

25th October 2013

PLANNING COMMITTEE - 6TH NOVEMBER 2013

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 6th November 2013 in the Council Chamber, Town Hall, Rugby.

Site visit

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

3pm Homefield, Land at Rugby Road, Dunchurch, CV22 6QT

Note: Members are requested to meet in the village hall/sports field car park on Rugby Road, Dunchurch

Andrew Gabbittas
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 25th September 2013.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

5. Planning Appeals Update.

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

7. Delegated Decisions – 27th September 2013 to 17th October 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 – 10) 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, Senior Democratic and Scrutiny Services Officer (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.

The Council now operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website (www.rugby.gov.uk/speakingatplanning).

AGENDA ITEM 4

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 6TH NOVEMBER 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

There are no applications recommended for refusal to be considered.

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
1	R11/0726	Homefield, Land at Rugby Road, Dunchurch, Rugby, Warks, CV22 6QT Outline application for the development of 50 dwellings including access and landscaping.	3
2	R13/1693	1 Walkers Terrace, Ansty Road, Brinklow Retention of double garage.	48
3	R13/1332	64 Craven Road, Rugby Change of use from A3 restaurant to a mixed A3/A5 restaurant/hot food takeaway.	51

Reference number: R11/0726

Site address: Homefield, Land at Rugby Road, Dunchurch, Rugby, Warks,
CV22 6QT

Description : Outline application for the development of 50 dwellings
including access and landscaping

Case Officer Name & Number: Steve Parkes 01788 533633

Authorised Use

Agricultural

Relevant Decisions

Residential development and vehicular access
(Ref.no R00/0417/14099/OP)

refused
22.08.01
appeal
dismissed
23.10.02

Use of land for residential development at a density
of at least 30 dwellings/hectare
including new access and road junction and associated
roads and infrastructure
(Ref.no R02/0191/14099/OP)

appeal against
non-
determination
dismissed
23.10.02

Technical Consultations

WCC Highways	no objection	subject to conditions covering means of access, visibility splays and measures to prevent the deposit of material on the public highway together with informatives including provision of provision of sustainable travel packs
WCC Rights of Way	no objection	welcome proposal to accommodate footpath in broad corridor of open space; seek contribution towards improvements to rights of way within vicinity of the site
WCC Education	no objection	request education contribution towards Dunchurch Infant and Junior Schools and Ashlawn Secondary School
WCC Libraries	no objection	request library contribution

WCC Chief Fire Officer	no objection	subject to condition covering scheme for provision of water supplies and fire hydrants
Warks Police Crime Reduction and Community Safety	no objection	comment detailed scheme should have regard (to secure by design principles in order to meet) aims of NPPF.
WCC Ecology	no objection	subject to conditions to protect bats and great crested newts and submission of a combined ecological and landscaping scheme
WCC Archaeology	no objection	subject to condition covering a programme of archaeological evaluation and mitigation
WCC Rural Devt	concern	potential impact on Heritage Assets and clarification that English Heritage consulted
English Heritage	comments	in respect of the original heritage assessment that there should be further assessment of the impact on the setting of heritage assets and their significance; recommends a better layout to ensure buffer to parkland is maintained rather than bringing new houses right up to the edge of the park and Conservation Area; suggests S106 agreement be used to secure funding for the upkeep of the park and historic buildings
	no comments received	in respect of the heritage assessment addendum
Garden History Society	no comments received	

Env Agency	objection	in respect of the original flood risk assessment
	no objection	following consideration of further flood risk assessment and clarification of drainage strategy, subject to condition to prevent flooding by ensuring satisfactory storage of/disposal of surface water
STW	no objection	subject to condition covering details of disposal of surface water and foul drainage; advise that a public sewer is located in the site; confirm that the updated flood risk assessment demonstrates the applicant is planning to deal with surface water disposal in an acceptable way
Env Services	no objection	subject to conditions and informatives covering noise, contamination and air quality
Tree Officer (RBC)	no objection	subject to condition covering protection of trees
Ramblers Association (Rugby Branch)	no objection	subject to consultation at detailed planning stage

Third Party Consultations

Original Consultation

Dunchurch Parish Council - objection

- no demonstration of housing need on such a scale/latest housing needs survey for Dunchurch (2011) identified only 5 persons with a local connection having an immediate need for affordable housing/small scale, phased development to meet local need more appropriate

- impact together with other developments on highway safety including the Crematorium, Cawston Grange extension, Onley Marina and DIRFT expansion /problems of crossing the A426/Parish Council lobbying for a pedestrian crossing near the Cawston Lane junction/additional junction will exacerbate problem/traffic figures in assessment unreliable

- impact on sub-standard service road, a private right of way/detrimental to local amenity and particularly loss of amenity for occupiers of properties to either side of access road/temptation for vehicles to use service road at times of congestion/other access options should be considered and access not treated as a reserved matter

- access option 2 should be selected which would have added benefit of improving access to the school and ameliorate existing problems associated with school traffic exiting via Vicarage Lane and Waring Way/the access between 24 and 26 could then be maintained as a pedestrian/cycle route only

- concerns about increased flood risk

- site provides setting to heritage assets and was until recently categorised as open space

- loss of green space will have detrimental impact on the character of Dunchurch as a village

Neighbours – objection (82 letters)

- Transport and Highways

- transport assessment flawed/should be revised transport statement submitted/does not adequately show highway safety will not be compromised/does not properly include anticipated traffic growth and is dismissive of accident records

- number of vehicles using the proposed access understated

- cumulative impact of other developments on traffic generation including Crematorium, Cawston extension, marina at Onley and freight terminal at Crick

- increase in traffic will lead to increase in accidents

- traffic to development will have no right to use private service road which is narrow with poor visibility when exiting driveways/potential use of service road as “rat run” with increased risk of accidents/impact of additional traffic on service road will result in additional maintenance costs

- access road will cross a heavily used right of way for pedestrians, runners and cyclists

- access inadequate and should not be left as a reserved matter

- access options 1 and 1a unsatisfactory

- no satisfactory sight lines for vehicles exiting the site

- Rugby Road a primary route as part of the national high load route network promoted by the DfT

- existing access between nos. 24 and 26 never used for agricultural purposes

- potential use of proposed access by Bilton School if planning permission granted

- alternative access option 2 should be pursued which allows a number of solutions for junction design including signalisation

- access option 2 does not comply with national standards/option 1 the only safe option to serve the site

- access should be off the service road to Bilton Grange School/should be widened to take two-way traffic

- existing access to Bilton Grange School inadequate and should be improved as well as providing access to the proposed development
- existing school access should be closed and traffic routed via the original entry point at North Lodge on Ashlawn Road or a new road provided linking across school property to the Cock Robin roundabout
- small roundabout or traffic lights should be added to the Northampton Lane/Homefield Lane/Rugby Road junction with traffic from the development routed on to Homefield Lane
- suggestions of access via Rugby Road/Northampton Lane junction the worst and last alternative solution which should be considered/best solution a new road connecting to the existing Ashlawn roundabout
- one-way traffic flow through Bilton Grange School has resulted in large traffic flows along Waring Way and Vicarage Lane/were assured that proposals would include re-routing of school traffic
- will add to school time traffic congestion and congestion elsewhere in the village
- will lead to increased congestion at the Northampton Lane/Rugby Road junction
- will exacerbate use of Northampton Lane, Cawston Lane and Adkinson Avenue as a "rat run"
- will add to congestion in Adkinson Avenue during school periods
- will lead to increase in traffic on Bilton Lane
- will add to existing parking problems in the village

- Character

- represents significant increase in size of village
- detrimental impact on village character
- detrimental impact on rural character
- will blur boundary with Rugby and village will lose its identity
- adverse impact on visual character of Rugby Road
- precedent for further development to detriment of village character
- loss of green field and damage to functioning of village outweighs any benefits

- Heritage

- heritage assessment unsatisfactory contrary to paras. 133 and 144 of the NPPF
- archaeological report inadequate
- no evidence of impact on historic park and garden presented at previous public inquiry
- impact on listed buildings and walled garden

- Local Services

- adverse impact on local services
- village school already over-subscribed
- doctors surgery over-subscribed
- detrimental impact on village facilities including parking in village centre

- Biodiversity
 - impact on local wildlife
 - no surveys of protected European species and failure to have regard to European Directives and Circular 01/2005
 - loss of trees/impact on protected trees/impact on Scots Pines
 - tree protection plan incorrect
 - should be TPO on Willow tree in rear garden of no. 26 Rugby Road
 - use of herbicides to kill grass and weeds on site will have a detrimental impact on ecology and on neighbouring gardens

- Flood Risk and Drainage
 - will increase flood risk in area
 - flood risk needs to be re-evaluated in accordance with para.103 of the NPPF
 - swale inadequate to deal with flooding and a safety hazard
 - exacerbate existing sewerage problems

- Amenity/Noise/Pollution
 - loss of privacy, particularly to nos. 24 and 26 Rugby Road
 - impact on security of neighbouring properties adjacent to the access road
 - increase in traffic with resultant increase in pollution, noise and decrease in safety
 - occupiers of properties to either side of access road will be subject to noise pollution, air pollution, light pollution and vibration and no noise survey of impact on nos.24 and 26
 - what measures required to protect occupiers of nos. 24 and 26
 - noise survey inadequate/only deals with impact regarding Homefield Lane

- Housing Need
 - no demonstration of need
 - local needs survey demonstrates no need for open market housing
 - social housing out of character
 - contrary to policy CS5/are other sites of higher priority that should be developed before considering this site
 - once the principle is established there will be applications to increase the number of dwellings
 - reasons for refusing applications in 2002 still valid ie.no need for additional housing/development should be on brownfield sites/sufficient land available on allocated sites and priority should be given to developing housing at Cawston, the Rugby Radio Station and Gateway sites

- Other
 - greenfield site/site is “white land” in agricultural use

- brownfield sites available in Rugby and other locations in the surrounding area
- density of development
- impact on existing footpath
- contrary to policies E1, E4 and E14
- Council previously recommended that the site be designated as open space
- site identified as green infrastructure
- loss of open space

Rugby Road Residents Association – objection

- scale of development not justified or warranted/detrimental to tranquil and rural character of area
- impact on historic park and garden, listed buildings, Conservation Area and trees
- fundamental concerns over site access and highway safety/inadequate information to allow decision maker to come to view as to whether development will provide a safe and secure means of access/access should not be a reserved matter given nature of Rugby Road being one of the main and busiest routes into the town and the presence of a private road
- transport assessment considers three access options/option ndeliverable since requires alterations to the private road which the applicant and Highway Authority have no right to carry out and would be unenforceable/option 1a does not adequately address the implications of increased traffic along the unsuitable private service road
 - traffic entering and leaving site incentivised to use service road to avoid lengthy queuing onto A426 at proposed access/option 2 more suitable access with additional benefits of improved access to the school and nursery and reduced traffic through Waring Way and Vicarage Lane
- application fails to adequately demonstrate highway safety will not be compromised/ unsubstantiated assumptions in transport assessment such as low predicted levels of traffic movement – does not accurately reflect anticipated traffic growth from other developments – is dismissive of accident records in vicinity of site – fails to provide safety audit to demonstrate safe access can be achieved – traffic implications of development on village centre overlooked/concern that highway safety has not been treated seriously
- preservation of existing trees for their landscape, amenity and ecological value essential/ tree protection plan inaccurate and incomplete such that an accurate assessment of impact on trees cannot be undertaken
- concerns over flooding and drainage/proposal contrary to para.103 of NPPF as applicant fails to demonstrate proposals will not increase risk of flooding elsewhere or that sustainable drainage can be achieved on site
- proposal contrary to paras.133 and 134 of NPPF since Heritage Assessment provides limited justification or evidence for conclusion that development would not lead to substantial harm or total loss of significance to heritage assets

- removal of trees and impacts on bats/fails to demonstrate that proposals would not cause harm to European protected species/fails to have regard to 1992 EU Directive (92/43/EEC) and C01/2005
- adverse impact on residential amenity arising from traffic using access options 1 and 1a and along the proposed access road between nos.24 and 26 Rugby Road

On-line petition (144 entries) – promoted and submitted by the Rugby Residents Association to oppose the application on the following grounds:

- the development will add significantly to the volume of traffic through the already congested village
 - will build on green open space
 - will take another irreversible step towards removing the independence and character of the village
 - will add another major T junction on the A426

*note: the number of entries should be treated with some caution since many of those listed have also made individual representations by letter/e-mail; some names are listed more than once; some are listed as “anonymous” and some make comments which are not planning matters. Those who have made comments additional to the grounds referred to above do not raise any issues which have not been covered in neighbour representations or by the Residents Association

Neighbours – support (2 letters)

- sensible proposal to increase availability of housing in popular area
- number of houses not excessive for size of development site
- correct location for development compared to other green spaces around village as is bounded on three sides by properties and a sports field on the fourth
- current Bilton Grange junction already quite dangerous

Cllr Howard Roberts – objection

- not in accordance with settlement hierarchy
- no suitable access suggested
- loss of biodiversity
- loss of amenity
- insufficient parking in Dunchurch
- impact on listed building (Bilton Grange)
- add to pressure on local schools

Cllr Robin Hazelton – concerns

- shares concerns of residents about use of proposed access
- proposed junction and increase in traffic will cause further hold-ups especially at peak periods
- favours an improved access at The Drive to serve both the school and the proposed development

- decision to use the proposed access is based on historic data and does not take account of the increase in HGV and other traffic including that serving Dunchurch Hotel and Bilton School, increased courier traffic and that generated by the opening of the Rugby Crematorium and Cemetery
- requests that a traffic modelling/impact assessment be carried out of an improved access at The Drive

Additional Consultation

Dunchurch Parish Council – objection

- re-iterate points raised in original response and in addition urge the planning authority to carry out air pollution surveys at the Dunchurch traffic lights both now and in the event of the development being approved when the properties are occupied

Neighbours – objection (20 letters)

- Transport and Highways
 - traffic volumes and impact on safe operation of proposed junction not properly assessed
by Highway Authority
 - highway safety issues raised by independent highways expert not adequately addressed
 - number of vehicles predicted to use the access understated
 - exacerbate existing traffic congestion together with other proposed developments within the vicinity of Dunchurch
 - developer does not have right of access over the service road/approval will not be given by service road owners
 - service road a private right of way of substandard construction/increase in traffic will make it unsafe for existing residents/will result in increased queuing to get on to the A426 and increased use of the service road to avoid queues/conflict of access with driveways to properties on either side a potential for accidents
 - leaving all service road junctions open together with physical barriers to prevent traffic from the new development turning onto the service road would be preferable
 - access and detailed access plans should not be a reserved matter given difference in Levels
 - access potentially unsafe and unworkable/choice of access based on cost at expense of highway safety and improving traffic flows
 - examples of similar junction arrangements not comparable with complex junction being proposed
 - potential danger to cyclists at junction with new access
 - different position for access adjacent to Bilton Grange Drive should be considered
 - Homefield Lane under-maintained/unable to cope with additional traffic
 - will add to severe traffic congestion affecting junction with Northampton Lane

- existing road infrastructure and parking problems in village
- Character
 - detrimental to rural character of Dunchurch
- Heritage
 - lack of consultation with County Archaeologist and limited input from English Heritage
- Local Services
 - should be clearer plans for nursery infrastructure to support expansion of housing and population of Dunchurch and wider Rugby area
 - local school oversubscribed
- Biodiversity
 - tree survey inaccurate
 - detrimental impact on trees
 - great crested newt assessment inadequate having regard to proposed balancing pond
 - detrimental effect on wildlife
- Flood Risk and Drainage
 - balancing pond a safety hazard/concern about maintenance and cleanliness of pond
 - flood risk assessment inaccurate/will increase flood risk/existing drainage problems
 - impact of building on the site on potential flood risk to neighbouring properties
- Amenity/Noise/Pollution
 - lack of consideration of impact of access on amenities of occupiers of 24 and 26 Rugby Road
 - noise, air and light pollution
 - additional traffic will add to air pollution at a time when reduction is a priority
 - proposal will not meet requirements of para 124 of NPPF
- Housing Need
 - no need for additional housing in village
 - no evidence of need for affordable housing
 - other more suitable brownfield sites in village and projected expansion adjacent to Lime Tree Village

- smaller dwellings being developed in the vicinity of Rugby Railway Station meet housing need
- is only identified local need for 6 dwellings which could be accommodated on brownfield site on Southam Road

- Other

- site not allocated for development
- detrimental impact on public right of way
- detrimental impact on school

Rugby Road Residents Association – objection

- revisions do not address concerns about scale of development/smaller scale phased development to meet local needs more appropriate/former highways depot located in centre of village identified for 44 houses in more suitable and sustainable location to meet local and affordable housing needs/brownfield sites should be promoted over greenfield sites

- highway safety concerns remain/safety audit flawed/dismissal of concerns does not instill confidence in Highway Authority which does not provide evidence to support view that the access is safe and makes a number of assumptions in assessing proposal/Highway Authority has not substantiated why access option 2 is less acceptable and a safety audit should be undertaken to assess its suitability

- maintain view that impact of other committed developments comprising Crematorium, extension to Cawston Grange, Barby Pools Marina, Centre of Rural Excellence, new tennis club on sports field adjacent to the site, together with other projected development comprising DIRFT III, Rugby Radio Station and residential development adjacent to Lime Tree Village should be considered

- in view of land ownership issue access should not be a reserved matter
- request Committee site visit prior to determination

- will exacerbate air quality issues at traffic lights in centre of village/should address issue in accordance with para.124 of NPPF/permission should not be granted until assessment

- inaccuracies in revised tree report remain – lack of clarity with some trees still not shown and unclear what is proposed with trees in poor condition/proximity of proposed road to Willow tree near rear boundary of 26 Rugby Road and conflict with protection zone/concern that TPO trees in residents gardens not adequately protected

- revised flood risk assessment flawed in conclusion that will not cause any off site impact given ground conditions/high water table likely to result in deeper than normal attenuation pond which will be permanently wet and need regular maintenance and management and to ensure is safe/fully worked up drainage strategy should be submitted and not left to condition

- proposal will harm heritage assets as it represents development in its setting and clear and convincing justification has not been made

- has not satisfactorily demonstrated that proposed development would not cause harm to European protected species contrary to European Directive and Council should review proposal against derogation tests

- impact of traffic using access road on residential amenity of the occupiers of nos.24 and 26

Other Relevant Information

The Application Site

The site known as Homefield amounting to some 2.95ha, is located off the east side of Rugby Road approximately ¼ mile from Dunchurch village centre and some 2 miles from the centre of Rugby.

It is bounded by Homefield Lane to the east beyond which are the grounds of Bilton Grange School, the village playing field to the south, the remainder of the field of which it forms a part and the entrance road (The Drive) serving the School to the north, and the rear gardens of residential properties fronting Rugby Road to the west. The site extends through a field gated access between nos. 24 and 26 Rugby Road and across a private service road where it meets the public highway.

The boundary with Homefield Lane is defined by a mature hedgerow and trees, some of which are the subject of a preservation order. The boundaries of the rear gardens to the properties on Rugby Road are defined by a mixture of fences, hedgerows and shrubs of varying heights whilst a number of the gardens contain trees some of which are also the subject of a preservation order. A post and wire fence runs along the boundary with the playing field whilst the northern boundary is undefined.

The generally level site has predominantly been used for arable purposes being let to a neighbouring farmer on a Farm Business Tenancy. A public footpath, R172, runs inside the length of the eastern boundary. The properties fronting Rugby Road are accessed via a service road with junctions at either end and two centrally located crossover points. Rugby Road along this stretch is subject to a 30mph speed limit.

The grounds of Bilton Grange School are a grade II registered park and garden. The main school building designed by Pugin is a grade II* listed building. Two other properties nearby in the grounds of the parkland on the east side of Homefield Lane comprising the Inner Lodge and Gardeners Cottage and attached garden walls are grade II listed. The Lodge at the entrance to The Drive on the Rugby Road frontage is also grade II listed. The playing field to the south of the site lies within the Dunchurch Conservation Area.

The Application

The application is in outline with all matters reserved for subsequent approval for the erection of 50 dwellings together with access and landscaping. The application is supported by an indicative master plan demonstrating how the site could potentially be developed. The applicants intend that the master plan

be used as a template to inform detailed proposals comprised in any reserved matters submission.

Vehicular access is proposed to be gained from a new access off the Rugby Road extending into the site across the service road and between the neighbouring properties nos, 24 and 26. The two existing crossover points providing access to the service road at this location would be closed. The information submitted with the application indicates two potential layout options where the access road crosses the service road. That shown on the master plan comprises option 1 which proposes a dropped kerb vehicular crossover arrangement from the service road and the positioning of “no entry” signs in order to prevent direct access from the new road onto the service road. The alternative, option 1a, does not include such a restriction but proposes a formal priority junction arrangement with kerbed radii.

The layout of development shown on the indicative master plan is aligned principally along a single estate road running north to south centrally through the site. Larger, lower density plots are proposed directly behind the existing dwellings fronting Rugby Road. Larger plots are also proposed facing The Drive and framing areas of green space. Higher density development is proposed in the centre and southern part of the site. All plots are provided with private amenity space and garage parking with those in the centre accessed from the rear to enable them to front on to green space.

A mix of house types, sizes and building heights is proposed at a density of 20 dwellings per hectare with the intention that in any detailed scheme these reflect the design and appearance of existing dwellings fronting Rugby Road and in the wider Dunchurch area. The applicants confirm that 40% of the dwellings (20 no.) are to comprise affordable housing, six of which are to specifically meet an identified local housing need. It is intended that the affordable housing would be primarily two and three bedroom family homes which would be spread throughout the development.

The existing public footpath is accommodated within a green corridor which runs the length of the eastern part of the site. This would be linked to the Rugby Road by footpaths which run through a wedge of open space located centrally in the development and along the access road. Links to the public footpath are also proposed at each end of the estate road. Additional green space incorporating a balancing pond is shown on entry to the site whilst the green corridor along the eastern boundary at its southern end broadens out in order to provide views of the listed building, Gardeners Cottage, and the walled garden.

Supporting Documents

The application is supported by a number of documents comprising Design and Access Statement, Transport Statement and Addendum, Ecological Survey and Great Crested Newt Survey, a Tree Report/Impact Survey, Flood Risk Assessment, Noise Survey and Heritage Assessment. A sustainability checklist is also provided and the applicants confirm that the detailed

development will have full regard to energy efficiency and be designed to reduce carbon emissions.

A Statement of Community Involvement details the applicant's engagement with interested parties prior to the submission of the application. This includes local residents, particularly those on Rugby Road directly adjoining the site, parents and teachers of Bilton School, the Parish Council and officers of the Borough and County Councils.

Subsequent to the original consultation on the proposal, the documents have been supplemented with a revised Tree Report/Impact Survey, a further Flood Risk Assessment, a Road Safety Audit, Bat and Great Crested Newt Reports, Heritage Assessment addendum and revised master plan.

Transport Statement and Road Safety Audit

The transport statement considers whether the proposed development will result in a significant increase in traffic on the local highway network; whether any off-site highway improvements are required to mitigate any potential impacts; whether suitable access, parking and servicing can be achieved and, opportunities for travel by sustainable modes of transport. A traffic survey in the vicinity of the service road junctions was carried out on Thursday 19 May 2011 at peak periods between 0730 and 0930 hours and between 1630 and 1830 hours. Details of personal injury accidents in the vicinity of the site over a five year period were examined together with details of the limits of the boundary of the public highway along the frontage to Rugby Road.

Based on a development of 55 dwellings, the assessment anticipates that a total of 37 vehicle movements (12 arrivals, 25 departures) would be generated during the morning peak and 40 vehicle movements (26 arrivals and 14 departures) during the evening peak with the majority of vehicle trips (59%) accessing to and from the south and 41% travelling to and from the north. The report concludes that this is not a significant increase and that no further detailed assessment of the impact of traffic generated by the development on the surrounding highway network should be required.

With regard to personal injury accidents, the assessment refers to a total of 8 incidents recorded during the study period none of which involved pedestrians and one a cyclist, all of which were classed as slight in severity. Five of the incidents occurred at the Rugby Road/Northampton Lane junction and two at the Rugby Road/Bilton Lane junction. It is concluded that in the context of 1400 vehicles being carried along Rugby Road during peak hours, the study of accident records indicates that there are no significant highway safety concerns in the vicinity of the site that would be exacerbated by what is considered to be a minor increase in traffic generated by the development.

With regard to the suitability of the site access arrangement onto Rugby Road and the crossing of the service road, the statement concludes that either of the layout options proposed over the service road would operate satisfactorily and refers to other similar arrangements in Warwickshire. In addition, it is

stated that a capacity assessment of the T-junction arrangement with Rugby Road using a 2017 design year “with development” traffic flows demonstrates that the junction would operate satisfactorily without excessive queuing delays.

Reference is made in the transport statement to a second access option (2) in the event that options 1 and 1a cannot be delivered (due to any potential issues arising from negotiations with neighbouring residents who own those parts of the service road fronting their properties) comprising a reconfiguration of the existing school access to provide a shared arrangement with the proposed development. The options 1 and 1a are the preferred arrangement, however, (which the transport statement states should be pursued) and form the basis of the consideration of the access arrangements. The applicants have confirmed that option 2 does not form part of the application and that the proposals should be considered solely on the basis of access provision between nos. 24 and 26 Rugby Road.

With regard to sustainable modes of travel, the assessment states that the site is within 2 km of the majority of Dunchurch village and the south-west of Rugby and is therefore considered to be within reasonable walking distance of facilities and services. A number of bus routes pass along the Rugby Road with bus stops within 400m of the centre of the site affording opportunities for travel to a range of local destinations and further afield. The statement also contends that the site is well served by opportunities for cycling highlighting the Rugby South West Loop which, in the vicinity of the site, comprises a shared footway/cycleway alongside Rugby Road.

The Road Safety Audit was carried out at the request of the Highway Authority to identify any potential safety issues in connection with the two access options across the service road. One issue was identified relating to the potential for occupiers of properties on the service road to ignore the “no entry” signs and gain access to their properties from the new access road rather than at either end of the service road which may result in potential vehicular conflict. The response of the design team to the audit is that either proposed option could be implemented subject to the removal of the signs.

Heritage Assessment and Addendum

The Heritage Assessment originally submitted considers the potential impact of the proposed development on the heritage assets and their settings comprised in the registered parks and gardens of Bilton Grange and Dunchurch Lodge having regard to policy guidance contained in the NPPF. Following receipt of the consultation response from English Heritage, this has been supplemented by a further assessment including consideration of the potential impact on Dunchurch Conservation Area and employing the methodology advocated by English Heritage in its guidance ‘The Setting of Heritage Assets’ for the assessment of the impact of proposed development on the setting of heritage assets.

As well as identifying and describing heritage assets and their heritage significance, the stage approach includes identifying the setting of each asset and the contribution it makes to the significance of the asset, consideration of the magnitude of the negative or positive impact on the heritage significance of the asset and, the sensitivity of an asset to impacts on its heritage significance taking account of the heritage importance of the asset and the policy protection it is afforded.

The Heritage Assessment examines evidence from a variety of sources for past activity at the site and its relationship with designated heritage assets adjacent and in the immediate locality. It makes an assessment of the impact of the proposed development on the setting of designated heritage assets and the extent to which such impact would affect the significance of those assets and also considers the potential direct impact on below ground archaeology.

The designated heritage assets identified are the grade II registered parks and gardens of Bilton Grange and Dunchurch Lodge together with their listed buildings and Dunchurch Conservation Area. In the case of Bilton Grange, listed buildings include the principal building, originally a country house now a school, which is listed grade II* and lies more or less centrally within the grounds, and related grade II listed buildings in the immediate vicinity of the application site comprising the Lodge on Rugby Road at the entrance (The Drive) to the school, the Inner Lodge located on the corner of The Drive and Homefield Lane, and Gardener's Cottage and attached garden walls located in the south-west corner of the grounds bounding Homefield Lane.

The assessment states that the significance of the Bilton Grange parkland and listed buildings lies in their group value and their association with the architect, Pugin. It goes on to express the view that the historic setting of the parkland and its constituent buildings to some extent has been changed by the spread of housing along Rugby Road and the development of school buildings, including Homefield School and the Nursery which has added modern elements to the 19th century landscape.

In terms of the impact on significance, the assessment states that the proposed development will not be seen from the principal building but will be visible from both the Rugby Road Lodge and Inner Lodge and will be close to Gardener's Cottage and garden walls. It goes on to state, however, that the integrity of the parkland and relationship with the listed buildings will not be affected by the development nor will lines of sight along the driveways or from the principal buildings.

It concludes that the proposed development will result in a change to a section of the setting of the Bilton Grange parkland and the Inner and Rugby Road Lodges but that the wider landscape setting of the parkland will not be affected. It goes on to state that such change does not constitute a substantially harmful effect on the character, appearance or interest of the park or Grange and that the overall effect, based on English Heritage methodology can be expressed as slight adverse harm. It further comments that the landscape has the capacity to accommodate change and that the

proposed development will not result in the loss of any special interest of the park. In considering the significance and setting of Dunchurch Lodge and the impact on significance, the originally submitted assessment similarly concludes that the proposed development, particularly given that it is separated by playing fields, will have no effect on the significance of Dunchurch Lodge or its parkland.

With regard to Dunchurch Conservation Area the assessment comments that it does not rely upon important views to or from the area. It concludes that the proposed development will result in a change to a section of the setting but that this does not amount to a substantially harmful effect on the character, appearance or interest of the Conservation Area. Overall it describes the effect as being negligible and that the impact can be characterised as no harm for the purposes of the NPPF.

With regard to archaeology, the assessment concludes that though this may need further evaluation which can be covered by condition, it will not be a constraint to development.

Ecological/Bat/Great Crested Newt Surveys

The ecological assessment submitted in support of the application is based on a winter survey of the site which mapped and described habitats present. The survey also includes an assessment of the suitability of ponds and land within 300m of the site to support great crested newts. A specific survey for the presence of the species in the period prior to submission of the application, however, had not been undertaken.

The site is described in the assessment as comprising of semi-improved grassland considered to be of limited and low ecological value. The hedgerow and trees along the eastern boundary, however, are considered to be of ecological merit which are likely to be important for breeding and foraging birds as well as foraging and potentially roosting bats. The hedgerow could also potentially provide shelter for great crested newts. Four ponds within the grounds of Bilton Grange were considered to have the potential to varying degrees to support great crested newts.

The assessment recommends that native trees, shrubs and hedgerows be retained where possible; that activity surveys during summer months would assist in establishing the extent of the use of the site by foraging and commuting bats; that appropriate lighting be incorporated in any scheme having regard to the potential for use of the site by bats; that any works to trees be carried on outside the bird breeding season and, that the loss of any trees, shrubs or hedgerows be off-set by the planting of native species as part of the development. In view of the suitability of the ponds and the site for great crested newts and records of breeding populations of the species within 500m of the site, specific survey for great crested newts was also recommended.

In considering the proposals, the County Ecologist recommended that prior to the determination of the application both an updated great crested newt

survey of the ponds and a bat survey of any trees affected by development be undertaken.

A pre-determinative bat survey was subsequently submitted which identifies seven trees with some potential for bats two of which have a high probability for roosting bats.

A great crested newt population assessment was also submitted updating a previous survey of the four ponds within the grounds of Bilton Grange carried out in 2010 when no great crested newts were recorded. Six survey visits were carried out between mid May and late June 2013. One female great crested newt was recorded using the terrestrial habitat around pond 4 in the walled garden on two of the visits but there was no evidence of a breeding population. The surveys confirmed that no breeding ponds will be affected by the development whilst the site itself is considered to have limited suitability for great crested newts. The site is also isolated from a known breeding population in Dunchurch village whilst it is stated that the wall surrounding the walled garden in which pond 4 is located would itself act as a barrier to the dispersal of newts. The report nonetheless advises that a licence could be required for works on the site but that a risk assessment and method statement may be sufficient subject to agreement from Natural England.

Tree Report/Impact Survey

The Tree Report/Impact Survey comprises a detailed survey of trees along the site boundaries and in the immediate vicinity of the site. It identifies any trees that may potentially be affected by the proposed development and recommends any protective measures required and methodology for any works within root protection zones. This includes a tree protection plan with construction exclusion zones and advises of any precautions required to safeguard trees during development.

Various discrepancies were identified in the original report and accompanying drawings relating to trees potentially affected by the development and/or identified to be retained or removed. Revised reports subsequently submitted clarify the position and confirm that no trees are to be removed as a result of the development.

Flood Risk Assessment

The originally submitted assessment comprises a desk based review of the likely risks of flooding to the development of the land and how such development might itself affect flood risk elsewhere. It identifies the site as falling within Flood Zone 1 on the Environment Agency's flood plain map being described as having a low probability of flooding and in which all uses of land, including housing, are considered appropriate. It proposes that any increased rate of surface water run-off as a result of development will be dealt with by means of a sustainable urban drainage system comprising a balancing pond or swale potentially in the location indicated on the master plan accompanying the application.

The original assessment was considered unsatisfactory and lacking in the required investigation and analysis of ground conditions to demonstrate that development of the site poses no flood risk. A more detailed flood risk assessment was therefore submitted including a proposed drainage strategy in order to demonstrate that the site can be adequately drained.

The updated assessment shows that the site is located on loamy soils with a naturally high water table and percolation tests have confirmed that disposal of surface water by soakaways is unsuitable. It recommends a number of flood risk management measures including the provision of land drains in gardens and landscaped areas to protect the development from elevated groundwater and the management of surface water run-off in the form of a detention pond with controlled rate of discharge to the public sewer. The drainage pond proposed is designed to attenuate flows arising from a 1 in 100year storm event plus 30% allowance for climate change. The pond is proposed to be located beyond the rear garden of no.26 Rugby Road. The assessment advises that no off site mitigation measures are necessary and that the provision of land drainage on the development site will help alleviate flood risk from elevated ground water or run-off on adjacent land.

Noise Survey

The noise survey was carried out in accordance with the requirements of PPG 24 which has since been replaced by the NPPF based on recordings taken over a 24hr period at a position located mid-way along the eastern boundary of the site near Homefield Lane.

Based on average day and night time noise levels, the site is categorised as falling within NEC (Noise Exposure Category) B where it is advised that noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection. Mitigation is recommended in the form of a glazing specification together with passive ventilation for those dwellings facing Homefield Lane and in the event that any gardens back on to Homefield Lane, a continuous 1.8m high fence be erected along the boundary.

Planning History

The site has been the subject of two previous applications for residential development both of which included access from Rugby Road at the position proposed in the current application.

The first, for a maximum 48 dwellings, though recommended for approval was refused in August 2001 on the grounds that it was contrary to housing policies controlling new development; that it would adversely affect the amenities of the occupiers of the properties either side of the proposed access road and the inadequacy of the foul drainage system in Dunchurch.

The second for a development of 30 dwellings per hectare (85 dwellings) was the subject of an appeal against non-determination. The Council advised the Planning Inspectorate nonetheless that it objected to the proposal for the same first two reasons included in the refusal of the first application and, in addition, on the grounds that insufficient information had been provided to demonstrate that 85 dwellings could be satisfactorily accommodated without detriment to the character and appearance of the locality, including heritage assets, the loss of protected trees and impact on the public footpath. Furthermore, insufficient information had been submitted to agree necessary Section 106 contributions.

Both applications were the subject of appeals which were considered together and both dismissed on 23rd October 2002 on the grounds of prematurity in the context of housing policy at that time. Though it was noted that the Council had a shortfall in its housing land supply, the Inspector was of the view that this was not so significant as to justify the release of the site particularly in view of the Council's preparation of an urban capacity study and review of the Local Plan.

In dismissing the appeals, amongst other things, the Inspector considered the potential impact of the proposals on heritage assets, highway safety and amenity. The Inspector was of the view that development of the site at whatever density (the second appeal was dealt with on the basis of a revised proposal for 75 dwellings) would not adversely affect the character or appearance of the Conservation Area nor would there be harm to the character or appearance of Bilton Grange or the setting of the listed buildings. He commented that the parkland is self-contained, well screened and enclosed and that the open area alongside the drive would protect the setting of both the drive and the Lodge on Rugby Road. He was of the view that the proposed access would be acceptable in terms of highway safety and that, subject to mitigation in the form of 2.0m high walls along the access road and careful consideration of the details of lighting, the impact on the amenities of nos.24 and 26 Rugby Road would not be unacceptable.

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS1	conforms	development strategy
CS10	conforms	developer contributions
CS11	conforms	transport and new development
CS13	conforms	local services and community facilities
CS16	conforms	sustainable design
CS17	conforms	reducing carbon emissions
CS19	conforms	affordable housing
CS20	conforms	local needs housing

Rugby Borough Local Plan "saved policies"

E6	conforms	biodiversity
E17	conforms	development affecting parks and gardens and other elements of the historic landscape
H12	conforms	open space provision in residential developments in the rural area
LR1	conforms	open space standards
LR3	conforms	quality and accessibility of open space

Planning Obligations SPD, March 2012 (RBC)

Sustainable Design and Construction SPD, February 2012 (RBC)

Housing Needs SPD, March 2012 (RBC)

National Planning Policy Framework, March 2012

Sections 4 – promoting sustainable transport; 6 – delivering a wide choice of high quality homes; 7 – requiring good design; 8 – promoting healthy communities; 10 – meeting the challenge of climate change, flooding and coastal change; 11 – conserving and enhancing the natural environment and, 12 – conserving and enhancing the historic environment

Determining Considerations

The main considerations to be taken into account in determining the application relate to the principle of development including the provision of affordable housing, the impact on heritage assets, the transport and highway safety implications, the impact on amenity, the impact on biodiversity and technical issues relating to noise, air quality and flood risk having regard to relevant policies contained in the development plan and in the National Planning Policy Framework (NPPF).

Principle of development

The Local Development Framework Core Strategy forms the basis of the Council's plan led approach to the delivery of residential and other development in the Borough over the period 2006 – 2026. The development strategy contained in policy CS1 sets out a settlement hierarchy comprising a sequential approach to sustainable site selection. Though the Rugby urban area is the primary focus for meeting strategic growth targets in the form of urban extensions, this is complemented by local development in the Main Rural Settlements which are identified as having a sufficient level of services or access to services to allow development within existing, defined settlement boundaries. Any identified local housing need is prioritised over market housing though there is no threshold on the size of sites that can come forward.

The application site lies within the village boundary as defined on the Dunchurch inset map contained in the Local Development Framework. It has no statutory or other designation to be necessarily weighed against development. The Core Strategy does not specifically identify or allocate sites for development for residential purposes in Main Rural Settlements, however,

policy CS1 does allow sites such as that proposed to come forward for development. The development of the site for residential purposes is therefore acceptable in principle in accordance with policy CS1.

The principle of development also needs to be considered in the context of government policy contained in section 6 of the NPPF which seeks to significantly boost the supply of housing and deliver a wide choice of high quality homes (para.47). It is stressed that applications for housing should be considered in the context of the presumption in favour of sustainable development (para.49). The Borough Council cannot currently demonstrate a 5 year housing land supply as required by the NPPF. Whilst this in itself does not directly have a bearing on consideration of the principle of development in this case, it does add weight nonetheless in favour of allowing the proposal. In addition, the Council has recently produced an update to its Strategic Housing Land Availability Assessment in the form of the Strategic Land Availability Assessment:Housing Report (SLAA). In view of the current application, the site is identified to deliver housing development within 1 – 5 years.

Policy CS2 of the Core Strategy advises that Parish Plans will be taken into account in determining planning applications, the requirements for any developer contributions and the assessment of any need identified. Dunchurch does not have a Parish Plan against which the merits of the proposal should also be assessed.

Affordable Housing and Local Housing Need

Core Strategy policy CS19 sets out a target affordable housing provision of 40% on sites exceeding 1ha in size or capable of accommodating 30 or more dwellings. It is made clear that new housing developments which fall within this threshold in Main Rural Settlements will be required to meet any identified local housing need as a priority and that this need will form part of the overall affordable housing target. In circumstances where it is demonstrated that such a target is likely to threaten the financial viability of a scheme, policy CS19 confirms that the Council will consider a reduced target.

Local housing needs are covered by Core Strategy policy CS20 which sets out a presumption in favour of local housing needs development in Main Rural Settlements where it is proven to meet the identified needs of local people. The policy sets out the criteria against which a local connection for those claiming to be in housing need will be established and seeks to ensure that the occupancy of such development will remain available to eligible local people in perpetuity. It is explained in paragraph 9.16 of the Core Strategy that evidence of local housing need will be identified in a Housing Needs Survey produced by the local community or the Borough Council.

A report of a study into the local housing need across a range of affordable housing tenures for Dunchurch Residents was produced by Midlands Rural Housing in October 2011. The study identifies an immediate (those with a need within 2 years) need of six local housing need dwellings (3 x 2 bed

social rented, 2 x 2 bed shared ownership and 1 x sheltered housing unit) in Dunchurch for those with a local connection.

The applicants have confirmed that the proposals include 40% affordable housing provision in accordance with policy CS19 and that any consideration of the impact of such provision on the viability of the scheme, and hence a potentially reduced provision, will be dealt with at the detailed, reserved matters stage when all the development costs are known. There is a proven local housing needs requirement and the applicants have also confirmed that the identified need will be met within the overall affordable housing provision.

Heritage

Core Strategy policy CS16 amongst other things states that development will only be allowed where it is of a scale, density and design that will not cause material harm to the quality, character and amenity of the area in which it is located. Specifically in relation to heritage assets, it states that new development should seek to complement, enhance and utilise where possible the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. Saved Local Plan policy E17 sets out a presumption against development which would adversely affect the character, appearance or setting of registered parks and gardens or would detract from the contribution they make to the wider landscape.

The NPPF provides guidance to local planning authorities on the approach to be taken in considering the impact of proposed development on heritage assets stressing that they are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Applicants are required to describe the significance of heritage assets affected, including the contribution made by their setting, with the level of detail required proportionate to the assets importance and no more than is considered sufficient to understand the potential impact of the development on their significance (para 128). Local planning authorities are required to consider the impact of development on the particular significance of heritage assets, including their setting, having regard to the available evidence and any necessary expertise (para 129).

The setting of heritage assets is defined in the NPPF as being “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and any change to the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*” Significance is defined as “*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*”

In determining planning applications, further guidance is provided on the weight to be given to the conservation of heritage assets. It is pointed out that

significance can be harmed or lost through development within its setting and that as heritage assets are irreplaceable any harm or loss requires clear and convincing justification. It goes on to state that substantial harm to or loss of heritage assets of the highest significance such as grade I and II* listed buildings and registered parks and gardens should be wholly exceptional whilst substantial harm to or loss of grade II listed buildings, parks or gardens should be exceptional. In such cases, it is advised that planning permission should be refused unless it is shown that substantial public benefits outweigh the harm or loss. In circumstances where proposed development will lead to less than substantial harm to the significance of heritage assets, the harm should be weighed against the public benefits of the proposal (paras 132 – 134). It is further advised that proposals which preserve elements of the setting that make a positive contribution to, or better reveal the asset, should be treated favourably.

The English Heritage guidance was published before the NPPF though remains relevant. It describes the setting of a heritage asset as the surroundings in which the asset is experienced and identifies the key principles for understanding setting whether designated or not. The extent and importance of setting is often expressed by reference to visual considerations and the perceived extent of setting may change over time as the surroundings evolve or as understanding of the asset improves. The setting of a heritage asset can enhance its significance whether or not it was designed to do so. It further states that the setting of any heritage asset is likely to include a variety of views of, across or including the asset and views of the surroundings from or through the asset. The importance of setting lies in what it contributes to the significance of the heritage asset.

Officers have been particularly mindful of the need to consider the impact of the proposed development on the significance of the heritage assets and their settings. It is Council policy that development be closely controlled recognising not only the contribution heritage assets make to the built environment and the landscape but also their own intrinsic merit and historical value. The layout arrived at as shown on the indicative master plan takes account of comments made by officers at the pre-application stage. It was considered that earlier draft schemes proposed comprising higher density, more formal, regimented layouts which particularly encroached on the boundary with the registered park did not have sufficient regard to the impact on the significance of the heritage assets and their setting and a fresh approach was adopted leading to the current scheme.

The conclusions of the Inspector with regard to the impact of the schemes considered at appeal in 2002 on the character and setting of the heritage assets have been re-visited as part of the process. It should be pointed out, however, that government policy and the methodology contained in the NPPF and more recent English Heritage guidance requires a more rigorous, objective examination of the potential impact of development on the significance of heritage assets and their settings than arguably was required in 2002.

It is considered that the extent of the information contained in the heritage reports is both proportionate to the importance of the heritage assets identified and sufficient to understand the potential impact of the proposal on their significance. The conclusions reached that overall the impact of the scheme amounts to slight adverse harm are considered reasonable and sound. Whatever the methodology employed there is still an element of subjectivity in any assessment of this kind. A judgement has to be made nonetheless and it is considered that the proposals will not result in substantial harm to the significance of the heritage assets. Whilst pointing out deficiencies in the original assessment, English Heritage has not objected to the proposed development.

The slight adverse harm does not warrant refusal of the scheme on these grounds. It is considered that the public benefit comprising the provision of housing including affordable housing and meeting a local need in accordance with the Council's development strategy and government policy to significantly boost the supply of housing outweighs the limited harm identified. It is acknowledged that the assessment is based on an indicative layout and that given that layout is reserved it may be subject to change such that a different conclusion might be reached on the impact on significance. Any reserved matters submission, however, would be expected to closely reflect the design principles outlined in the Design and Access Statement and the layout comprised in the indicative master plan on which the assessment is based. In the event that a reserved matters submission deviates significantly from the layout shown a further assessment could potentially be required.

With regard to the comments of English Heritage, a buffer is proposed to be maintained to the parkland in the form of the green corridor along the eastern part of the site whilst the existing substantial hedgerow and trees along the boundary will be retained. The green corridor opens out at its southern end both to maintain views of Gardeners Cottage and the garden walls and to ensure that development does not adversely affect the setting of the listed building. The proposed development will not encroach into the broad area of green space to the south of The Drive. This area will continue to provide a setting to the Lodges and the main entrance drive into the registered parkland from Rugby Road together with associated views. The application site is not contiguous with the boundary of the Conservation Area which is separated by the remnants of an orchard.

The applicants are not promoting the scheme as enabling development to raise essential funds for the specific upkeep of the parkland and listed buildings such that there is any need to consider including this in a Section 106 Agreement. The applicants advise that there is a budget in any event for the continued upkeep of the parkland and routine repair and maintenance of the listed buildings. There is no indication from any source that any of the listed buildings may be at risk.

In view of the above, it is considered that the proposals accord with the requirements of policies CS16, E17 and section 12 of the NPPF which seek to safeguard the historic environment.

Transport and Highways

Core Strategy policy CS11 states that development will be permitted where sustainable modes of transport are prioritised and measures to mitigate any transport impacts arising from the development or cumulatively with other proposals are provided. This reflects section 4 of the NPPF which promotes sustainable transport and advises that development which generates significant amounts of traffic should be supported by a transport statement or assessment. In addition, it states that decisions should take account of whether opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access can be achieved, and, that cost effective improvements can be undertaken on the transport network to limit any significant impacts arising from the development. The NPPF also makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

The site is in a location which is accessible by a variety of modes of sustainable transport. It has been demonstrated that the transport impacts arising from a development of 50 dwellings on this site are not significant (either on their own or cumulatively) and do not weigh against, nor do they justify refusal of the proposal on the grounds of highway safety. The development does not generate any need for, nor is it dependent on any off-site highway infrastructure improvement works to enable it to proceed whilst the proposed location of the access is considered to be both suitable and safe.

The Highway Authority advises that it has been in discussion with the applicants transport consultants since November 2011 in connection with the scope of the supporting transport work required and the proposed access to the site. The Authority has been made aware of and has considered issues raised by the Residents Association, Borough and County Councillors and individual residents about the perceived inadequacies of the Transport Statement and Safety Audit including committed and potential developments locally and within the Rugby area, trip rates, junction analysis and the use of appropriate standards. It has also been made aware of the inference made by the Residents Association that it has not adequately assessed the proposals.

The Highway Authority is of the view that the committed developments identified will not fundamentally affect the impact of the development given their location which are generally some distance from the site whilst others without the benefit of planning permission cannot be considered extant and therefore are not included in the analysis. By the time the associated traffic distributes across the network, the Highway Authority advises that the addition to the volume of traffic passing the site would be minimal and would not significantly affect the analysis carried out. The Authority further advises that the trip rates used to assess traffic generation by the proposed development are based on industry standards; that the proposed junction will operate with significant spare capacity and even if trip rates are increased the junction will

still operate satisfactorily and, that the analysis is considered to have been carried out correctly. It has been pointed out that the proposal only just falls within the threshold of development where a transport statement is actually required. Adequate visibility splays can be achieved at the junction with Rugby Road commensurate with the 30mph speed limit.

Either of the options 1 or 1a are considered acceptable by the Highway Authority to access the proposed development. Though the concerns of residents that the occupiers of the new development would potentially use the private service road over which they have no rights of access is acknowledged, the Highway Authority is of the view, nonetheless, that the new priority junction proposed would adequately cater for access and egress of the site therefore not requiring motorists to use the service road. The Authority also acknowledge that given the proposed “no entry” signs would not be in the public highway they will not be enforced by either the Highway Authority or the Police, should the residents agree to them, however, it is likely that motorists would nonetheless abide by the restriction.

Though all matters including access are reserved, the Highway Authority is satisfied that either of the options proposed can be achieved and form an acceptable access arrangement and that in the event that outline planning permission is granted, recommend that the applicants engage with the Residents Association to assess support for the option which includes no entry signage. Whilst the Residents Association and its advisors have a different opinion on the highway implications of the development, it is considered that there is no reason to doubt the conclusions reached by the Highway Authority on the acceptability of the access arrangements and the implications for highway safety of the development of the site generally.

The proposed location of the intended vehicular access to serve the development is clearly shown and described in the application, including supporting documents, whilst a condition can be attached to ensure that no access is gained from Homefield Lane. With regard to the comments of the Residents Association about the ability of the developer to deliver the proposed access, this is a matter for the parties concerned and the scheme has to be considered solely on its planning merits.

With regard to the internal highway arrangement shown on the indicative master plan, the Highway Authority is of the view that there are no apparent insurmountable issues to be addressed to bring the highway layout up to an adoptable standard, whilst details of parking would be dealt with at the reserved matters stage.

In view of the above, it is considered that there are no overriding transport or highway matters which are a constraint to development and that the proposal therefore accords with Core Strategy policy CS11 and the guidance contained in the NPPF.

Ecology and Tree Protection

Saved Local Plan policy E6 seeks to safeguard biodiversity interests including protected species and supporting habitat such as ponds, hedgerows and trees. The NPPF similarly seeks to minimise impacts on biodiversity (para.109) and puts a responsibility on local planning authorities to conserve and enhance biodiversity and to encourage biodiversity in and around developments.

Under the provisions of the Natural Environment and Rural Communities Act 2006 (NERC Act), in exercising their functions, local authorities must have regard to the purposes of conserving biodiversity. Local planning authorities also have a responsibility as set out in Circular 06/2005 to further the conservation of habitats and species of principal importance where they may be adversely affected by a planning proposal. The Conservation of Habitats and Species Regulations 2010 (Habitat Regulations), as amended, implement the European Directive 92/43/EEC on the conservation of habitats and fauna and flora, and include measures which seek to protect certain species. Under the regulations certain activities which would normally constitute an offence against European Protected Species can only be carried out legally under a licence issued by Natural England.

The County Ecologist principally advises the Local Planning Authority on biodiversity interests. In response to consultation, the County Ecologist originally expressed concern over the potential impact on bats having regard to the indication in the original tree report that certain trees were to be removed. In addition it was considered that an updated survey for the presence of great crested newts was required.

The applicants subsequently confirmed that none of the trees are proposed to be removed or worked upon as part of the proposals and that the tree survey undertaken was essentially to establish the extent of root construction exclusion zones to inform constraints to development and the master planning process. In response, the County Ecologist has confirmed that no bat activity surveys would be required though recommends that in the event that works are identified as being required as part of any reserved matters submission further survey work will be required which can be covered by condition. In addition, the County Ecologist welcomes the inclusion of the buffer strip along the eastern boundary and retention of hedgerows advising that if any lighting is proposed along the footpath at the reserved matters stage it should be low level and directional to minimise any potential impact.

The County Ecologist agrees with the conclusions of the updated great crested newt survey that the site has limited suitability for the protected species though the field margins and hedgerow are considered suitable habitat for movement and dispersal. The field margins are also considered to provide suitable cover for grass snakes of which there are records in the local area, including Bilton School. A precautionary approach is therefore recommended in the form of a pre-commencement condition covering the submission of a mitigation and method statement to ensure that great crested newts and reptiles are not harmed during site clearance and construction works and that dispersal routes along the boundaries are retained.

The County Ecologist advises that having regard to the ecology assessment and surveys carried out there may be a need for a licence from Natural England to carry out works on the site. Under the Habitat Regulations, in circumstances where a licence is required the applicant must satisfy three derogation tests. Local planning authorities also have to take the tests into account in considering proposed development and in coming to a decision, be satisfied that the applicant is likely to be able to meet the requirements of the tests.

The first test covers imperative reasons of overriding public interest. In this case the development contributes to meeting a specific need comprising requirements for housing, including affordable and local needs housing, within the area in accordance with local and national planning policy.

The second test relates to there being no satisfactory alternative. The illustrative layout has been arrived at with a view to ensuring that the proposals will not result in the loss of terrestrial habitat for protected species, in particular the trees and hedgerow along the eastern boundary and other trees nearby. Whilst there may always be alternatives for every application, including not developing and use of alternative sites, given the results of the bat and great crested newt surveys and that mitigation if required can be reasonably covered by condition, it is considered unlikely that a licence would be refused on this basis.

The third test is that the favourable conservation status of the population of the species concerned will be maintained in their natural range. It is considered that the favourable conservation status will not be negatively impacted by the proposed development particularly in view of the proposed protection of the green corridor along the eastern boundary, mitigation which can be covered by condition and potentially enhance habitat and biodiversity value on the site, including the potential afforded by the proposed SUDS balancing pond and surrounding environment, and the provision of other green amenity space.

It is therefore considered that the applicant is very likely to meet the three tests required should it be considered that a European Protected Species licence is deemed necessary in this case. Officers have had full regard to the NERC Act and Habitat Regulations in coming to this view as will the Committee in coming to a decision on the proposal.

The Council's tree officer is satisfied that the site can be developed as proposed without detriment to protected trees and in accordance with a methodology which will safeguard trees on Rugby Road at the access to the site and in the gardens of neighbouring properties.

In view of the above, it is considered that the applicants have demonstrated that there are no overriding ecological constraints to the development of the site. The presence or otherwise of protected species and the extent to which they may be affected by development has been given proper consideration.

No objections have been raised by the County Ecologist. Existing trees and hedgerows are to be retained whilst there will be opportunities for biodiversity enhancement in the details of the landscaping/planting scheme, and in the details of the balancing pond, at reserved matters stage. The proposal therefore accords with Local Plan saved policy E6 and section 11 of the NPPF which seek to safeguard biodiversity and conserve and enhance the natural environment.

Flood Risk and Drainage

Taking full account of flood risk is one of the core planning principles contained in the NPPF and it is advised that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para.103).

Falling within flood zone 1, the site meets the aim of the sequential test contained in guidance which is to steer new development to areas with the lowest probability of flooding. In response to the original consultation, however, the Environment Agency objected to the proposal on the grounds that insufficient information had been submitted to demonstrate that the proposed drainage scheme is viable and will not increase flood risk elsewhere or on the site. In particular, it was advised that there was a need to identify a viable and accepted rate and point of discharge for the development. The supplementary flood risk assessment submitted has addressed the Agency's concerns whilst Severn Trent Water is also satisfied with the proposed drainage strategy.

It is therefore considered that it has been adequately demonstrated that the development of the site will not result in increased flood risk and that there is no conflict with the requirements of the NPPF in this regard.

Amenity, Noise and Air Quality

Core Strategy policy CS16, amongst other things, seeks to ensure that the amenities of existing neighbouring development are safeguarded. Section 11 of the NPPF advises that the planning system should prevent both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution (para. 109). It further advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum any adverse impacts, including through the use of conditions (para.123). In addition, it states that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan (124).

In terms of the potential impact of the proposed layout of development on the amenities of the existing properties fronting Rugby Road, though layout is a reserved matter, the indicative master plan shows that the proposed dwellings would be sited between 15m and 20m off the boundary with those properties.

The existing dwellings themselves are set in extensive curtilages with rear gardens ranging from approximately 30m to 35m in length. As such and also taking account of the orientation of the proposed development, it is considered that the siting of the dwellings will not have any detrimental impact in terms of overlooking, loss of privacy and overshadowing and will not therefore adversely affect the residential amenities of the existing properties adjacent to the site.

The use of the new access road between nos. 24 and 26 Rugby Road will have some impact on the amenities of those properties in terms of traffic noise and general disturbance. The Council's Head of Environmental Services has not required formal assessment, however, being satisfied that any potential impact can be satisfactorily mitigated by the erection of walls or acoustic fences along the side boundaries adjacent to the road corridor which can be covered by condition. This is consistent with the view of the Inspector who conducted the appeals in 2002, one of which was for a significantly larger development, and who considered any impact would be limited and not unacceptable. In light of residents' concerns the applicants have advised nonetheless that they would be prepared to accept a condition requiring a pre-commencement survey and to incorporate any recommendations made.

The existing dwellings themselves each have garages and driveways immediately adjacent to the proposed accessway on entry to the site and neither have any principal windows directly overlooking the road. The access road itself will serve only the proposed development and will not be a through road attracting additional vehicular activity. Vehicles will not be able to travel at speed along the accessway due to the proposed incorporation of a traffic calming feature at a point where it turns into the larger site.

The amenities of the future occupiers of the proposed dwellings is also a consideration. The Council's Head of Environmental Services is satisfied that the noise report submitted demonstrates that subject to the mitigation recommended, there will be no adverse impact on residents.

With regard to air quality, the urban area of Rugby and its environs, and Dunchurch was designated an Air Quality Management Area (AQMA) in 2004 due to exceedances of standards for Nitrogen Dioxide. Core Strategy policy CS11 in respect of transport and new development states that where development proposals fall within the designated AQMA, the transport assessment should set out how detrimental impacts on air quality will be mitigated. The Council's Planning Obligations SPD provides guidance on development within the AQMA and states that the Council seeks to ensure that new development does not result in a significant increase in the production of air pollutants that will hinder the achievement of its objectives set out in its Air Quality Strategy. It goes on to state that as a general rule air quality assessment will be required where the development is anticipated to give rise to significant changes in air quality. Unlike the policy which covered this aspect in the previous local plan which set thresholds for such assessment (100 or more dwellings), a criteria based approach is adopted for establishing when assessment is likely to be considered necessary.

Though the SPD acknowledges that in some circumstances air quality issues in AQMAs may justify refusal of planning permission, it clarifies that there is no blanket presumption against development in AQMAs. It also confirms that assessment will not be required in all cases and that a judgement will be made by the Council's Environmental Protection Officer depending on local circumstances.

The Council's Draft 2013 Air Quality Progress Report, June 2013, identifies exceedances of the annual mean Nitrogen Dioxide objective at two locations in the Borough, one of which is at the signalised junction in the centre of Dunchurch. Given that monitoring at these two sites only commenced in April 2012, however, the report concludes that the reported concentrations may not be truly representative and states that no action is required at this stage. It further concludes that following completion of a further years monitoring more reliable conclusions may be drawn and adds that to better understand the position in the Dunchurch area, two additional monitoring sites have been installed, the results of which will be reported in the 2014 Air Quality and Action Plan Progress Report.

Though advising that an air quality assessment will be required, the Council's Environmental Protection Officer is satisfied that in this case this may be covered by condition. The Highway Authority has also requested that the applicant makes a contribution towards the provision of travel packs as part of a travel awareness campaign to help promote and encourage a shift towards more sustainable modes of travel which itself can potentially assist in reducing the impact on air quality.

In view of the above it is considered that there will be no significant adverse impacts on amenity or unacceptable levels of noise or air pollution arising from the proposed development and that it accords with the requirements of policy CS16 and section 11 of the NPPF.

Indicative Master Plan

Whilst the application is in outline and layout is reserved the applicants intend that the indicative master plan and design principles outlined in the Design and Access Statement will form the basis of any reserved matters submission and they have indicated that they will retain control over the detailed scheme. In discussions with the occupiers of properties fronting Rugby Road, they advise that they have given a commitment to set the proposed dwellings further off the boundary than might ordinarily be considered acceptable in planning terms notwithstanding that those properties themselves have lengthy rear gardens. This in itself partly constrains the developable area and it could be argued that the number of dwellings at the density proposed does not make the most efficient use of land.

A comment was made to this effect by the Inspector in respect of the appeal against the refusal of the development of 48 dwellings but that was in the context of government guidance to local planning authorities at that time to

ensure the most efficient use of land and to develop at not less than 30 dwellings/ha. The NPPF does not prescribe a minimum density requirement but instead gives flexibility to consider appropriate density based on local circumstances.

It is considered that a lower density development as proposed in a greener setting framed by the corridor along the eastern boundary and space adjacent to The Drive is the most appropriate design response to the development of the site having regard to the setting and relationship with nearby heritage assets and the existing low density development fronting Rugby Road. This part of Rugby Road has a more rural character and appearance. Though there will be a change in the character of the site given its current agricultural use, it is considered nonetheless that the proposed informal layout has the potential to be worked up in a detailed scheme to provide a high quality development which will integrate with its surroundings and add to the character of the locality.

Subject to minimal alteration, the indicative master plan demonstrates that the site is capable of accommodating 50 dwellings of an appropriate mix having regard to residential amenity considerations and including satisfactory means of access to dwellings, parking arrangements and open space. Secure by design principles have been taken into account in arriving at the layout proposed in accordance with sections 7 and 8 of the NPPF which seek to ensure that developments create safe environments and minimise opportunities for crime (paras. 58 and 69). The applicants have confirmed that water and energy efficiency requirements will be incorporated in any detailed scheme with a view to reducing carbon emissions in accordance with Core Strategy policies CS16 and CS17 and sections 7 and 10 of the NPPF. The proposals also incorporate adequate and accessible open space in the form of amenity green space comprising the corridor in which the public footpath will be accommodated together with the other areas shown in accordance with the Council's requirements and open space standards set out in saved Local Plan policies H12, LR1 and LR3 and the Planning Obligations SPD.

Third Party Representations

A large number of representations have been received objecting to the proposed development for the reasons set out at the beginning of the report. The volume of representations received does not of itself justify refusal of the proposed development which has to be considered on its planning merits having regard to the provisions of the development plan and any other material considerations.

The representations received have been taken fully into account in considering the merits of the proposed development. It is not considered, however, that any substantive or material issues of such significance have been raised which weigh against the development and which have not been covered in the key topic areas included above.

Planning Obligations

Core Strategy policy CS10 and the Council's Planning Obligations SPD state that contributions and other measures may be sought to mitigate the impact of development on infrastructure and services. In order for obligations to be taken into account they are required to meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

The applicants have confirmed that they are prepared to enter into a Section 106 legal agreement covering the provision of affordable housing including meeting the identified local need, public open space including maintenance contribution, and to meet education, library, sustainable travel packs and rights of way contributions. Should any of the Section 106 obligations impact on the viability of the scheme, the applicants advise that this will be considered further at the detailed design and reserved matters stage following a full viability assessment.

Conclusion

The proposal constitutes sustainable development which accords with relevant policies controlling new development contained in the development plan and in the NPPF.

The proposed development is acceptable in principle. Any harm to the significance of heritage assets is minimal and does not of itself warrant refusal of the scheme. Satisfactory means of access can be achieved at the location proposed without detriment to highway safety or any significant adverse impact on the amenities of the occupiers of neighbouring properties. Development of the site will not increase flood risk and satisfactory means of drainage can be provided. There will be no significant impact on biodiversity interests including protected species, hedgerows and trees. There are no overriding technical constraints which weigh against the development whilst it has been demonstrated that 50 dwellings can be readily accommodated on the site in an acceptable form.

Local planning authorities are advised in paragraphs 186 and 187 of the NPPF that a positive approach should be taken to decision making to foster the delivery of sustainable development and that they should look for solutions rather than problems. In addition, in determining development proposals, they should apply the presumption in favour of sustainable development (para.197). The proposal accords with the development plan and it is considered that there are no material considerations of any significance which weigh against the development. In accordance with paragraph 14 of the NPPF, it is therefore considered that the application should be approved without delay.

Recommendation: Subject to the applicant entering into a Section 106 Agreement covering obligations in respect of affordable and local needs

housing, the provision and maintenance of open space, education, library, travel packs and rights of way contributions, outline planning permission be granted subject to the following conditions:

DRAFT DECISION

APPLICATION NUMBER

R11/0726

DATE VALID

15/01/2013

ADDRESS OF DEVELOPMENT

LAND AT HOMEFIELD
RUGBY ROAD
DUNCHURCH
RUGBY
CV22 6QT

APPLICANT/AGENT

Mr David Grier
Bilton Grange School
C/O Sworders

APPLICATION DESCRIPTION

Outline application for the development of 50 dwellings including access and landscaping

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before 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 hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

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

CONDITION: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a) - Layout
- b) - Scale,
- c) - Appearance,
- d) - Access
- e) - Landscaping

REASON:

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

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:

Drawings

209137DWG202 Rev B Location Plan
209137DWG199 Rev B Existing Site Level Survey

Documents

Design and Access and Supporting Statement, Sworders, January 2013

Heritage Assessment, CgMs Consulting, 1st June 2011 amended 24th June 2011 and 8th January 2013

Heritage Assessment, CgMs Consulting, 31st May 2013

Transport Statement, July 2011, Report Ref.F11046, Bancroft Consulting Ltd
Transport Statement Addendum, December 2012, Report Ref.F11046, Bancroft Consulting Ltd

Bancroft Consulting Letter dated 13 August 2012 ref. CJB/F11046/130812

Road Safety Audit Stage 1, TMS Consultancy ref.no.10828, March 2013

Design Team Response to Road Safety Audit Stage 1, Bancroft Consulting, response date 04/04/13

Flooding Risk Assessment, Sworders, December 2012

Flood Risk Assessment, Abington Consulting Engineers, 26th June 2013 Rev A

Ecological Survey, Apex Ecology Limited, April 2010

Great Crested Newt Presence/Absence Survey, Menhir Ecology, Project no. ME10/05/02, dated June 2010

Great Crested Newt Population Size Assessment, 25/06/13, Report Ref. LC-BG-GCN-RP01

Preliminary Tree Bat Roosting Report, ELMAW Consulting, April 2013.

Tree Report/Impact Survey, Penkridge Arboriculture...

PPG24 Noise Survey, noise.co.uk, Report no. 10088-2

Statement of Community Involvement

Sustainability Checklist

REASON:

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

CONDITION: 5

The details of the development of the site to be submitted in accordance with condition 3 above shall have full regard to the principles set out in the Design and

Access Statement by Sworders, January 2013, and the illustrative Masterplan dwg.no 209137DWG203 Rev ..including the green corridor accommodating the right of way ref. R172, and the other areas of green amenity space and footpath links, submitted in support of the proposal.

REASON:

To ensure the detailed development of the site is as proposed and is acceptable to the Local Planning Authority.

CONDITION: 6

The vehicular access to the site shall not be located other than at the position shown on the location plan and illustrative Masterplan between nos. 24 and 26 Rugby Road and no vehicular access shall be made to or from Homefield Lane at any time.

REASON:

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

CONDITION: 7

Prior to any works commencing on the site, the vehicular access from Rugby Road, including the crossing over the service road, shall be provided and made available for use in accordance with the details submitted and approved under condition 3 above.

REASON:

To ensure that access is available to serve the proposed development and in the interests of highway safety.

CONDITION: 8

The development shall not be occupied until all parts of the existing access(es) within the public highway not included in the permitted means of access have been closed and the kerb and verge have been reinstated in accordance with the standard specification of the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION: 9

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

In the interests of highway safety.

CONDITION: 10

The applicant/developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as a result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures including type, method of operation and control of use shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION: 11

Details of the following matters shall, concurrently with the submission of reserved matters, be submitted to and approved in writing by the Local Planning Authority:

a) - The layout and dimensions, levels and surfacing of all roads, crossings, footpaths, verges, parking areas, private drives and access to individual plots to include large scale plans and cross and longitudinal sections showing the layout, vertical alignment and surface water drainage details, including outfalls.

b) - The extent of accommodation for car parking and cycle parking which shall be in accordance with the Council's standards.

c) - The siting, height and design of all fences and walls on the site, including the detailed treatment of the site boundaries.

d) - The existing and proposed site levels and their relationship with adjoining land and buildings and the finished ground floor levels of all buildings.

e) - The provision of refuse storage facilities.

REASON:

To ensure the details of the development are acceptable to the local planning authority..

CONDITION: 12

No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION: 13

The accommodation for car parking and cycle parking required by condition 10 shall be provided before the occupation of the development to which it relates and shall be retained permanently for the accommodation of vehicles of persons residing in or calling at the properties and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking and access arrangements are provided and maintained within the site.

CONDITION: 14

Walls and fences approved in compliance with condition 10 shall be erected concurrently with the development to which it relates and shall not be maintained or replaced at any time other than with walls and fences of an identical height, design, materials and finish.

REASON:

In the interests of the amenity .

CONDITION: 15

The details required to be submitted in accordance with condition 3 shall include full details of both hard and soft landscape works including the design and treatment of open spaces. These details shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, paving and other surface treatments. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with a programme agreed with the Local Planning Authority. 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 Local Planning Authority 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 Local Planning Authority gives its written approval to any variation.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 16

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: 17

The development hereby permitted shall not commence until a scheme, including drainage plans, for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Details of the surface water drainage scheme shall include:

- limiting the rate of surface water run-off generated by the site to discharge at no more than the greenfield rate.
- full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change. The detailed drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697) and outlined in the Flood Risk Assessment.
- at the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year plus 30% climate change allowance event. Drainage calculations must be included which show a determination of critical storm durations for a range of flood events and a range of durations for winter and summer profiles (e.g MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the greenfield discharge rates as proposed in the Flood Risk Assessment will be achieved across all storm events.
- if the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding

is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.

- details of how the entire surface water scheme shall be maintained and managed after completion.

The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

CONDITION: 18

Prior to the submission of reserved matters an air quality assessment shall be carried out and the results, together with any proposed mitigation, submitted to and approved in writing by the Local Planning Authority. Any mitigation so approved shall thereafter be implemented in full before any of the dwellings hereby permitted are first occupied.

REASON:

In the interests of public health and safety and residential amenity..

CONDITION: 19

The recommended noise mitigation comprising the glazing configuration and passive ventilation contained in the Noise Survey by noise.co.uk, report no.10088-2, shall be incorporated in the façade of dwellings adjacent to and directly facing Homefield Lane.

REASON:

In the interests of the amenities of the occupiers of the proposed dwellings.

CONDITION: 20

Unless prior approval has been given in writing by the Local Planning Authority, no works shall be carried out on the site outside of the following hours:

Monday - Friday 0730 - 1800
Saturday 0830 - 1300
and not at all on Sundays or Public Holidays.

REASON:

In the interests of the amenities of neighbouring properties

CONDITION: 21

No external lighting, including streetlighting, 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:

In the interests of the amenities of the occupiers of neighbouring properties and the visual amenities of the locality.

CONDITION: 22

Prior to the commencement of any works on the site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase.
- the control of dust including arrangements to monitor dust emissions from the development of the site during the construction phase.
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in full compliance with the Construction Method Statement so approved.

REASON:

In the interests of the amenities of the locality.

CONDITION: 23

The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION: 24

Prior to the submission of reserved matters for any part(s) of the development:

- a) a programme of archaeological evaluation shall be undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority prior to, or concurrently with, the reserved matters submission.
- b) an Archaeological Mitigation Strategy document shall be submitted to the Local Planning Authority for approval. This shall detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the evaluative fieldwork detailed in a) above, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance.

REASON:

in the interests of archaeology.

CONDITION: 25

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

REASON:

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

CONDITION: 26

No tree works on site in respect of the trees identified within the Preliminary Tree Bat Roosting Report completed by ELMAW Consulting, dated April 2013, received by the Local Planning Authority on 5 April 2013 shall commence until a bat survey of the trees, to include a detailed visual assessment by a licensed bat worker has been carried out and a detailed bat mitigation plan including a schedule of works and timings and further survey work if deemed necessary has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 27

No works shall be commenced on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all aspects of landscaping including details of habitat creation and enhancements for wildlife, species to be planted, timing of works and programme of implementation.. The approved scheme shall thereafter be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with the requirements of the NPPF and ODPM Circular 2005/06.

CONDITION: 28

All dwellings shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

REASON:

To ensure sustainable design and construction.

CONDITION: 29

Prior to the first occupation of any dwelling, details of water efficiency measures to be incorporated into the design of all dwellings to meet the standard below in accordance with the Council's Core Strategy policy CS16 shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be incorporated into the design of each dwelling prior to their first occupation and thereafter retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standard shall be equivalent to Code Level 4 of the Code for Sustainable Homes.

REASON:

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

CONDITION: 30

Prior to the first occupation of any dwelling, full details of the energy efficiency measures, equipment and technology to be incorporated into the design and construction of all dwellings to achieve carbon emission reductions shall be

submitted to the Local Planning Authority for approval in writing and shall include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, the measures shall reduce predicted carbon emissions by at least 10%. The efficiency measures shall be fully implemented as approved and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 31

Prior to the commencement of development, details of the location of the site compound, facilities for the loading and unloading and storage of materials, and for the parking of site operatives vehicles shall be submitted to and approved in writing by the Local Planning Authority. The details shall thereafter be implemented as approved.

REASON:

In the interests of amenity and highway safety.

CONDITION: 32

Full details of the treatment of the side boundaries with nos. 24 and 26 Rugby Road which front onto the accessway shall be submitted to and approved in writing by the Local Planning Authority and the approved details thereafter fully implemented before any construction works are commenced on the site.

REASON:

In the interests of the residential amenities of the occupiers of the neighbouring properties and the visual amenities of the locality.

CONDITION: 33

The measures included in the Tree Report/Impact Survey for the protection of trees, including tree protection plan, shall be fully implemented prior to and for the duration of construction works on the site.

REASON:

To safeguard trees in the interests of the amenities of the locality.

INFORMATIVE: 1

a) Condition numbers 7 and 8 require works to be carried out within the limits of the public highway. The applicant/developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with the 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.

b) Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days' notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE: 2

Public footpath R172 must remain open and available for public use at all times so must not be obstructed by parked vehicles or by materials during construction. If it is necessary to close public footpath R172 for any lengthy of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this. Any disturbance or alteration to the surface of public footpath R172 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath. The specifications for any new path surface or structure on the public footpath must therefore be submitted to Warwickshire County Council's Rights of Way team for approval in advance.

INFORMATIVE: 3

Warwickshire Police advise that the detailed development should have full regard to Secure By Design principles. Visit the 'Secured By Design' web site for contact details, design guides, licence holders and application forms - www.securedbydesign.com

INFORMATIVE: 4

The applicant is advised that a protected species licence from Natural England may be required to undertake the works. Further information about species licensing and legislation can be obtained from the applicant's surveyor or the Species Licensing Service on 0845 601 4523.

INFORMATIVE: 5

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: 6

Lighting can significantly affect the behaviour of some animals such as moths, birds and mammals, even to the extent of jeopardising their survival or reducing their breeding success. It is recommended that where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. It is also recommended that the lights are put on a timer so that they can be switched off as soon as possible in the evening. Floodlighting should be avoided wherever possible, particularly in rural areas. Where floodlighting is considered essential, operational times should be kept to a minimum.

INFORMATIVE: 7

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development - tel. 0116 234 3834.

INFORMATIVE: 8

The Council's Environmental Protection Officer advises that guidance contained in the document 'Burning on construction sites - BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites' should be followed. The applicant is also advised to give due regard to the advice contained in BS5228:2008 'Noise and vibration control on construction and open sites'.

Attention is drawn 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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R13/1693

Site address: 1 Walkers Terrace, Ansty Road, Brinklow

Description: Retention of double garage.

Case Officer Name & Number: Richard Redford extension 3625

The Proposal;

Planning permission is sought for the retention of a double garage with a footprint measuring 5m by 6.5m that is 2.5m high to eaves level and 4.4m high to the ridge level of the dual pitched roof and is constructed of concrete blocks and inter-locking tiles located to the rear and side of the existing dwelling. Vehicular access to the garage is via the existing un-named side road.

Site History;

Erection of a two-storey side and rear extension and creation of a vehicular access and parking area (R05.0224/00304/P) Approved 22.05.05

Third Party Correspondence;

No third party correspondence has been received.

Other Relevant Information;

The application is before you for determination as the applicant is a Rugby Borough Council employee.

Located outside of the defined settlement boundary for Brinklow, the site is situated within the West Midlands Green Belt and is occupied by an extended 2-storey end of terrace residential dwelling with garden areas to the front and rear. There is an unnamed tarmac road to the side which serves a number of dwellings and Severn Trent Water treatment plant to the rear of the site off which vehicular access to the site is obtained. The garage that is the subject of this application is accessed off this adjacent road. Ground levels fall from the front to the rear of the site and the site is surrounded by a mixture of residential dwellings and agricultural fields.

Relevant Policies;

RBCS Policy CS16 Complies Sustainable Design & Construction

Sustainable Design & Construction SPD Inc Residential Design Guide.
Planning Obligations SPD

Consideration;

The issues for consideration relate to the design, appearance and scale of the proposal, its relationship with neighbouring sites and parking levels.

The garage is of a design and appearance that has drawn on the existing features of the dwelling to which it is associated with a roof slope, design, character and appearance being the same as the dwelling so allowing it to fit in visually with the dwelling as well as the immediate area. Furthermore, the use of materials matching the dwelling also ensures it fits in with and relates well to the existing dwelling visually. Its height to eaves and ridge in relation to its position adjacent to the unnamed road off which it is accessed is such that there is an impression of it being of large and bulky, however, in this instance it is considered to be acceptable given that it draws on existing features of the dwelling and provides a smaller bulk adjacent

to the road that steps down in a considered, structured manner. This positioning within the site taken with its design and proportions being drawn from the main dwelling creates a visible, proportionate link between the adjacent fields and the dwellings in the immediate area in keeping with the character of the area.

Positioned away from neighbouring sites and with no window openings the proposal will not result in any overlooking or loss of privacy impacts on neighbouring and surrounding sites. Its height to eaves and ridge are such that there will be no impact on other amenities for neighbouring sites. It therefore complies with the provisions of policy CS16 as well as the Sustainable Design & Construction SPD in terms of the elements relating to the Residential Design Guide section.

The garage will afford 2 spaces within it whilst a further 2 parking spaces are available elsewhere in the site. This overall parking level complies with the standards required as detailed in the Planning Obligations SPD.

Overall therefore the proposal is acceptable and is recommended for approval subject to conditions.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 24th October 2013

DRAFT DECISION

APPLICATION NUMBER

R13/1693

DATE VALID

10/10/2013

ADDRESS OF DEVELOPMENT

1 WALKERS TERRACE
ANSTY ROAD
BRINKLOW
RUGBY
CV23 0NQ

APPLICANT/AGENT

Derrick Davenport
1 Walkers Terrace
Brinklow
Rugby
Warwickshire
CV23 0NQ

APPLICATION DESCRIPTION

Retention of double garage.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on [specify].

REASON:

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

CONDITION 2;

The garage hereby approved shall only be used for parking purposes in association with the dwelling known as 1 Walkers Terrace and for no other purposes.

REASON;

To ensure sufficient on-site parking spaces are provided and subsequently retained.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R13/1332

Site address: 64 Craven Road, Rugby

Description: Change of use from A3 restaurant to a mixed A3/A5 restaurant/hot food takeaway

Case Officer Name & Number: John Wilbraham – 01788 533549

Site Description

The site lies within the Rugby Urban Area on a crossroads opposite the recent development at the cattle market site. The building is a double unit with frontages on both Craven Road and Murray Road.

Proposal Description

These applications are seeking planning permission for the change of use of the building from a restaurant use (A3) to a mixed use restaurant and hot food takeaway (A3/A5). There are no external changes proposed save for replacement signage being erected and a new extraction system being installed at the rear of the building.

Relevant Planning History

Application Reference	Description	Decision
R13/1463	Proposed internally illuminated fascia signs and projecting sign	Pending consideration
R07/0292/PLN	Display of 3no externally illuminated replacement fascia signs and 10no. non-illuminated window etching signs.	Granted 09.03.2007
R06/1374/PLN	Change of use of premises from Class A1 (redundant shop) to Class A3 (café) of the Town and Country Planning (Use Classes) Order 1987, and internal alterations.	Granted 09.11.2006

Technical Consultation Responses

RBC Building Control – no comments received to date (comments due by 3/10/13)

RBC Environmental Health – Has no objections to the proposed development, subject to conditions relating to opening hours and refuse storage together with a number of informative notes (1/10/13)

WCC Highways – has concerns but raises no objections subject to a number of informatives being attached to the decision (27/09/13)

Third Party Responses

Cllr – no comments received to date (comments due by 3/10/13)

Neighbours – 27 letters of objection received on the following planning grounds:

- Issue of noise and smells from business as well as the length of time open
- Concerns over parking and highway safety

Other non-planning related matters were also raised

Relevant Planning Policies and Guidance

Core Strategy

CS13 Local Services and Community Facilities

CS16 Sustainable Design

Saved Local Plan Policies

T5 Parking Facilities

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 highway safety.

Principle of Development

The key policy for the change of use is Policy CS13 which looks to retain existing local services and facilities. The current application proposes a mixed use A3/A5 rather than a complete change in use of the building. This ensures the development would not result in the loss of the existing use but would merely allow a greater flexibility of use within the building. The development is therefore considered to comply with Policy CS13.

With regards to the objections received it is not considered that the issues of vandalism or inappropriate behaviour are planning matters which can be dealt with through the appropriate non-planning legislation.

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 only changes externally to the building would be the introduction of new signage which is the subject of a separate application. Visually the building only alters at the rear with the addition of a new extraction system. This will not be seen from any public vantage points and the change of use is therefore considered to comply with the principles of Policy CS16.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The comments from the local residents regarding noise, smells and the opening hours have been considered by the Environmental Health team who were consulted on the proposal. They have raised no objection to the application in principle subject to a number of conditions and informative notes being attached, regarding the extraction system and refuse collection. If an issue with noise and smells was to arise when the business was operating or from their customers then this problem could be dealt with through the Environmental Health legislation. Based on this expert advice, and taking into consideration the fact the business already has an A3 Use, it is not considered the proposal would cause an unacceptable impact on neighbouring properties in terms of additional noise and smells having regard to Policy CS16 and .

Environmental Health have raised concerns with the position of extraction flue that has been erected at the rear of the building and its proximity to the bathroom window of the flat above the premises. This has been raised with the agent who has will be submitting amended extraction plans showing a more suitable location.

Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. Paragraph 39 of the NPPF requires development proposals to have regard to the safety of all highway users.

Given the size of the building and its location within the High Access Parking Zone of the town 1 space is required for every 10m² of floor space in the unit if it was a pure A3 Use as it currently is, which equates to 11 spaces. The proposal to change the use to a mixed use is considered to reduce this number as there will be less seating available within the building. County Highways have raised concerns with the lack of parking provision and the fact the site is located within a High Access Parking Zone, but they have not objected formally to the proposal. An A5 Use is considered to cater for people who would be walking past the premises and would not attract customers who would drive specifically to that location.

The target market at this location consists of local residents within walking distance, train users, workers from nearby businesses and students from the college on the Alstom site. The site is served by buses, there is a taxi rank at the train station which is a two minute walk from the site and two pay and display car parks 50 yards from the site on Murray Road. Cycling storage could be provided on the site to encourage cycle use and it is considered reasonable to request this via a condition.

The site is also not far from the town centre by foot hence its designation as a High Access Zone allowing potential customers to walk there. Whilst it is acknowledged that some customers may arrive by car and not park in appropriate locations, such as the pavement, this is a matter for County Highways and the police to monitor. However in consultation with County Highways it has been decided that a condition should be attached which requires details to be submitted of how parking will be restricted on the forecourt area which faces onto Murray Road.

Whilst the proposed addition of the A5 element to the building may result in an increase in vehicular activity it is not considered to be to such a level that would justify a refusal of planning permission on highway grounds having regard to Saved Local Plan Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF.

Recommendation:

Approve subject to appropriate conditions.

Report prepared by: JW 24/10/13

DRAFT DECISION

APPLICATION NUMBER

R13/1332

DATE VALID

12/09/2013

ADDRESS OF DEVELOPMENT

64 CRAVEN ROAD
RUGBY
CV21 3HZ

APPLICANT/AGENT

Gulraiz Siddique
Architecture Design Studio
17 Coleshill Road
Birmingham
B36 8DT

On behalf of Mr Saman Mohammed,
Mangal Grill

APPLICATION DESCRIPTION

Change of use from A3 restaurant to a mixed A3/A5 restaurant/hot food takeaway

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 no. 2013-068-001 and 2013-068-004 received by the Local Planning Authority on 12 September 2013.

REASON:

For the avoidance of doubt

CONDITION 3:

Prior to the business being brought into operation an amended plan shall be submitted to and approved in writing by the Local Planning Authority showing the extraction flues located away from the rear window of the neighbouring flat no. 66A Craven Road. The extraction flue shall then be constructed in accordance with that approved plan.

REASON:

In the interests of neighbouring amenity

CONDITION 4:

The proposed extraction equipment submitted by the applicant's contractor Unique Catering Equipment Company should be installed and maintained in accordance to the approved plans. The system shall regularly be maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

REASON:

To ensure the amenity of neighbouring properties is protected

CONDITION 5:

The opening hours shall be limited from 10.00AM to 02.00AM Mondays to Sundays only.

REASON:

In the interests of the amenities of the locality.

CONDITION 6:

Before development commences details of secure external cycle storage shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall be provided prior to the premises first being used for the purpose hereby approved.

REASON:

To provide satisfactory external cycle storage facilities for customers.

CONDITION 7:

Prior to the commencement of the development hereby approved a scheme shall be submitted to prevent the parking of motor vehicles within the forecourt area to the frontage of the site with Murray Road for the written approval of the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the commencement of the use hereby approved and shall remain in place for as long as the use is operating unless otherwise agreed in writing with the Local Planning Authority

REASON:

In the interests of highways 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:

It is suggested that documentary evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, is kept, preferably at the premises and is made available to Officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

INFORMATIVE 2:

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

Monday - Friday	7.30 a.m. - 18.00 p.m.
Saturday	8.30 a.m. - 13.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 3:

Prior to opening for business, the food business operator should register their food business with the Council's Public Health & Licensing Team to comply with relevant food hygiene legislation. The team can be contacted on (01788) 533882 for further information.

INFORMATIVE 4:

The sale of alcohol and the provision of hot food after 11pm are licensable activities under the Licensing Act 2003. The applicant is advised to contact the Council's Public Health & Licensing Team on 01788 533882 for further advice and for the relevant application forms as they intend to trade until 02:00 am.

INFORMATIVE 5:

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 6:

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 7:

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.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	6th November 2013
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Planning and Culture
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/07/2013 to 30/09/2013.

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

Planning Committee - 6th November 2013

Planning Appeals Update

Report of the Head of Planning and Culture

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter (1st July to 30th September 2013) a total of 9 Planning Appeals were determined, of which 4 were allowed, 3 were dismissed and 2 were split decisions. In addition there were 2 Enforcement Appeals, both of which were allowed. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 30th September 2013 there were 11 Planning Appeals and 2 Enforcement Appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date Of Meeting: 6th November 2013
Subject Matter: Planning Appeals
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st July 2013 - 30th September 2013

Application Ref No.	Location	Description	Appeal Decision	Planning Inspectorate Appeal Ref No. Decision Type
R12/1969 CD	Thurlby Main Street Birdingbury CV23 8EL	Continuation of use of existing domestic annex for the provision of short term residential accommodation for business visitors.		APP/E3715/A/12/2189600 Delegated – Conditional Approval 14/11/2012
R13/0260 RR	Featherstone Farm Leamington Road Ryton on Dunsmore CV8 3EL		HAS (Householder Appeal Service) Dismissed 05/08/2013	APP/E3715/D/13/2199054 Delegated – Refused 21/03/2013
R12/1684 RR	1 Bawnmore Park Rugby CV22 6JW	Demolition of existing dwelling and erection of 3 detached dwellings with associated parking and works.	Written Reps Allowed with conditions 05/08/2013	APP/E3715/A/13/2195357 Committee – Refused 30/01/2013
R13/0430 NL	19 Arundel Way Cawston Rugby CV22 7TU	Retention of hard-surfacing area and 3 no. de-mountable parking barriers.	HAS (Householder Appeal Service) Dismissed 01/08/2013	APP/E3715/D/13/2200165 Delegated – Refused 22/04/2013

R12/1979 CD	The Range Unit 4 Junction One Retail Park Leicester Road Rugby CV21 1RW	(a) Retention of 3no. internally illuminated signs to the front elevation. (b) Display of 1no. non-illuminated ("coffee shop") fascia sign on the front elevation and the internally illuminated fascia sign on the rear elevation.		APP/E3715/H/12/2189389 Delegated – Split decision (a) granted (b) refused 19/11/2012
NL	Top Park Top Road Barnacle Coventry CV7 9FS	The change of use, without planning permission, of the land from paddock to a use for the siting of residential caravans, trailers and commercial vehicles.	Enforcement Inquiry Allowed with conditions 27/08/2013	APP/E3715/C/11/2153638 Linked Appeal ref. APP/3715/C/11/2154137 (as below) APP/E3715/A/11/2153749(as below)
NL	Top Park Top Road Barnacle Coventry CV7 9FS		Enforcement Inquiry Allowed with conditions 27/08/2013	APPE3715/C/11/2154137 Linked Appeal ref. APP/E3715/C/11/2153638(as above) APP/E3715/A/11/2153749(as below)
R10/2298 NL	Site at Top Park Top Road Barnacle Coventry CV7 9FS	The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010)	Inquiry Allowed with conditions 27/08/2013	APP/E3715/A/11/2153749 Committee – Refused 06/04/2011 APP/E3715/C/11/2153638(as above) APP/E3715/C/11/2154137(as above)

R12/1741 KMcC	Karpet Kingdom 213 Bilton Road Rugby CV22 7DY	Retention of 2 illuminated fascia signs, 3 non-illuminated window signs and 3 non-illuminated panel signs.	Written Reps Dismissed 26/09/2013	APP/E3715/H/13/2196214 Delegated – Split decision 20/02/2013
R12/2001 MN	Land adjacent 38 Epsom Road Bilton CV22 7PF	Change of use of land to form part of residential curtilage including 1m high fence and gate	Written Reps Split Decision Dismissed – gate and fencing. Allowed – change of use.	APP/E3715/A/13/2196721 Delegated-Refused 15/03/2013
R11/0239 KMcC	Land at Stretton Croft Wolvey Road Burbage LE10 3JB	Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.	Inquiry Called in by Secretary of State Allowed – 08/08/2013	APP/E3715/V/12/2179915 Undetermined as at 22/08/2012

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.09.2013

Application Ref No.	Location	Description	Appeal Type	Planning Inspectorate Appeal Ref No. Decision Type
KMcC	Site at The Fosse Wolston CV8 3DG	Without planning permission the erection of a building.	Enforcement Hearing	APP/E3715/C/13/2195563
R13/0512 CD	Land adjacent to The Cottage Wolston Grange Rugby CV23 9HJ	Erection of a dwelling to provide ancillary accommodation in association with the existing cattery business (resubmission of planning reference R12/1654, dated 15 February 2013).	Written Reps	APP/E3715/A/13/2197297 Committee - Refused 25/04/2013
NL	16 Brambling Close Rugby CV23 0WR	Without planning permission the erection of a detached building	Enforcement Written Reps	APP/E3715/C/13/2198790 Linked Appeal ref. APPE3715/C/13/2198791
R12/2064 RR	Fosse Cottage Farm Street Ashton CV21 0PL	Erection of timber clad building and use as office (Use Class B1).	Written Reps	APP/E3715/A/13/2198296 Delegated – Refused 19/02/2013
R12/1852 CD	Thistle Farm 280 London Road Stretton on Dunsmore CV23 9HX	Erection of a replacement dwelling including demolition of the existing dwelling.	Written Reps	APP/E3715/A/13/2200353 Delegated – Approved 16/04/2013
R12/0972 NL	Site at Land at Gypsy Lane Wolvey CV13 0JA	Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions (resubmission of previously withdrawn application ref: R12/0025 dated 28th March 2012)	Hearing	APP/E3715/A/13/2192798 Delegated – Refused 26/09/2012

R12/0833 NL	The Stables Land South Side of Top Road Barnacle CV7 9LE	The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.	Hearing	APP/E3715/A/13/2192742 Delegated – Refused 29/11/2012
R12/2217 MN	8 Croft Close Wolvey LE10 3LE	Erection of two-storey side extension	HAS (Householder Appeal Service)	APP/E3715/D/13/2203181 Delegated – Refused 17/05/2013
R13/0688 OW	9 Park Cottages Harborough Road Harborough Magna CV23 0HA	Erection of a single storey rear extension, detached cycle shed and bin store and new surface finish to existing driveway.	HAS (Householder Appeal Service)	APP/E3715/D/13/2203181 Committee – Refused 08/07/2013
R13/1083 AC	47 Coton Road Hillmorton Rugby CV21 4LW	Insertion of dormer window extension to form landing and bedroom	HAS (Householder Appeal Service)	APP/E3715/D/13/2204111 Delegated – Refused 16/07/2013
R13/0519 NL	17 Crowthorns Brownsover Rugby CV21 1PP	Retention of fencing to front of dwelling.	HAS (Householder Appeal Service)	APP/E3715/D/13/2203289 Delegated – Refused 17/07/2013
R13/0788 RR	14 Laburnum Grove Rugby CV22 7QB	Removal of Condition 7 of planning permission R09/0707/PLN dated 30 September 2009 to allow garage to be used as a habitable room.	Written Reps	APP/E3715/A/13/2203945 Delegated – Refused 07/06/2013
R13/0945 JW	6 Spellow Close Rugby CV23 0GT	Single storey extension with balcony to rear of dwelling and extension to rear of garage.	HAS (Householder Appeal Service)	APP/E3715/d/13/2204637 Delegated – Refused 07/06/2013

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	06.11.2013
Report Title	Delegated Decisions – 27.09.2013 to 17.10.2013
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 – 06.11.2013

Delegated Decisions – From 27.09.2013 To 17.10.2013

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: 06.11.2013
Subject Matter: Delegated Decisions – 27.09.2013 to 17.10.2013
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 27.09.2013 TO 17.10.2013

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R13/1680 Advertisement Consent Refused 03.10.2013</i>	Lidl UK GMBH Bilton Road Bilton	Retrospective consent for the erection of a 48 sheet hoarding billboard
<i>R13/1419 Refused 09.10.2013</i>	Priory Cottage Priory Road Wolston	Erection of a first floor extension to form a two storey house, provision of a front canopy and associated alterations.
Applications Approved		
<i>R13/1587 Approved 27.09.2013</i>	121 Hillmorton Road Rugby	Retention of detached outbuilding comprising garage, store and gym.
<i>R13/1610 Approved 30.09.2013</i>	19 Hallams Close Brandon	Proposed single storey side extension (amendment to previously approved application R13/1097)
<i>R13/1171 Approved 30.09.2013</i>	Bilton Silver Band Winwick Place Bilton	Variation of Condition 8 of planning permission R10/0511 to extend hours of use.
<i>R13/1526 Approved 30.09.2013</i>	90 Monks Road Binley Woods	Erection of replacement dwelling
<i>R13/1296 Approved 01.10.2013</i>	Coppice Farm Burnthurst Lane Princethorpe	Retention of change of use / conversion of ancillary garden building comprising workshop and stables to a residential dwelling (Use Class C3).
<i>R13/1352 Approved 01.10.2013</i>	230 Dunchurch Road Rugby	Erection of a two storey rear extension.

<i>R13/1629 Approved 02.10.2013</i>	30 Bath Street Rugby	Rear single storey extension and creation of a dormer window in the front roof slope
<i>R13/0723 Approved 02.10.2013</i>	2 Hargrave Close Granborough	Loft conversion and installation of 3 dormer windows
<i>R13/1657 Approved 02.10.2013</i>	4 Main Street Granborough	Erection of a two storey side and single storey rear extension, demolition of existing garage, erection of a replacement garage and re-positioning of vehicular access.
<i>R13/1501 Approved 03.10.2013</i>	Stanbridge Motors (Rugby) Ltd Unit 8 Cottage Leap Rugby	Variation of Condition 3 of planning permission reference number R12-2250 granted 13th July 2013 (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)) to include a new parking layout
<i>R13/0159 Approved 02.10.2013</i>	The Nook The Square Dunchurch	Change of use of part of dwelling (Use Class C3) to tea room/café (Use Class A3), including external seating areas.
<i>R13/1252 Approved 04.10.2013</i>	3a Earl Street Rugby	Change of use of existing vacant premises from mixed uses under Class B1 (redundant workshop) and Class C3 (first floor residential flat) to Class B1 (office) of the Town and Country Planning (Use Classes) Order 1987.
<i>R13/0514 Approved 04.10.2013</i>	16 Seathwaite Brownsover	Conversion of existing dwelling and garage to provide 2 flats, single storey front extension, and alterations to existing elevations and provision of parking.
<i>R13/1527 Approved 08.10.2013</i>	42 Woodlands Road Binley Woods	Proposed alterations and extensions to include extension to rear with two dormer windows, raising height of roof and creating gable to front
<i>R13/1701 Approved 08.10.2013</i>	9 Stanley Road Rugby	Removal of existing concrete sectional garage and large wooden shed/store behind it. To be replaced with a brick built garage and store room to the rear of it.
<i>R13/1633 Approved 08.10.2013</i>	Brandon Wood Golf Course The Club House Brandon Lane	Proposed replacement of the existing roof tiles

	Brandon	
<i>R13/0820 Approved 08.10.2013</i>	Appleby Pudding Bag Lane Thurlaston	Erection of single storey rear extension
<i>R13/1675 Approved 09.10.2013</i>	363 Dunchurch Road Rugby	Erection of fence alongside boundary to front of dwelling
<i>R13/1644 Approved 09.10.2013</i>	58 Clifton Road Rugby	Proposed single storey rear addition and relocated first floor side facing window
<i>R13/1703 Approved 09.10.2013</i>	Rear of 73A Victoria Street New Bilton	Erection of a detached two storey dwelling house with associated parking
<i>R13/1297 Approved 10.10.2013</i>	Bush Hill Farm Holiday Park Bush Hill Farm Bush Hill Lane Flecknoe	The erection replacement dwelling together with the erection of a detached garage with first floor storage accommodation, including perimeter walls, new entrance gates (material amendment to previously application R12/0857 dated 20 November 2012).
<i>R13/1718 Approved 10.10.2013</i>	4 Corbridge Place Cawston	Ground floor extension to side of property
<i>R13/1375 Approved 10.10.2013</i>	Land Rear of 99 Grosvenor Road Rugby	Conversion of existing outbuilding to form a one bed dwelling.
<i>R13/1468 Approved 11.10.2013</i>	Formerly Evans 34a High Street Rugby	Change of use of ground floor and first floor from A1 (Retail) to either A2 (Financial and Professional Services) or A3 (Restaurants and Cafes) uses.
<i>R13/1658 Approved 11.10.2013</i>	2 Cornflower Drive Brownsover Rugby	Conversion of integral garage into habitable room.
<i>R13/1665 Approved 11.10.2013</i>	46 Clifton Road Rugby	Retrospective planning application for the change of use of the ground floor from a nursery to residential accommodation.
<i>R13/1723</i>	Cemetery at Dyers Lane	Provision of car park within cemetery.

<i>Approved</i> 11.10.2013	Dyers Lane Wolston	
<i>R13/1378</i> <i>Approved</i> 14.10.2013	1 Rainsbrook Avenue Rugby	Proposed side and rear two storey extension, single storey rear addition and enlarged bay windows to front elevation of existing semi-detached dwelling and new double garage in rear garden.
<i>R13/1590</i> <i>Approved</i> 14.10.2013	140 Bath Street Rugby	Erection of a single storey rear extension.
<i>R13/1753</i> <i>Approved</i> 14.10.2013	23 North Road Clifton upon Dunsmore	Proposed first floor front extension and external alterations.
<i>R13/1608</i> <i>Approved</i> 15.10.2013	27 Southey Road Rugby	Single storey side extension and insertion of pitched roof to front
<i>R12/1832</i> <i>Approved</i> 16.10.2013	Land at Top Road (SP 382 852) Barnacle	Demolition of existing stable block and erection of replacement stable block and tack room, together with associated works.
<i>R13/1398</i> <i>Approved</i> 16.10.2013	Princethorpe Service Station Oxford Road Rugby	Installation of electric roller shutters to shop windows.
<i>Prior Notification</i>		
<i>R13/1796</i> <i>Prior Notification</i> 16.10.2013	Muswell Leys Farm Coal Pit Lane Willey	Determination as to whether prior approval is required for the erection of an agricultural building.
<i>Listed Building Consents</i>		
<i>R13/1270</i> <i>Listed Building Consent</i> 04.10.2013	Princethorpe College Leamington Road Princethorpe	Listed Building Consent for works to an internal staircase to enable the installation of a disabled platform lift.
<i>R13/1257</i> <i>Listed Building Consent</i> 08.10.2013	24 Warwick Street Rugby	Listed Building application for internal and external alterations to building (in association with conversion to 8 flats.)

<i>R13/1214 Listed Building Consent 08.10.2013</i>	Shilton House Cottage 20 Leicester Road Shilton Coventry	Listed building consent for the replacement of 1no. window, insertion of rooflight, replacement roof to porch and internal alterations
Advertisement Consents		
<i>R13/1695 Advertisement Consent 09.10.2013</i>	Land SP4471 4961 Straight Mile Rugby	Retention of non-illuminated free-standing advertisement sign
Approval of Details/ Materials		
<i>R10/1273 Approval of non- material changes 26.09.2013</i>	Land Bounded by Murray Road, Craven Road & Railway Terrace Rugby	Mixed use development comprising: Part full planning permission for the erection of buildings for use as a 72 bedroom hotel with ancillary Bar/restaurant (C1/A3) and 420sq.m GEA of retail floorspace (A1), a 77 bed nursing home (C2), a 45 unit extra-care sheltered housing development (C3) and the erection of 47 no. affordable residential units (C3) together with associated access, parking and landscaping. Part outline planning permission for the erection of 69 no. residential units (C3), the erection of buildings for employment use (B1 (a), (b) and © - maximum floorspace 3842sq.m GEA) and community use (D1/D2 - maximum floorspace 2250 sq.m GEA) and the provision of public open space (0.95ha) - all matters reserved apart from access, and in the case of the residential units and public open space apart from layout and scale. Variation of condition 7 attached to planning permission ref. R09/0331/MAJP dated 01/09/2009 to substitute drawings comprising amendments to the site layout, design and floor layout of the nursing home.
<i>R10/1273 Approval of details 26.09.2013</i>	Land Bounded by Murray Road, Craven Road & Railway Terrace Rugby	Mixed use development comprising: Part full planning permission for the erection of buildings for use as a 72 bedroom hotel with ancillary Bar/restaurant (C1/A3) and 420sq.m GEA of retail floorspace (A1), a 77 bed nursing home (C2), a 45 unit extra-care sheltered housing development (C3) and the erection of 47 no. affordable residential units (C3) together with associated access, parking and landscaping. Part outline planning permission for the erection of 69 no. residential units (C3), the erection of buildings for employment use

		(B1 (a), (b) and © - maximum floorspace 3842sq.m GEA) and community use (D1/D2 - maximum floorspace 2250 sq.m GEA) and the provision of public open space (0.95ha) - all matters reserved apart from access, and in the case of the residential units and public open space apart from layout and scale. Variation of condition 7 attached to planning permission ref. R09/0331/MAJP dated 01/09/2009 to substitute drawings comprising amendments to the site layout, design and floor layout of the nursing home.
<i>R11/0934 Approval of non-material changes 26.09.2013</i>	Newnham Hall Farm Barns Kings Newnham Raod Kings Newnham	Conversion of the curtilage listed barns to a residential dwelling and annex.
<i>R12/1520 Approval of details 26.09.2013</i>	34 Clifton Road Rugby	Change of use of the building from D1 (Non Residential Institution) to 5 No. residential apartments and associated works including erection of a single storey rear extension.
<i>R12/2223 Approval of details 26.09.2013</i>	G A Spencer & Son Land adjacent Magpie Lodge Farm Lilbourne Road Clifton-upon-Dunsmore	Change of use of existing building for the purposes of rodent breeding (sui generis) (Retrospective).
<i>R13/0585 Approval of details 26.09.2013</i>	Boots Farm Straight Mile Rugby	Change of use of existing buildings for purposes within Class B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution) together with the car parking provisions (retrospective) - Variation of condition 10 attached to approval R10/1247 date 07/11/2012 to enable the provision of lorry parking ancillary to the permitted use of the buildings.
<i>R09/0035/MEIA Approval of reserved matters 27.09.2013</i>	Zones 3, 4 and 5 Central Boulevard Ansty Park Coventry	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
<i>R11/1997 Approval of Details 04.10.2013</i>	Garage Court North of 12 St Georges Avenue Rugby	Demolition of existing garages and erection of 3No. Dwellings

<i>R13/0750 Approval of Details 08.10.2013</i>	St Josephs Convent Brockhurst Lane Monks Kirby	Conservation Area Consent for the demolition of historic extensions and front wall
<i>R13/0751 Approval of Details 08.10.2013</i>	St Josephs Convent Brockhurst Lane Monks Kirby	Conversion of vacant buildings into five dwellings with minor extensions and alterations, demolition of some outbuildings and improvements to access
<i>R13/0837 Approval of Details 08.10.2013</i>	74 Rugby Road Binley Woods	Retention of outbuilding for use ancillary to main dwelling
<i>R11/0330 Approval of Details 09.10.2013</i>	Land the South of Ashlawn Road Ashlawn Road Rugby	The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.
<i>R07/0305/MAJP Approval of Details 09.10.2013</i>	75-79 Bath Street Rugby	Erection of 19no flats in one 3.5 storey building, one 3 storey and one 2 storey block with garages, parking and associated works.
<i>R06/0064/MAJP Approval of details 10.10.2013</i>	Land at Leicester Road Leicester Road Rugby	Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works.
<i>R10/1281 Approval of Details 15.10.2013</i>	Rugby Gateway Phase R1 Leicester Road Rugby	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<i>R12/1194 Approval of non-</i>	Land off Priory Road and School Street	Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt

<i>material changes</i> 16.10.2013	Priory Road Wolston	reserve (resubmission of refused application ref R10/1131 dated 28th Feb 2012)
Waiver of Condition		
<i>R13/0530</i> <i>Waiver of Condition</i> 27.09.2013	Land at Leicester Road Leicester Road Rugby	Erection of 87 dwellings (Class C3), garages and associated works including internal access roads, car parking, open space and associated earthworks, drainage including attenuation basin, landscaping and electricity sub-station - submission of reserved matters comprising layout, scale, appearance and landscaping pursuant to outline planning permission ref. R07/1918/MAJP dated 8.2.2012. – Waiver of Condition 35 relating to provision of temporary access link from Technology Drive.