring properties. The windows to the side of the new dwelling will have a similar relationship to the neighbouring property that most dwellings have with their neighbours so this is not seen as an overlooking aspect which would have a significant impact. The only window at first floor level that will be to the front of the dwelling is that of a landing which is classed as non-habitable. The window will overlook towards the gardens of the main farm house of Gate Farm, and would be of a distance of approximately 5 metres away (the width of the access) however due to the status of the window as a non-habitable room the loss of privacy would be greatly reduced therefore deemed to have minimal impact on the neighbouring amenities.

Taking into account the above it is considered that the proposed dwelling would have minimal impact upon the neighbouring amenities complying with policy CS16 of the Core Strategy 2011.

### **Flooding and Sewage**

There has been concerns raised from local residents and the parish council regarding the localised flooding and the pressures put upon the existing sewage system.

Whilst localised flooding is a concern for the residents the site is not within a flood zone and is less than 0.1 ha in size therefore is not something that Environment Agency comment upon. It is understood from the third party comments that the localised flooding is caused by the geology of Dunsmore Heath and the topography of the land which surrounds the village. It has been further stated that the site in question floods due to a combination of the reduced effectiveness of the rear land drains and the removal of the historic boundary ditch. The Council are of the opinion that if the site is adequately drained the development of this strip of land with a single dwelling house would not exacerbate the existing situation. The applicant has indicated that water would be disposed of via a soakaway however taking on board the concerns raised about the drainage it is recommended that in order to ensure that the site is adequately drained, not to add to the problems already suffered in the locality, a condition has been attached to the recommendation requesting details of drainage to be submitted and agreed with by the Local Planning Authority.

With regards to the sewage system the applicants have indicated that foul sewage is to be disposed of via a package treatment plant. As part of the process Severn Trent were consulted and they have no objections to the application however taking on board the residents comments regarding the issues with the existing sewage system and in order to ensure that an adequate sewage system is chosen and provided a condition has been attached to the recommendation requesting details so they can be agreed in writing by the Local Planning Authority.

### **Other Considerations**

The proposed new dwelling will be situated in close proximity to a tree which sits towards the frontage of the site. Although within the application form the applicant has specified the tree will remain it is of the opinion of the Councils tree officer that

the proposed development would put undue pressure on this tree and it would be in the best interest that it be removed. Although it is the suggestion that the tree be removed it is also the suggestion that replacement trees be planted in place to still provide a landscaped appearance to the front of the site. The suggestion of planting replacement trees would enhance the appearance of the street scene and a condition has been added to request a landscaping scheme be submitted and agreed in writing by the Local Planning Authority before development commences.

The neighbours and parish council allude to a covenant upon the land stating that development only be undertaken with the agreement of other residents upon the land. This covenant would not impact upon whether or not the development is acceptable against the planning policies listed above and would be a civil matter between the applicants and any other person affected by the covenant.

### **Recommendation**

Grant Permission Subject to Conditions and a Section 106 Agreement which seeks to ensure the dwelling remains both affordable and occupied by a local person in perpetuity.

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R12/1456

#### **DATE VALID**

21/02/2013

#### **ADDRESS OF DEVELOPMENT**

LAND AT GATE FARM  
MAIN STREET  
BOURTON ON DUNSMORE  
RUGBY  
CV23 9QX

#### **APPLICANT/AGENT**

Mr Alan Pearson  
Rci Design Ltd  
156 Hawkes Mill Lane  
Allesley  
Coventry  
West Midlands  
CV5 9FN  
On behalf of Mrs Wells

#### **APPLICATION DESCRIPTION**

Erection of a new dwelling

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

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

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

##### **REASON:**

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

**CONDITION: 2**

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

**REASON:**

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

**CONDITION: 3**

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.

**CONDITION: 4**

No 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 which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION: 5**

Prior to the commencement of the development details of the design measures including to be incorporated into the construction of the dwelling, to ensure the following internal noise levels in all habitable areas with external windows and doors kept shut, whilst maintaining adequate ventilation in accordance with the Building Regulations in force at the time of construction shall be submitted to the Local Planning Authority for prior approval. Thereafter the approved details shall be implemented in full prior to the development becoming occupied and shall thereafter be permanently maintained in full accordance with the approved details

**REASON:**

To safeguard the amenities of the occupier

**CONDITION: 6**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

**REASON:**

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

**CONDITION: 7**

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

**REASON:**

In the interest of health and safety.

**CONDITION: 8**

The dwelling hereby permitted shall not be occupied until the vehicular has been improved by way of being hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway.

**REASON:**

In the interest of Highway Safety

**CONDITION: 9**

Gates and barriers opening into the site shall not be placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway, and shall open inwards (away from the carriageway)

**REASON:**

In the interest of highway safety

**CONDITION: 10**

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

**REASON:**

In the interest of highway safety

**CONDITION: 11**

The development hereby permitted shall not be occupied before the highway (verge/footway) 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 interest of highway safety

**CONDITION: 12**

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

**REASON:**

In the interest of highway safety

**CONDITION: 13**

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 and D 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: 14**

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:

Drg No. 7305-01 Rev A received by the Local Planning Authority on the 21st February 2013

**REASON:**

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

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**INFORMATIVE: 1**

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (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: 2**

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

**INFORMATIVE: 3**

In view of the pond nearby, care should be taken when clearing the ground prior to development. Good practice includes not leaving piles of bricks, or tiles etc. lying around as newts may attempt to take refuge and/or overwinter in them, storage of building materials above ground on pallets and putting building waste into skips. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523

**INFORMATIVE: 4**

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: 5**

The applicant is respectfully advised that if 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. WCC Ecological Services would be pleased to advise further regarding which species if required (01926 418060)

**INFORMATIVE: 6**

With regards to condition 5 internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided.

30 dBLAeq 16 hour between 07:00 and 23:00 hours

30 dBLAeq between 23:00 and 07:00 hours

45 dB LAMax between the hours of 23:00 and 07:00

**Reference number: R13/0236**

**Site address: Bilton High School, Lawford Lane, Rugby, CV22 7JT**

**Description: Construction of new sports hall and sports hall facilities building, parking facilities and associated works.**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

**Description of site**

This application relates to land within the grounds of Bilton High School. The site comprises the existing sports hall, areas of car parking, a basketball court and areas of landscaping. The school has advised that the tarmac basketball court is not currently used due to health and safety issues.

The existing sports hall is dated and is in poor state of repair. This building is constructed of brick, timber and fibre cement cladding with a flat roofed single storey element to the side containing changing facilities.

There are residential properties on Lawford Lane to the east of the site, there is grassed area adjacent to the boundary and a green palisade boundary fence.

The school playing field is to the south of the site with open space in Cawston Grange beyond this.

**Description of proposals**

This application is for a replacement sports hall and a replacement sports facilities building, this will include changing facilities, a reception, gym and dance studio.

The main sports hall building will be located further south than the existing sports hall and will be set at 90 degrees to this. The facilities building will replace the existing changing area and will infill an open area between this and other school buildings.

The site of the existing sports hall and basketball court area will be used to provide 56 additional car parking spaces, increasing the parking on site from 78 to 134 spaces.

The main sports hall building will be around 12m high, this includes a parapet wall around the roof which will screen any plant and equipment required. This will be built of coloured cladding panels with a tall glazed window on the corner.

The facilities building will be linked to the main sports hall by a glazed area. The facilities building will be around 6.8m high, a similar height to nearby school buildings and this part of the building will be white render. Facing the car park coloured panels between windows will reflect the colours of the main sports hall building.

The applicants have advised that outside of school hours the buildings will be available for use by the general public.

**Planning history**

The school has an extensive planning history relating to various works and buildings erected in the past. However, this is not directly relevant to the proposals.

### Third party comments

None received

### Technical consultation responses

Severn Trent	No objection	Subject to condition
Sport England	No objection	Disappointed width of hall does not meet best practice
WCC Ecology	No objection	Subject to informatives
WCC Archaeology	No objection	Subject to condition
WCC Highways	No objection	Subject to conditions
Environmental Health	No objection	Subject to conditions & informatives
Tree Officer	No objection	Subject to condition

### Relevant policies and guidance

Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS11	Complies	Transport and New Development
CS13	Complies	Local Services and Community Facilities
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

Rugby Borough Local Plan 2006 – Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking Facilities

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

National Planning Policy Framework, 2012

### Assessment of proposals

The key issues to assess in relation to this application include whether the proposals are acceptable in this location and whether there will be an adverse impact on visual amenity, neighbouring properties or highway safety.

The site is located within the Rugby Urban Area which is defined in policy CS1 as the principle area for development. Paragraph 74 of the National Planning Policy Framework refers to sports and recreational buildings and states these should not be built on unless the development complies with a range of criteria including that the loss would be replaced by an equivalent or better provision in a suitable location.

The proposal would replace the existing sports hall with a more modern usable hall and would add additional sports provision in the dance studio and gym. Although an existing tarmac basketball court will be lost this is in a poor condition and is not used as it has health and safety issues. Sport England did not object to the application and the principle of development is considered acceptable in accordance with policies CS1 and the NPPF.

Sport England expressed disappointment that the replacement sports hall will not meet their current guidelines of a 20m width as the proposed width is 18m. The applicant advised the width of the hall is limited by budget constraints; however the school discussed the proposals with possible users including hockey and badminton groups who do not object to the proposed size.

Although the proposals are required to serve the school the applicant has advised that the facility will also be open to members of the public outside of school hours and at weekends. Policy CS13 refers to new community facilities and states these will be permitted within the urban area provided they are readily accessible, are a reasonable size to serve the local population and will not impact on the vitality and viability of the town centre. It is considered that the proposals comply with these criteria and the principle of the development complies with policy CS13.

The impact of the proposal on the visual amenity of the area must be assessed. The building comprises 2 distinct elements, linked by a glazed area.

The sports hall building is, by necessity, a large boxy building. The building has been designed to allow the hall to meet the size requirements of county level badminton and the local hockey club. This part of the building will be constructed of cladding and blockwork with a tall glazed window to one corner. To break up the large elevations, reduce maintenance and to give the building a modern and innovative design it is proposed to use a range of different coloured cladding panels. The cladding panels are proposed as a mix of 2 greens, pink, purple and white which reflect the school colours. These give a modern and striking appearance and provide a contrast between the new and old buildings on the site.

The sports facilities part of the building will be a lower level and will be predominantly constructed of white render. This will have dark grey aluminium windows with coloured panels between which will reflect the colours used on the sports hall building.

It is accepted that the design of the building, particularly the sports hall element, is unusual. However, it will be sited within the existing school grounds and will not be overly prominent or intrusive in the street scene. The building will also be visible from the footpath in Cawston Grange to the other side of the playing fields. For this area the building will be seen in association with the existing school buildings and from a significant distance away.

It is considered that the proposed building will have a distinct identity, reflecting its use as part of the school. Although it is an unusual design, due to the siting it is considered that the development will not create an incongruous or inappropriate feature within the street scene and the relevant part of CS16 is complied with.

This policy also states that development should not have an adverse impact on neighbouring residents. At its closest point the building will be around 55m from neighbouring dwellings, this is further than the existing sports hall which is around 50m from neighbours. Given this level of separation it is not considered there will be an adverse impact on neighbouring properties in terms of loss of light or sense of enclosure.

The current sports hall is currently in a poor condition and does not meet current standards in relation to noise insulation. The applicant has advised that the building will be open to the public and will be open 6.00am – 10.00pm Monday – Saturday and 10.00am – 6.00pm Sunday.

Environmental Health have raised no objection to the proposed hours of operation and it is therefore considered the impact on neighbours is acceptable in accordance with CS16.

Policy CS16 also states that development should incorporate sustainable drainage systems and should meet the water conservation standards of BREEAM very good standard. The application form states that soakaways will be used and the water conservation can be secured by condition. It is therefore considered that the proposals comply with policy CS16.

Policy CS17 requires buildings with over 1000 square metres of non-residential floorspace incorporate equipment to reduce carbon emissions by at least 10%. This can be controlled by condition and is in accordance with this policy.

The proposals will provide additional car parking resulting in an increase of 56 spaces. Based on the increased size of the sports hall and the addition of the gym and dance studio the Council's parking standards, contained within the Planning Obligations SPD would require an additional 21 spaces. The proposals clearly exceed this requirement and will also provide additional parking for the school. Cycle parking is already provided on-site in a purpose built shelter and this is considered acceptable. Saved policy T5 is therefore complied with.

The Highway Authority, Warwickshire County Council initially objected to the application as information had not been provided regarding possible increased vehicle movements and the applicants intention to use an existing access to Lawford Lane, closer to Bilton, for construction vehicles.

The proposed construction access currently exists and there are no planning restrictions preventing the use by the school. If the use of this access was considered to cause a highway safety issue or damage to the public highway Warwickshire County Council, as highway authority, would have the power to prevent the use of this access. In this case the construction traffic would have to use the existing school entrance.

Revised comments from Warwickshire County Council suggested a range of conditions relating to the use of the access as they consider that, from a highway point of view, it cannot be used unless works to improve the access have been carried out. As detailed above the use of the access, in its current form cannot be prevented by the Local Planning Authority and it is not considered that the conditions as requested by the County are reasonable or meet the tests in the conditions circular. Instead a condition is proposed requiring full details of the construction traffic arrangements to be agreed with the Council prior to the development commencing. This will allow this Council and Warwickshire County Council to ensure they are satisfied with whatever access arrangements are proposed and any works required in relation to these.

As the proposals increase the size of the sports hall and include the addition of the gym and dance studio Warwickshire County Council comment that this could lead to increased traffic outside of school hours. They consider that this is particularly relevant if classes are run for children who may be dropped off and then collected leading to additional vehicle movements. As the facility has not yet been constructed the applicants are unsure as to which groups are likely to use the facilities. However, they provided additional information to Warwickshire County Council explaining it is likely that both adults and children will use the facility, probably for hour long bookings and it is possible that the facility may be hired for competitions.

Based on the additional information provided Warwickshire County Council comment that the proposed development could operate without the need to upgrade the

existing access to the car park or highway network. The proposals therefore comply with policy CS11.

The proposals will have a minimal impact on trees. One cherry tree is proposed for removal due to being in a poor condition and 2 birch trees are to be removed to allow the development. The Council's Tree Officer has no objection to the proposals subject to a condition regarding tree protection. A small grassed area between existing buildings is to be removed although no other landscaping is affected, including that on the site boundaries which will remain. The proposals therefore comply with saved policy GP2.

Environmental Health have requested conditions regarding the submission of an asbestos survey of the existing building, the management of dust, hours of construction and demolition, mechanical plant and external lighting.

In relation to protected species WCC Ecology raise no objection to the proposals but request informatives relating to bats, nesting birds and native species. Subject to these informatives the impact on protected species is considered acceptable in accordance with saved policy E6.

**Recommendation**  
Approval

### **DRAFT DECISION**

**APPLICATION NUMBER**  
R13/0236

**DATE VALID**  
03/06/2013

**ADDRESS OF DEVELOPMENT**  
BILTON HIGH SCHOOL  
LAWFORD LANE  
RUGBY  
CV22 7JT

**APPLICANT/AGENT**  
Chris Holder  
Baily Garner Llp  
55 Charlotte Street  
Birmingham  
B3 1PX  
On behalf of Ms S Miller, BILTON SCHOOL

### **APPLICATION DESCRIPTION**

Construction of new sports hall and sports hall facilities building, parking facilities and associated works.

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

#### CONDITION: 1

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

#### REASON:

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

#### CONDITION: 2

The development shall not be carried out other than in accordance with the plans received by the Local Planning Authority on 1st June 2013: Site Plan - 26101/P102,

Elevation drawings - 26101-P103 and GA Section - 26101-P106 and the amended plans received by the Local Planning Authority on 25th July 2013: Elevation drawings - 26101-P104/A, Ground floor plan - 26101-P100/A and First floor plan - 26101-P101/A.

**REASON:**

For the avoidance of doubt.

**CONDITION: 3**

Unless otherwise agreed in writing by the Local Planning Authority the metal coloured panels to be used in the proposed development shall be Reynobond/Reynolux panels as received by the Local Planning Authority on 5th July 2013.

No development shall commence unless and until details of the proposed render and fairface blockwork, including samples, have been submitted to and approved in writing by the Local Planning Authority.

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

**REASON:**

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

**CONDITION: 4**

No 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 which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION: 5**

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

**REASON:**

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

**CONDITION: 6**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

**REASON:**

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

**CONDITION: 7**

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

**REASON:**

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

**CONDITION: 8**

Prior to the first occupation of the building, details of the equipment and technology to be incorporated to achieve carbon emission reductions shall be submitted to the Local Planning Authority in writing and include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented prior to the first occupation of the building in accordance with this approval and shall be retained in working order in perpetuity.

**REASON:**

To ensure energy efficiency is achieved through sustainable design and construction.

**CONDITION: 9**

All tree protection measures and tree removal works identified within the arboricultural report/tree protection plan relating to the approved design details (including the erection of protective fencing as per BS5837:2012 - Trees in relation to design, demolition and construction: recommendations) shall be implemented prior to the construction phase. Protective measures shall remain in place until completion of all construction works. Root protection areas shall be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

**REASON:**

To protect all retained trees during the construction phase.

**CONDITION: 10**

No development, including demolition, shall commence unless and until an Asbestos Survey of the existing buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interests of health and safety.

**CONDITION: 11**

No development shall commence unless and until details of Dust Mitigation Measures have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of health and safety.

**CONDITION: 12**

Demolition, construction work (excluding work inside of the proposed building) and deliveries shall 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.

**REASON:**

In the interest of residential amenity.

**CONDITION: 13**

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. Equipment shall not be installed other than in accordance with the approved details.

**REASON:**

In the interests of the amenities of neighbouring properties.

**CONDITION: 14**

No development shall commence unless and until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Local Planning Authority.

The building shall not be first occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

Such areas shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

**REASON:**

In the interest of highway safety.

**CONDITION: 15**

No development shall commence until full details of the proposed construction traffic arrangements have been submitted to and approved in writing by the Local Planning Authority.

These details shall include details of the proposed routing of construction traffic, construction access and egress, any works required to form or improve the access and egress and reinstatement after use, construction traffic car parking, manoeuvring, turning and service areas, including surfacing, drainage and levels, hours of deliveries and any fences or gates proposed.

The development shall not be carried out other than in accordance with the approved details with the approved areas retained for the parking and manoeuvring of vehicles during construction.

**REASON:**

In the interest of highway safety.

**CONDITION: 16**

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

**REASON:**

In the interest of highway safety.

**STATEMENT OF POSITIVE ENGAGEMENT:**

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

**INFORMATIVE: 1**

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

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

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

**INFORMATIVE: 2**

The applicant is respectfully advised that if 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. WCC Ecological Services would be happy to provide further advice if required (Tel: 01926 418060).

**INFORMATIVE: 3**

The value and usefulness of the asbestos survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used by the surveyor. Information on the location of all Asbestos Containing Materials (ACMs), as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on the survey scope will reduce the extent to which ACMs are located and identified, incur delays and consequently make managing asbestos more complex, expensive and potentially less effective.

It should be noted that demolition contractors are required to inspect a site. Where the presence of asbestos is suspected then the Health and Safety Executive (HSE) and Environment Agency has to be notified and special waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a designated waste management site licensed to take asbestos. A consignment note for the national inspectorate is required for each load and a paper trail of movements of such waste is kept.

**INFORMATIVE: 4**

The dust mitigation measures should detail how dust will be managed, abated and prevented from migrating off the development site and impacting on local

surrounding receptors and the road network. It is the expectation of Rugby Borough Council that screening boards are utilised on site before development commences to help prevent dust from migrating off site. These also have the benefit of screening and improving security of the site as well potentially reducing noise travel.

**INFORMATIVE: 5**

Demolition is not recommended during school term periods when pupils are present.

**INFORMATIVE: 6**

The applicant is advised to give due regard to the advice contained in BS5228:2008 Noise and vibration control on construction and open sites.

This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
- Eradicate offensive behaviour and language from construction sites
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN Tel 0800 783 1423  
[www.considerateconstructors.co.uk](http://www.considerateconstructors.co.uk)

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

**INFORMATIVE: 7**

The applicant shall demonstrate that such lighting conforms to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light' in order to protect residential amenity and minimise the likelihood of light nuisance complaints.

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

**INFORMATIVE: 8**

In relation to the construction details required by condition 15:

- any works to the highway required for construction should be reinstated within 1 month of the buildings first use;
- if the swept path of the largest vehicle to visit the site is within 500mm of a lamp column this will need to be relocated at the applicants' expense;
- no gates shall open within 6.0m of the near edge of the public highway carriageway.

**INFORMATIVE: 9**

Prior to any works commencing on site, the applicant shall enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980 to ensure any damage to the public highway as a result of construction traffic using the proposed access is repaired at the cost of the applicant.

The applicant / developer will be required to survey the existing condition of the local highway / carriageway with the Area Team, due to the construction period significantly increasing movements of large vehicles in and around the site. The Area Team may be contacted by telephone: (01926) 412515.

**INFORMATIVE: 10**

Condition 15 may require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. 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. 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.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	14.08.2013
<b>Report Title</b>	Delegated Decisions – 05.07.2013 to 25.07.2013
<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 – 14<sup>th</sup> August 2013**

**Delegated Decisions – From 05.07.2013 To 25.07.2013**

**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: 14.08.2013  
Subject Matter: Delegated Decisions – 05.07.2013 to 25.07.2013  
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 05.07.2013 TO 25.07.2013

**A. APPLICATIONS – DELEGATED**

<b><i>Applications Refused</i></b>		
<i>R13/1072 Refused 05.07.2013</i>	Stoney Grey Oxfrod Road Ryton on Dunsmore	Erection of an enclosed swimming pool (resubmission of previously refused planning application R12/1615 dated 02/01/2013).
<i>R12/2278 Refused 16.07.2013</i>	Rear of 41 Park Road Rugby	Extension and alteration of existing building to create 4no. apartments and an additional retail unit, together with associated works.
<i>R13/1083 Refused 16.07.2013</i>	47 Coton Road Hillmorton	Insertion of dormer window extension to form landing and bedroom.
<i>R13/0519 Refused 17.07.2013</i>	17 Crowthorns Brownsover	Retention of fencing to front of dwelling.
<i>R13/1113 Refused 18.07.2013</i>	53 Pytchley Road Rugby	Erection of two storey rear and side extension and single storey side extension.
<i>R13/0731 Refused 19.07.2013</i>	The Old Post Office 24 Main Street Monks Kirby	Listed Building Consent application for the removal of first floor internal chimney breast.
<i>R11/2061 Refused 22.07.2013</i>	Mobile Home Birdingbury Fields Farm Collingham Lane Birdingbury	Retention of a mobile home and use as a dwelling for a temporary period of four years.
<b><i>Applications Approved</i></b>		
<i>R13/0970 Approved 04.07.2013</i>	Land adj. to 242 London Road Rugby	Proposed new landscaped 2m high earth bund to existing paddock.
<i>R13/1071 Approved</i>	McDonalds Restaurants Ltd	The minor reconfiguration of the drive thru lane and the cash booth to provide a side-by-side

<i>04.07.2013</i>	Junction One Leicester Road Rugby	order point with the construction of a new signage island and reconfigured kerb lines including associated works to the site.
<i>R13/1052 Approved 04.07.2013</i>	2 Bow Fell Rugby	Two storey side extension and alterations to frontage of existing dwelling.
<i>R13/0837 Approved 04.07.2013</i>	74 Rugby Road Binley Woods	Retention of outbuilding for use ancillary to main dwelling.
<i>R12/2330 Approved 05.07.2013</i>	Hopsford Spring Farm Withybrook Lane Coventry	Conversion of existing barn to form a single dwellinghouse.
<i>R12/2360 Approved 08.07.2013</i>	The Old Hall Lilbourne Road Clifton upon Dunsmore	Provision of a new vehicular access off Hillmorton Lane, including demolition of part of the existing boundary wall and installation of 1.9m high double solid timber gates and 2no. 2.3m high brick pillars.
<i>R13/1089 Approved 08.07.2013</i>	2 Bracken Drive Wolvey	Erection of a first floor side extension.
<i>R13/0532 Approved 09.07.2013</i>	417 Newbold Road Rugby	Erection of a single storey side extension.
<i>R13/0626 Approved 09.07.2013</i>	The Dilruba Restaurant 155-157 Railway Terrace Rugby	Provision of a new covered canopy over the existing shop front.
<i>R13/0710 Approved 09.07.2013</i>	1 Meadow View Bourton Road Frankton	Erection of a two storey side and rear extension, a single storey front extension and a detached double garage.
<i>R13/1100 Approved 09.07.2013</i>	112-114 Bridget Street New Bilton Rugby	Change of use from shop into residential premises.
<i>R13/0715 Approved 09.07.2013</i>	6 Hillmorton Road Rugby	Installation of velux windows to the front, rear and side roof slopes.

<i>R13/0822 Approved 10.07.2013</i>	Land Rear of 37 Crick Road Hillmorton	Erection of a detached dwelling (resubmission of R13/0376).
<i>R12/2250 Approved 10.07.2013</i>	Unit 8 Cottage Leap Rugby	Retrospective change of use of building from Use Class B1 (Business) to a MOT testing centre and vehicle repair centre (Use Class B2 - General Industrial).
<i>R13/1112 Approved 11.07.2013</i>	1 Ulverston Brownsover	Erection of conservatory.
<i>R12/2072 Approved 11.07.2013</i>	75 Meadow Road Wolston	Erection of part two storey and part first floor side extension, single storey rear extension and retrospective change of use of land for residential purposes.
<i>R13/1106 Approved 12.07.2013</i>	Rose Cottage Main Street Rugby	Proposed two storey rear extension.
<i>R13/1046 Approved 12.07.2013</i>	College Barn Leamington Road Princethorpe	Replacement garage with integral garden store and associated hard and soft landscape (resubmission of application R12/1696).
<i>R13/0767 Approved 12.07.2013</i>	73 Holly Drive Ryton on Dunsmore	Proposed garage conversion.
<i>R13/1081 Approved 15.07.2013</i>	Tithe Farm Montilo Lane Harborough Magna	Conversion of five redundant barns to five residential units - Variation of Conditions 3 and 14 to planning permission ref no. R11/1079 dated 12th September 2011 to alter the timeframe to which the existing accesses have to be deleted.
<i>R13/0523 Approved 15.07.2013</i>	TESCO Stores Ltd 1 Leicester Road Rugby	Insertion of timber cladding on front elevation, erection of replacement timber trolley bays and timber screen structure adjacent to totem sign and alteration to road layout to petrol station (part-retrospective).
<i>R13/1047 Approved 15.07.2013</i>	Binswood House North Street Marton	Change of use of self contained annex/cottage to separate individual dwelling house.

<i>R13/0919 Approved 15.07.2013</i>	Land rear of Frankton Lane Garage Frankton Lane Stretton on Dunsmore	Retention of secure storage unit.
<i>R13/1029 Approved 15.07.2013</i>	180 Hillmorton Road Rugby	Erection of a two storey side extension and the erection of a single storey side and rear extension.
<i>R13/0895 Approved 16.07.2013</i>	Abberley Long Itchington Road Birdingbury	Erection of a front extension and enclosure of the front garden area with a fence.
<i>R13/1048 Approved 12.07.2013</i>	Unit 2 Cawston Local Centre Heritage Close Cawston	Division of existing shop to provide two separate retail units and alterations to shop front.
<i>R13/1078 Approved 16.07.2013</i>	Tithe Farm Montilo Lane Harborough Magna	Demolition of existing agricultural buildings and the erection of a single replacement agricultural unit - variation of condition 2 attached to planning permission ref no. R12/0547 dated 20th April 2012 to vary the amount of existing agricultural buildings to be retained and demolished.
<i>R13/1129 Approved 16.07.2013</i>	33 Arbour Close Rugby	Erection of a single storey rear extension.
<i>R13/1118 Approved 16.07.2013</i>	Hafele UK LTD Brownsover Road Swift Valley Industrial Estate	Amendments to planning permission R12/2245, dated 15/03/13 (Amendments to planning permission R10/0879 (Provision of a new conveyor link and modifications to existing car parking provision) dated 20/07/10 (partially retrospective)) in relation to the conveyor housing.
<i>R13/0705 Approved 16.07.2013</i>	Lenoch Engineering Limited 55 Somers Road New Bilton	Erection of biomass boiler and its associated housing.
<i>R13/1095 Approved 16.07.2013</i>	Ashlawn School Ashlawn Road Rugby	Proposed alterations to the façade and windows for the east block and DT department and erection of entrance canopy.
<i>R13/1101 Approved</i>	4 Maidenhair Drive Brownsover	Proposed garage conversion to living accommodation.

<i>16.07.2013</i>		
<i>R13/0992 Approved 17.07.2013</i>	Land rear of 46 Hillmorton Road Rugby	Proposed dwelling with associated access and parking (Outline Planning Application).
<i>R13/1069 Approved 17.07.2013</i>	10 Harebell Way Rugby	Proposed first floor extension.
<i>R13/1033 Approved 18.07.2013</i>	27 Lutterworth Road Pailton	Erection of a detached garage.
<i>R13/1153 Approved 18.07.2013</i>	Cut Price Carpets 22 Railway Terrace Rugby	Change of use of first floor to create 3no. one bed residential apartments.
<i>R13/0684 Approved 19.07.2013</i>	36 Elsee Road Rugby	Installation of solar panels on garage roof.
<i>R13/1097 Approval 19.07.2013</i>	19 Hallams Close Brandon	Proposed single storey side extension.
<i>R13/1143 Approved 19.07.2013</i>	34 Clifton Road Rugby	Erection of a first floor side/rear extension and insertion of new window to rear elevation.
<i>R13/1185 Approved 19.07.2013</i>	22 The Ryelands Lawford Heath	Erection of two-storey rear/side extension.
<i>R13/0846 Approved 22.07.2013</i>	211 Bilton Road Bilton	Erection of a single storey side/front extension.
<i>R13/1086 Approved 22.07.2013</i>	Leam Valley House Post Office Road Leamington Hastings	Single storey extension to front, alterations to elevations of existing dwelling including the addition of cladding and render.
<i>R13/1115 Approved 22.07.2013</i>	26 Naseby Road Rugby	Erection of a detached garage.

<i>R13/1165 Approved 22.07.2013</i>	1 & 1a Bagshaw Close Ryton-on-Dunsmore	Change of use from A1 butchers shop to B1 office.
<i>R13/1191 Approved 22.07.2013</i>	Rugby Gateway Phase R1 Leicester Road	Erection of 2 dwellings and associated garages and works - substitution of house types approved under ref. R10/1281 on plot nos. 143 & 144.
<i>R13/0844 Approved 23.07.2013</i>	Baines Barn Priory Court Leamington Road Princethorpe	Erection of a summer house.
<i>R13/1172 Approved 23.07.2013</i>	Elm House Back Lane Birdingbury	Erection of a garden room.
<i>R13/0541 Approved 24.07.2013</i>	The Stables Lilbourne Road Clifton upon Dunsmore	First floor side extension, replacement of conservatory and single storey rear projection with single storey rear extensions, conversion of two stables into double garage and alterations to fenestration.
<i>R13/1092 Approved 24.07.2013</i>	Ashlawn School Ashlawn Road Rugby	Formation of new vehicular access to existing car park from Ashlawn Road.
<i>R13/1221 Approved 24.07.2013</i>	21 Maple Grove Rugby	Retrospective planning permission for the erection of a replacement detached garage.
<b>Listed Building Consents</b>		
<i>R12/2361 Listed Building Consent 08.07.2013</i>	The Old Hall Lilbourne Road Clifton upon Dunsmore	Listed Building Consent for demolition of a 5m wide section of the existing boundary wall adjacent to Hillmorton Lane, and works to install 2.3m high brick pillars (to serve 1.9m high solid timber gates).
<b>Conservation Area Consents</b>		
<i>R13/0221 Conservation Area Consent 08.07.2013</i>	The Old Hall Lilbourne Road Clifton upon Dunsmore	Conservation Area Consent for demolition of part of the boundary wall to facilitate a vehicular access.

<b>Advertisement Consents</b>		
<i>R13/1073 Advertisement Consent 04/07/2013</i>	McDonalds Restaurants Ltd Junction One Leicester Road Rugby	The installation of 2 no. Customer Order Displays (COD) with associated canopies and amendments to the existing signage suite with additional signs.
<i>R12/2194 Advertisement Consent 10.07.2013</i>	The Crescent School Trust Limited Crescent School Bawnmore Road Bilton	Erection of 2no. non-illuminated freestanding signs.
<b>Certificate of Lawful Use or Development</b>		
<i>R13/1079 Certificate of Lawful Use or Development 24.07.2013</i>	The Cottage Crown Fields Farm Main Street Ansty	Certificate of Lawfulness for residential dwelling.
<b>Agricultural Determinations</b>		
<i>R13/1168 Prior approval not required 22.07.2013</i>	17 Juliet Drive Bilton	Prior approval application for single storey rear conservatory: 3.5m projection from original dwelling, 2.3m eaves height, 3.2m ridge height.
<b>Telecommunications Determinations</b>		
<b>County Council Consultations/ Matters</b>		
<b>Approval of Details/ Materials</b>		
<i>R11/2294 Approval of Details 11.07.2013</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station.
<i>R12/0101 Approval of Details 15.07.2013</i>	DIRFT II Zone 3 Expansion Site Daventry International Rail Freight Terminal Crick	Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access

		(straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).
<i>R10/1273 &amp; R11/1870 Approval of Details 16.07.2013</i>	Land forming part of former Cattle Market Railway Terrace Rugby	Erection of two-storey building and use as a Health and Wellbeing Centre with ancillary Pharmacy and Community Facility together with access, parking and landscaping - revision to reserved matters scheme approved under ref.no. R10/2124, dated 9th August 2011, to accommodate 4 additional consulting rooms with associated minor revisions to the internal floor layout and elevations (submission of reserved matters in accordance with outline planning permission ref.no. R10/1273 dated 04/04/2011).
<i>R12/0731 Approval of Details 16.07.2013</i>	Land rear of 38 North Road Clifton upon Dunsmore	Erection of a detached dormer bungalow.
<i>R12/1342 Approval of non-material changes 18.07.2013</i>	54 Fisher Avenue Rugby	Erection of two-storey side and single-storey rear extensions.
<i>R12/0843 Approval of Details 19.07.2013</i>	Land South Side of Top Road Barnacle	The change of use of land from a paddock to a mixed use of a paddock and for the siting of residential caravans, trailers and commercial vehicles, and the formation of hard standings and erection of timber sheds in so far as it relates to the creation of one pitch only (variation of condition 3 of appeal reference APP/E3715/C/11/2150565-70 dated 12/12/11 to allow no more than two static caravans).
<i>R12/1559 Approval of Details 22.07.2013</i>	286-290 Dunchurch Road Rugby	Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.
<i>963 &amp; R10/2278 Approval of Details 23.07.2013</i>	385 Dunchurch Road Rugby	Demolition of existing petrol filling station, shop, canopy and pumps, removal of underground tanks, installation of 6 no. new petrol pumps, installation of replacement tanks, erection of new sales kiosk and a flat canopy, refurbishment of forecourt including new car care facilities with associated works and access alterations (963). Variation of Conditions 2 and 8 and deletion of Condition 7 of planning permission 963 dated 17 <sup>th</sup> August 2010 (amended) (R10/2278).

<i>R11/2409 Approval of Details 23.07.2013</i>	Land to the rear of The Red Lion Inn 23 Main Street Coventry	Erection of a barn style mews comprising 4 two-bed dwellings and 4 one-bed flats with associated parking and landscaping.
<i>Withdrawn/ De-registered</i>		
<i>Disposed of Applications</i>		