

23rd August 2013

PLANNING COMMITTEE - 4TH SEPTEMBER 2013

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 4th September 2013 in the Council Chamber, Town Hall, Rugby.

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 14th August 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 – 26th July – 15th August 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 – 7) 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). 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 – 4TH SEPTEMBER 2013
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (yellow pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R13/0084	The Highlands, Withybrook Lane, Shilton, CV7 9HY Demolition of existing dwelling and erection of replacement dwelling.	3

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R13/0602	Rugby Town Junior Football Club, Kilsby Lane, Rugby Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	8
3	R13/1163	The Hawthorns, High Street, Marton Proposed two storey rear extension and alterations to frontage of existing dwelling.	14
4	R13/1348	12 Corporation Street, Rugby, CV21 2DP Change of use to vehicle hire and erection of modular building, canopied washbay and railings.	21

Reference number: R13/0084

Site address: The Highlands, Withybrook Lane, Shilton, CV7 9HY

Description: Demolition of existing dwelling and erection of replacement dwelling.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

The application relates to a detached bungalow located in the Green Belt between Withybrook and Shilton. The property has paddocks to the front and side and a residential curtilage around the dwelling is defined by fencing (some of which is in disrepair.)

The bungalow is a relatively small hipped roof bungalow which is constructed of brick, this was previously rendered to the front although the render has been removed. The sides and rear are pebbledashed. The maximum ridge height of the bungalow is 6.2m. The roof tiles appear to be asbestos and are red in colour. The bungalow has 2 bedrooms, there is also a brick outbuilding to the side which contained the WC.

An access driveway has been formed across the adjacent paddock and this has a hard core surface. This is within the area considered to form the residential curtilage and as it is a porous material is considered to be permitted development. Footings of a garage, which can be built under permitted development, have been constructed in the southern corner of the site.

The site is surrounded by agricultural land. The closest neighbour is the other side of the applicant's paddock, over 60m from the existing bungalow. There are private stables to the south of the site.

Description of proposals

This application is for the demolition of the existing bungalow and the replacement with a detached house. This will have a central two storey element with single storey sections attached to this. The proposed house would include 3 bedrooms at first floor and a guest bedroom/study kitchen/family room, dining room and living room at ground floor.

The two storey element of the proposed dwelling would have a ridge height of 7.7m. The application form states the dwelling would be built of brick, although the type is not specified, with slate effect tiles and wood effect UPVC windows.

Third party comments

Withybrook Parish Council Support

Technical consultation responses

Severn Trent No comment
WCC Ecology No objection Subject to conditions and informatives
WCC Archaeology No comment
English Heritage No comment

Relevant planning history

R13/0398 was approved on 25th March 2013. This granted a Certificate of Lawfulness for Proposed Development - Erection of extensions, roof alterations and detached garage.

Relevant planning policies and guidance

National Planning Policy Framework, 2012

Rugby Borough Core Strategy 2011

CS1 Conflicts Development Strategy
CS16 Conflicts Sustainable Design

Rugby Borough Local Plan 2006 – Saved policies

GP2	Complies	Landscaping
T5	Complies	Parking facilities
E6	Complies	Biodiversity
E17	Complies	Development affecting parks & gardens and other elements of the historic landscape

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

Assessment of proposals

The key issue to assess in relation to this application is whether the principle of the proposed development is acceptable in this Green Belt location. Issues such as visual amenity, impact on neighbours, highway safety, car parking and protected species must also be considered.

Policy CS1 states that within the Green Belt new development will be resisted and will only be permitted when allowed by national policy.

The National Planning Policy Framework (NPPF) states that within the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This goes on to state that the construction of new buildings should be regarded as inappropriate development unless they are for a specified range of uses. This includes *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”*

The proposed house would replace the existing bungalow; these are in the same residential use. The key consideration as to whether the proposals constitute appropriate development in the Green Belt is therefore whether the proposed dwelling is “materially larger” than the existing bungalow.

The applicant has advised that the existing bungalow has a footprint of 59.6 square metres and a volume of 241.6 cubic metres and the proposed house would have a footprint of 181.9 square metres and a volume of 955.6 cubic metres. The proposals therefore represent a 205% increase above the existing footprint and a 295% increase above the existing volume.

The proposed house is therefore materially larger than the existing dwelling.

The applicants submitted a Certificate of Lawfulness for proposed development relating to extensions to the dwelling and this was approved. This concludes that extensions could be constructed to the front, sides and rear of the bungalow, and dormer windows formed in the roof as permitted development. The applicant comments that these extensions could be erected as permitted development and would result in a dwelling with a footprint of 191.5 square metres and a volume of 902.4 cubic metres.

Compared to the extensions that could be erected under permitted development the proposed dwelling would constitute a 5% reduction in floorspace and a 6% increase in volume. The applicant considers that the proposed dwelling is not materially larger than what could be erected as permitted development so consider that it constitutes appropriate development.

However, paragraph 89 of the NPPF clearly relates to a replacement building not being materially larger than the building it replaces, in this case the existing bungalow.

It is therefore considered the proposed dwelling constitutes inappropriate development in the Green Belt.

As the proposals do not fall within any of the specified categories they constitute inappropriate development. The NPPF states that inappropriate development should not be approved unless there are very special circumstances to outweigh the harm to the Green Belt. It also states that substantial weight should be given to the harm to the Green Belt by reason of inappropriateness, and any other harm, and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

The applicant considers the fall back position of the extensions that could be built as permitted development constitutes very special circumstances. They also consider that the proposed dwelling would result in an improvement to the site and to the Green Belt and that the smaller footprint, when compared to the scheme that could be erected would benefit the openness of the Green Belt and that these are also very special circumstances.

There is case law regarding extensions which could be built under permitted development as a fallback position and whether these constitute very special circumstances.

These conclude that the weight to be given to the fallback position as a material consideration will depend on the likelihood of the fallback position being implemented in the event of a refusal of the application. In meetings with the applicant and agent they have advised that the existing bungalow is in a poor structural condition and that it would not be financially viable to retain the bungalow. It is therefore considered that it is unlikely that the fallback position would be implemented and that this should be given limited weight.

Notwithstanding this an assessment should be made as to whether the proposals would have a greater impact on the Green Belt than the fallback position. The applicant argues that the replacement dwelling will be better designed than the fallback position and that the reduction in floorspace by 9.6m and confining the two storey element to the centre of the property will benefit the openness of the Green Belt.

However, it cannot be disputed that the proposed dwelling will have a larger volume than the fall back position and will also have a taller ridge height, by 1.5m. The existing bungalow, with or without the permitted development extensions, has a hipped roof which reduces the bulk of the property as only 1m of the roof is the maximum height of 6.2m.

The proposed dwelling would have a ridge that is 1.5m higher than the existing bungalow. Due to the roof form this ridge runs the full length of the two storey element, 17.2m. This would result in the proposed dwelling having a significantly more bulky appearance than the fallback position.

The NPPF states that the essential characteristics of the Green Belt are their openness and their permanence and that the visual amenity of the Green Belt should be retained and enhanced. It is considered that the proposed dwelling would have a greater adverse impact on the openness of the Green Belt and visual amenity than the fall back position and is not acceptable.

It is therefore considered that the proposals constitute inappropriate development within the Green Belt and that very special circumstances do not exist to outweigh the harm caused by inappropriateness and by harm to the visual amenity and openness of the Green Belt. The proposals are therefore contrary to the NPPF and policies CS1 and CS16.

The applicant refers to paragraph 56 of the NPPF which states that great importance should be attached to the design of the built environment. It is accepted that the fallback position of the extensions which could be built under permitted development would result in a contrived design. However, as detailed above the replacement dwelling would be larger and bulkier and design considerations do not outweigh the harm to the Green Belt.

The applicant refers to paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF which refers to a presumption in favour of sustainable development and states that this means that (unless material considerations indicate otherwise) development proposals that accord with the development plan should be approved without delay. However, as detailed above the proposals are contrary to the development plan, and specific policies within the NPPF which relate to Green Belt development.

It is also considered that the location of the dwelling, in the countryside away from any settlements or public transport is not a sustainable location.

The agent also refers to paragraph 50 of the NPPF that states authorities should plan for people wishing to build their own home; this is not considered to outweigh the considerations above.

Notwithstanding the principle of the development an assessment of the impact on neighbouring residents, protected species and highway safety must be made.

The proposed dwelling would be over 55m from the neighbouring property and would not have an adverse impact on residential amenity in accordance with the relevant part of policy CS16. The CS16 requirement for water conservation could be secured by a condition in the event of an approval and the application form states surface water would drain to a soakaway which is in accordance with the relevant part of CS16.

The proposals will utilise the existing access to the highway so the impact on the highway will not change. The application form specifies that the proposals will have 2 car parking spaces and cycle parking could be accommodated within the garage or garden. This is in accordance with the Council's Parking Standards contained within the Planning Obligations SPD and saved policy T5.

The application was accompanied by a bat survey, no evidence of bats was found within the building and 1 bat was recorded foraging over the site. WCC Ecology therefore consider that the site has limited bat potential. However, WCC Ecology request a condition that a bat worker be present on site to oversee the demolition and that the roof material be removed by hand.

As no evidence of bats has been found and the site has limited potential for bats this condition is not considered necessary or reasonable in relation to this development, this therefore fails the tests contained within Circular 11/95. As bats are a protected species these are controlled by other legislation and in the event of an approval an informative could be added bringing this to the applicant's attention.

WCC Ecology also comment that the garden of the application site has been cleared of dense scrub and woodland resulting in a loss of biodiversity and habitat for nesting birds and bats. They therefore suggest conditions relating to compensation planting and the provision of bat and bird boxes. However, the works to clear the site have been carried out and are not related to the current application. The proposed conditions are therefore not relevant to the development and do not comply with Circular 11/95.

Notwithstanding the request for conditions it is considered the proposals would not have an adverse impact on protected species and saved policy E6 is complied with.

The site is located close to a Scheduled Ancient Monument, the Deserted Medieval Village of Hopsford which is to the south west of the site. Part of the replacement dwelling falls within the consultation zone surrounding this. English Heritage and the County Archaeologist were consulted on the proposals and have no comments. It is therefore considered there will not be an adverse impact on the historic landscape in accordance with saved policy E17.

Withybrook does not have a Parish Plan.

Recommendation
Refusal

DRAFT DECISION

APPLICATION NUMBER

R13/0084

DATE VALID

29/07/2013

ADDRESS OF DEVELOPMENT

THE HIGHLANDS
WITHYBROOK LANE
SHILTON
COVENTRY
CV7 9HY

APPLICANT/AGENT

Mr Jeremy Burt
JJB Chartered Architects Ltd
Bishop Crewe House
North Street
Daventry
Northamptonshire
NN11 4GH
On behalf of Ian Townsend, IT Property
Developments Ltd

APPLICATION DESCRIPTION

Demolition of existing dwelling and erection of replacement dwelling.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

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 guidance contained in 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 replacement dwelling will be materially larger than the existing bungalow and therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt. The development would have an adverse impact on the character and openness of the Green Belt and surrounding area.

There are no very special circumstances, which would justify the granting of planning permission in the face of a strong presumption against inappropriate development derived from the prevailing policies, it is also considered that the development fails to preserve the openness and character of the Green Belt or countryside. The proposed development is therefore contrary to policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

INFORMATIVE:

This decision relates to the following plans received by the Local Planning Authority on 29th July 2013: Site Location Plan - 1244-02, Block Plan - 1244-03, Proposed Plans & Elevations - 1244-02A.

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 it has not been possible to reach agreement in this case. The proposals were discussed extensively prior to the submission of the application and the applicant was advised a dwelling of the size proposed was contrary to Green Belt policy.

Reference number: R13/0602

Site address: Rugby Town Junior Football Club, Kilsby Lane, Rugby

Description: Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Site

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Junior Football Club.

The site consists of an area approximately 13 hectares and currently comprises-

- 16 outdoor football pitches (2 full size) (one of which is floodlit), 2 intermediate size and 12 mini-size pitches)
- Three all-weather pitches
- A clubhouse including changing facilities
- Groundsman Store
- A 114 space car parking area and a 40 space over-spill car parking area.

The Proposed Development:

Outline planning permission was granted (ref: R11/2381) which sought the extension of the site curtilage and the erection of a covered sports facility and associated works. As part of this outline permission details relating to appearance and landscaping were reserved.

This application seeks permission for the matters reserved.

The design and appearance of the building has been amended to that originally submitted in pursuant of this reserves matters application. It is proposed as amended, that the building would have a curved steel roof sloping towards the southern boundary of the site, with seamed roof panels in an olive green colour. The seam panel consists of an external weather sheet that will be coloured Olive Green, with a 90mm thick insulation core with an internal linear sheet, which will provide thermal insulation and sound proofing. The external walls will be clad in horizontal cedar cladding. Affixed to the south elevation of the roof slope will be photovoltaic panels, and roof mounted ventilators are also proposed.

Proposed landscaping includes the creation of a bund and mass planting with native indigenous species to the rear and western side of the proposed building. The proposed landscaping also includes the reinforcement of the hedgerows along the east boundary of the site, and planting to screen the existing sub-station on site. Following comments from the County Ecologists and Warwickshire Wildlife Trust the applicant proposes to create a wildflower meadow to south-west of the site. Full details of this meadow will be submitted as part of other conditions attached to the outline planning permission which requires full details of habitat enhancement area to be submitted. As such the habitat enhancement areas will not be considered as part of the landscaping scheme.

Relevant planning history

R02/0487/5742/P Construction and use of playing pitches, erection and use of Approved

	pavilion and groundsman store and formation of new access road and car park	15.10.2004
R08/0855/VARI	Variation of Condition 7 of R02/0487/05742/P to allow landscaping to be phased over additional planting seasons (extend time to complete scheme until March 2010)	Approved 24.07.2008
R09/0799/PLN	Installation of 3 no. all weather sports pitches and provision of floodlights.	Approved 04.01.2010
R11/0582	Retention of existing metal storage container to accommodate grounds maintenance equipment.	Approved 20.04.2011
R11/0535	Application to amend Conditions 6 and 7 of Planning Permission R09/0799/PLN dated 4th January 2010 (which restricts the use of the playing facilities to people up to the age of 18 years and bone-fide members of Rugby Town JFC) to permit the following; to allow the astroturf pitch to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.	Approved 13.05.2011
R11/0267	Application to amend Condition 30 of Planning Permission R02/0487/05742 dated 15th October 2004 (which restricts the use of the playing facilities to people up to the age of 18 years) to permit the following; to allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.	Approved 13.05.11
R11/2381	Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	Approved 15.08.12

Planning policy and guidance

Technical Consultations:

WCC Ecology & Warwickshire Wildlife Trust

- Given the loss of the grass roof in order to achieve a no net loss of biodiversity in accordance with the NPPF the following is recommended
 - Creation of a species-rich wildlife meadow in the area to the south of the training as an alternative to the mass bund planting and as suitable compensation for the loss of part of the grassland LWS.
 - Allow an unmown buffer strip of 2-3 metres wide adjacent to the hedgerows and as an edge to the existing woodlands
 - Reinforcement of existing eastern hedgerow.

Third Parties

Neighbours on original plans

Neighbours (1) (support)

- The facility would be beneficial to many

Neighbours (8 householder objection, 9 individual letters)

- Building is larger and much less able to blend into the landscape
- Less eco-friendly and cheaper to build
- The new building is radically different to that proposed within the outline application
- The building is cheaper, ugly industrial type unit, with the appearance of a warehouse
- Includes a bar, cafe and extended sports area.
- Planning creep
- No need for the bar facility as it is for junior football and not adults
- Increase in traffic
- Encroaching onto a designated Wildlife Site
- Lacking of parking
- Alternative facilities in town
- Drainage issues
- Who will use the aerobic hall
- Use of the bar in the evening for functions

Hillmorton Vale Resident Association

- The building will be an eyesore, in an area of natural beauty
- The roof is now proposed to be of steel as oppose to an eco-friendly grassed roof
- Fundamental change in materials used
- The original walls were to be clad with cedar to reduce the negative aesthetic impact of such a large structure, now they are to be of pre-cast concrete which will look like an industrial warehouse.
- The building is in the middle of the open countryside and encroaches on a site which was designed as a wildlife conservation area. The eco-building would have slightly compensated for this, the new design certainly doesn't.
- Two bars within 100 years would increase traffic, disturbance and light pollution.
- No resemblance of the original ecological construction

Cllr Kathryn Lawrence - In favour of facilities that encourage a healthy lifestyle and provide sporting opportunities for young people but has concern about the significant changes to the original application that was approved, these being:

- The building is no longer the environmental/eco-friendly building that was part of the original plan.
- The inclusion of a bar area when this facility already exists within the original buildings. As local councillors, we hear complaints about the late-night use and noise when the existing buildings are used for evening functions, but many residents are reluctant to make complaints about this because of the reactions they have encountered in the past from RTJFC officials.
- What protection is going to be put in place to protect what will be left of the Local Wildlife Site and in particular the pond?
- There is no footpath from Crick Road to the site and this should be mandatory in view of the large number of young people who use and will use the site.
- This site has been promoted as being of benefit to the residents of Hillmorton, but there is very little evidence to show that Hillmorton residents benefit from the facilities.

Third Party Comments on amended Plan

Neighbour (5) (objection)

- The proposal seeks not to use a grass roof which would help the visual impact of this building.
- The green colour will wear off and turn to rust
- No screening to the northern elevation
- Still look like a warehouse and long way of the original proposal

Assessment of proposal

Appearance

The scale and layout of the building was already considered as part of the outline application, as such this application for reserve matters considers only the appearance of the building. Following the submission of amended plans the building is to be designed in such a manner that the use of the natural materials with the timber cladding and the flowing shape of the building with its curved roof would enhance its appearance, reducing its bulk and massing and would allow it to successfully assimilate itself into the environment. Whilst the proposal does not include the provision of a grass roof as shown on the indicative scheme submitted as part of the outline planning application, the proposed alternative material is a seam panel roof coloured olive green. It is considered that this roof material and the olive green colour proposed will assimilate itself within the surrounding environment, and is considered acceptable. The use of seam roof panels will break up the massing of the roof. It is therefore considered that the design and appearance of the building is acceptable and would not have an adverse impact upon the character and appearance of the area in accordance with policy CS16. An additional condition will be attached to ensure that materials submitted shall be used on the roof of the proposed building. The proposed roof is no longer to be a grass roof as suggested as part of the outline planning permission, the applicant advises that this is due to the cost of creation and maintenance. Both the County Council Ecologists and Warwickshire Wildlife Trust consider that the proposed landscaping and habitat enhancement areas will compensate for the loss of the grass roof and the net loss of 8% of the Local Wildlife Site, to ensure that a no net loss of biodiversity in accordance with the NPPF.

The proposal seeks to include the provision of photovoltaic panels along the south elevation, together with the provision of ventilators to be mounted to the roof. The applicants also intend to harvest grey water. Conditions attached to the outline permission require the submission of further details relating to energy and water conservation.

Internally the applicant seeks to provision of a mezzanine floor that will provide a viewing area and bar. An additional condition is proposed to ensure that the bar is not hired out for private functions. In addition to this the applicant seeks movable partitions in the squash court to create an aerobics hall. An additional condition is proposed to ensure that when the aerobics hall is formed by removal of partition walls it is only used by members of the Rugby Gymnastics Club.

Details have also been submitted in respect to the design and appearance of the groundsman store. The groundman will have a curved roof coloured olive green and the external walls will be cladded in horizontal cedar cladding. The design of the building and its appearance reflects the design of the sports building and is considered given the use of natural materials with the timber cladding, the curved roof coloured olive green that the building will assimilate itself within the surrounding environment.

Landscaping

Saved Local Plan Policy GP2 emphasises the importance of the retention and enhancement of the landscape character of a development. This policy states the provisions should be made for hard and soft landscaping, ideally if a low maintenance nature, including the planting of indigenous trees and other vegetation, ground contouring and the creation of wildlife habitats and other ecological features.

The proposed landscaping scheme includes the creation of bund and dense mass planting to the rear and western side of the proposed building. Further landscaping also includes the reinforcement of the

existing eastern hedgerow and screen planting around the existing sub-station. It is considered that the proposed landscaping together with the existing landscaping which has now been fully implemented in accordance with original planning permission for the site ref: R02/0487/5742/P, will ensure that the proposed building would be screened when viewed from the Kilsby Lane and residential properties to the north of the site. The proposed landscaping will also ensure that the building will assimilate itself into the surrounding environment. The applicant is also proposing areas of habitat enhancement which include the creation of a wildflower meadow and grass margins, details of which will be submitted for consideration as part of the condition 8 of the outline planning permission.

It is therefore considered that the proposed landscaping scheme would enhance the appearance and environmental quality of the development and help assimilate itself into the surrounding environment in accordance with saved policy GP2.

Recommendation

Approval of reserve matters subject to further conditions as detailed below.

Draft Decision

Town and Country Planning Act 1990 (As amended). **Approval of reserved matters.**

Notice is hereby given that the Borough Council in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made there under approves the details below in accordance with the planning permission and conditions referred to in the schedule.

SCHEDULE

Planning Permission Reference

R11/2381

Date of Permission

15TH August 2012

Development

Outline planning permission for the extension of the site curtilage and erection of a covered sports facility and associated works (Approval of Reserved Matters (appearance and landscaping in relation to planning permission R11/2381))

Address of Development

RUGBY TOWN JUNIOR FOOTBALL CLUB, KILSBY LANE, HILLMORTON, RUGBY, CV21 4PN

Condition Number & Details

3a) appearance 3b) landscaping

Plans & Details Approved

Dwg No. R129:11:24, R129:11:54

Dwg No. R129:11:51B, R129:11:53B all received by the LPA on the 20th June 2013

Dwg No. R129:11:52C and R129:11:24A all received by the LPA on the 14th August 2013.

This decision is subject to the following additional conditions:

CONDITION 30:

The material used on the roof of the proposed sports building shall be Insulated Standing Seam Roof Panel coloured Olive Green (RAL6003).

REASON

In the interest of visual amenity

CONDITION 31:

The proposed bar area shall only be used ancillary to the use of the building and shall not be used for private hire.

REASON

In the interest of residential amenity and to ensure that the use of building is considered acceptable to the Local Planning Authority.

CONDITION 32:

As detailed on Dwg No. R129:11:51B when the aerobics hall is formed by removal of partition walls it shall be used only by bona fide members of the Rugby Gymnastics Club.

REASON

In the interest of the amenity of the locality and to ensure that the proposed development is acceptable.

Reference number: R13/1163

Site address: The Hawthorns, High Street, Marton

Description: Proposed two storey rear extension and alterations to frontage of existing dwelling

Case Officer Name & Number: Owain Williams – 01788 533789

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

Site Description

The dwelling, the Hawthorns, is located within the local need settlement of Marton. The dwelling is a detached gable ended bungalow. The front and rear of the property is gable ended with the roof of the house rising away from the neighbouring dwelling and boundaries either side.

The street is characterised by a mixture of detached bungalows and detached two storey houses. The bungalows are all located to one side of the street with the detached houses on the other.

The neighbouring property number 14 projects beyond the rear of the Hawthorns with the other neighbour Penpol level. The properties are set approximately a metre away from the boundary.

Proposal Description

The proposal is for the erection of a two storey rear extension and alterations to the front of the existing including a canopy.

The proposal was originally for an extension which projected out 5.2 metres from the rear of the dwelling and extended the full width of the house. Through the planning process it was suggested that the extension needed to be reduced in size to comply with the 45 degree code. As part of these discussions the proposed extension has been altered. The extension is still of the same length, 5.2 metres, however it has been stepped in from the side further away from the boundary with the neighbour Penpol. The proposed gable ended extension will extend out the same height of the existing bungalow however the extension is being cut into the land by approximately a metre to enable the extension to have split levels and take a two storey form.

The rear elevation of the dwelling has 4 large glazed areas and a Juliet balcony. The proposed roof of the extension will have several roof lights which will be positioned to the side elevations. The extension will be partially clad with Dura clad composite panels (cedar in colouration).

The alterations to the front of the property will see the introduction of a canopy which again through discussions has been altered. The alteration has been its roof shape as it is no longer hipped which clashed with the design of the bungalow but a gable ended roof. The canopy projects out approximately 1.3 metres and projects over the main front door and garage. The gable ended roof will be fronting the flat roofed garage with the lean to roof extending across to the front door. It is shown on the plans that the front of the dwelling also be partially clad with the same composite panels used to the rear extension.

Relevant Planning History

None

Technical Consultation Responses

WCC Ecology – No objections

Third Party Responses

Neighbours (2) – Objection (before amended plans)

- The 45 degree code has not been complied with
- Daylight and sunlight to the adjoining property Penpol has not been safeguarded which is particularly important to a disabled resident.
- Side and roof windows will overlook the neighbouring garden pathway and sitting and relaxation areas in the garden to the detriment of the amenity space and privacy.
- The Juliet balcony will lead to an unacceptable level of overlooking affecting privacy
- The proposed chimney close to the boundary will overpoweringly dominant and would affect light gained to property
- The addition of coloured faux cladding would be a significant departure from the gable fronted design character of these bungalows.
- The rear extension will not be subservient to the original dwelling
- The extension will appear out of keeping when viewed in context with the cluster of dwellings from the public footpath from Eathorpe to Marton.
- Safeguarding is required for the local wildlife and ecology.
- The sunken extension could impact upon the water table leading to loss of existing vegetation on and adjacent to the boundaries. This could also lead to premature loss of screening.
- The excavations are immediate to the fuel oil tank installation at Penpol. If the ground gave way could lead to substantial environmental damage and remediation
- Would parking to the front lead to loss of open fronts
- The excavations could lead to the loss of existing trees that offer partial screening of our amenities.
- There is a restrictive covenant that permits only single storey development of this bungalow.
- Applicants failed to follow the guidance given in the Residential Extension Design Guide
- The extension itself is far too close to the boundary of the neighbour Penpol and the scale should be reconsidered.
- A purpose built disabled room will be shadowed by the extension
- Parking in the street already causes safety issues and fear that the construction of such a large development there will be further parking issues
- It is likely that the front lawn will be hard surfaced affecting the openness of the frontages.

Parish Council – Comments

- Recognises the concerns expressed by the residents and hope that this application will be treated sympathetically so that all parties can achieve a satisfactory outcome

Neighbours (2) – Objection (after amended plans)

- The extension will still result in loss of sunlight and loss of privacy
- The deep excavations will affect the tree roots resulting in loss of screening
- The 45 degree code has still not be complied with
- Roof windows will still overlook neighbouring garden
- The balcony with double opening doors will enable the overlooking and materially affect the privacy and amenity
- Safeguarding required for the local wildlife and ecology
- Drainage may affect the water table and hence the effect on trees as a result of the excavations.

- Will add to existing sewage problems which could seep down towards the river
- The amended plans show a partial intent to comply with planning policy by a much smaller set back.
- The propose set back should be 1.5 metres.
- The viewing balcony will not offer further views of the countryside but only result in obtaining views of the neighbouring garden.
- This multi-level development will permanently remove from Marton a property that meets a defined need.

Councillor Hazelton – Objection

- The latest amendments, are welcome, but I consider that they are not sufficient to allay the concerns of overlooking (overbearing) and the loss of privacy

Relevant Planning Policies and Guidance

Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

Saved Local Plan Policies

E6 - Biodiversity

Assessment of Proposals

The determining issues to take into consideration in this case are the impact of the extensions and alterations upon the character and appearance of the dwelling and surround area, the impact on the neighbouring amenities and biodiversity.

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 High Street to which The Hawthorns is situated is characterised by the low level bungalows on one side of the street and two storey dwellings on the other. The bungalows are partially rendered to the front with facing brick also visible. There have been alterations to the fronts of the dwellings in the form of porches and front extensions which gives each dwelling its own identity. The proposed front extension in the form of the canopy will have a roof shape to match that of the existing dwelling so will appear in keeping with the original design of the dwelling. In terms of the street scene the proposed canopy will give The Hawthorns its own identity as many other dwellings have done along the street therefore not appearing out of keeping. With regards to the cladding to the front of the dwelling whilst it may appear different to the other properties which are a mixture of facing brick and render the cladding could be done without requiring planning permission under Permitted Development rights therefore would be unreasonable to refuse planning because its appearance.

The rear extension will not be visible from the front of the dwelling so will have no impact on the character and appearance of the street scene. In terms of the proposed extension being visible from the rear from a public footpath, the rear of the properties are all varied with different extensions being added most notably the extension to the neighbour, number 14 High Street so therefore again would be unreasonable to refuse on this basis.

Taking into account the above it is considered that the proposed extensions would have minimal impact on the character and appearance of the dwelling and the surrounding area complying with policy CS16 of the Core Strategy 2013.

Impact on the neighbouring amenities

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

The proposed rear extension due to the set back of number 14 High Street will be minimal therefore not having a detrimental impact upon their amenities.

The main impact to be assessed will be upon the neighbouring property Penpol which sits level at the rear with The Hawthorns. The proposed extension will project back 5.2 metres beyond the rear of the neighbouring Penpol. The extension has been set in away from the neighbouring boundary which now creates a total of 3.2 metres between the extension and the neighbouring dwelling.

The neighbour has argued that the proposed extension still breaches the 45 degree code as the extension should be treated as a two storey extension which would therefore mean the 45 degree line should be taken from a metre in from the edge of their property. The line adopted is the single storey extension line which is taken from the middle of the closest habitable window. The reason this has been adopted, after discussions with the Council, is due to the level of the extension in relation to the neighbouring window. The extension will appear as a single storey extension when viewed from the neighbouring window in respect to its height and form as the rest of the extension will be dropped below the fence line. Taking into account that the right approach in respect of the 45 degree line has been taken the proposed extension would comply indicating that the impact on the neighbouring amenities would be acceptable.

The roof of the extension will rise away from the neighbouring boundary which would help reduce the impact. The chimney originally proposed has been removed from the scheme so it no longer impacts on the amenities of the neighbours.

The neighbours have also objected due to the potential overlooking and loss of privacy caused by the roof lights and 2nd storey balcony of the extension. The proposed roof lights that face towards Penpol are within the existing bungalow so therefore could be inserted without planning permission however they are at a height to which no views would be obtained out into the amenity space of the neighbours. The other roof light serves a dressing room which again is of a height and size which would not generate the opportunity to overlook the neighbouring amenity space. The other roof lights facing towards number 14 High Street will overlook the roof of the rear extension and therefore would not impact upon the privacy of the neighbours.

The balcony to the rear is not a conventional balcony which would allow access out onto an elevated platform allowing 180 degree views across the rear gardens of neighbours. The balcony is a Juliet balcony which is simply a set of double doors with a balustrade across instead of a standard window. It is the opinion of the Council that the views obtained from a Juliet balcony are not to dissimilar to that of an standard window, and although it is accepted that the windows are at a higher level to that of the existing windows, the height of the dwelling has not been increased and the views obtained would be still less than that of the relationship you see between traditional dwelling houses. Therefore the impact in terms of loss of privacy and overlooking would not be significant enough to warrant refusal of the application.

Taking the above into account it is considered that the proposed extensions and alterations will have minimal impact on the neighbouring amenities complying with policy CS16 of the Core Strategy 2011.

Biodiversity

The WCC ecologists recommend that the application is unlikely to have any significant impact on protected species or sites. They stated that sites within the surrounding area include several non-statutory sites of nature conservation interest, including River Itchen and Marton Churchyard which together with surrounding hedgerows offer good features for foraging and commuting bats. From the site photographs and existing plans, it would appear that the existing roof space is in good condition and does not appear to have any visible potential access points for bats. However as a precaution and due to the suitability of the surrounding habitat we recommend that care should be taken during destructive works to the existing roof and all tiles removed sensitively by hand. In the unlikely case that evidence of bats is found during works, all works must stop whilst WCC Ecological Services or Natural England are contacted for advise on how to proceed.

Other Considerations

With regards to the neighbours' concerns about the loss of vegetation along the boundary due to the amount of excavations that would be required, the applicants could remove the vegetation at any time as the trees are not protected by an order or sited within a conservation area therefore if they were to be removed as part of the development the loss could not be something which affects whether or not this application is approved or refused.

The neighbour suggested that Severn Trent and the Environment Agency should be contacted with regards to the excavations and the impact they would have upon the water table and river below. The dwelling is not located in a flood zone and neither will the extension therefore the Environment Agency would not comment. Contact with Severn Trent will be made by the Building Control department at the building stage of the process to ensure that the sewage treatment is satisfactory. They will also ensure that adequate drainage is in place.

Recommendation

Approve Subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R13/1163

DATE VALID

24/06/2013

ADDRESS OF DEVELOPMENT

HAWTHORNS
HIGH STREET
MARTON
RUGBY
CV23 9RR

APPLICANT/AGENT

Mr Robert O'callaghan
Robert O'callaghan Architects
Ivy House
Church Street
Churchover
Rugby
Warwickshire
CV23 0EW
On behalf of Mrs S Tew

APPLICATION DESCRIPTION

Proposed two storey rear extension and alterations to frontage of existing 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

The facing materials to be used on the external walls and roof shall as specified on plan ROC\565\FD\004C received by the Local Planning Authority on 21st August 2013. The colour of the Duraclad Composite Cladding will be cedar.

REASON:

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

CONDITION: 3

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

REASON:

In the interest of residential amenity.

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:

Drawing No. ROC\565\FD\003B received by the Local Planning Authority on the 7th August 2013

Drawing No. ROC\565\FD\002C and ROC\565\FD\004C received by the Local Planning Authority on the 21st August 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

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. 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 by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Reference number: R13/1348

Site address: 12 Corporation Street, Rugby, CV21 2DP

Description: Change of use to vehicle hire and erection of modular building, canopied washbay and railings

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

Description of proposal

This application is for the determination of the Planning Committee as it is recommended for approval although being contrary to saved policy ED6 of the Rugby Borough Local Plan 2006.

The site is currently vacant but was formerly used as B1 offices (which have been demolished). In 2012 temporary consent was granted to use the site for vehicle hire for a period of 5 years. This application is similar to the previous approval but seeks to obtain permission for the use of the site for a 13 year period instead.

Information provided with the application states that the owner of the site still intends to redevelop the site eventually, but has agreed to lease the site to Enterprise Rent-A-Car for a term of at least 13 years as it is felt the market will not recover until then, and that it is also not financially viable for Enterprise Rent-A Car to take over the site for less than this amount of time.

Description of site

The site is located on a corner plot on the junction with Corporation Street and Westway. A 2m high wall separates the site from the neighbouring property Hilton House, and landscaping is present to the rear to screen the site from the properties on Schoolfield Grove. The site is located within the Town Centre boundary.

Relevant Planning History

R91/0854: Siting of portacabin and use as office accommodation – Approved.

R94/0864: Siting of temporary building and use as office accommodation - Approved

R99/0970: Retention of temporary building and use as office accommodation – Approved

R11/0383: Proposed demolition of Benfield House Building – Prior Approval not required

R11/1136: Change of use to care rental or car parking a siting of a temporary building (for a temporary period of up to 3 years)

R12/0236: Change of use to car rental or car parking a siting of a temporary building for a temporary period of up to 5 years (resubmission following approval of R11/1136 which granted permission for up to 3 years.)

R13/1349: Application for advertisement consent for illuminated twin pole mounted signs and illuminated fascias (in association with proposed vehicle hire business subject of R13/1348) – Approved.

Technical Consultation Responses

Highways Authority – No objection subject to conditions.

Environmental Services – No objections but recommend conditions.

Economic Development – In current circumstances proposal is acceptable.

Interested Party Responses

Cllr Sandison – Has highway concerns awaiting comments from highways. May conflict with the adopted local plan regarding the future development of Corporation Street.

Relevant Planning Policies/Guidance

CS1	Development Strategy	Complies
CS6	Development in Rugby Town Centre	Complies
CS7	Retail Frontages	Complies
CS16	Sustainable Design and Construction	Complies
GP2	Landscaping	Complies
GP6	Safeguarding Development Potential	Complies
E6	Biodiversity	Complies
ED6	Retention of employment	Conflicts
T5	Parking Facilities	Complies
NPPF		Complies

Assessment of Proposal

The main issues concerning this application are the principle of the use in this location, impacts upon visual and residential amenities, parking and highway safety.

The site is located within the Town Centre boundary as defined in the Core Strategy. Policy CS1 states that this is the primary focus for services and facilities and that the most sustainable locations for development should be considered in the first instance. The proposal is considered to comply with this policy.

The site was previously occupied by an office building that was demolished in 2011. Saved policy ED6 states that permission would not be granted for development that would result in the loss of buildings or land that are in, or were last in, employment 'B' uses. As the former office building fell within use class B1 this policy is applicable to this application.

This policy goes on to state that development or redevelopment for other purposes will only be allowed where the applicant can demonstrate there is no reasonable prospect of employment use resuming or being attracted or employment use would cause harm to the environment or local amenity. As this information has not been provided the development is contrary to this policy.

The Economic Development officer has advised that the proposed site has remained vacant for a substantial amount of time adding very little to the vitality of the surrounding area. Considering the current market conditions within the town centre it is unlikely that the site will be viable in the short term to be delivered as an office development or similar employment generating use, and therefore bringing the site into use in the proposed manner (subsequently generating employment and activity on a currently idle site) is an acceptable outcome.

It is therefore considered that the proposed use of the site would secure the use of the land for a period of time that would provide employment and economic development benefits. Whilst the proposal would result in the loss of a 'B' use (and be contrary to ED6), this would

only be for a limited period of time, and given the employment and economic development benefits it is considered the development would be acceptable for the length of time proposed in the current circumstances.

The proposed modular building is functional in appearance but is located towards the rear of the site, approximately 20 metres from the boundaries shared with Corporation Street and Westway. The building would be screened from Schoolfield Grove by landscaping along the West boundary of the site and would not project significantly above the boundary wall on the South boundary of the site. As such the modular building would not feature prominently in the streetscene. The addition of the proposed fascia signage (approved in R13/1349) would add some detailing to the building design. The railings and landscaping proposed would reduce the prominence of the building. Overall it is considered that due to the siting of the modular building and the landscaping and boundary treatment proposed, the building would not be harmful to the visual amenities of the locality.

The site is located on top of a historic documented landfill. In considering the original application to use the site a Condition has been required relating to a contaminated land study. It is considered suitable to include this as a condition in this current application.

In relation to the impact on highway safety the Highways Authority have no objection subject to conditions and informatives. This includes a request for a condition preventing vehicles visiting the site or under the control of the occupiers from being parked within the highway. Although it is understood that there are issues with on street parking within the area the Conditions Circular (11/95) specifically states that the imposition of such a condition is unreasonable as it seeks to exercise control in respect of the public highway which is not under the control of the applicant. Therefore it is unreasonable for this condition to be imposed as the matter could be controlled under highway legislation (parking restrictions are in place on Westway and Corporation Street). It is however considered reasonable for this to be included as an informative to bring this matter to the attention of the applicants.

The Council do not have a specific parking standard related to car rental uses. However, the site is within a central location, close to public car parks and is easily accessible by public transport. The application does not specify which spaces would be provided for customer parking in the event of a car rental use, however it is considered that any additional parking could be accommodated in nearby public car parks if necessary and this would be acceptable.

Environmental Services have recommended a condition to restrict the opening hours to those indicated on the application form. It is noted however that the previous permission has been granted with longer opening hours and circumstances have not changed significantly since. In accordance with Circular 11/95, it is not considered necessary to impose a Condition restricting the hours more than previously approved as there is not an evident concern of amenity issues arising as a result.

The site is located on top of a historic landfill site. In the previous applications a contaminated land survey has been requested by Environmental Services and this has been considered suitable to include as a condition. The circumstances of the site have not changed significantly since the previous approval and it is therefore considered appropriate to re-iterate this condition in a grant of planning permission.

The proposal would not adversely affect the retail function or the vitality or viability of the Town Centre and therefore complies with policy CS7.

No response has been received from WCC Ecology however the circumstances of the site have not changed significantly since the previous application where it was not considered the proposal would be detrimental to biodiversity. The proposal is considered to comply with policy E6.

Overall, it is considered that in the current market circumstances and with regard to the employment and economic benefits the proposal would bring, the proposal is considered acceptable for the length of time proposed. The proposal would not give rise to harmful visual or residential amenity issues and would not be detrimental to highway safety or biodiversity.

Recommendation

Approve limited period permission.

Report prepared by: M Needham 23rd August 2013

DRAFT DECISION

APPLICATION NUMBER

R13/1348

DATE VALID

16/07/2013

ADDRESS OF DEVELOPMENT

12 CORPORATION STREET
RUGBY
CV21 2DP

APPLICANT/AGENT

Paul Williams
85 Hanover Terrace
Brighton
East Sussex
BN2 9SP
On behalf of Enterprise Rent-A-Car UK Ltd

APPLICATION DESCRIPTION

Change of use to vehicle hire and erection of modular building, canopied washbay and railings

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 following plans and details:

Design and Access Statement, Site Location Plan, Site Layout, Canopy Plan and details, Modular Building details, Proposed Railing and Landscaping details received 16th July 2013.

Washbay details received 2nd August 2013.

Lighting details received 8th August 2013 and 20th August 2013.

REASON:

For the avoidance of doubt.

CONDITION 3:

The use hereby approved shall cease and the office building shall be removed from the site within 13 years of the date of this decision.

REASON:

To ensure the proper development of the site.

CONDITION 4:

The vehicular access to the site shall not be used until it 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 minimum width of 5.0 metres with a gradient not steeper than 1 in 10 and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway.

b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway.

c) The access shall not allow surface water to run off the site onto the highway.

REASON:

In the interests of highway safety.

CONDITION 5:

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 interests of highway safety.

CONDITION 6:

The development hereby permitted shall not be commenced before the highway (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 interests of highway safety.

CONDITION 7:

The development hereby permitted shall not be commenced before the highway (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 interests of highway safety.

CONDITION 8:

The landscaping scheme, as detailed on the approved plans, 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 is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 9:

No HGV parking shall be permitted on the site.

REASON:

In the interest of visual and residential amenities.

CONDITION 10:

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(a) An investigation and risk assessment, including a ground gas monitoring programme, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION 11:

The car rental use shall not be opened for business other than between the hours of 08:30 - 18:30 Monday to Saturday and 09:00 - 17:30 Sundays and Bank Holidays.

REASON:

To protect the amenity of nearby properties.

CONDITION 12:

No vehicle repairs or mechanical servicing shall take place on the site.

REASON:

In the interests of residential amenities.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team : Tel 01926 412515, before any work is carried out, this shall include for materials and

skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE 2:

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

INFORMATIVE 3:

The applicant is advised that the site is on a documented historic landfill site and the proposed temporary building should incorporate gas safety measures.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	4 th September 2013
Report Title	Delegated Decisions – 26.07.2013 to 15.08.2013
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

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

Rugby Borough Council

Planning Committee – 4th September 2013

Delegated Decisions – From 26.07.2013 To 15.08.2013

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: 04.09.2013
Subject Matter: Delegated Decisions – 26.07.2013 to 15.08.2013
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 26.07.2013 TO 15.08.2013

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R13/0592 Refused 29.07.2013</i>	Fields Farm Lower Green Woolscott	Erection of an attached dwellinghouse.
<i>R13/1282 Refused 12.08.2013</i>	Land at Manor Farm Green Lane Wibtoft	Erection of a detached agricultural worker's dwelling and associated works.
Applications Approved		
<i>R13/0351 Approved 25.07.2013</i>	Burley House Church Road Grandborough	Removal of condition 4 of R75/1525/06953/P (Erection of detached house and garage with stables).
<i>R13/0806 Approved 25.07.2013</i>	Holywell House Watling Street Lutterworth	Erection of a single storey side extension.
<i>R13/0984 Approved 25.07.2013</i>	Land adjacent to 4 Princes Street Rugby	Outline application for residential development comprising 6no. apartments together with vehicular access and car parking.
<i>R13/1039 Approved 25.07.2013</i>	Redundant Ministry Building Princethorpe Road Bourton-on-Dunsmore	Conversion of redundant building to a dwelling house incorporating the construction of a glazed link and re-cladding with timber boarding and the erection of detached double garage.
<i>R13/0835 Approved 26.07.2013</i>	5 Oakdale Road Binley Woods	Proposed single storey rear extension, insertion of pitched roof over existing side projection and insertion of dormer window to rear (part-retrospective)
<i>R13/1207 Approved 26.07.2013</i>	Clifton Upon Dunsmore C of E Primary School Station Road Clifton Upon Dunsmore	Removal of temporary classrooms, partial demolition of existing building and erection of single and two storey extensions with internal alterations. (Amendment to approved planning permission ref: R10/0753 dated 14/07/2010 to

		include the insertion of two additional windows to Ground Floor classroom (north elevation)).
<i>R13/1091 Approved 29.07.2013</i>	18 Sheriff Road Rugby	Erection of detached garage
<i>R12/2002 Approved 29.07.2013</i>	Land Rear of Lodge Farm Leamington Road Ryton on Dunsmore	Erection of general purpose agricultural building
<i>R13/1225 Approved 29.07.2013</i>	16 Gold Avenue Cawston	Conversion of part of the existing double garage to form a habitable room (retrospective).
<i>R13/0962 Approved 30.07.2013</i>	Burton Menswear 7 Market Place Rugby	Change of use of ground floor and first floor from A1 (shops) use to either A2 (financial or professional services) or A3 (restaurants and cafes) uses
<i>R13/0957 Approved 30.07.2013</i>	Paper Kisses 7A Market Place Rugby	Change of use of the ground floor from A1 (shops) use to either A2 (financial or professional services) or A3 (restaurants and cafes) uses
<i>R13/1030 Approved 30.07.2013</i>	4 Fisher Avenue Rugby	Replace existing single storey garage with a new garage with study over
<i>R13/0632 Approved 30.07.2013</i>	17 Lawford Road New Bilton	Use of existing building as a Polish Catholic House facility on ground floor including meeting room, small chapel for Fr.Wladyslaw Liptak and his small group of invited guests, tea room, office and kitchen and a priests flat on first floor and storage in basement and second floor and new pitched roof to outbuilding.
<i>R13/0881 Approved 31.07.2013</i>	252 Dunchurch Road Rugby	Erection of two storey and first floor side extension and new pitched roof to existing garage
<i>R13/1218 Approved 31.07.2013</i>	22 Ravenglass Brownsover	Erection of single storey rear/ side extension and provision of new pitched roof to existing garage
<i>R12/2205</i>	9 Fosse Way	Extend existing dropped kerb

<i>Approved 01.08.2013</i>	Stretton on Dunsmore	
<i>R13/1190 Approved 02.08.2013</i>	22 Woodlands Road Binley Woods	Erection of two side and rear extensions and single storey rear extension including installation of velux windows for a loft conversion.
<i>R13/1240 Approved 02.08.2013</i>	Church Burgesses Trust 14 High Street Rugby	Change of use from betting shop (A2) to tattoo shop (sui generis)
<i>R13/0753 Approved 02.08.2013</i>	The Stables Grove Farm Main Street Wolston	Erection of summerhouse
<i>R13/0286 Approved 02.08.2013</i>	4 Sheriff Road Rugby	Erection of a part two storey, part single storey side, first floor front and a single storey rear extensions
<i>R13/1111 Approved 02.08.2013</i>	9 St Ediths Close Monks Kirby	Proposed erection of a conservatory on the side of the property
<i>R13/0040 Approved 05.08.2013</i>	135 Norman Road Newbold	Retention of single storey rear extension
<i>R13/1324 Approved 07.08.2013</i>	111 Firs Drive Rugby	Erection of a two storey extension to the side of the existing dwelling (Amendment to previously approved planning application ref: R13/0692 dated 14/05/2013 to include the provision of a dormer window within the front elevation of the proposed side extension) (retrospective).
<i>R13/1313 Approved 07.08.2013</i>	55 Overslade Lane Rugby	Erection of a single storey side extension to form an attached garage
<i>R13/1210 Approved 07.08.2013</i>	Malin Farm Main Street Withybrook	Erection of an agricultural building for housing cattle
<i>R13/1320 Approved 08.08.2013</i>	10 Shuckburgh Crescent Rugby	Erection of single storey rear extension

<i>R13/1346 Approved 12.08.2013</i>	27 Monks Road Binley Woods	Extension to front of existing garage and porch
<i>R13/1238 Approved 12.08.2013</i>	33 Roper Close Hillmorton	Erection of a two storey front extension
<i>R13/1341 Approved 12.08.2013</i>	38 David Road Rugby	Erection of a two storey rear extension and a single storey canopy to the front
<i>R13/0058 Approved 12.08.2013</i>	54 Brockhurst Lane Monks Kirby	Erection of a single storey rear extension
<i>R13/0371 Approved 13.08.2013</i>	Warwickshire County Council Oakfield Primary School Oakfield Road Rugby	Erection of a conservatory.
<i>R12/0366 Approved 14.08.2013</i>	Calcutt Heights Calcutt Heights Farm Calcutt Lane Calcutt	Erection of a timber framed log house and garage.
<i>R13/1367 Approved 15.08.2013</i>	2 Lavender Close Rugby	Proposed first floor side extension and two storey side extension
Advertisement Consents		
<i>R13/1194 Advertisement Consent 25.07.2013</i>	Vets 4 Pets 213a Bilton Road Rugby	Retention of 2 No. non-illuminated full digital print window graphics.
<i>R13/0787 Advertisement Consent - Split Decision 30.07.2013</i>	Ventnor Farm Marina Calcutt Lane Stockton	Erection of 3no. Freestanding advertisements (retrospective)
<i>R13/1279 Advertisement Consent</i>	Halifax PLC 32 North Street Rugby	No. 3 new brandmarks, no. 1 new projecting sign and no. 2 new ATM collars all internally illuminated and no. 2 new non-illuminated

31.07.2013		fascias.
<i>R13/1298 Advertisement Consent 02.08.2013</i>	Eden Park Leicester Road Rugby	Erection of replacement sales hoarding.
<i>R13/1349 Advertisement Consent 13.08.2013</i>	12 Corporation Street Rugby	Application for advertisement consent for illuminated twin pole mounted signs and illuminated fascias (in association with proposed vehicle hire business subject of R13/1348)
Approval of Details/ Materials		
<i>R12/1855 Approval of non- material changes 30.07.2013</i>	30 Rugby Road Rugby	Erection of two-storey side extension over existing garage, single-storey rear extension and external alterations including rendering of dwelling. Erection of gates to front. Installation of rooflights.
<i>R05/0054/16920/P Approval of non- material changes 02.08.2013</i>	Elm Farmhouse The Dingles Frankton	Renewal of planning permission R00/0386/16920/P for the erection of two storey and single storey side extension
<i>R12/1593 Approval of non- material changes 02.08.2013</i>	70 South Road Clifton Upon Dunsmore	Erection of extensions and alterations to existing property
<i>R10/1972 Approval of details 02.08.2013</i>	Former Peugeot Works (Units DC3 & DC4, 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>R13/0259 Approval of Details 05.08.2013</i>	Rear of 43 Manor Road Rugby	Erection of 2 dwellings with associated works.
<i>R13/0396 Approval of Details</i>	Tesco Stores Limited 1 Leicester Road	Change of use of nine parking spaces to a hand car wash and valeting operation including

05.08.2013	Rugby	the erection of a canopy, office and screened wet wash area
R12/0305 Approval of Details 06.08.2013	Wolvey House Farm Wolds Lane Wolvey	Change of use and Conversion of 6 existing barns to 6 residential units, including the demolition of existing barns, erection of new garaging and stables. (Alterations and Extensions to the approval R10/0383)
R12/0305 Approval of non-material changes 06.08.2013	Wolvey House Farm Wolds Lane Wolvey	Change of use and Conversion of 6 existing barns to 6 residential units, including the demolition of existing barns, erection of new garaging and stables. (Alterations and Extensions to the approval R10/0383)
R13/1010 Approval of non-material changes 07.08.2013	26 Dunsmore Avenue Rugby	Proposed single storey rear extension (amendment to previously approved application R12/0549)
R11/1930 Approval of Details 08.08.2013	Bob's Café 352 London Road Dunsmore Heath	Change of use of land to sale and storage of motor vehicles
R11/1399 Approval of non-material changes 13.08.2013	Granville House 4 Moultrie Road Rugby	Erection of a two storey side extension and associated alterations.
Withdrawn/ De-registered		
R10/1815 Withdrawn 12.06.2013	40 Main Street Clifton on Dunsmore	Use of former retail premises as residential dwelling alterations to front elevation and new pitched roof to rear
R12/1086 Withdrawn 09.08.2013	The Green Man 14 Daventry Road Dunchurch	Proposed hardstanding to enlarge existing car parking area, associated parking bay delineation and soft landscaping
R13/1114 Withdrawn 09.08.2013	Woodbine Stables Windy Willows Grandborough Fields Grandborough	Erection of an equestrian tied dwelling to serve equestrian business.