



26 November 2020

PLANNING COMMITTEE - 9 DECEMBER 2020

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 9 December 2020 via Microsoft Teams.

Members of the public may view the meeting via the livestream from the Council's website.

Mannie Ketley
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 11 November 2020.
2. Apologies
To receive apologies for absence from the meeting.
3. Declarations of Interest
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 22 October 2020 – 18 November 2020

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Miss Lawrence (Chairman), Mrs Brown, Brown, Butlin, Cranham, Eccleson, Mrs Garcia, Gillias, Picker, Roodhouse, Sandison and Srivastava

If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail veronika.beckova@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

The Council 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).

Planning Committee – 9 December 2020

Report of the Head of Growth and Investment

Applications for Consideration

Planning applications for consideration by the Committee are set out as below.

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R20/0335	Land to the West of Heath Lane, Brinklow, Rugby, Warwickshire, CV23 0NX Erection of a stable block	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R17/1089	Land North of Coventry Road, Coventry Road, Long Lawford Development of 149 dwellings with associated landscaping, public open space and infrastructure, including an amended junction between the A428 Coventry Road and Back Lane	11
3	R20/0438	Harborough Fields Farm, Churchover Lane, Harborough Magna, Rugby, CV23 0ER Development of a solar photovoltaic farm comprising solar arrays, substations, communications container, battery storage and spare parts containers, interconnection facility, CCTV, internal tracks, access and associated development	55
4	R19/0143	Stave Hall Farm, Fosse Way, Monks Kirby, CV23 0RL Change of use of land and existing kennels to recreational fishing lake with associated accommodation and facilities	75
5	R19/0434	Brownsover Surgery, 41 Bow Fell, Brownsover, Rugby, CV21 1JF Change of use from former healthcare surgery (Class E) to church (Class F1) and ground floor side extensions and first floor extensions to building (amended plans)	93
6	R20/0655	1 Somers Road, Rugby, CV22 7DB Change of use for part of existing car park area associated with car sales and rentals to provide a modular style building for the purpose as a dog grooming parlour with associated car parking and recreational area (Sui Generis use class)	106
7	R20/0689	13 The Locks, Rugby, CV21 4PP Retrospective application for 2 (no) outbuildings	117

Reference: R20/0335

Site Address: Land to the West of Heath Lane, Brinklow, Rugby, Warwickshire, CV23 0NX

Description: Erection of a stable block.

Case Officer Name & Number: Chris Davies, 01788 533627

Recommendation

Refusal due to conflict with local and national planning policy.

1. This case has been brought to the Planning Committee for consideration at the request of Councillor Timms, who considers it to be inappropriate development in the Green Belt.
2. **Description of site**
 - 2.1 The site lies just outside the village boundary of Brinklow and is accessed directly off Heath Lane. It is entirely within the West Midlands Green Belt, and currently comprises an open pasture/field area with no significant comparable structures. The boundaries of the site are enclosed by high trees, mostly evergreens, and low-level post and rail fencing beneath the trees.
 - 2.2 The access off Heath Lane is secured by a wooden 5 bar gate of the kind typically found in rural fields and paddocks. The point of access between Heath Lane and the gate is surfaced with compacted hardcore, but there do not appear to be any hard-surfaced areas within the site itself in the proximity of the proposed stable building. Worn tracks leading from the gate across the field indicate that at present vehicles simply drive onto the grass once through the gate.
 - 2.3 There are a few posts currently erected on the site, with barbed wire linked between them to make some form of pen or enclosure. There is also what appears to be a water standpipe and tap.
3. **Description of proposals**
 - 3.1 This application seeks permission to erect a stable block building comprising 2no. loose boxes and a fodder store. There would also be a hard surfaced access drive and turning area, and associated boundary treatments and landscaping.
 - 3.2 The scheme has been reduced and relocated from the original submission, due to concerns being raised over the prominence and size of the original proposal and the impact on the Green Belt.
4. **Planning History**

R19/1452 Retrospective planning permission for the re-siting and lowering of existing portal framed barn. Withdrawn 28/01/2020

5. Relevant Planning Policies

5.1 Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development

Conflicts

GP2: Settlement Hierarchy

Conflicts

NE1: Protecting Designated Biodiversity and Geodiversity Assets

Complies

SDC1: Sustainable Design

Conflicts

5.2 The Brinklow Village Design Statement is dated 2005, so it is now 15 years old. As such it carries very little weight in terms of considerations under Policy GP5: Neighbourhood Level Documents of the Rugby Borough Council Local Plan 2011-2031. Whilst the Parish Council has been granted neighbourhood status (in 2016), they have yet to have a neighbourhood plan formally adopted. Policy GP5 is not therefore considered a materially relevant policy in this instance.

5.3 As the application site is not within the Air Quality Management Area, and the development does not meet any of the relevant criteria that would trigger the need for the application of a condition or informative note relating to air quality mitigation, the LPA considers that policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031 is not a relevant consideration in this particular instance.

5.4 The National Planning Policy Framework June 2019

Section 12: Achieving well designed places

Conflicts

Section 13: Protecting Green Belt land

Conflicts

Section 15: Conserving and enhancing the natural environment

Complies

6. Technical consultation responses

6.1 WCC Ecology - Additional hawthorn hedge welcomed. Could also consider including blackthorn, hazel and holly for addition biodiversity value. Notes required re nesting birds and biodiversity enhancement.

7. Third party comments

7.1 Parish

Objection (small site and loss of grazing means the site would only meet the required standards set out by the British Horse Society for one horse, a development with four loose boxes is therefore inappropriate). Requested that, if approved, a condition be applied preventing future conversion to residential.

7.2 Ward - Councillor Timms

Refer to Planning Committee for determination on the grounds of being overdevelopment of a small site in the Green Belt.

7.3 Neighbours

None received.

8. Considerations

8.1 Principle of development

8.1.1 The site lies within the Green Belt and is also in open countryside. Development is usually considered to be inappropriate in such locations unless local and national policy supports it.

- 8.1.2 Section 2: Achieving sustainable development of the NPPF states a presumption in favour of development, although it makes it clear that this presumption only applies in cases where there is no policy conflict.
- 8.1.3 Paragraph 143 of Section 13: Protecting Green Belt land of the NPPF 2019 states that "Inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances".
- 8.1.4 Policy GP2: Settlement Hierarchy of the Local Plan reflects this national stance, stating that "New development will be resisted; only where national policy on Green Belt allows will development be permitted".
- 8.1.5 Paragraph 145 b) of the NPPF specifically states that one of the exceptions to the presumption against development in the Green Belt is for buildings erected or used for the purposes of outdoor recreation, provided those buildings preserve the openness of the Green Belt and do not conflict with the purposes for including land within it.
- 8.1.6 As there are presently no structures of comparable size within the site or in the immediate proximity of the proposed stable location, the erection of any structure above ground level is clearly going to impact on the openness of that area of the site and by extension the openness of the Green Belt itself. Whilst the stable building does cause a degree of impact on the openness of the Green Belt, even though its intended purpose is acceptable within the allowances of paragraph 145 of the NPPF.
- 8.1.7 As mentioned above, the scheme has been amended to try to reduce the volume and massing of the building and therefore its impact on the Green Belt. However, this does not resolve the fact that the building would still detrimentally impact on openness. The extent of the hard surfacing proposed also further exacerbates the visual impact of the development, thus harming the character of the Green Belt in this part of Brinklow.
- 8.1.8 For the reasons outlined above, it is considered that the proposal is not an acceptable form of development in the Green Belt. It therefore **conflicts** with policy GP2: Settlement Hierarchy of the Rugby Borough Council Local Plan 2011-2031, and with guidance set out in sections 2 and 13 of the NPPF 2019.
- 8.1.9 Brinklow Parish Council gained permission for the village to be designated as a Neighbourhood Area in 2016, but as yet they do not have an adopted Neighbourhood Plan. Brinklow does not have an adopted Parish Plan and the Brinklow Village Design Statement (VDS) is now 15 years old, meaning is not considered to be a materially current and relevant neighbourhood level document. However, the VDS does recognise the importance Green Belt land, and states that it should be "vigorously defended" and that "the preservation of the green belt is of great importance in maintaining the character and 'shape' of the village".
- 8.2 The other relevant considerations for this application are the impact of erecting the stables and the associated hard surfacing and fencing etc. on a) the character and appearance of the site and the wider setting, b) residential amenity, c) sustainability and environmental factors, d) highway safety and parking, and e) biodiversity.

8.3 Character and appearance

8.3.1 The site lies adjacent to Health Lane, which by this point has narrowed and changed character from a two-way residential street to a narrower tree lined country lane that more accurately reflects its historical use as a drover's track. Whilst there are still dwellings along the eastern side of Heath Lane, by this point they are spread quite far apart until they peter out and the lane becomes flanked by fields on both sides.

8.3.2 In terms of the structure itself, the amended proposal has seen a reduction in the overall bulk and massing and a simplification of the design and profile of the stable building. The timber cladding and profiled roof materials are typical of many other stable buildings in the Brinklow area and beyond and are appropriate for the building's intended purpose. Had the amended scheme been recommended for approval, then the recommended Condition 3 would have stipulated a requirement to submit details and samples of the timber (with the desired staining applied) and the profiled roofing material (with the desired coating and colour applied) to ensure suitability prior to construction.

8.3.3 Moving on to the hard surfacing, as the site is presently meadow grass the level of hardstanding proposed would significantly alter the character of the site, and how it presents itself to the streetscene of Health Lane, given that the majority of it forms the access and would be clearly visible from the entrance to the site. The LPA considers that such a large expanse of hard surfacing would detract from the character of the site, especially given the present appearance of a grassed meadow-like parcel of land. Again, had the recommendation been for approval then Condition 3 would also have included a requirement for the submission of details of the hard surfacing materials (together with a sample if deemed necessary and appropriate) given the significant and prominent part the hardstanding would play in the development of the site.

8.3.4 As part of the amendments to the original scheme, the stable was relocated nearer to the screened parts of the front and left-hand site boundaries to try to make it less conspicuous. The planting scheme proposed would serve as additional screening over time as it matured and became more established. These measures would add screening to the area around the stable building itself, and potentially make it less conspicuous, but would do little to mask the large areas of hardstanding proposed to facilitate vehicular access, turning and parking. Had the recommendation been for approval, Condition 4 of the proposed decision notice would have dictated the timing requirements for planting out the landscaping scheme, as well as a requirement to replace any specimens lost or damaged within the first few years until the planting scheme has become sufficiently established.

8.3.5 Due to the detrimental impact that the development would have on the character and appearance of the site and the wider setting, the LPA consider that the scheme **conflicts** with the aspects of policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It therefore also conflicts with guidance set out in Section 2 of the NPPF 2019.

8.4 Residential Amenity

- 8.4.1 The site is flanked by residential properties to either side; to the north lie The Bungalow and The White Byre, and to the south lie Rosemount and The Stables. However, as the stable building and the majority of the hardstanding would be to the south side of the site, at least 45m away from the boundaries with The Bungalow and The White Byre, it is not considered that the development would materially impact on the amenities of the occupants of those two properties. Of these two, as Rosemount lies just 5m from the boundary and within 10m if the proposed stable and yard area it is considered that this property has the greatest potential for loss of amenity arising from the development; whilst The Stables is located immediately adjacent to the boundary with the proposal site, it would be some 60m or more away from the stable building itself.
- 8.4.2 As mentioned above, the part of the site boundary between Rosemount and the site of the proposed stables is well screened by evergreens, retaining a degree of privacy for the occupants of this adjacent dwelling from anyone visiting the proposed stables or riding in close proximity to them whilst within the site. Whilst there may have been more noise arising from the use of the stables, if approved, this is a rural location where similar activities are not uncommon, and it is not anticipated that there would be sufficient disruption to cause a materially detrimental impact.
- 8.4.3 Had the recommendation been for approval, the LPA would have sought guidance from Environmental Health as to whether they felt that limitations on hours of use should be conditioned. However, given the likely pattern of operational use of the building and the fact that there is only accommodation for two horses, it is considered unlikely that an unacceptable degree of noise would be caused. Had the recommendation been for approval, then the Recommended Condition 5 would have limited the operational use of the site and stables by specifying that they were not to be used for competitions or commercial activities. This would partly be due to the implications of the site being in the Green Belt, but would also serve to limit the additional disruption that could arise from events and similar activities leading to an intensification of the use of the site and a material increase in noise and nuisance arising from increased vehicles movements and larger numbers of people and horses making use of the site on a regular basis.
- 8.4.4 The application of such a condition and the limited impact on neighbouring properties would then have meant that the amended scheme could have therefore complied with the relevant elements of policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to residential amenity. It could therefore also have accorded with guidance set out in Section 2 of the NPPF 2019.

8.5 Sustainability and Environmental Factors

- 8.5.1 The environmental implications of new development must be carefully considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2019.

8.5.2 The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements, but can also require control at the planning stage through the application of specifically worded conditions and supportive text.

8.5.3 In this case, the property lies outside the Air Quality Management Area as defined in the Local Plan, and the nature of the development would not trigger any of the requirements that would generate the need for some form of mitigation or offsetting in terms of air quality. However, in the event of an approval recommendation an informative note will be added to the recommended decision notice to guide the applicant on ways in which they could reduce their air quality impact.

8.5.4 The scheme therefore complies with the environmental directions of policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031. In so doing, it also meets the standards and guidance set out in section 2: Achieving sustainable development of the NPPF 2019.

8.6 Highway Safety and Parking

8.6.1 An established access to the site already exists from Heath Lane, and the proposals do not include any material alterations to it. The access is already clearly capable of accommodating quite large vehicles, as was demonstrated by the tracks driven over the grass that were observed on the Planning site visit; the distance between the tyre tracks and the width of the tracks themselves were clearly indicative of a larger vehicle being driven onto the site.

8.6.2 The proposals include an access road and an area of hardstanding capable of accommodating larger vehicles, with room to turn and park at least 1-2 vehicles of typical horse box size adjacent to the stable building. Whilst the level of hardstanding is an issue in terms of aesthetics, in terms of functionality it would have been sufficient to meet the needs of a development of this size and would therefore have been deemed fit for purpose.

8.6.3 The Council's Adopted Parking Standards make no observations on private stables developments, so there are no specified recommendations as to the type, size or quantity criteria for this type of development.

8.7 Biodiversity and the Environment

8.7.1 WCC Ecology Unit did not request any restrictive or compensatory conditions in relation to the development and raised no objections to it. They welcomed the inclusion of native species in the landscaping element of the amended scheme.

8.7.2 They did however request the inclusion of informative notes re nesting birds and biodiversity enhancement opportunities, which would have been included in the recommended decision notice had the recommendation been for approval.

8.7.3 The amended scheme therefore complies with policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 and accords with Section 15: Conserving and enhancing the natural environment of the NPPF 2019.

9. Planning balance and conclusions

- 9.1 Whilst the concept of stabling and associated facilities is acceptable in principle within Green Belt locations, the scale and significant visual impact of the proposed scheme would harm the openness and character of the Green Belt and the reasons for including the site within it. There are no existing structures within the site to mitigate for the impact, such as by removing an existing structure and “reusing” the volume for the proposal.
- 9.2 Whilst the design of the stables has been reduced and minimalised, the significant quantity of hardsurfacing proposed would still detrimentally impact on the character of the site.
- 9.3 There would be no materially detrimental impact on neighbouring residential amenity.
- 9.4 There would be no detrimental impact on biodiversity, and the introduction of native species into the amended planting scheme was welcomed by WCC Ecology.
- 9.5 The development conflicts with local policies GP1, GP2 and SDC1 and with Sections 12 and 13 of the NPPF and should therefore be refused.

10. Recommendation

Refusal due to conflict with local and national planning policy.

Report written by: C Davies 30/10/2020

DRAFT DECISION

REFERENCE NO:
R20/0335

DATE APPLICATION VALID:
19-May-2020

APPLICANT:

D-Drill Trust c/o JJB Chartered Architects Ltd, 25a High Street, Daventry, NN11 4BG

AGENT:

Jeremy Burt, JJB Chartered Architects Ltd JJB Chartered Architects Ltd, 25 A High Street, Daventry, NN11 4BG

ADDRESS OF DEVELOPMENT:

Land to the West of Heath Lane, Brinklow, Rugby, Warwickshire, CV23 0NX

APPLICATION DESCRIPTION:

Erection of a stable block.

REASON FOR REFUSAL:

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

The Local Planning Authority considers that the erection of the stable building would detrimentally impact on the open character of the site, and that the degree of hardstanding proposed would have a detrimental visual impact. The site is presently grassland and has no structures within it. The proposals would see a significant change in the character and appearance of the site with a large area being hard surfaced, and the erection of the stable building would lead to a loss of openness.

Therefore, the proposed stable building and hardstanding constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for this development in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policies GP1, GP2 and SDC1 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF. Unfortunately, it was not possible to reach a positive conclusion in this instance, due to conflict with prevailing local and national planning policy.

Reference: R17/1089

Site Address: LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, LONG LAWFORD

Description: Development of 149 dwellings with associated landscaping, public open space and infrastructure, including an amended junction between the A428 Coventry Road and Back Lane.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Recommendation

1. Planning application R17/1089 be granted subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment, in consultation with the Planning Committee Chair, be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Description of Site

1.1 This application relates to a site on the edge of Long Lawford which comprises agricultural grazing land. The majority of the site is relatively level and slightly lower than the land to the north and south. This changes at the western part of the site which slopes up from south to north.

1.2 The site was previously 3 separate fields and this field pattern can be seen as a hedgerow with mature trees and a broken hedgerow which cross the site from north to south. There are also 2 Public Rights of Way which cross the site north to south.

1.3 The site is to the north of Coventry Road there is a hedgerow on this boundary which includes some mature trees. There are some residential properties to the south of Coventry Road.

1.4 Lelleford House is opposite the eastern end of the site, this is a former pub that has been converted to a two storey house adjacent to Bilton Lane. This has a large car park to the west of the building with a vehicular access from Coventry Road.

1.5 Avon Lodge is located opposite the western end of the site this is a Grade II Listed Building and is a two storey former farmhouse. This has a hedgerow to the Coventry Road frontage with two vehicular accesses from Coventry Road.

1.6 Farm View is to the west of Avon Lodge, this is a one and a half storey converted stable which is accessed from Lawford Heath Lane.

1.7 The eastern boundary is formed by Back Lane and the existing junction of Coventry Road/Back Lane and Bilton Lane is adjacent to the site. There is an existing field access adjacent to the junction and the eastern boundary is also formed by a hedgerow. There are residential properties on Back Lane that are a mix of bungalows and houses with two storey houses on Coventry Road to the east of the site.

1.8 The northern boundary is also formed by a hedgerow with mature trees and a recently completed residential development is beyond this. To the western end of this boundary is a group of large trees covered by a Tree Preservation Order.

1.9 Residential properties at The Green are to the west of the site. These are a mix of one, one and a half (with rooms in the roof) and two storey properties which are at a lower level than the site. There is a mix of post and wire fencing and hedging on this boundary including some mature trees. Comments have been made by occupiers that the application site boundary with properties on The Green is incorrect and this is discussed later in the report.

2.0 Description of proposals

2.1 This is a full application for the erection of 149 dwellings with associated landscaping, open space, including play area, and highway works.

2.2 The application initially proposed 153 dwellings, amended plans have been received during the processing of the application initially reducing the number of dwellings to 143 before increasing this to the 149 dwellings currently proposed.

2.3 The proposals involve the alteration of the alignment of Back Lane. This will move west, forming a staggered junction with Bilton Lane with the existing alignment forming a cul-de-sac serving the existing properties. Right turn lanes will be provided on Coventry Road for vehicles entering the realigned Back Lane or Bilton Lane and pedestrian refuges will be provided on Coventry Road and the realigned Back Lane. This will involve the removal of a mature Ash tree and parts of the existing hedgerow.

2.4 The site will be accessed from the realigned Back Lane via a central road leading to cul-de-sacs and private drives. This arrangement excludes the western 26 dwellings which will be accessed through the recently completed development to the north.

2.5 The existing Public Rights of Way which cross the site north to south will be retained and a path is proposed linking these running to the north of the existing Coventry Road boundary hedge.

2.6 Areas of amenity open space are proposed around the existing hedgerows crossing the site and an area of open space, is proposed towards the centre of the site between the road and site boundary. This will include drainage areas and a play area.

2.7 The dwellings include bungalows, two and two and a half storey properties, which have rooms within the roof space. These include a mix of hipped and gable roofs and features such as dual aspect properties, bay windows, chimneys and changes in materials including render have been used to add interest to the scheme.

2.8 The proposals range from one to four bedroom properties, with the one bedroom units being provided as small two story houses. A total of 23 affordable properties are proposed which will be a mix of one and two bedrooms.

Planning History

None

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP1:	Complies	Securing Sustainable Development
GP2:	Complies	Settlement Hierarchy
DS3:	Complies	Residential Allocations
DS5:	Complies	Comprehensive Development of Strategic Sites
H1:	Complies	Informing Housing Mix
H2:	Complies	Affordable Housing Provision
HS1:	Complies	Healthy, Safe and Inclusive Communities
HS4:	Complies	Open Space, Sports Facilities and Recreation
HS5:	Complies	Traffic Generation and Air Quality, Noise and Vibration
NE1:	Complies	Protecting Designated Biodiversity and Geodiversity Assets
NE3:	Complies	Landscape Protection and Enhancement
SDC1:	Complies	Sustainable Design
SDC2:	Complies	Landscaping
SDC3:	Complies	Protecting and Enhancing the Historic Environment
SDC4:	Complies	Sustainable Buildings
SDC5:	Complies	Flood Risk Management
SDC6:	Complies	Sustainable Drainage
SDC9:	Complies	Broadband and Mobile Internet
D1:	Complies	Transport
D2:	Complies	Parking Facilities
D3:	Complies	Infrastructure and Implementation
D4:	Complies	Planning Obligations

Planning Obligations Supplementary Planning Document, 2012

Consultation Draft Air Quality Supplementary Planning Document, 2020

Rugby Borough Council Local Plan: Heritage Asset Review, 2016

National Planning Policy Framework, 2019 (NPPF)

National Planning Practice Guidance

Technical consultation responses

Original plans

Rugby Ramblers	No objection	Footpaths should be waymarked on completion
Warwickshire Ramblers	No objection	
WCC Rights of Way	Comment	No objection subject to condition, informative & s106
Warwickshire Police	No objection	Make suggestions regarding reducing crime, request contribution towards police infrastructure
Fire Service	No objection	Subject to condition and complying with Building Regulations
Environment Agency	No objection	
Environmental Services	No objection	Subject to conditions & informatives, require additional information regarding noise, air quality information dependent on highway comments;
RBC Housing	Comment	Comment on amount, mix, sizes and position of affordable homes
Tree & Landscape Officer	Comment	Need clarification of works near trees, require additional landscaping
NHS	Comment	Request s106 contribution to hospital provision

WCC Flood Risk	No objection	Subject to condition
WCC Archaeology	No objection	Subject to condition
WCC Infrastructure	Comments	Request contributions to education & sustainability packs
WCC Highways	Objection	Require additional information regarding junction arrangements, traffic generation, tracking and changes to layout, request contributions towards bus and cycle facilities;
WCC Ecology	Comment	Require Biodiversity Assessment and further information regarding bats, request conditions
Warwickshire Wildlife Trust	Objection	Require Biodiversity Assessment and further information regarding impact on bats, development should be made suitable for hedgehogs
Severn Trent	No comments	received
<u>Amended plans</u>		
Tree & Landscape Officer	Comment	Relocation of Ash tree not practical, require Method Statement, tree protection plan and additional planting
Parks	Comment	Should use hedgehog friendly fencing, require alterations to proposed play area
WCC Highways	Objection	Require additional information regarding junction arrangements, traffic generation, tracking and changes to layout, request contributions towards bus and cycle facilities;
WCC Rights of Way	No objection	
NHS	Comment	Request revised s106 contribution
<u>Further amended plans</u>		
WCC Highways	No objection	Subject to conditions and s106
WCC Archaeology	No objection	Subject to condition
WCC Flood Risk	No objection	Subject to conditions
WCC Rights of Way	No objection	No further comments
WCC Ecology	No objection	Subject to conditions & s106
WCC Infrastructure	Comments	Request a range of s106 contributions
Environment Agency	No further comments	
Works Services	No objection	
Warwickshire Police	No objection	Make suggestions regarding reducing crime and request revised s106 contribution
Housing	Comment	Concern re: layout and size of 1-bed properties, may not be attractive to Housing Associations
NHS	No objection	Request revised s106 contribution
Natural England	No comment	
Warwickshire Police	No objection	Request revised s106 contribution
Environmental Services	No objection	Previous comments have not been addressed
Fire Service	No objection	Development should comply with Building Regulations
Tree & Landscape Officer	No objection	Subject to conditions
Parks	Comment	Require further changes to play area
<u>Additional comments</u>		
Environmental Services	No objection	To additional noise information, air quality report & site investigation report
<u>Additional bat survey</u>		
WCC Ecology	No objection	

Third party responses

Original plans

Neighbours (17) Objection

Principle

- Development is a departure from the Development Plan;
- Site is in the Green Belt, should be protected for future generations;
- Long Lawford has lost Green Belt land;
- Although SHLAA concludes the site no longer meets the purposes of Green Belt this does not mean it should be developed;
- NPPF requires sustainable development, this is not sustainable as it will not make it easier for jobs to be created, will lead to a loss of natural environment, meadowland and bio-diversity, will impact on living conditions of existing residents and due to high density is unlikely to provide a wide choice of high quality homes;
- Inspector in relation to 1985 Local Plan regarded site as essential Green Belt land;
- Character of area
- The removal of these fields will change the character of the area;
- Will create ribbon development and is over development of the site;
- Other fields on Coventry Road are different as they are privately owned agricultural fields;
- Is only natural open space area used for walking and dog walking, the recreation area is characterised by equipment and focuses on young people;
- Natural green fields are disappearing fast, this will add to the loss;
- Ribbon development along Coventry Road;
- Design of properties not in keeping with cottages on The Green;
- High density development, should include more green areas;
- Will change relaxed character of the village, will lose village identity and become a suburb of Rugby;
- Land is higher than neighbouring properties;

Listed Building

- Avon Lodge on Coventry Road is a Grade II Listed Building;
- Building was a farmhouse until the 20th century and the agricultural setting is fundamental to its listing, cattle grazed on the site this year;
- High density housing would remove a key component of the setting as a farmhouse and irreparably damage the setting;
- Local Authority must have special regard to preserving the setting of a Listed Building, this means causing it no harm;
- Applicants must assess impact on the Listed Building, and its setting, in accordance with the NPPF;
- Loss of fields used as a natural recreation area would further harm the setting of Avon Lodge;
- Pile driving could damage Listed Building and should not be allowed within 250m of the property;

Impact on neighbouring properties

- Loss of light and privacy from proposed dwellings, including from two storey houses and fences;
- Properties proposed too close to western boundary;
- Neighbouring properties not shown correctly on plans, overlooking will be worse than shown;
- Neighbours on The Green are lower than site increasing the impact;
- Levels of proposed properties are not shown;
- What are Council's distance standards;
- Plan encroaches onto neighbours land;
- Permitted development rights should be removed to protect neighbours;
- Banking to western boundary should be retained and reinforced to prevent damage to existing buildings;
- Will suffer noise and disturbance during construction, suffered with existing development;

- Will suffer noise and disturbance from increased number of people and vehicles;
- Increased risk of flooding, particularly to houses on The Green which are lower than the site;

Highways

- Coventry Road could be flooded;
- Altered junction will not address increased volume of traffic from proposed dwellings;
- Altered access is proposed in a dangerous position on a bend;
- Traffic volume has increased with recent developments;
- Proposed junction works are not sufficient and appear to be designed for traffic leaving Long Lawford not returning;
- Could lead to rat runs through The Green and Townsend Lane;
- Traffic lights or a roundabout should be considered, should demolish the former Sheaf & Sickle;
- New access should be provided for the development;
- Coventry Road is a main route into Rugby, this road will get busier, the junction with The Green is very busy;
- Traffic speeds on Coventry Road and highway authority have not maintained traffic calming measures;
- Back Lane should be widened;
- Children walk to Bilton High along Bilton Lane, this is dangerous and a path should be provided;
- Parking issues on Tee Tong Road should be addressed;
- Parking is a big issue and would prevent emergency access by emergency vehicles;
- Little employment in Long Lawford so people will traffic will travel to work;
- Lack of school places will mean children will have to travel by car or bus;
- Not sustainable and will impact on air quality;

Trees & Ecology

- Loss of trees;
- Have seen bats in the area so are concerned about accuracy of ecology reports;
- Reptiles and birds of prey and many other birds found in the area will be affected;
- Object to loss of Ash tree;
- Trees that survived Ash Die Back should be retained and are a valuable source of cuttings to protect trees in the future;
- Trees fight pollution and they should be retained to protect the environment, planet and local area;

Infrastructure

- Inadequate facilities to deal with increase number of residents;
- Increased pressure on existing school and shops, are there plans for a new school;
- Area around the school currently has problems with car parking and large numbers of vehicles making the roads impassable, a car park should be provided;
- There is a need for a social club, doctors and post office in Long Lawford;
- Contribution towards services will not be sufficient;

Other

- Understand new housing is needed but the Council should protect existing villages;
- Houses are for people from London and Northampton, what about local people;
- Long Lawford has grown tremendously and should be retained as a village;
- Long Lawford is mentioned in the Domesday Book;
- Bloor previously said they could not build on these fields;
- Nearby residents pay highest Council Tax in Long Lawford, will this be reduced;
- Not all residents have received a leaflet about the application, why is this?
- Lack of consultation with local residents, would like to meet Committee members at the site visit;
- Do not give in to greedy, selfish developers;
- Council objected to the government approving the Tee Tong Road development, what has changed?

- Bloor Homes destroyed bat roosts at Tee Tong Road, should not be rewarded with further planning permissions;

Neighbours (1) Comment

- No objection to the proposed housing;
- Concerned regarding lack of infrastructure as more housing will add to the need for services;
- There is a need for a post office and chemist and possibly a doctors and dentist.

Long Lawford Parish Council Objection

- Not in line with 100 dwellings proposed in the draft Local Plan;
- Should not be determined before the Local Plan is adopted;
- Proposed junction is on land with visibility issues;
- If application is approved should include an equipped play area;
- Would seek a contribution to allow them to purchase play equipment;
- Will not adopt areas including ditches, water parts or streams or plant trees etc;
- Should be clear on a map what areas are to be adopted;
- Open space land should be transferred in a good condition, not compacted by construction equipment as occurred at Tee Tong Road.

Livingstone Avenue Household Association Objection

- Association comprises 45 households;
- Strongly object to development;
- Development will spoil the rural landscape;
- The new development should not be seen from the A428, understood this was the case when Back Lane development was approved;
- What has changed to allow development to extend to the road;
- A428 is a busy road with heavy traffic;
- Local residents experience unacceptable levels of noise which is not appropriate for a rural location.

Amended plans

Neighbours (6) Objection

- Site is located within the Green Belt and new housing is inappropriate development, lack of land supply will not constitute very special circumstances, and development is contrary to policy CS1;
- Land was not suitable for development before, why is it suitable now?
- Transport Assessment states there have been relatively few accidents, therefore relocating the junction is not justified;
- No road safety audit has been provided of the proposed junction;
- Proposed junction is almost immediately adjacent to Lelleford House, impact on this property has not been considered and it is not shown on the junction plans;
- To turn right into or out of Lelleford House will involve crossing the proposed turning lane;
- Contrary to the NPPF as a safe access cannot be provided for ALL users;
- Access to Coventry Road could be provided away from this property;
- Speed limit should be reduced to 30mph, vehicles do not slow down and there have been several incidents;
- Children will walk along Bilton Lane to access high school, this is a 50mph road with no footpath or street lighting, this is dangerous and could cause a fatality – a footpath should be provided;
- No assessment of pedestrian safety;
- Large Ash tree will be removed, this is a significant feature in the landscape and could be considered a veteran tree, intend to have this independently assessed;
- Junction proposals do not justify loss of tree;

- Proposals show tree to be relocated, this will not be possible;
- Are aware of applications refused for impact on far inferior trees;
- No landscaping buffer to Coventry Road, this is out of character with the area.
- Council are not interested in saving wild spaces and have ignored objectors;
- Believe plans show trees within neighbours garden as being removed, these are not within the site;
- Have not been contacted by applicants regarding ownership & boundary issues;
- Boundary line on plans does not reflect the situation on the ground;
- Planted buffer to rear of existing properties could lead to loss of privacy, impact on security and attract anti-social behaviour and vandalism;
- Planting must not be carried out on neighbours land, boundary has not been altered;
- Why not include this within rear gardens, with a covenant to maintain as a planted strip, or could be made available to neighbouring properties;
- Planting should be carried out before building works to protect privacy;
- Loss of view of the field;
- Loss of a protected nature area which is used by many species;
- Site is used for recreation and should be kept;
- Should include native species and evergreens for year round screening;
- Development is not in the interest of the village and will lead to loss of open space/Green Belt;
- Junction changes will not ease traffic, vehicles go through the village to avoid this junction, increased traffic will worsen this;
- Back Lane cannot cope with amount of traffic;
- There are existing traffic problems around the school;
- Is there sufficient capacity on primary and secondary schools;
- No additional services are being provided for the village, the post office has been lost;
- Properties adjacent to The Green should all be bungalows, neighbour is a dormer bungalow and properties in this area are lower than the site;
- Loss of privacy for existing dwellings;
- Loss of light and sunlight;
- Western part of the site has an increased amount of social rented units which affects the balance of properties in this part of the site;
- Have suffered noise, pollution and dust from nearby developments impacting on quality of life;

Councillors Bragg & Poole Comments

- Have objected to Local Plan proposal to increase allocation from 100 to 150;
- Balancing areas will mostly be full of water as area is often boggy;
- Green walkways are insufficient width for a rural development with a well-used footpath;
- Not appropriate to access 25 western properties through the Brambles, should be 1 access road;
- Will the area behind existing properties be fenced for security;
- Pleased that bungalows are proposed in this area;
- Rear access for bins must be provided;
- Need sufficient parking, including space for visitors;
- Will need to meet affordable housing requirements;
- Need to agree future maintenance of open space areas;

Further amended plans

Neighbours (5) Objection

- Traffic lights or mini roundabout should be provided at Back Lane junction;
- It is difficult to get out of Back Lane, turning right from the site will be difficult;
- Alterations must not increase traffic on Townsend Lane and The Green;
- There is restricted visibility from Bilton Lane;

- Increase numbers of homes would make accidents likely;
- Pedestrians and cycles use Bilton Lane which does not have a footpath;
- Dispute legal position of western boundary, notice has not been served on adjacent owners;
- Pleas buffer zone is being provided to western boundary, however believe fencing should be same quality as between plots;
- Question whether buffer is sufficient depth given levels difference and as deciduous trees will lose screening effect in winter;
- Upwards extensions of plots 142-146 should be restricted to prevent overlooking, removal of permitted development rights would be inadequate and covenants should be imposed;
- Buffer zone and rear gardens should be provided first to prevent disturbance during construction, loss of privacy and storage close to the boundary;
- Density and height at western end of development has increased;
- Is distribution of affordable housing acceptable, has Shared Ownership now been omitted:
- Affordable bungalows should be provided for people downsizing;
- Main park in Long Lawford is not suitable for young children due to inappropriate language and behavior;
- Traffic calming is needed throughout Long Lawford due to speeding vehicles;
- School may not be able to cope with increased demand;
- Residents of existing Bloor development to the north have to go on the road or grassed area to get to their garage from the front door, this will be dangerous as road will lead to an extra 25 houses increasing traffic;
- Roads have not been completed on existing development and it not clear when work will be done;
- Is like living on a building site;
- Communication from Bloor has been poor;
- Increased traffic near the railway bridge;
- Loss of trees;
- Were told the development would be smaller than proposed;

Neighbours (1) Objection

- Proposals place high density housing within the setting of Avon Lodge which is a Listed Building and this will cause substantial and irreparable harm;
- Avon Lodge has stood since 1750 and is one of the oldest buildings in Rugby;
- Site is an integral part of the setting and allows public access to appreciate the building and its setting;
- Agricultural use of the site forms part of the setting;
- Barn to the rear of Avon Lodge is used by farmers of the site, development will remove this contextual understanding;
- NPPF and Local Plan state harm or loss of designated heritage assets requires clear and convincing justification;
- The developers study downplays this harm and is not impartial, this should be ignored in light of the Local Plan Inspector's report which refers to harm to the setting;
- The Council has a statutory duty to preserve the setting of the Listed Building and harm to the setting gives rise to a strong presumption against granting planning permission;
- Development would cause significant harm and this must be balanced against public interest benefits;
- Development would cause traffic problems and lead to the loss of pastureland enjoyed by local residents;
- Affordable housing could be provided elsewhere in the borough;
- Development is not in the public interest;
- Loss of public access to the open space, this is the only quasi-natural open space within Long Lawford;

- Will add to existing traffic and congestion problems;
- Open space could have been provided to retain the setting of the Listed Building, high density terraced housing driveways and a drainage ditch are proposed;
- Number of dwellings has increased which increases the density and harm;
- If permission is granted may consider judicial review;

Further amended plans (2)

Neighbours (3) Objection

- Density is higher than development to the north, density should be reduced in western part of site close to existing properties;
- Proposed two and a half storey properties will overlook proposed bungalows;
- Provision of one-bedroom properties in western part of development appears incongruous;
- No information regarding proposed levels, levels caused problems on adjacent development;
- Landscape buffer should not be sold with properties as it may be included within gardens;
- Whole development should use access from Coventry Road;
- Horrified access is now proposed through existing development, were assured this was not proposed;
- Delays in the development will affect ability to sell houses and their values;
- When will work start and how long will it take, where will materials and equipment be stored?;
- Have grievances with Bloor regarding trees and injuries to pets from metal fencing;
- Weeds have been left causing cat to have skin problems, these could also be harming wildlife;
- Disputes regarding position of western boundary have not been addressed, this brings the validity of the application into question;
- Position of houses on adjacent development plotted incorrectly on plan, how will Council ensure homes are built correctly?

Letter signed by 15 households on Kerry Hill Drive & Herdwick Close Objection

- Were told by Bloor that road in existing development would be a dead end;
- May not have bought properties if were aware this was to be an access road;
- Additional 25 houses will lead to over 50 vehicles travelling through existing development affecting over 40 homes;
- Road is too narrow for additional traffic, has no road markings and tight, blind bends;
- There is no speed management which is concerning for children and animals without extra traffic;
- There is no footpath to the south of the road making it unsafe for pedestrians and children;
- Will increase traffic on Back Lane which is the busiest access point to Long Lawford;
- All traffic should use access from Coventry Road.

Neighbours (1) Objection

- Pile driving would lead to risk of substantial harm to Avon Lodge, as well as the harm to the setting;
- Geology is clay which will transmit vibrations forcefully, Avon Lodge has shallow foundations so is likely to experience significant structural harm;
- Development will lead to substantial harm to Avon Lodge and its setting, paragraph 195 of the NPPF indicates permission should be refused;
- Case law also indicates views from Heritage Assets form part of the setting;
- Understand from the Press that developer has failed to abide by planning commitments elsewhere even if these were secured to protect Avon Lodge;

Neighbours (1) Objection

- Ash tree to be removed is a category A tree not category B, this has been confirmed by a tree consultant;
- Surprised Tree Officer is not fighting for retention of the tree given his comments on applications elsewhere;
- Tree Officers comments refer to mitigation if the loss of the tree is unavoidable, the loss is avoidable;
- Ecology report and County Ecologist state tree should not be removed;
- Submitted highways information is over 32 months old and consider this is out of date, appeal decisions support the need for up to date data;
- Understood realigned junction was required due to accident history, more up to date history should be requested as suspect there have been less accidents and less serious accidents;
- Provide independent highway report which states moving the junction from a safety point of view is a weak argument, accidents have been caused by speeding traffic on Coventry Road hitting cars from Bilton Lane, proposal will worsen this as queuing cars will affect visibility;
- Right turn lane will always be full preventing access from Lelleford House and reducing visibility;
- There are other locations where access could be provided leading to a safer layout and retaining the tree;
- Pedestrian data is not addressed in the applicant's report;
- Island should be provided to allow pedestrians to cross the road;
- Met WCC Highways on site, consider traffic modelling does not reflect the situation on the ground, there was no consideration of peak time movements from Lelleford House and proposed ghost island is not workable as vehicles may stop in the ghost island;
- Planning Obligations must be necessary and reasonably related to the proposed development, proposed access arrangements are not justified by the development so do not meet necessary legal tests;
- Property will be devalued or become unsaleable due to the proposed access arrangements, whilst this is not generally a planning matter consider this case is different as will not be able to access home safely during peak traffic periods;
- Proposed access is contrary to Human Rights as will not be able to access property;

Neighbours (1) Comment

- Understood access would be from newly created cul-de-sac but it will remain from Back Lane;
- Do not have sufficient parking for visitors and vehicles parked on the road have been hit many times with one written off;
- Green verge is proposed to the front of property, could this be altered to provide a parking area.

3.0 Assessment of proposals

3.1 The key issues to assess in relation to this application are whether the principle of the proposed development is acceptable and whether there will be any adverse impact on the amenity of the area, neighbouring properties and heritage assets, highway safety and protected species.

4.0 Principle of development

4.1 When this application was originally submitted the Local Plan had not been adopted. At that stage the Core Strategy included the application site within the Green Belt and this has been referred to in objections to the application.

4.2 However, the Local Plan has now been adopted and is the relevant policy document in the determination of the application. Policy DS3 of the Local Plan allocates sites for residential development. The application site is allocated for the development of around 150 dwellings by policy DS3.6 and the proposed 149 dwellings are in accordance with this policy.

4.3 Policy GP2 defines Long Lawford as a Main Rural Settlement where development will be permitted within the village boundaries and on allocated site such as this.

4.4 Policy DS5 relates to the comprehensive development of strategic sites such as this which must be developed in a comprehensive manner, including connections to public transport links, cycle links, community facilities and Green Infrastructure. These matters are considered later in the report.

5.0 Impact on Heritage Assets

5.1 As detailed above Avon Lodge to the south of the site is a Grade II Listed Building. This therefore comprises a designated heritage asset and the impact on the building and its setting are key issues in the consideration of the application.

5.2 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building, any of its features of special architectural or historic interest and its setting.

5.3 With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 190 requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 193 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification.

5.4 The Setting of a heritage asset is defined by the glossary of the NPPF as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.”

Case law relating to the setting of Listed Buildings, has concluded that the setting of a Listed Building does not simply relate to physical and visual factors but can also include social, historical and economic factors.

5.5 Local Plan policy SDC3 also refers to protecting the historic environment, this states that development affecting the significance of a heritage asset and its setting will be expected to preserve or enhance its significance. This policy also states that applications with the potential to affect the significance of heritage assets will be required to provide information to allow the impacts to be assessed.

5.6 As detailed above objections to the proposals have been received referring to the impact on Avon Lodge. These comment that the agricultural land forms part of the setting of the building, that views from the Listed Building form part of its setting, that the development will remove historic ties with this building, it will prevent public access to the site which currently allow the building and its setting to be appreciated. The objector considers that the development will cause substantial harm to the setting of the Listed Building.

5.7 Although the objector refers to public access to the site allowing views of the building the site is not public open space, views of the building can be obtained from the public right of way across the site which is to be retained. A footpath route is also proposed running east to west close to the Coventry Road boundary of the site, opposite Avon Lodge this will be to the north of the proposed balancing area and there will be views of the building from this route.

5.8 During the Local Plan process a Heritage Asset Review was produced for the Council which assessed the potential impact of the proposed site allocations on heritage assets.

5.9 In relation to the application site this Review states that the site contributes to the value of the heritage asset, Avon Lodge, as it forms part of the open countryside and rural landscape which surrounds and frames the heritage asset and contributions to the experience of the asset at this crossroads location. The review comments that Avon Lodge is an example of an 18th century farmhouse, it is located in an isolated position at crossroads, may have been a stopping place for travellers and that the ancillary buildings show how farming has changed over time.

5.10 The review states that the main harm to Avon Lodge is *“via the loss of context and isolation in the countryside and the urbanisation of the context and setting which has always remained rural and open, albeit some modern development to the north-west of the crossroads has affected this isolation. Although the site still remains open to the south with this development, and the harm could be considered to be ‘less than substantial,’ the harm is significant enough to warrant an objection to the scheme from a historic environment perspective.”*

5.11 The report goes on to state *“The harm to the setting of the listed building could be reduced by the development of the proposed allocated site so that the openness is preserved around the dwelling. An open space or natural grassland could be positioned to the south west corner of the site so that the openness around the dwelling is maintained, leaving a rural aspect around the listed building which carries over the road to the proposed allocation.”*

5.12 In relation to the allocation of the application site the Local Plan Inspector stated *“The Heritage Asset Review confirms that the setting of the grade 2 listed Avon Lodge on the south side of the A428 could be preserved by the layout of dwellings on the site.”*

5.13 The application was accompanied by a Historic Environment Desk Based Assessment as required by SDC3 and paragraph 189 of the NPPF. This comments that Avon Lodge is separated from the site by the busy Coventry Road and that the existing hedge to the front boundary of Avon Lodge reduces some direct views of the Listed Building. The assessment explains that historic maps show the working yards and buildings to the south of the Avon Lodge with the back of the building towards the north, the report considers the layout was that of a working farm with a purely functional built form. The report considers that the impact on the significance of Avon Lodge is neutral to minor adverse.

5.14 It is accepted that the application site forms part of the setting of Avon Lodge and that this will be affected by the proposals. The agricultural use of the site contributes to the significance of the heritage asset as it adds to the evidential value of the building as a farmhouse and the location of the building at an isolated crossroads.

5.15 However, the physical setting of the building to some extent has been affected by Coventry Road which separates the site from the farmhouse and by the hedge to the frontage of Avon Lodge which restricts views of the building. The historical, social and economic connections between the site and the Listed Building relating to the isolated position of Avon Lodge and

agricultural use have also been compromised by the conversion and extension of the adjacent stable to form a dwelling, Farm View, by the erection of properties on The Green and by Coventry Road.

5.16 As suggested in the Local Plan: Heritage Asset Review the development directly opposite Avon Lodge has been set into the site behind the existing retained hedgerow, a grassed area and a drainage basin. There is then a footpath, manoeuvring and parking areas to the front of the proposed houses. This separation was proposed on the originally submitted plans, however, due to the position of the originally proposed dwellings to either side of the drainage area this separation would not have been apparent when viewing the site and Avon Lodge along Coventry Road from the east or west.

5.17 Amended plans have been received which alter the position of the properties to either side of the drainage area. The property to the west, a bungalow, is set further back than the existing bungalow on The Green so will not be visible when looking towards Avon Lodge from the west. The property to the east is set back around 17m from the boundary which will result in views of the open drainage area from the east.

5.18 Although the agricultural use of the site will cease it is considered that these alterations will retain some of the open character of the site opposite Avon Lodge as recommended by the Heritage Asset Review. The closest proposed properties will be around 65m from Avon Lodge itself and 38m from the curtilage of this property.

5.19 As the proposed development will impact on the setting of Avon Lodge, a designated heritage asset it is therefore necessary to determine the level of harm to this asset.

5.20 Avon Lodge itself will not be impacted or lost by the development, although there will be a change to the setting. It is therefore considered that the development will not lead to substantial harm to this heritage asset. Given the set back of Avon Lodge from the site, the position of the proposed built form and the existing intervening features such as Coventry Road, which includes a footpath, street lighting and signage, and boundary hedgerows it is considered that the level of less than substantial harm is minor.

5.21 The objector refers to pile driven foundations being used on the site and that due to shallow foundations they consider Avon Lodge is likely to experience significant structural harm. They therefore consider that the development would provide a high risk of substantial harm to the Listed Building. The objector refers to paragraph 195 of the NPPF which states that where a proposed development will lead to substantial harm to a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.22 Building Control commented on this issue and advised that where reinforced foundations are required it is not essential to use 'driven piled foundations' where pre cast concrete piles are hammered into the ground, alternative foundation techniques such as an 'augured' or 'bored' application, where a hole is drilled into the ground, steel reinforcing bars are placed in, and concrete poured, could be used which would reduce vibration.

5.23 Although foundation design is not a planning matter this issue has been raised with the agent who advised that pile foundations may be required for some properties. However, they have advised that vibration and sound deadening foundation techniques will be used for the plots

closest to Avon Lodge to address the concerns regarding this potential impact on the Listed Building. An informative (6) is proposed regarding this and it is considered that works can be carried out in a way which will not cause harm to Avon Lodge. In addition, the NPPF is clear that if a site is affected by ground conditions, such as land stability issues, the responsibility to ensure safe development rests with the developer and/or landowner.

5.24 Although the objector has commented that they consider the development will lead to substantial harm to the designated heritage asset through the foundation construction no evidence has been provided to support this. As detailed above vibration deadening techniques are to be used close to this property and the informative refers to the need to ensure damage is not caused to Avon Lodge.

5.25 It is therefore considered that overall the proposals will lead to minor less than substantial harm to the heritage asset, Avon Lodge. Paragraph 196 of the NPPF and policy SDC3 state that where there would be to less than substantial harm to the significance of a designated heritage asset this harm weighed against the public benefits of the proposal.

5.26 The less than substantial harm to the heritage asset must be given considerable importance and weight and this will be weighed against the public benefits later in the report.

5.27 Features of archaeological interest can also comprise heritage assets. Prior to the submission of the application a programme of archaeological evaluation was carried out and the results were provided with the application. This work identified a number of ditches of possible Roman date and agricultural furrows, indicative of medieval to post-medieval agricultural practice. Further analysis of a number of the features suggests that these may in fact be Iron Age.

5.28 The County Archaeologist has commented on the application and raised no objection, subject to a condition (18) requiring a further programme of work to be agreed and carried out on specific parts of the site.

6.0 Housing Mix

6.1 Policy H1 states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment, although an alternative mix will be considered where market factors demonstrate this would better meet market demand.

6.2 The table below shows the policy requirement and the housing mix proposed.

Market	1-bed	2-bed	3-bed	4+ bed
Policy H1	5-10%	25-30%	40-45%	20-25%
Proposed	4.76%	15.87%	48.41%	30.95%

6.3 This proposes a slight over provision of 3-bed properties, an under provision of 2-beds and over provision of 4-beds.

6.4 The applicants commented on this issue. They explained that the most common household type found within the local area are “modern families” who are double income families with school age children who would typically require traditional 3 or 4 bedroom properties. The most common properties on the resale market in the area were 3 and 4 bedroom dwellings indicating demand for these types of houses in the area.

6.5 It is therefore considered that the proposed housing mix has been justified in accordance with policy H1.

7.0 Affordable Housing

7.1 Policy H2 states that on housing developments of this size on green field sites a target of 30% affordable housing will be sought. This goes on to state that if this level of affordable housing is not to be provided robust evidence must be provided to show the development would not be financially viable if the target level of provision was sought. The NPPF also sets out that it is for the developers to demonstrate that policy requirements would make a development unviable.

7.2 The application proposes 23 affordable dwellings, 15.4%, as affordable housing. These are all to be provided as rented properties and a mix of 1 and 2 bedroom properties are proposed. The applicants submitted a viability report in order to demonstrate that it would not be viable to provide a greater amount of affordable housing.

7.3 In accordance with the NPPF this report was produced in accordance with the approach detailed within the National Planning Practice Guidance. This guidance sets out how land values, costs and development values should be considered in viability assessments. The guidance is also clear that a return to developers should be allowed for within viability assessments with a return of 15-20% of the gross development value considered a suitable return.

7.4 It is clear within the guidance that the land value to be used should be based on the existing use value of the site plus a premium for the landowner. The premium should provide a reasonable incentive to sell the land for development. The land value is not to be calculated based on the amount paid for the site.

7.5 The submitted viability assessment based the land value on expected land values for greenfield edge-of-settlement sites within this area. The amount used reflected the figure used within the Council's Viability Assessment, July 2017, which was carried out as part of the Local Plan process.

7.6 Costs were based on the Royal Institute of Chartered Surveyors median average costs from the Build Costs Information Service (BCIS) reduced slightly for costs within Rugby. The requested s106 contributions are also included as part of the development costs. The development value was based on the sales values of nearby developments.

7.7 This assessment showed that with the provision of 23 (15.4%) social rented affordable properties the development will result in a return of 15.3% which is slightly above the lowest return considered reasonable in the guidance.

7.8 Information was also provided regarding the impact on viability if no s106 contributions were sought and 30% affordable housing was provided. In this scenario the return reduced to 14.2% which would render the development unviable. This would also result in the impacts of the development on local services not being mitigated.

7.9 The report refers to higher than usual costs linked to the highway works proposed at the Back Lane junction, additional foundation costs and additional costs linked to improvements to elevational treatments requested to ensure an acceptable design.

7.10 The submitted viability information was independently assessed on behalf of the Council. The independent assessor reviewed the submitted information and compared the build and sales costs with other sites within the area. The assessor advised that the building costs are based on the BCIS costs as allowed by the guidance and the proposed values are considered reasonable based on other developments.

7.11 The independent assessor concluded that the provision of 30% affordable housing would render the development unviable. The assessor also advised that the submitted information showed that 15.4% affordable housing proposed would also be on the limits of viability. As detailed above policy H2 and the NPPF allow reduced levels of affordable housing based on viability. It is therefore not considered that there are any grounds to require an increased level of affordable housing based on the submitted information and the advice of the Council's independent assessors.

7.12 It is therefore considered that the developer has provided robust financial evidence to show that the development would not be viable at the target level and the proposed provision of 15.4% units as affordable housing is in accordance with policy H2.

7.13 This policy also sets out that the proposed mix of dwellings sizes and tenures should accord with the latest Strategic Housing Market Assessment.

7.14 The supporting text to the policy sets out the recommended size mix and states that the starting point for discussions will be 84% social or affordable rent and 16% intermediate products. The application proposes 100% rented properties and this tenure split is supported by colleagues from Housing.

7.15 In relation to the dwelling sizes the proposed mix of affordable dwelling sizes is set out below:

Affordable	1-bed	2-bed	3-bed	4+ bed
Policy H2	30-35%	30-35%	20-25%	5-10%
Proposed plans	34.78%	65.22%	0%	0%

7.16 Colleagues from Housing advised that there is a high level of demand for smaller affordable properties within the area and support the overprovision of 2 bedroom properties and do not object to the resultant shortfall in 3 or 4 bedroom properties.

7.17 Housing expressed concerns about the layout and size of the proposed 1-bedroom houses. However, the applicants confirmed that they have registered providers who are interested in taking on this type of property and that these properties have been used successfully on other sites. This is therefore considered acceptable.

7.18 The proposals are therefore in accordance with policy H2.

8.0 Design and Layout

8.1 As detailed above the application site comprises agricultural land with existing residential dwellings to the north, west and east with 3 dwellings across Coventry Road to the south.

8.2 The proposed development comprises a range of housetypes which include traditional design elements. The proposals are for bungalows, two and two and a half storey houses. The general design of the proposed dwellings reflects recent residential developments completed to the north of the site.

8.3 Properties on the southern edge of the proposed development are set back from Coventry Road by the existing hedge, areas of open space and in some areas by private drives. These are orientated so they have front elevations, or side elevations of dual aspect properties, facing towards Coventry Road. The exception to this is the bungalow at the western end of the site, however this is set further from the road than the existing bungalow on The Green which reduces the prominence of this plot.

8.4 Properties are mainly proposed with gable roofs with hipped properties being used to add interest in the street scene, in key positions and on corner plots. Two and a half storey properties, dual aspect properties and chimneys are also used to add interest to the development. Changes in materials such as and render are used on properties fronting the main road through the site and on corner plots. Dual aspect properties or those with additional side windows have been used where side elevations are prominent within the street scene.

8.5 Car parking is mostly provided in a mix of garages and spaces to the front and sides of houses, this reduces the prominence of parked cars within the street scene.

8.6 A materials plan has been provided which shows three types of red brick and grey and brown roof tiles to be used across the site in addition to off white render. Properties will have red or green doors, with some render properties having grey.

8.7 The site is currently agricultural land with trees and hedgerows on the boundaries. It is therefore inevitable that a housing development will alter the character and appearance of the area. However, the built development is set away from the prominent site boundaries with trees and hedgerows retained.

8.8 A boundary treatment plan has been provided. Brick walls are proposed at prominent locations within the street scene with close boarded fences to other boundaries. Some prominent properties will also have black metal railings to front gardens. Timber knee rails are proposed adjacent to open space areas. It is considered the proposed boundary treatments are acceptable.

8.9 The proposed density of the development will be 21.9 dwellings per hectare, this is a lower density than the development immediately to the north of the site (27.2 dph) and is considered acceptable.

8.10 As all dwellings are proposed with amenity space this can be used for the storage of refuse bins. Where properties are proposed on private drives bin collection points are proposed to allow bins to be stored within these areas on collection days.

8.11 It is considered that the proposals are acceptable in relation to the design and impact on the character of the area in accordance with policy SDC1.

8.12 Policy SDC4 requires new dwellings to meet the Building Regulations requirement of 110 litres of water usage per person per day and this can be controlled by condition (12).

9.0 Impact on amenity

9.1 Policy SDC1 states that the living conditions of existing or future occupiers should be protected.

9.2 The residential properties that will be most affected by the proposals are those located on The Green to the west of the site. When the application was originally submitted the occupiers of these properties raised concerns that the application site boundary line shown on the plans did not reflect the situation on the ground and that the site included land belonging to the neighbouring properties.

9.3 These queries were raised with the applicants who has reviewed this issue with the landowners. It is believed that some property boundaries have been extended over time resulting in the current situation. The precise position of the boundaries is also unclear on site as this western boundary is formed by a wide field hedge. This is essentially a private matter between the relevant landowners and the applicants consider the relevant notices have been correctly served. Notwithstanding this, the proposals do not include development immediately adjacent to the application site boundary and the existing hedgerow is to be retained.

9.4 Numbers 2, 4 and 12 The Green have rear elevations facing towards the site. Numbers 2 and 4 are bungalows which are at a lower level to the site, these have windows to the rear elevation.

9.5 Number 12 is a two storey house, this is lower than the site and has a small rear garden, this has a railway sleeper retaining wall with the boundary hedge on top of this. Although this property has windows in the rear elevation these serve non-habitable rooms or serve rooms which have additional windows to the front elevation.

9.6 Officers expressed concern regarding the potential impact on these properties, including the possible impact of any fences or walls provided on the application site boundary.

9.7 To reduce the impact on these properties the dwellings proposed in this part of the site are single storey bungalows. In addition the rear boundaries of these properties have been set away from the boundary and a landscaped buffer is proposed in this area, this is to remain in the applicants' ownership and be maintained by a management company.

9.8 This results in the proposed bungalows being 30m from 2 and 4 The Green with the rear gardens being 16m from these properties. The proposed bungalows will be a minimum of 21m from 12 The Green with the gardens being 11m from this property. It is considered that sufficient separation is provided between these properties and the proposed boundary fence and the impact in terms of privacy and sense of enclosure is not so significant as to warrant refusal of the application.

9.9 A condition (7) is proposed removing permitted development rights from these bungalows to prevent future alterations which could lead to overlooking of the neighbouring properties.

9.10 The front elevation of number 22 The Green looks towards the site at an angle. The closest proposed property to 22 The Green is a two storey house which will be over 25m from this property at an approximately 45 degree angle, the boundary for this property will be around 14m from number 22.

9.11 The proposed dwellings will be over 30m from properties on Back Lane, over 50m from Lelleford House, around 60m from Farm View and over 60m from Avon Lodge.

9.12 It is considered that there is sufficient separation from existing dwellings and the impact on the existing dwellings and gardens in terms of loss of light or privacy is not so significant as to warrant the refusal of the application.

9.13 It is also considered that suitable separation is provided between properties proposed within the site and there will not be an adverse on the living conditions of future occupiers.

9.14 The impact on the living conditions of occupiers is therefore considered acceptable in accordance with policy SDC1.

10.0 Transport, highways & parking facilities

10.1 The Highway Authority, Warwickshire County Council, initially objected to the application and requested information regarding junction arrangements, traffic generation, vehicle tracking, and changes to the layout.

10.2 Amended and additional plans and information were provided to address these comments. The Highway Authority raised no object to the revised layout within the development.

10.3 The applicants provided revised trip generation information based on the nearby development at Tee Tong Road, which increased the anticipated trip generation, and strategic transport modelling using the S-Paramics Rugby Wide Area Model. The Highway Authority accepted this methodology and concluded that the proposed development would not have an adverse impact on the safe operation of the wider highway network.

10.4 The proposals include alteration of the existing crossroads junction at Back Lane, Coventry Road and Bilton Lane to provide a staggered right-hand turn lane (ghost island) arrangement for both Back Lane and Bilton Lane. The applicants advised that various access arrangements were discussed with the Highway Authority at the pre-application stage, including accessing the site from new junctions on Back Lane or Coventry Road and they were advised the proposed junction arrangements were the preferred option.

10.5 The junction improvements have been subject to extensive discussions between the applicants and the Highway Authority as the review of the proposed junction highlighted a departure in the length of the deceleration lane when turning right into Back Lane, in addition, the existing vehicular access to Lelleford House would be situated between the proposed right turning lanes. To address these issues an amended junction plan was provided which shows a waiting area for vehicles turning right into the Lelleford House vehicular access. This further reduced the deceleration lane for vehicles turning into Back Lane and additional modelling regarding this was requested from the applicants.

10.6 This modelling was provided, again using the S-Paramics model. This showed that the junction will perform generally well although some queuing would occur around 17.30-17.40. This queuing would quickly dissipate and would not result in queues of more than 5 or 6 vehicles. The modelling also showed that within the PM peak there would be a few occasions where the right turn lane into Back Lane would be occupied and vehicles would have to queue within Coventry Road before moving into the turning lane. Notwithstanding this the Highway Authority advised they are satisfied with the modelling and the proposed junction operation.

10.7 A Road Safety Audit was provided and revised to reflect the additional modelling. WCC's Safety Engineering team raised no concerns with the junction proposals and accepted the recommendations of the audit. The Highway Authority therefore support the principle of the access arrangements, subject to detailed technical approval under the Highways Act.

10.8 The occupier of Lelleford House has objected to the application on the grounds of highway safety and submitted a highway report. They comment that the proposed junction arrangements would result in them having to cross the proposed right turning lane when turning right to enter or exit their property, they consider that this would have a detrimental impact on highway safety. The objector also commented that the existing access could be improved to a traffic light controlled junction and that the access to the development could be relocated further west which would address these issues and allow the existing tree to be retained.

10.9 As detailed above additional modelling and a revised Road Safety Audit were requested by the Highway Authority to address the impact of the proposals on Lelleford House and the Highway Authority do not object to the proposed junction arrangements. The occupiers of Lelleford House raised concerns regarding the data used within the modelling, however the Highway Authority are satisfied that the data is appropriate in terms of the modelling undertaken.

10.10 The neighbours also questioned the need for the junction improvements as they do not consider there is evidence that the junction had an accident severity to require the revisions proposed. The Highway Authority advised that although their accident data shows a relatively low number of collisions in the past five years, the junction remains on the County's cluster site list. The previous five years of data indicated 7 person injury collisions (PICs) which is considered to be high. The Highway Authority take the view that as additional trips will arise from the development the proposed improvement will assist in addressing these historic concerns.

10.11 Further modelling was carried out to assess the impact of the proposed development without the proposed junction works compared to the impact of the development with these works. The results indicate that the proposed junction works will lead to reduced queues within the AM and PM peaks when compared with the development without these works. Without the junction works the modelling also shows that the queues will result in more frequent blocking of Coventry Road.

10.12 Modelling of the access to Lelleford House itself was also reviewed by the Highway Authority, although given the low flows associated with a single residential property, this was difficult to model. Based on two right turning movements exiting the properties and two right movements entering the property during the peak hours and with a very low level of visibility (5.0 metres) factored in the modelling suggests that there will be no issues, with vehicles entering/exiting not encountering any delay. This would appear to be largely due to Coventry Road having a steady rather than concentrated flow of traffic and as such vehicles entering/exiting the property would not have to wait long to manoeuvre.

10.13 The residents of Lelleford House suggested that an alternative access could be provided further west which would not affect the existing access to their property and would allow the existing tree to be retained. However, the application must be considered as submitted and an assessment made as to whether the proposals are acceptable.

10.14 The neighbours' highway report comments that the proposed access, which includes departures from standards, should not be accepted where the junction could be relocated to a position where departures from standards are not necessary. As detailed above the impact of the proposals on the Lelleford House access have been assessed and are considered acceptable.

10.15 The Highway Authority have advised that the access position suggest by the neighbour may be acceptable, subject to audit, however changes to the existing junction arrangements at the Back Lane, Coventry Road and Bilton Lane crossroads junction would still be sought. In addition a revised access position also has the potential to impact on larger areas of boundary hedgerow and other trees.

10.16 Objections were also received from occupiers of the existing development to the north of the site commenting that the proposed access to the western part of the development through this site would lead to additional traffic which would cause a risk to drivers and pedestrians within the existing development.

10.17 The comments received from the Highway Authority did not raise objections to the principle of this proposed access arrangement and the impact of this part of the proposals on highway safety is considered acceptable.

10.18 The Highway Authority commented that they have undertaken a thorough and robust review, appraisal and assessment of all aspects of the planning application, with a number of matters raised. The Highway Authority has engaged in extensive discussions and correspondence with the applicants and their consultants regarding the concerns and matters of objection raised in respect of the development proposals. Based on the additional information provided and the revised drawings the Highway Authority is generally satisfied with the development proposals and mitigation identified to enable the development to be delivered.

10.19 It is therefore considered, subject to conditions (22, 26 & 27) and a s106 agreement, that the proposed impact in terms of highway safety is acceptable in accordance with policy D1.

10.20 Policy D1 refers to development being permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.

10.21 The existing public footpaths through the site are to be retained, these provide connections to Coventry Road and through the existing development to the north into Long Lawford.

10.22 There is an existing pedestrian/cycleway which runs from Briars Close, to the east of the site, to the western relief road. The Highway Authority requested a cycleway contribution to allow this cycle link to be extended to Back Lane and advised this would provide a connection to Bilton School removing the need for vulnerable users to use Bilton Lane, a concern raised by local residents.

10.23 The initial comments received from Warwickshire County Council's Infrastructure Team advised that a contribution towards a footway along Bilton Lane, however following discussions with the Highways Team this request was withdrawn as the cycleway contribution detailed above was considered the most suitable proposal

10.24 The existing number 86 bus service would serve the development, this is a daily service with a half hourly frequency. In order to increase access to this bus service the Highway Authority requested the provision of a pair of bus stops on Coventry Road with associated works, crossing

and footway as part of the Highway Agreements for the junction works. They also requested a contribution towards the maintenance of these bus stops.

10.25 The site is therefore accessible by sustainable transport methods in accordance with policies D1 and DS5.

10.26 The proposals include a total of 343 car parking spaces, this includes 43 parking spaces within garages. Based on the sizes of dwellings proposed the Council's standards would require 313 car parking spaces and the development in in accordance with this.

10.27 The Highway Authority initially raised concerns that the proposed garages were not of a suitable size and that the internal measurements should be 6m by 3m, amended plans were received including these sizes. However, the Highway Authority raised concern that people may choose not to use garages and that this could lead to additional on street parking. However, the parking standards within the Local Plan are clear that a garage will be designated as a car space. Notwithstanding this as more parking is provided than required this is considered acceptable. A condition (8) is suggested preventing garages to from being converted to living accommodation without planning permission.

10.28 Cycle parking can be accommodated within the garages or rear gardens.

10.29 The Council's parking standards require passive electric vehicle charging points, where suitable cabling is installed, to be provided for all dwellings. The applicant has advised that one passive charging point will be provided per dwelling and this can be secured by a condition (10).

10.30 It is therefore considered that suitable parking facilities can be provided in accordance with policy D2.

11.0 Air Quality, Noise & Vibration

11.1 Policy HS5 refers to air quality. The site is located within the Air Quality Management Area and due to the size of the development this policy requires the development to achieve air quality neutral standards or provide mitigation.

11.2 The Council published the consultation draft Air Quality SPD in February 2020, although this has not been adopted by the Council it can be afforded some weight in decision making. This also refers to the need for developments to be air quality neutral or provide appropriate mitigation. This SPD sets out a methodology for calculating the costs associated with the impact on air quality which can be used when assessing mitigation.

11.3 The application was originally accompanied by an Air Quality Assessment and colleagues within Environmental Services requested additional air quality information. An additional report was submitted to assess the impact on Air Quality in relation to policy HS5.

11.4 The report detailed that as the application site is currently an agricultural field any built development would result in an impact on air quality. It therefore would not be possible for development to be air quality neutral and mitigation would be required.

11.5 The report details that measures that would mitigate the impact on air quality include the provision of passive electric vehicle charging points, a Construction Environmental Management Plan, including measures to control non-road mobile machinery, the retention of trees to site boundaries and boilers meeting a specified standard. The report details that a monitoring Travel

Plan will be prepared and that this can be secured by a s106 agreement. Mitigation will also be provided by the alteration to the Back Lane junction and the provision of bus stops and a footpath/cycleway to Coventry Road.

11.6 The report details that the costs of these mitigation measures exceeds the air quality mitigation costs calculated in accordance with the draft SPD. Environmental Services commented on the report and recommended its acceptance, subject to securing the proposed mitigation. The mitigation measures are included in proposed conditions (10, 22) and the Travel Plan can be secured by the s106 agreement.

11.7 In relation to the impact of traffic noise Environmental Services requested additional information regarding the expected noise levels within rear gardens. This information was provided by the applicant and Environmental Services advised that this was acceptable and the proposed boundary treatments were suitable from a garden noise mitigation perspective.

11.8 No objections were received from Environmental Services in relation to vibration.

11.9 It is therefore considered that the proposals are in accordance with policy HS5.

12.0 Drainage

12.1 Policy SDC5 requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1 and an assessment was provided with the application.

12.2 Policy SDC6 requires Sustainable Drainage Systems to be used on major developments.

12.3 The application site is to be split into 3 drainage areas. Surface water from the central and eastern parts of the site will run to drainage basins close to the northern boundary before discharging into an existing watercourse.

12.4 Surface water in western part of the site will run to a drainage basin opposite Avon Lodge before discharging into an existing surface water sewer. This arrangement is proposed for the western part of the site as connecting to the northern basins would involve the increasing of ground levels to an extent that would not be acceptable close to Avon Lodge or The Green. All drainage basins will comprise central wet areas of planting that will only contain water when required.

12.5 The Lead Local Flood Authority, Warwickshire County Council, commented on the application and raised no objection subject to conditions (21, 22) relating to surface water drainage details. No objection was received from the Environment Agency. The proposals therefore comply with policies SDC5 and SDC6.

13.0 Landscaping

13.1 As detailed above the proposals involve the retention of hedgerows and trees except where removal is required to facilitate access. The proposals involve the removal of sections of hedgerow fronting Coventry Road to provide the access and visibility splays and fronting Back Lane to accommodate the revised road alignment.

13.2 The junction works will also require the removal of a mature Ash tree within the Coventry Road hedgerow. The submitted tree report identifies this tree as a category B tree of moderate value. A low value tree within the hedgerow crossing the site is also to be removed to provide the estate road.

13.3 The Council's Tree and Landscape Officer commented on the application and raised concerns regarding the removal of the Ash tree which appears to be displaying good vitality and vigour and is a prominent visual amenity when viewed from Coventry Road. They advised that the retention of this tree should be encouraged however, if retention is not possible advised that mitigation planting in the form of two semi-mature trees, one either side of the access, should be secured. The County Ecologist also advised that their preference would be for the tree to be retained.

13.4 Although alternative access positions were considered by the applicants which may have allowed the retention of this tree these may also have required the removal of other areas of hedgerow and trees. As detailed above if an alternative access position were provided the Highway Authority would still seek improvements to the Back Lane, Coventry Road and Bilton Lane junction which could also result in the removal of areas of existing hedgerow.

13.5 The applicants' proposed relocating the tree into the landscaped area between the current alignment of Back Lane and the site access however the Tree and Landscape Officer advised this would not be feasible and suggested the planting of two semi-mature replacement trees (5-6m high) in this area. The amended plans include the planting of 2 semi-mature Turkish Hazel and the Tree and Landscape Officer has no objection to these proposed replacements. This provides some mitigation for the loss of the tree, however the removal of the Ash tree carries weight against the proposals.

13.6 An objection received from a neighbour comments that they consider that the Ash tree should have been classified as a category A tree and this has been confirmed to them by a tree consultant.

13.7 The Council's Tree Officer reviewed the tree and advised they do not consider it is worthy of a category A classification. This is due to the categorisation being based on a range of factors such as visibility/prominence, condition and estimated remaining life expectancy. Category A trees comprise high quality trees *"that are particularly good examples of their species, especially if rare or unusual...."* *"with an estimated remaining life expectancy of at least 40 years"* whilst category B trees are moderate quality trees *"that might be included in Category A, but are downgraded because of the impaired condition..."* *"with an estimated remaining life expectancy of at least 20 years."* (British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations.)

13.8 The Tree Officer advises that the tree has moderate to good vitality and of is moderate mechanical form. For example, there are large diameter dead branches in the crown, some thin/open areas of canopy and a number of large diameter branches which have snapped/hanging and also over extended/ end weighted limbs throughout. Therefore, because of its age (mature) and mechanical condition/form they advise that the tree should be category B, as detailed within the tree survey.

13.9 There is an existing group of protected trees on the boundary with the adjacent development in the north west corner of the site. A landscaped area and private drive are proposed to the south of these trees and it is considered this will result in less pressure for removal in the future than if these were located within private gardens

13.10 During the course of the application amended plans moved some plots away from existing trees. Other plots remain relatively close to the retained trees on the Coventry Road frontage, however the Tree and Landscape Officer has advised that, with a robust arboricultural method statement these trees could be retained and protected and this can be secured by a condition (14).

13.11 Landscaping is proposed across the site including around the drainage areas, existing hedgerows and footpaths and along the southern boundary. The County Ecologist commented that they welcomed this planting including native species and semi-improved grassland around areas of public open space.

13.12 The Landscape Officer originally requested additional landscaping and this was included in the amended plans. They raised no objection to the amended plans.

13.13 The proposed landscaping is therefore considered acceptable in accordance with policies NE3 and SDC2.

14.0 Open Space & Play Provision

14.1 As detailed above open space areas are proposed throughout the site. This includes a play area and open space areas around the drainage ponds, areas along the existing hedgerows and footpaths and along the southern boundary of the site. This results in footways that would allow circular routes around the site connecting to the sider area.

14.2 Although objectors have referred to the loss of the site for recreational purposes the only parts of the site which are currently publicly accessible are the 2 public footpaths crossing the site.

14.3 Colleagues in Parks made comments on the originally proposed play area and amended plans were received to address these. Additional comments were received which require further minor changes to the proposals. As the play area will not be provided until dwellings are occupied a condition (25) is suggested requiring details of the play area to be agreed prior to the first occupation of the site.

14.4 Policy HS4 sets out the open space requirements for new development based on population size.

14.5 The proposed scheme involves an overprovision of amenity open space but shortfalls in provision for children and young people, natural/semi-natural and parks and gardens. However, the combined amount of open space required exceeds the Council's total requirements for a development of this size.

14.6 It is considered the shortfall in natural/semi-natural and parks and gardens is acceptable given the overprovision of amenity space. However, a contribution will be sought for off-site provision for children and young people. The applicant has advised the open space will remain within their ownership and be maintained by a management company, there is therefore no requirement for on-site maintenance contributions. To ensure that the play area is provided to a suitable standard a requirement will be included within the legal agreement to require inspection and certification prior to the transfer to the management company.

14.7 It is therefore considered that the proposed open space complies with the requirements of policy HS4 relating to the provision of accessible and high quality open space.

15.0 Biodiversity

15.1 The impact of the application on biodiversity must be considered in accordance with policy NE1. This policy and guidance within the NPPF state that developments will be expected to deliver a net gain in biodiversity and that harm to biodiversity should be avoided and where this is not possible it should be mitigated for or, as a last resort, compensated for.

15.2 The Council Ecologist and Warwickshire Wildlife Trust initially commented on the application and requested a Biodiversity Impact Assessment (BIA) be provided to assess the impact on biodiversity. They also requested further information regarding bats.

15.3 This information was provided and the BIA demonstrated that the proposals would result in a loss of 2.68 biodiversity units. The County Ecologist therefore requested a biodiversity off-setting scheme be secured by a s106 agreement requiring the applicant to either agree a site for biodiversity improvements or to pay a contribution to the County Council to carry out biodiversity improvements at a scheme within the Borough. The County Ecologist advised their closest scheme to the site is at Ryton-on-Dunsmore. Subject to the s106 the impact on biodiversity is compensated for, in accordance with policy NE1 and the NPPF.

15.4 The County Ecologist also requested conditions relating to the submission of a Construction Environmental Management Plan (16), to ensure protected species are not harmed during the development, and a Landscape and Ecological Management Plan (15), detailing planting and habitat enhancements on the site including details of bat and bird boxes.

15.5 Additional comments were received from the County Ecologist who requested an updated survey of the tree to be removed to allow the access to be provided. This was carried out and showed that there were no potential bat roosts within this tree and no evidence of it being used by bats. The County Ecologist advised that on this basis the tree could be felled without further survey or mitigation. They also commented that the tree should be soft felled and if work does not commence for 2 years a further survey will be required. This will be controlled by the Construction Environmental Management Plan condition (16) and an informative (7) is proposed to bring this to the applicant's attention.

15.6 Warwickshire Wildlife Trust and the Council's Parks section also commented that hedgehog holes should be provided in boundary fences and walls. The submitted plan refers to holes being provided and a condition (15) can ensure these are provided in suitable locations.

15.7 Subject to conditions and a s106 agreement the impact on biodiversity is considered acceptable in accordance with policy NE1.

16.0 Other issues

16.1 The applicant has confirmed that fibre broadband infrastructure will be provided on site by Openreach and BT, this accords with policy SDC9 and this can be secured by condition (11).

16.2 Warwickshire Fire and Rescue have no objection to the proposals subject to a condition (19) and the development complying with Building Regulations.

16.3 There are currently two public footpaths which cross the site from north to south. These will be retained on the current alignment and no objection to the proposals have been received from the Ramblers of Warwickshire County Council Rights of Way. This is in accordance with paragraph 98 of the NPPF which seeks to protect public rights of way.

16.4 Environmental Services initially requested a condition relating to the submission of a site investigation report. This document was submitted and Environmental Services advised it is acceptable. A condition is therefore proposed relating to actions to be taken if unexpected contamination is discovered on site (24).

16.5 Objections received from residents of the existing development to the north of the site comment that they were not made aware of the proposed access into the application site through the existing development when buying their properties and refer to other issues encountered with the developers of that site. However, these are not planning considerations.

17.0 Planning Obligations

17.1 Policy D3 refers to the impact of development on infrastructure and states that where there is not sufficient capacity developer contributions may be sought to mitigate the impacts of the proposed development. Policy D4 states these will be secured through a s106 legal agreement.

17.2 Policy D4 and the NPPF state that in order for contributions to be sought they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Be fairly and reasonably related in scale and kind to the development.

17.3 In terms of affordable housing the proposals will provide 23 affordable units and this level of provision has been tested through the viability assessment. This will help to create much needed affordable housing units to meet a housing need within the Borough.

17.4 In accordance with the Planning Obligations SPD an off-site contribution is required towards off-site provision for children and young people. A requirement for the on-site play area to be inspected will also be included.

17.5 As detailed above the County Ecologist requested a Biodiversity Impact Assessment. This showed that the development would lead to a loss of 2.68 biodiversity units. A contribution towards biodiversity off-setting has therefore been requested.

17.6 Comments received from the University Hospitals for Coventry and Warwickshire NHS Trust advise that this development would have an effect on health and wellbeing in as the development would have an impact on the acute service provided by the Trust. They requested a contribution which would be used directly to provide health care services to meet patient demand.

17.7 Whilst the principle of this contribution is accepted concerns were raised as the requested contribution per dwelling more than doubled in the requests made relating to the original and amended plans.

17.8 The NHS were asked to explain this significant variation in the amount requested and advised this is due to changes in contractual terms with the Clinical Commissioning Group resulting in them seeking 80% of costs for emergency admissions, increased from 30% in the initial requests. Additional information was requested to explain these changes, for example did

these changes come about due to changing legislation, who instigated the changes and whether they were negotiated by the NHS Trust. However, no additional information has been forthcoming and it is considered that it has not been demonstrated that the increased request is fairly and reasonably related in scale and kind to the development.

17.9 As detailed above viability information submitted by the applicant, based on the original NHS request, demonstrated that the proposal to provide 23 units or 15.4% affordable housing was on the limits of viability. The applicant has advised that the increased NHS request would impact on the level of affordable housing that can be provided. Based on the submitted and assessed Viability Assessment the increased contribution would require 4 of the proposed 2-bed affordable units to change to market housing. This would result in a reduced provision of 19 affordable properties, or 12.75%.

17.10 Given the viability implications of the increased request and owing to no further justification being received it is therefore considered reasonable to secure the NHS contribution based on the initial comments made by the NHS and this will be secured by a s106 agreement.

17.11 Warwickshire County Council commented on the application and requested a contribution towards education provision. This would be put towards early years/pre-school provision within Long Lawford or 2 miles of the development, primary and primary special educational needs provision at Long Lawford Primary School, secondary provision at Bilton School and secondary and post 16 special educational needs provision at Brooke Partnership, there was no request for general post 16 provision.

17.12 Warwickshire County Council requested a Sustainable Travel and Road Safety contribution for the provision of information packs for owners and occupiers of the dwellings which include information on sustainable modes of transport and to help promote sustainable travel and road safety in the area.

17.13 As detailed earlier in the report Warwickshire County Council requested a contribution towards the provision of a cycleway link between the application site and the existing cycleway and towards the maintenance of the proposed bus stops. These requests will encourage the use of sustainable transport within the area.

17.14 Comments received from Warwickshire County Council Rights of Way requested a contribution towards the improvements of Rights of Way within 1.5 miles of the site based on the increased use of rights of way by residents of the development. Estimates were made of the amount of footpath within this area that would need resurfacing, the number of gates that would need repair and the number of stiles which would need repair or upgrading and the costs were calculated based on these estimates.

17.15 However, the request has been based on generalised estimates of the works that may be needed rather than an assessment of the rights of way in the area and the actual works required to these. It is therefore not considered that the request is directly related to the development or fair and reasonably related in scale and kind, therefore it is not considered this request can be supported.

17.16 Contributions have been requested by Warwickshire County Council for improved library facilities in the area and this is accepted.

17.17 Comments were received on behalf of Warwickshire Police that advise additional properties in the area will lead to increased demands on the police service. They have therefore requested a contribution towards additional police staffing and equipment. Detailed information has been submitted in support of this request and this approach has been supported at appeal elsewhere. This request is therefore considered reasonable and in accordance with the above tests.

17.18 As detailed above the proposed air quality mitigation measures include the production of a Travel Plan and this can be secured by the s106 agreement.

17.19 These obligations will mitigate the impact of the development in accordance with policies D3 and D4.

18.0 Heads of Terms

18.1 In summary the contributions required for this proposal are set out in the table below:

Contribution	Requirement	Trigger
Affordable housing	Provision of 23 units for social rent, in accordance with approved plans	To be confirmed
Play and open space	Contribution towards off site provision for children and young people	Before first occupation
Play and open space	Inspection and certification of play area	Before transfer to management company
Biodiversity off-setting	To provide an off-site biodiversity off-setting scheme	On commencement of development
NHS Trust	To meet patient demand for access to health care services	To be confirmed
WCC - Education	Contribution to meet need for early years/pre-school, primary, primary SEN, secondary, secondary SEN and post 16 SEN provision	Before first occupation
WCC – Sustainable Travel & Road Safety	To help the promotion of sustainable travel and road safety	Before first occupation
WCC – Cycleway, Coventry Road	Contribution to link site with existing cycleway	To be confirmed
WCC – Bus stop maintenance	Contribution to maintenance of proposed bus stops	To be confirmed
WCC – Libraries	Contribution to improved facilities & books	Before first occupation
WCC - Monitoring	WCC administration fee	Before first occupation
Warwickshire Police	Contribution towards additional police staffing and equipment	Before first occupation.
Travel Plan	Production of Travel Plan to reduce impact on air quality	Before first occupation

18.2 In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the s106 agreement.

19.0 Conclusion and Planning Balance

19.1 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development.

19.2 The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location.

19.3 Paragraph 8 of the NPPF refers to three overarching objectives of sustainability which are interdependent. These are the economic, social and environmental objectives.

Economic objective

19.4 The economic benefits of the scheme include the delivery of 149 homes, including 23 affordable homes, on an allocated housing site. This will help to address the housing needs of the borough which are identified within the Local Plan and carries significant weight in favour of the proposal.

19.5 The development will also create temporary jobs during the construction period and would accommodate economically active residents who would contribute to the local economy and support local shops and services.

19.6 In addition, as detailed in the NPPF the provision of infrastructure, must be assessed in relation to the economic role. As detailed above the Highway Authority, Warwickshire County Council, have advised the development will not have an adverse impact on highway safety and the proposed junction works will lead to reduced queuing compared to the development without these works.

Social objective

19.7 The NPPF refers to supporting strong, healthy and vibrant communities by providing homes, well designed environments and accessible services.

19.8 The provision of new housing, including affordable housing, together with an on-site play area and open space would provide social benefits. Financial contributions towards facilities and services within the area and borough are also considered to promote social benefits.

19.9 The development is also in accordance with policy HS1 which requires development to contribute to a high quality, safe convenient walking and cycling network, and provide a high quality and attractive public realm.

19.10 It is considered that the scale and design of the development are in keeping with the character of the area and that the proposed development will not have an adverse impact on residents in accordance with policy SDC1.

19.11 It is therefore considered that the proposals satisfy the social role of sustainability.

Environmental objective

19.12 The NPPF refers to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use resources prudently, minimise waste and pollution and adapt to climate change.

19.13 The proposals will be within the setting of Avon Lodge, a Grade II Listed Building. Due to the design of the development and the separation between these properties and the Listed Building it is considered that the proposals will cause minor less than substantial harm to the significance of this designated heritage asset. This must be given considerable importance and weight against the proposals which must be weighed against the public benefits of the proposals.

19.14 Where possible existing trees and hedgerows are to be retained. However, the proposals include the removal of a section of hedgerow and an Ash tree on the Coventry Road frontage in order to provide the site access. This carries some weight against the proposals.

19.15 Suitable landscaping and open space areas are proposed, including the provision of an equipped play area and, subject to a s106 contribution, there will not be an adverse impact on biodiversity.

19.16 The development will provide pedestrian and cycle linkages to the wider area as well as providing opportunities to access the town centre using sustainable methods.

19.17 The development would also utilise a sustainable drainage system.

19.18 These are considered to be positive environmental benefits that should be afforded weight in favour of the scheme.

19.19 It is therefore considered that the public benefits of the scheme detailed above outweigh the less than substantial harm to the significance of Avon Lodge and the loss of the Ash tree and area of hedgerow.

20.0 Recommendation

1. Planning application R17/1089 be granted subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R17/1089

DATE APPLICATION VALID:
02-Feb-2018

APPLICANT:
Define Planning & Design Ltd c/o Agent

AGENT:
Kirstie Clifton, Define Planning & Design Ltd Unit 6 133-137 Newhall Street Birmingham B3 1SF

ADDRESS OF DEVELOPMENT:
LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, LONG LAWFORD

APPLICATION DESCRIPTION:
Development of 149 dwellings with associated landscaping, public open space and infrastructure, including an amended junction between the A428 Coventry Road and Back Lane.

CONDITIONS, REASONS AND INFORMATIVES:
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 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 2
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Iceni Ecology Ltd, Bat Survey
Received 17/09/2020

Proposed Access Option 2B – T16131/SK03/H
Received 09/09/2020

Geo-Environmental Assessment Report – 16131/R02
Received 16/07/2020

Means of Enclosure – SM557-SL-005/Q
Received 13/05/2020

Air Quality Consultants: Compliance with policy H5 – J3133B
Received 09/04/2020

Stage 1 Road Safety Audit: Section 278 – VC0269 R2.0
Stage 1 Road Safety Audit: Section 38 – VC0269 R3.0
Received 06/01/2020

Road Safety Audit Brief Stage 1 – T16131/RSA1/S38/S278/01
Received 27/11/2019

Site Sections – SM557-EN-003/J
Received 24/09/2019

Site Location Plan – SM557-PL-001/A
Site Layout Plan – SM557-SL-003AD
Site Layout Plan West – SM557-SL-001AD
Site Layout Plan East – SM557-SL-002AD
Materials Plan – SM557-SL-004/Q
Parking Plan – SM557-SL-006/D
Indicative Finished Floor Levels Plan – SM557-EN-027/B

Private Driveway Swept Path Analysis – SM557-EN-012/F
Refuse Vehicle Tracking – SM557-EN-013/H
Fire Appliance Tracking – SM557-EN-014/G
Visibility Splay and Dimensions Plan – SM557-EN-018/G
Transport Assessment Addendum – T16131/TA-A/01 Rev A
Transport Assessment – T16131/TA/01 Rev B

Flood Risk Assessment and Drainage Strategy – 16131/D

Landscape Proposals – SM542-LS-026H
Plot Landscaping – SM542-LS-012I
Plot Landscaping – SM542-LS-013H
Plot Landscaping – SM542-LS-014I
Plot Landscaping – SM542-LS-015I
Plot Landscaping – SM542-LS-016I
POS Landscaping – SM542-LS-017I
POS Landscaping – SM542-LS-018I
POS Landscaping – SM542-LS-019I
POS Landscaping – SM542-LS-020I
POS Landscaping – SM542-LS-021I
POS Landscaping – SM542-LS-022I
POS Landscaping – SM542-LS-023I
Planting Details – SM542-LS-025

Drake brick – 277_277-1.PL-01
Billington brick – 290.PL-01
Billington render – 290.RV101.PL-02
Blake brick – 390.PL-01
Byron brick – 372_372-1.PL-01
Byron brick (plots 2-3) – 372-PL01
Milton brick elevations – 381_381-1.PL-01
Milton brick elevations (chimneys) – 381_381-1.PL-06
Milton render elevations (chimneys) – 381_381-1.PL-02
Milton floorplans – 381_381-1.PL-05
Hallam brick – 470.PL-01
Hallam brick (handed) – 470-1.PL-01
Hallam brick (chimneys) – 470.PL-06
Brooke brick elevations – 472.PL-01
Brooke render elevations – 472.PL-02

Brooke floorplans – 472.PL-05
Brooke brick elevations (handed) – 472-1.PL-01
Brooke render elevations (handed) – 472-1.PL-02
Brooke floorplans (handed) – 472-1.PL-05
Wotton brick – 475.PL-01
Wotton brick (handed) – 475-1.PL-01
Wotton render – 475-1.PL-02
Wyatt brick elevations – 476.PL-01
Wyatt brick elevations (chimney) – 476.PL-07
Wyatt floorplans – 476.PL-06
Wyatt brick elevations (handed) – 476-1.PL-01
Wyatt floorplans (handed) – 476-1.PL-06
Heaton brick – 487.PL-01
Heaton render – 487.PL-02
Heaton render (handed) – 487-1.PL-02
Lyttelton/Byron brick elevations – 807.PL-01
Lyttelton/Byron floorplans – 807.PL-03
Lyttelton/Byron brick elevations (handed) – 807-1.PL-01
Lyttelton/Byron floorplans (handed) – 807-1.PL-03
Spencer brick elevations (plots 134-135) – 1BF04.PL-01
Spencer floorplans (plots 134-135) – 1BF04.PL-03
Spencer brick elevations (plots 76-79) – 858.PL-01
Spencer floorplans (plots 76-79) – 858.PL-03
Spencer brick elevations (plots 49-52) – 858.PL-05
Spencer floorplans (plots 49-52) – 858.PL-06
Spencer brick elevations (plots 61-64) – 858-1.PL-01
Spencer floorplans (plots 61-64) – 858.1.PL-03
Sinclair brick (semi-detached) – 2B4P.PL-01
Sinclair brick (4 terrace) elevations – 861.PL-01
Sinclair (4 terrace) floorplans – 861.PL-03
Sinclair brick (3 terrace) elevations – 861.PL-01
Sinclair (3 terrace) floorplans – 861.PL-03
Single garage – GL01.PL-01
Single (2) garage – GL02.PL-01
Received 11/09/2019

Air Quality Assessment – J3133A/2/F2
Technical Note 1: Response to WCC Objection – T16131/TN1/01 Rev A
Received 06/03/2019

Archaeological Evaluation – 660933/17614 Rev C
Received 02/03/2018

Design & Access Statement – 304DAS160118
Noise Assessment – 17/0766/R1-1
Historic Environment Desk Based Assessment – 17-13 R1
Geophysical Survey Report – LLW171
Arboricultural Impact Assessment – JBA 17/099 AR01 Rev A
Phase 1 Habitat Survey – JBA 17/099 Rev A
Reptile Survey – JBA 17/099
Bat Activity Survey – JBA 17/099

Great Crested Newt Survey Report – JBA 17/099 ECO03 HW/CA
Received 16/01/2018

REASON:

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

CONDITION: 3

Unless non-material amendments are approved by the Local Planning Authority the facing materials to be used on the external walls and roofs shall as specified on Materials Plan - SM557-SL-004/Q received by the Local Planning Authority on 11/09/2019.

REASON:

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

CONDITION: 4

Unless non-material amendments are approved by the Local Planning Authority walls, fences and gates, shall be provided in accordance with the Means of Enclosure plan - SM557-SL-005/Q received by the Local Planning Authority on 13/05/2020.

REASON:

In the interest of visual amenity.

CONDITION: 5

Unless non-material amendments are approved by the Local Planning Authority the finished floor levels of all buildings shall be provided in accordance with Indicative Finished Floor Levels Plan - SM557-EN-027/B received by the Local Planning Authority on 11/09/2019.

REASON:

To ensure the proper development of the site.

CONDITION: 6

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION: 7

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out to plots 142 - 149 (inclusive) which comes within Classes A, B, C, D or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 8

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no garages shall be converted to living accommodation.

REASON:

In the interest of highway safety.

CONDITION: 9

The first floor windows to be formed in the side elevations of plots 26, 43, 44, 69, 80, 105, 114, 118 and 124 and in the rear elevation of plot 39 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 10

Prior to the first occupation of each dwelling a passive electric vehicle charging point shall be provided to that dwelling.

REASON:

To encourage the use of electric vehicles in the interest of sustainability.

CONDITION: 11

Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

REASON:

To provide broadband connectivity for future occupiers.

CONDITION: 12

The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

REASON:

In the interests of sustainability and water efficiency.

CONDITION: 13

No above ground development shall commence unless and until details of a phased programme of landscape works has been submitted and approved in writing by the Local Planning Authority. Each phase of the landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following first occupation of that phase of the development. If within a period of 10 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 consent to any non-material variations.

REASON:

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

CONDITION: 14

No works, demolition or development shall commence unless and until a final arboricultural method statement and tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and agreed in writing by the Local Planning Authority. This scheme must include details and positioning of tree protection fencing and any ground protection measures to create construction exclusion zones.

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

REASON:

To ensure retained trees and their Root Protection Areas are not damaged during the development phase and are successfully integrated into the scheme.

CONDITION: 15

Notwithstanding the details on the approved plans, no development shall commence unless and until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants shall be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles and holes within boundary fences to provide hedgehog connectivity).

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

REASON:

To ensure a net biodiversity gain in accordance with NPPF.

CONDITION: 16

No development, including site clearance work, shall commence unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of pre-commencement checks for protected species and appropriate working practices and safeguards for habitats and wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 17

Any new vegetation of a type likely to grow more than 1 metre in height must be planted at least 2 metres away from the edge of any Public Right of Way to ensure that mature growth will not encroach onto the Public Right of Way. A gap of at least 2 metres must be allowed between the edge of any Public Right of Way and the edge of any proposed new pond, lake or other water body or water course, to ensure there is no encroachment onto the Public Right of Way, including by future erosion.

REASON:

To protect the existing Public Rights of Way.

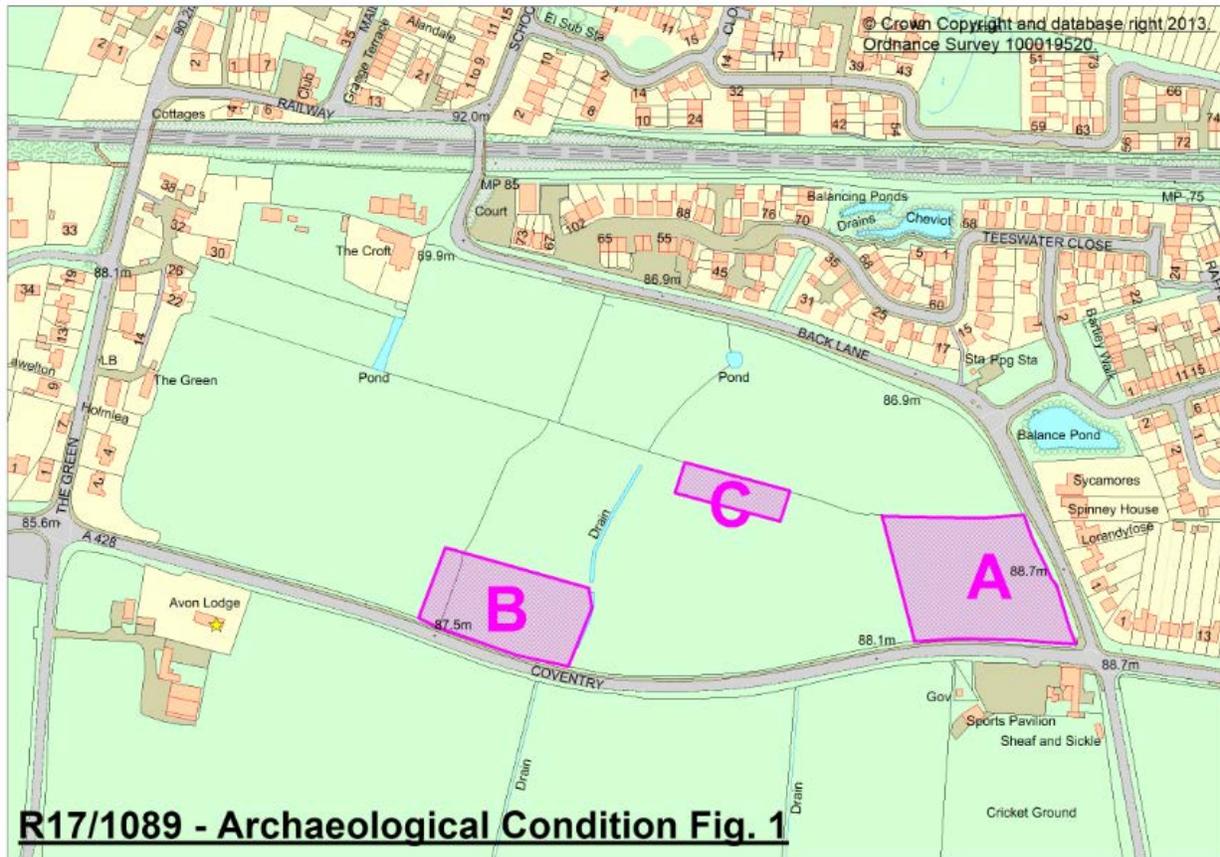
CONDITION: 18

No development shall commence across area A, B or C on the plan below unless and until a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which shall first be submitted to and approved in writing by the Local Planning Authority.

The programme of works shall be carried out in accordance with the approved details.

REASON:

In the interest of archaeology.



CONDITION: 19

The development hereby permitted shall not be occupied 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 interest of fire safety.

CONDITION: 20

No development shall commence unless and until a detailed surface water drainage scheme for the site, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted and approved in writing by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall:

- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding;
- b. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS);
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual;
- d. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBar runoff rates for all return periods;
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- f. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration;
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

REASON:

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

CONDITION: 21

The development shall not be first occupied unless and until a detailed maintenance plan giving details on how surface water systems shall be maintained and managed for the life time of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include the name of the party responsible, including contact name and details.

The maintenance plan shall be implemented in accordance with the approved details.

REASON:

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

CONDITION: 22

No development shall commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

- (i) Construction phasing plan;
- (ii) Hours of construction and deliveries;
- (iii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (iv) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;

(v) Measures to control emissions from non-road mechanical machinery;
(vi) HGV Routing Plan;
(vii) Location of site compound, delivery and servicing area, HGV holding area and car parking provision for contractors within the development site; &
(vii) Measures to ensure that mud and debris will not be deposited onto the highway as a result of construction traffic;
Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON:

In the interests of the amenities of the area.

CONDITION: 23

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

REASON:

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

CONDITION: 24

In the event that contamination is found at any time when carrying out the development hereby permitted, having regard to the Geo-Environmental Assessment Report - 16131/R02 then it shall be reported in writing immediately to the Local Planning Authority. Each of the following subsections a) to c) shall be subject to approval in writing by the Local Planning Authority.

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION: 25

Notwithstanding the detail shown on the submitted plans, details of the proposed play area including layout, equipment and specification, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. Unless non-material amendments are agreed in writing the play area shall be provided in accordance with the approved details prior to the occupation of 50% of dwellings within the landscape phase agreed in relation to condition 13, which includes the play area.

REASON:

To ensure suitable play provision is made on site.

CONDITION: 26

Prior to the commencement of above ground construction of any dwelling the detailed design of the junction improvement works of the Back Lane/A428 Coventry Road/Bilton Lane, including the realignment of Back Lane together with the retention of access to the existing properties to the east of Back Lane, primary vehicular access to serve the development site and bus stops onto the A428 Coventry Road (together with all ancillary works), shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The detailed designs shall be in general accordance with the Proposed Access Option 2B plan - T16131/SK03/H received by the Local Planning Authority on 09/09/2020 although minor alterations may be required during the detailed design and technical approval process. The works shall be delivered pursuant to an appropriate s278 agreement.

Thereafter the approved highway works shall be implemented in accordance with the approved plans.

No dwelling shall be occupied on any part of the site until the approved site access works have been completed as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION: 27

The construction of the estate roads serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

To register the properties on this development and receive postal addresses or to amend an existing address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at: http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295.

INFORMATIVE: 3

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should 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: 4

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE: 5

- Public footpaths R125 and R129 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- The applicant must make good any damage to the surface of any public footpath caused during works.
- If it is proposed to temporarily close any public footpath during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
- Any disturbance or alteration to the surface of any public footpath 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.

INFORMATIVE: 6

Vibration reducing and sound deadening foundation techniques should be used for plots 110, 111 and 134-142 inclusive. Foundation designs used across the site should ensure damage is not caused to the Listed Building, Avon Lodge to the south of the site.

INFORMATIVE: 7

In relation to the information required by condition 16, as bats can be found even where there is no evidence and features are not considered suitable, it would be prudent to soft-fell large trees such that in the unlikely case any bats are found, works can stop and advice sought from an ecologist. Should works not proceed within 2 years of the date of the bat report, an updated survey will be required in line with the recommendations of the report.

INFORMATIVE: 8

Condition 26 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of the Section 278 of the Highways Act 1980 for the purposes of completing the works. The application / developer should note that feasibility drawings for works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

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

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway Works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

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

INFORMATIVE: 9

The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed, laid out and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highway Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning, Development & Flood Risk Management Group, Communities, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway Works the applicant / developer must familiarise themselves with notice requirements, failure to do so could lead to prosecution.

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

INFORMATIVE: 10

Before preparing detailed plans of the estate roads for the purposes of adoption under Section 38 of the Highways Act 1980, the applicant/ developer should contact, where appropriate, the Street Lighting Group, Warwickshire County Council, Planning, and Transport Department, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 11

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Reference: R20/0438

Site Address: HARBOROUGH FIELDS FARM, CHURCHOVER LANE, HARBOROUGH MAGNA, RUGBY, CV23 0ER

Description: Development of a solar photovoltaic farm comprising solar arrays, substations, communications container, battery storage and spare parts containers, interconnection facility, CCTV, internal tracks, access and associated development

Case Officer Name & Number: Erica Buchanan, 01788 533789

Recommendation

It is recommended to be approved subject to referral to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2009 due to the application site being within the Green Belt.

Site and surroundings

The application site is located on the north side of Churchover Lane and comprises of 5 agricultural fields covering an area of approximately 43ha.

The site is crossed by a Public Right of Way (R297) and is also bisected north-south by the former railway line. This disused railway line forms the boundary with the Green Belt.

Immediately to the south west of the site lies a National Grid gas compressor station and associated infrastructure. The site is immediately surrounded by agricultural fields with nearby residential properties comprising isolated farm holdings and rural cottages.

The nearest village to the site is Churchover which lies approximately 1 mile from the site.

Application

Planning permission is sought for the provision of a ground mounted solar PV park of up to 27 mw comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTV poles and cameras, access tracks. The application was submitted with a suite of documentations covering assessments of the landscaping and visual area, traffic, transportation, cultural heritage and ecology, agricultural land classification, a Design and Access Statement, Planning Statement, and a Statement of Community Involvement.

The proposal is for a temporary period of 35 years

The solar PV panels would be fixed and arranged on a simple metal framework facing south with the height of the supporting framework of 2.9m above current ground level with the lower part of the panel 1.4m from ground level. Between each line of solar panels there would be a gap of approximately 4m to avoid over shadowing from one solar panel to another. The solar panels would be tilted at 20 degrees from the horizontal axis and orientated south. The panels would be fixed and not tracking panels

The proposal includes associated infrastructure which includes gravel maintenance tracks, inverters, transformers, switchgear substations, communications building and security systems.

The site would be enclosed by a steel mesh “deer style” fence approximately 2m high with CCTV cameras to cover the site for security purposes. All the buildings would be below approximately 3.3m in height (or below), however the DNO substation would be 4m in height. The buildings are located to have minimal impact from public vantage points.

It is proposed to use the land for grazing sheep in association with the use of the solar farm.

Planning History

None Relevant

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP1 (Securing Sustainable Development)

GP2 (settlement hierarchy),

NE1 (Protecting Designated Biodiversity and Geodiversity Assets)

NE3 (landscape protection)

SDC2 (landscaping)

SDC3 (historic environment)

SDC8 (renewable energy).

D1 (Transport)

National Guidance

NPPF

NPPG

National Policy Statement for Energy (EN-1) (2011)

National Policy Statement for Energy (EN-3) (2011)

Written Ministerial Statement on Solar Energy: Protecting the Local and Global Environment
25th March 2015

United Nations Intergovernmental Panel on Climate Change ‘Special Report on Global Warming’ (2018)

The Committee on Climate Change’s report ‘Net Zero – the UK’s contribution to stopping global warming’ (May 2019).

Supplementary Guidance

Churchover Conservation Area

Technical consultation responses

Historic England

Objection

Fire and Rescue

No Objection

WCC Highway

No Objections subject to conditions

WCC Rights of Way

No Objection subject to conditions

WC Archaeology

No Objection subject to Condition

WCC Ecology

No Objections subject to conditions

Ramblers

Objection

RBC Arbouricultural Officer

No objection subject to condition

Warwickshire Police

No Objection

Warwickshire Flood Risk

No objection subject to conditions

National Grid

No Objection subject to Conditions

RBC Environmental Health

No objections subject to conditions

Warwickshire Wildlife Trust

No Comments

Third party comments

Councillor Hunt

Fails to protect and enhance the Historic Environment
Ignores the landscape general and cumulative impact
Contravenes Green belt policy
Contravenes Landscape - green infrastructure

Monks Kirby PC

In principle Monks Kirby Parish Council is supportive of planning applications for developments that improve renewable energy resources and is committed to the protection of the environment, in particular the protection of the Green Belt which holds statutory protected status.

The Parish Council therefore supports this application in general but with the significant exception of the area that encroaches onto land lying within the Green Belt. Monks Kirby Parish Council objects in principle to any such development and is aware that such development would create an inappropriate precedent.

Churchover PC

Objection -contravenes Planning Policy and National Policy in that it :-

1. Fails to protect and enhance the Historic Environment (Policy SDC3)
2. Ignores the landscape general and cumulative impact (Policy NE4)
3. Contravenes Green Belt (Policy GB2) and
4. Contravenes Landscape – green infrastructure (Policy NE2 NE3)

About 60% of this application is in Green Belt the remainder is in The Strategic Green Infrastructure ; the proposal will have a significant effect on the setting of the Holy Trinity Church and the Churchover Conservation Area; adding it to the already approved two solar farms would create a solar farm environment which would surround the village and it should therefore be refused.

Harborough Magna PC

Welcomes commitment of RBC to deal with Climate Emergency but feels solar panels on warehouses should be considered before any agricultural land – If approved it would appear that RBC are prepared to sacrifice agricultural land to meet the commitment of renewable energy.

ASWAR

Object
over 50%on Green Belt
Impact of the setting of the heritage assets

Cumulative impact of 3 solar farms surrounding the village
Views of Church would be affected
Land Grade is considered higher than 3b

Local Residents

19 Objections received

- Inappropriate development on the Green Belt
- Two other solar farms nearby
- Impact on Setting of Conservation Area
- Impact on setting of Listed Church
- Village impacted by other solar farms, development at Junction 1, Housing development at Cotton House
- Spoils the countryside views and impacts the landscape
- Loss of habitats
- Loss of open farming
- Construction traffic will increase air pollution
- Judicial review of windfarm still applies
- Impact of Security Lighting, associated activities, and Noise
- Village Impacted by Wind farms to the North and East
- Impact of expansion to Magna Park
- Urbanisation of the landscape
- Impact on Right of Way
- Scale of Development Inappropriate
- Area prone to flooding

1 **Assessment of proposals**

The key issue to the proposal is the loss of agricultural land, impact on the Green Belt, Impact on the heritage assets biodiversity and landscape, cumulative impact.

2 **Principle of Development**

- 2.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 2.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 2.3 Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location.
- 2.4 The application site, is primarily situated within the open countryside, however part of the proposed site lies within the Green Belt which is within the 5th priority area where new development will be resisted and only where national policy on Green Belt allows will development be permitted. This requires the principle of development to be established in association with National Policy provisions.
- 2.5 The provisions of the NPPF set out National policy with regards to the provision of sustainable development. This includes, as set out in various paragraphs of the

document, the need to enable sustainable development to be provided identifying that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources.

- 2.6 The NPPF states at paragraph 7 that the planning system is to contribute to sustainable development. Paragraph 8 (c) states that by moving to a low carbon economy is one of the ways the planning system can contribute towards sustainable development, this is reinforced in paragraph 148 which states amongst other things that renewable and low carbon energy and associated infrastructure should be supported. Paragraph 154 states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable.
- 2.7 Planning Practice Guidance states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 2.8 Particular factors to be considered include:
Effective use of land, retention of agricultural use, temporary use, visual impact, landscaping and mitigation measure, impact on heritage assets and energy potential.
- 2.9 Policy SDC 8 explicitly deals with applications for renewable/low carbon technology and contains a number of criteria seeking to address adverse impact on different aspects of the environment. SDC 2 seeks to address issues around landscape and requires applications to protect features of significance and calls for new planting to add to ecological value and reduce any visual intrusion by the development.
- 2.10 The NPPF advises that local authorities (or decision makers) should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS for Energy (EN-1), both dated 2011. Provisions in the NPPF also indicate the need for sustainable development comprising economic, social and environmental roles that collectively combine to enable sustainable development to be achieved through ensuring a better life for ourselves without impacting on future generations through growth. The advice needs to be read as a whole.
- 2.11 The documents entitled 'Overarching National Policy Statement for Energy (EN-1)' and 'National Policy Statement for Renewable Energy Infrastructure (EN-3)' are both national policy documents associated with energy production at the national level published by the Department of Energy and Climate Change and published in July 2011. While the document pertaining to policy EN-1 does not relate specifically to the form of renewable development proposed here, it does set out and reiterate the fact that energy is vital to economic prosperity and social well-being so is therefore important not only to produce it but to get it where it is needed (paragraph 2.1.2). It is set out in paragraphs 2.2.5 and 2.2.6 of policy EN1 that the UK is reliant on fossil fuel and while they are likely to play a significant role for the time to come, there is a national need to reduce this dependency to energy from renewable sources. Turning to the contents of national policy EN-3 it details the need for developments to be assessed on the principles of good design while also taking account of the landscape and visual amenity while also considering impacts such as noise and effects on ecology.

- 2.12 In November 2015, a Ministerial Statement was issued setting out priorities for UK energy and climate change policy. It set out the need for secure, affordable, clean energy being critical to the economy, national security and family budget. Reference is made to low carbon transitions being cost effective, delivering growth for the economy and consumers.
- 2.13 As a result of the Renewable Energy Directive is 2018/2001/EU, which sets out Europe's target for 32% of all energy produced to be from renewable sources by 2030. This sits within the European Green Deal commitment for the EU to become climate neutral by 2050. This directive remains in place until such time the UK has withdrawn fully from the EU. However, the Government have made clear their ambition to lead the world in renewable energy, carbon reduction and enhancement of biodiversity. The Government's new Environment Plan sets out the government's 25 year plan which seeks to kickstart a green economic recovery and providing a blueprint for meeting net zero emissions targets by 2050. The plan has a very strong emphasis on the part renewable energy will have to play.
- 2.14 In July 2019 the Council declared a climate emergency and set out an action plan to address the council's impact on climate change which ties in with Paragraph 8 in the NPPF to take a more proactive approach to adapting to climate change, including moving to a low carbon economy..
- 2.15 Solar PV technology is accepted as one the key technologies currently available to contribute to the decarbonisation of electricity supply as the UK aims to achieve Net Zero.

3 **Agricultural Land**

- 3.1 The revised NPPF has removed guidance which previously made reference to the type of land on which such developments should take place. Paragraph 151 however does state that Local Planning Authorities should provide a positive strategy for such developments whilst ensuring adverse impacts are avoided and should consider identifying suitable areas for renewable and low carbon developments. Furthermore the adopted Local Plan makes reference to the best and most versatile land in relation to solar farms.
- 3.2 The NPPG whilst encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, it does state however where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 3.3 The accepted definition of what constitutes best and most versatile land is land graded 1, 2 and 3a. Land graded 3b, 4 and 5 should be seen as preferred categories for development subject to other policy considerations.
- 3.4 An Agricultural Land Classification (ALC) Assessment has been submitted with this application and made references to the ALC Maps and meteorological evidence and soil categorisation. It has been identified that it is graded as 3b which falls within the lower grade of the land classification.

- 3.5 The current use of the site is primarily in grassland used for grazing with areas in the east of the site for arable cropping. It is intended to continue the use of the land for grazing sheep and thereby retaining its existing agricultural use
- 3.6 Solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- 3.7 The current application is for a temporary period of 36 years and the proposed Condition 16 requires the proposed solar farm to be removed at the end of the 36 year period and the land returned to its former agricultural use.

4 **Green Belt**

- 4.1 The application site includes land that lies within the Green Belt and Policy GP2 sets out the hierarchy of development with Rugby Town being the most sustainable location and the Green Belt being the least sustainable location.
- 4.2 Paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in special circumstances and at Paragraph 91 states that when located in the Green Belt elements of many renewable energy projects will comprise inappropriate development and in such cases it will need to be demonstrated that very special circumstances exist if projects are to proceed. The paragraph goes on to state that such special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources.
- 4.3 Approximately half of the solar panels are within the Green Belt and therefore is inappropriate development and within the planning statement submitted with the application it is acknowledged that to a degree the solar panels would reduce the openness of the Green Belt, however due to the low level of the panels and the fact that they follow the land form reduces the impact.
- 4.4 In terms of Special Circumstances as identified in paragraph 91 of the NPPF the proposed solar farm would result in a reduction of emissions associated with energy generation equating to 9,000 tonnes of CO₂ per annum or the removal of over 1,900 cars from the roads and 27MW provides the equivalent energy needs for approximately 6,930 homes.
- 4.5 This renewable energy generation would constitute a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change.
- 4.6 It should also be acknowledged that not all of the solar farm lies within the Green Belt and that in the wider landscape of the site is the M6 corridor and most notably a Gas Pumping Station in close proximity to the site.
- 4.7 The scheme proposes mitigating measures to increase biodiversity and landscaping along with the environmental benefits of the solar farm and the fact that its impacts could be made acceptable, are considered sufficient to outweigh the harm to the green belt and therefore very special circumstances exist to justify the granting permission for the development.

5 **Historic Environment**

- 5.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest.
- 5.2 With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 193 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 195 states that where there is substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal.
- 5.3 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area.
- 5.4 With regards the NPPF, chapter 12 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset.
- 5.5 Paragraph 196 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.6 Paragraph 201 informs that not all elements of a conservation area will necessarily contribute to its significance.
- 5.6 The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.
- 5.7 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- 5.8 Churchover is the nearest village to the site and is a designated Conservation Area and contains a number of Listed Buildings one of which is the Grade II* Listed Church. The church spire is a prominent feature in most distance views of the village. Therefore, consideration needs to be given as to whether the proposal results in either substantial harm or less than substantial harm in accordance with the guidance of paragraphs 193-196 of the NPPF.

- 5.9 The Churchover Conservation Area Appraisal identifies a number of key views and vistas within the Conservation Area boundary with none of the key views identified looking across the proposed site and the proposed development not being visible from the Conservation Area. On this basis the applicants made an assessment as no change to the current situation with no effect occurring. Whilst it was acknowledged that the Trinity Church, a Grade II* listed building, as a key asset located at the highest point of the village with a 15th century spire highlighting its use as a locational marker and focal point of the village. It also highlights clear views northward across the open countryside from the churchyard as well as states the significance of the church lies in its architectural and historic value and as a prominent landmark from the surrounding landscape with its setting primarily being the village. Within the submitted documentation with the application it was concluded that while the proposal will not be visible from the church, it will be in views from the east when travelling toward Churchover from Cotesbach partly detracting from views of the spire from this aspect but that the development won't challenge this dominance so the impact is judged to be minimal.
- 5.10 Historic England have raised concerns to the proposal and have stated that the solar farm would result in less than substantial harm to the setting of the Listed Church in Churchover as set out in paragraph 196 of the NPPF as it considered part of the setting which includes the wider landscape views into and out of the village. Therefore, consideration of the application is whether the public benefit outweighs the less than substantial harm to the significance of the setting of both the Listed Church and the Conservation Area.
- 5.11 Whilst the scheme has been amended to reduce its impact following the initial concerns of Historic England nonetheless they remain concerned of the less than substantial harm of the impact on both the Conservation area and Listed Church.
- 5.12 The main concerns of Historic England are with views over the site towards the Conservation Area and church from the east; even with the improvements to the landscaping there will be a winter situation where the screening will be much reduced by the loss of leaves; therefore a balancing exercise as set out in paragraph 194 of the NPPF setting the public benefits of the scheme against the view that the scheme will cause some harm to heritage assets.
- 5.13 Therefore it is considered that the increased provision of renewable energy generation which constitutes a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change in addition to the temporary nature of the solar farm would outweigh the less than substantial harm to the setting of both the Listed Building and the Churchover Conservation Area.
- 5.14 As such the scheme is in accordance with Policy SDC3 of the Local Plan and the NPPF.

6 Biodiversity

- 6.1 Policy NE1 seeks to protect designated biodiversity and it is expected that development would deliver a net gain in biodiversity and lists a hierarchy of mitigation measures.
- 6.2 The application site comprises largely of arable fields and improved grassland, which are generally of low ecological value, however a number of habitats of moderate/high value

are also present on and adjacent to the site including scattered trees, species-rich hedgerow field boundaries, semi-improved grassland, ponds, broad-leaved semi-natural woodland and the River Swift.

- 6.3 The application site encompasses a large section of a potential Local Wildlife Site Disused Railway (pLWS) in the middle of the application site. The River Swift pLWS and Churchover Meadows pLWS lie to the east of the application site and Montilo Farm Meadows pLWS lies adjacent to the west.
- 6.4 WCC Ecology have welcomed the recommendations to retain the existing habitats of most ecological importance, including the Disused Railway pLWS and hedgerows, providing a 20m buffer zone to sensitive habitats.
- 6.5 It is proposed to provide habitat enhancements within the site and wider landownership (including gaps in the fencing for wildlife). The Biodiversity Impact Assessment calculator carried out by the applicant's ecologist, shows a biodiversity gain of 11.27 units with no adverse impacts expected to existing hedgerows on site as there would be a significant increase (1.9km) of hedgerow creation on site, with existing hedgerows proposed to be managed on a less intensive basis.
- 6.6 The proposals set out to achieve the creation of approx. 8ha of semi-improved neutral grassland (wildflower grassland) on the existing arable land in the northern fields in 10 years which is welcomed. WCC have recommended a condition for a Landscape and Ecological Management Plan (LEMP) and this is set out with Condition 4 of the draft decision accompanying this report.
- 6.7 Therefore as the proposal would provide a net gain in biodiversity it is considered that proposal is in accordance with Policy NE1 of the Local Plan and the NPPF.

7 Landscaping

- 7.1 Policy NE3 seeks to protect existing landscaping and positively contribute to the landscape character and to consider amongst other things to integrate landscape into the design at an early stage. Policy SDC2 requires landscaping to form an integral part of the overall design.
- 7.2 Gaps in the existing vegetation would be infilled or reinforced with appropriate native tree or shrub planting to enhance the visual screening of the site. Where hedgerows do not currently exist around the boundaries to the solar arrays, with new native hedgerows planted.
- 7.3 The Councils landscape officer has acknowledged that the amended scheme which scaled down the amount of area used has a decreased visual impact especially when viewed from Churchover to the north east. The views of the solar farm are now mostly obscured by the existing topography of the land and vegetation. It has been recommended that new landscape buffer zones to include new hedgerows and tree planting must be enhanced to provide additional visual containment. Recommended Condition 3 of the draft decision refers.
- 7.4 It is considered that the proposal therefore complies with policies NE3 and SDC2 of the Local Plan and the NPPF

8 **Cumulative Impact**

- 8.1 A concern has been raised by local residents of the cumulative impact of the solar farms within the surrounding area if this proposal is approved.
- 8.2 The solar farm closest to the village which was approved on appeal the Inspector considered that the solar farm would not detract from the setting of the Listed Buildings or the Conservation Area and would be seen against the backdrop of the A5(T), the A426 and the Lutterworth Road.
- 8.3 The approved solar farm at Streetsfields farm is at some distance from the Village and it is considered not to harm the heritage assets or the landscape surrounding Churchover.
- 8.4 The current proposal provides a degree of separation from Churchover and with the increased landscaping it is considered that the proposal is well contained and visibility of the proposal is limited and therefore it is not considered that due to the space separation of the 3 solar farms that any cumulative impact is minimal.

9 **Archaeology**

- 9.1 The proposed development lies within an area of significant archaeological potential. The Heritage Desk-Based Assessment[1] produced by Cotswold Archaeology and submitted with the supporting information to this application notes that within the eastern part of the site, cropmarks visible on aerial photography are suggestive of linear features, along with a possible enclosure and ring ditch (Warwickshire Historic Environment Record MWA4603 and MWA4604). Also submitted with the supporting information to this application is a report detailing the results of a geophysical survey undertaken across this site[2]. The survey identified a number of magnetic anomalies which were interpreted as representing probable archaeological features including a ring ditch and nearby rectilinear anomalies, a square enclosure and a further possible rectangular enclosure with internal divisions and pits.
- 9.2 There is a clear potential for archaeological deposits dating to the later prehistoric periods onward to survive across this site which may be impacted upon by the proposed development.
- 9.3 WCC archaeologist has stated that in view of the nature and scale of the proposed development there is a level of flexibility within the scheme that means that a range of mitigation measures, including exclusion of areas from development, use of specialist foundations and archaeological fieldwork, could be employed where required.
- 9.4 I would therefore recommend that an archaeological evaluation by trial trenching be undertaken in order to help to define the character, extent, state of preservation and importance of any archaeological remains present. This information would inform an assessment of the impacts that the development would have upon any archaeological features present, and the development of an appropriate strategy to mitigate any such impacts.
- 9.5 It is therefore considered that subject to condition 7 in the draft decision the proposal is in accordance with policy SDC3.

10 **Flooding**

- 10.1 Policy SDC5 relates to flood risk management and requires a flood risk management plan to be submitted to assess the flood risk from all sources and identify options to mitigate the flood risk to development.
- 10.2 The main concerns of flood risk resulting from the scheme is areas of impermeable hardstanding associated with the supporting infrastructure of the Solar Farm.
- 10.3 The LLFA have not objected to the proposal subject to conditions relating to the submission of a detailed surface water drainage scheme to be submitted along with a maintenance plan and Conditions 8 and 9 refer.

11 **Highways**

- 11.1 Policy D1 requires large scale developments require a transport assessment to be submitted to demonstrate mitigating measures for any adverse traffic impact.
- 11.2 The application was accompanied by a Transport Statement (TS), which indicates that the operational proposal once installed will lead to a minimal increase in vehicles on the highway network, but that a material increase is likely for a temporary period during construction, with around 60 vehicle movements per day including HGV movements.
- 11.3 An HGV routing plan is included with the TS, and in a draft Construction Management Plan (CMP) also provided as part of the application, showing a HGV route that is considered by the Highway Authority to be acceptable. The Highway Authority therefore has no objection to the proposal and have suggested conditions relating to access, parking and manoeuvring on site and Condition 14 refers.
- 11.4 Therefore the proposal is in accordance with Policy T1 and the NPPF.

12 **Rights of Way**

- 12.1 The site is crossed by public footpaths R197 and R297 and it is proposed to accommodate the public footpath along its current alignment within a 6 metre wide corridor with further hedgerow planting to screen views, which minimises the impact on the amenity of the public footpath. WCC have stated that It should be ensured that any new planting is set back a sufficient distance to ensure that the public footpath will not become obstructed by future growth.
- 12.2 Whilst the Ramblers association has object to the proposal the Rights of Way team have no objection to the proposals but as the Highway Authority responsible for protecting and maintaining the public footpath have recommended a conditions to mitigate or minimise any potential impact on the public footpath and its users. This has been set out in Condition 15.

13 **Planning Balance and Conclusion**

- 13.1 The proposed solar farm is partially located in the Green Belt where inappropriate development is by definition harmful to the Green Belt and should not be approved except in special circumstances. In addition it would result in less than substantial harm to the setting of the Listed Building it is therefore considered that the provision of renewable energy generation which constitutes a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change is considered to be very circumstances for the Development in the Green Belt and the public benefit outweigh

any harm to the setting of the Listed Building. It is therefore considered that the proposal is in accordance with the policies in the Local Plan and the NPPF.

DRAFT DECISION

REFERENCE NO:
R20/0438

DATE APPLICATION VALID:
04-Jun-2020

APPLICANT:

Owen Saward, Warwickshire Solar 1 Ltd Warwickshire Solar 1 Ltd, 1 Lumley Street, Mayfair, London, W1K 6TT

AGENT:

Owen Saward, Climate ER Ltd Climate ER Ltd, 5 Barton Villas, Church Street, Coleford, Frome, BA3 5NB

ADDRESS OF DEVELOPMENT:

HARBOROUGH FIELDS FARM, CHURCHOVER LANE, HARBOROUGH MAGNA, RUGBY, CV23 0ER

APPLICATION DESCRIPTION:

Development of a solar photovoltaic farm comprising solar arrays, substations, communications container, battery storage and spare parts containers, interconnection facility, CCTV, internal tracks, access and associated development

CONDITIONS, REASONS AND INFORMATIVES:

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 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 2

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Design and Access Statement

Planning Statement

LVIA

Flood Risk assessment

Statement of Community Involvement

Solar PV Glint and Glare report

Archaeology Report

HFFCS20GB003-01 Inverter Station, 03 DNO Station Elevation, 04 Customer Station Elevation, 05 Cable Trench Cross Section, 06 Fence and Gates, 07 Spare Parts building, 08 Battery

Storage Elevations, 09 Meteo Station, 10, CCTV Pole, 11 Road Cross Section,

Received 4th June 2020

Construction Management Statement

Transport Statement

Received 02nd July 2020

13402-CRH-XX-XX-DR-C-5301-P3 Drainage Layout

13402-CRH-XX-XX-RP-C-0001-P4 Flood Risk Assessment (July 2020)

13402-CRH-XX-XX-DR-C-4001-P1 Constraints Plan
Received 30th July 2020

7234_PL_02A Amended layout received 04 September
HFF_CS20GB003_02 Panel Elevation
Heritage Addendum
LEMP
LVIA Addendum
Received 04th September 2020

Agricultural Land Classification Report
Received 30 October 2020
Ecology Reports and BIA calculator
7234 PL 05B Landscape Framework
Received 23 September 2020

REASON:

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

CONDITION: 3

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 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 consent to any non-material variations.

REASON:

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

CONDITION:4

The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and working practices for badger, amphibians, reptiles, bats, breeding birds and otter and water vole and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development and to ensure the protection of important habitats during development

CONDITION:5

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.
 - h) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON:

To ensure a net biodiversity gain in accordance with NPPF

CONDITION:6

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted adjacent to the woodland and hedgerows and kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON:

In accordance with NPPF, ODPM Circular 2005/06

CONDITION:7

No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of

the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON:

In the interest of archaeology.

CONDITION:8

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall: • Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site. • If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.

Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • Provide plans and details showing the allowance for exceedance flow and overland flow routing, especially adjacent to existing buildings in the South-West field.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

CONDITION:9

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures.

CONDITION:10

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

- the control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase, including the proposed piling for the site
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON:

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION:11

In the event that contamination is found at any time when carrying out the development hereby permitted it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION:12

Prior to commencement of above ground works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. The assessment should determine the existing background noise levels and the noise from proposed equipment to be installed. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from noise transmission if required. Equipment shall then be installed in accordance with the approved details. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the WHO Environmental Noise Guidelines for the European region.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION:13

The development shall not be commenced until the existing vehicular access to the site has been widened so as to accommodate the swept path drawings in drawing number 1909064-TK01 Revision A, in Appendix B of the amended Transport Statement dated 02/07/2020.

REASON:

In the interest of highway safety.

CONDITION:14

The access and turning area to the site for heavy goods vehicles shall not be used in connection with the development hereby permitted until they have been surfaced with a bound material for their whole length as measured from the near edge of the public highway carriageway. 3. The development shall not be commenced until space has been provided within the site for the parking, manoeuvring and loading/unloading of vehicles in accordance with drawing number 1909064-01 Revision B, in Appendix B of the amended Transport Statement dated 02/07/2020. 4. No construction shall be undertaken other than in accordance with amended Construction Management Statement dated 02/07/2020, including the routing strategy contained therein.

REASON:

In the interests of public and highway safety.

CONDITION:15

- Prior to commencement of works the developer must mark out the recorded alignment of public footpath R197 on site.
- No site security fencing may be erected on or within 1m of public footpath R297.
- Prior to commencement of any works involving disturbance of the surface of public footpath R297 the developer must contact Warwickshire County Council's Rights of Way team Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.
- The applicant must make good any damage to the surface of public footpath R297 caused during works.
- Any new vegetation must be planted at least two metres away from the edge of public footpath R297 to help ensure that mature growth will not encroach onto the public right of way.

REASON:

To protect the public footpath and its users.

CONDITION:16

- 1) The final details of the electrical and earthing surveys/designs must be agreed with National Grid,
- 2) Confirmation of the fence design and construction must be sent and reviewed by NG,
- 3) National Grid must be confident that the integrity of their essential infrastructure will not be affected (see point 1). These must be met prior to the installation/erection of any solar panel supporting framework or building at site.

REASON:To ensure the protection of the Infrastructure

CONDITION:17

The development hereby permitted shall be limited to a period of 36 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 36 year period the development shall be removed and the land reinstated to its previous agricultural land use in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

REASON:

To ensure the proper development of the site.

INFORMATIVE:1

Public footpath R297 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works. If it is proposed to temporarily close public footpath R297 during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.

Any disturbance or alteration to the surface of public footpath R297 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.

INFORMATIVE:2

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

INFORMATIVE:3

Any Construction Environmental Management Plan (CEMP) for the application site should include measures to manage siltation of the watercourse and drainage features during works to mitigate the impact on the water environment.

Any alterations or connections to Ordinary Watercourses will require Ordinary Watercourse Land Drainage Consent (OWLDC) from WCC as LLFA.

Reference: R19/0143

Site Address: STAVE HALL FARM, FOSSE WAY, MONKS KIRBY, CV23 0RL

Description: Change of use of land and existing kennels to recreational fishing lake with associated accommodation and facilities

Case Officer Name & Number: Frances Keenan, 01788 533845

Recommendation

Approval, subject to conditions

Introduction:

This application is being reported to Planning Committee, as the proposal is classed as a major application with a site area above 1 hectare (20,590 sq. meters). The application previously attended Planning Committee on the 8th January 2020 where it was deferred pending the results of an Ecological Grasslands Report.

Site and Surrounding Areas:

The application site is located in the West Midlands Green Belt, approximately one mile from the village of Monks Kirby and eight miles from Rugby Town Centre. The site has historically been used for kenneling, training and breeding dogs, however the new occupants no longer wish to proceed with this business and their adjacent neighbour Royvon Kennels, already run an established business. The site consists of a two-storey detached dwelling with redundant and disused brick outbuildings.

Proposal:

This application seeks full planning permission for the change of use of land and existing kennels to recreational fishing lake with associated accommodation and facilities. The proposal comprises of three timber cabins, one shepherds hut, two timber glad glamping pods and one bell tent. The outbuildings will be converted into a holiday-let café and communal area with fishing shop and washing facilities (showers and W/C) for the recreational accommodation.

The proposed fishing lake will be excavated on the site of the historic greyhound racing track. The top soil removed from the site will later be used of constructing the embankment and landscaping.

Size of glamping units:

- Timber Cabin: 48.8 sq. meters
- Shepherd Hut: 19.0 sq. meters
- Glamping Pods: 12.0 sq. meters
- Bell Tent: approximately 22.6 sq. meters

Planning History:

R10/0857	Certificate of lawfulness of the siting of a mobile home for staff accommodation. Approved: 24.08.2010
R13/0161	Existing boarding kennels upgrade including retention of addition to rear of building and proposed additions to sides of building to provide external exercise area and secure corridor. Approved: 16.04.2013
R13/2317	Removal of the existing mobile home and Change of use of building used as kennels to residential dwelling. Approved: 26.02.2014
R15/0751	Conversion of disused kennel to a residential dwelling. Approved: 03.06.2015
R16/2380	Removal of the existing mobile home and Change of use of building used as kennels to residential dwelling (Resubmission of an extant planning permission for removal of the existing mobile home and Change of use of building used as kennels to residential dwelling granted 26th February 2014 under R13/2317). Approved: 23.12.2016
R18/0786	Change of use of building used as kennels to residential dwelling (resubmission of a previous planning approval under R13/2317 granted 26th February 2014 for the removal of the existing mobile home and Change of use of building used as kennels to residential dwelling). Approved: 01.06.2018

Technical Responses:

- Warwickshire County Council Ecology Unit – No objection
- RBC Environmental Health Department – No objection
- Warwickshire County Council Highways – No objection
- RBC Work Services Department – No comments received

- RBC Landscaping and Design – No objection
- Warwickshire County Council Fire and Rescue – No objection
- Warwickshire County Council Archaeology - No objection
- Seven Trent Water – No objection
- Environment Agency – No comments
- Warwickshire County Council Flood Risk Authority – No objection
- DEFRA: Department for environment, food and rural affairs – No comments received

Third Party Responses

Monks Kirby Parish Council – Objection

- Unsustainable, falls within the Green Belt

Neighbours notified and one letter of representation have been received:

- Drainage
- Flooding
- Noise Levels
- Right of Way

This points refers to the resident of Stave Hall Farm allowing access for visitors to the Kennels, which is not considered a planning matter

Relevant Planning Policy and Guidance

National Planning Policy Framework – 2019

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the natural environment

Local Plan (2011-2031) – June 2019:

Policy GP2: Settlement hierarchy

Policy ED4: The Wider Urban and Rural Economy

Policy NE1: Protecting designated biodiversity and geodiversity assets

Policy SDC1: Sustainable design

Policy SDC2: Landscaping

Policy D2: Parking facilities

Supplementary Planning Documents

Sustainable Design and Construction – 2012

Determining Considerations

1. Principle of Development

- 1.1. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 1.2. The application site is located within the Greenbelt as defined in Policy GP2 of the Local Plan; as such new development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 1.3. Section 13 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions to this rule are stated in paragraph 145 and 146 of the NPPF. In this instance, development that is considered appropriate includes the provision of facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 146 also states that the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 1.4. Section 6 of the NPPF states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. This is also reiterated within Local Plan Policy ED4 which states small-scale tourism, visitor accommodation and leisure based uses, including sport and recreation, particularly those which would help to provide local employment and support rural services.
- 1.5. As the application seeks the change of use of the land and associated buildings to create facilities in connection with carp fishing and leisure accommodation, the proposal complies with the requirements of the NPPF through the provision of outdoor sports/recreation and rural tourism. Each holiday-let will only have basic facilities and will use the café and communal area as a visitor's space for socialising and eating. The shop will only provide fishing equipment and the basic provisions such as milk, bread and eggs. The proposal also aims to provide local employment; shop assistance, cleaners, café staff and fishing bailiff.
- 1.6. Whilst the proposal for seven glamping units by virtue of adding structures to the open countryside would have some impact on the openness of the Green Belt, each unit will be sufficiently shielded by woodland and is located within the existing hedgerow perimeter. The associated facilities are also located within an existing

structure with no additional impact on the openness of the Green Belt and all the glamping units are located to the west and south of the site, in association with the existing buildings. Thus, the glamping units and re-use of existing buildings are not considered to result in a material harm to the openness of the Green Belt.

1.7. This application is therefore considered to comply with Section 6 and 13 of the NPPF and Policy GP2 and Policy ED4 of the Local Plan.

2. Character and Design / Impact on Openness

2.1. Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated. Section 12 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

2.2. The proposal would be sited within close proximity to the existing properties within the Stave Hall Farm complex and would be located approximately 380 meters, as the crow flies, from Fosse Way and as such would not have an adverse impact on the character and appearance on the street scene.

2.3. The glamping units would be constructed from a solid wooden frame with timber glazing, minus the bell tent which will be covered with a canvas. The construction materials will weather over-time, providing a natural appearance suitable for its countryside location when compared to something built out of bricks and mortar.

2.4. In terms of the fishing lake, this is something naturally found in a countryside location and is of a suitable size for the site, situated within the existing hedgerow boundary and on the site of the previous dog racing/exercising track.

2.5. Lastly, the holiday-let café and communal area, fishing shop and associated facilities will all be located within a converted structure that is already existing. The proposal includes the re-construction of a number of walls that are currently in a state of dilapidation and the rebuilding of the roof. The scheme includes a small side extension which is 5.5 meters in width and 6.15 meters in length which matches the existing flat roof height of 2.5 meters. The design will use matching material and will have a scale which is considered in-keeping with the existing structure. To ensure the materials are in-keeping **Condition 3** will be attached to any permission granted. The extension does not constitute a disproportionate addition over and above the size of the original building in terms of Section 13, paragraph 145 of the NPPF.

2.6. This application is therefore considered to be in accordance Policy SDC1 of the Local Plan.

3. Impact on Residential Amenity

3.1. Section 12 of the NPPF states that planning should always seek a high standard of amenity for existing and future users of developments. Policy SDC1 of the Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

3.2. The application site borders three neighboring properties: the main farmhouse of Stave Hall Farm, Royvon and the Kennels/ Dog Hotel and Training. The site is located in a relatively isolated location which is well screened by existing trees and hedgerows particularly along the Fosse Way. The main residential dwelling of Stave Hall Farm is located approximately 40.0 meters from the café/shop and approximately 70.0 meters from the closet holiday-let accommodation. The Kennels/Dog Hotel is situated approximately 28.0 meters to the west of the café/shop and again Royvon approximately 56.0 meters to the west.

3.3. Fishing is considered a quite activity and thus most of the comings-and-goings from the site will be associated around the existing buildings on the farm complex, being conscious not to disturb the fish and their habitat. The café/shop and associated accommodation will undoubtedly increase traffic to the site, however the existing Kennels/Dog hotel already receive an significant amount of visitors to the site on a weekly basis, as they offer a range of boarding facilities for dogs, as well as group and 1-2-1 training sessions.

3.4. Therefore, whilst the proposal will be visible from these neighbouring properties/business, considering the separation distances and the nature of fishing it is not considered to cause a detrimental impact to their amenity.

3.5. This application is therefore considered to be in accordance with Section 12 of the NPPF and Policy SDC1 of the Local Plan.

4. Highway Safety:

4.1. Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Policy D2 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motorcycles, cycles and for people with disabilities.

4.2. Warwickshire County Council Highways Department initially raised an objection to the planning application based upon concerns regarding the current egress and requested further information regarding how visibility splays will be maintained, and the implementation of bound material for the access/egress to the site. Following the Highways objection, the Applicants/Agent chose to address the concerns prior to determination and subsequently cut back the existing trees thus improving the visibility splays. However, no alterations were made to the loose bound materials and therefore whilst they raised no objection to the planning application, appropriate conditions were recommended for any subsequent planning approval [Conditions 12, 13, 14, 15 and 16].

4.3. In terms of parking arrangements, Appendix 5 of the Local Plan recommends parking standards for all new developments. The proposed development requires the following spaces per use:

- Holiday-let accommodation: 1 space per bedroom
- The proposed accommodation includes: 3 log cabins, 1 shepherds hut, 2 glamping pods and 1 bell tent
- Holiday-let café and communal area/fishing shop:
- A3 Café – 1 space per 5 sq. meters
- A1 General Retail – 1 space per 20 sq. meters

4.4. The parking plan demonstrates that each holiday-let will be provided with one spaces directly adjacent to their accommodation and the ancillary accommodation will have an additional five parking spaces. Considering the café and communal area is directly linked to the holiday-let accommodation and the fishing lake will have no day visitors, the parking accommodation on site is considered to be appropriate for the scheme [Condition 4].

4.5. This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy D2 of the Local Plan.

5. Environmental Health Considerations:

5.1. RBC Environmental Health department were consulted on the proposal and are of the position of no objection subject to several conditions being attached to any permission granted. These conditions relate to: contaminated land risk assessment, noise control, odour control and the submission of a construction management plan [Conditions 6, 7, 8 and 9].

5.2. As mentioned above, it is worth noting that concerns were raised by a neighbor towards noise levels, in particular the Kennels/ Dog Hotel and Training. RBC Environmental Health department assessed the potential for noise levels within their report and an appropriate conditioned has been recommended.

6. Ecological Considerations:

- 6.1. Policy NE1 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Section 15 of the NPPF states that the planning system should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.
- 6.2. Warwickshire County Council Ecological Services initially recommended a Preliminary Ecological Appraisal (PEA) (including assessing buildings for bats and nesting birds) and a Biodiversity Impact Assessment (BIA) Calculation were conducted on site prior to determination due to the potential loss of biodiversity. On receipt of these documents (November 2019), WCC Ecology requested a site visit in relation to the condition of the grassland documented within the report and how it appeared different to the photographs, which is linked to the BIA calculation.
- 6.3. Following WCC Ecology visit to the site, they believed the species identified in the grassland had been mis-classified as amenity grassland and is rather semi improved neutral grassland, which may be a priority habitat under Section 41 of the Natural Environment and Rural Communities Act (NERC). Semi improved neutral grassland has declined significantly in the UK over the past 50 years and therefore WCC Ecology recommended that the application be deferred until the site could be re-surveyed during an optimum time of year, i.e. June/July. At the time, the Applicants/Agent did not agree with the assessment completed by WCC Ecology and thus no further surveys were completed. The application attended planning committee on the 8th January 202 were it was deferred pending the for mentioned Ecology reports.
- 6.4. Following the committee deferral, a Grassland Survey (June 2020) and a 10 year Ecological Management Plan (October 2020) were completed by Cherryfield Ecology.
- 6.5. According to the Grassland Survey, the site mostly consists of poor semi-improved neutral grassland but that includes smaller areas of more species-rich grassland that contain two County scarce plant species. In line with national and local policies, a Biodiversity Impact Assessment (BIA) was carried out in October 2019 which showed a -7.55 loss (offset contribution value £254,140) to biodiversity. WCC Ecology produced a revised BIA in July 2020 to show that a 3.92 biodiversity gain for the site could be achieved, providing an achievable management plan could clearly demonstrate how habitats will be improved to avoid conflict with national and local planning policies. Following this, a 10 year Ecological Management Plan

(EMP) was produced by Cherryfield Ecology which will be condition as part of any planning approval [Condition 18].

- 6.6. In addition, a pre-commencement grassland protection condition [Condition 17] will be added to any planning approval, to ensure a clear strategy for the excavation of the fishing lake and subsequent spoil produced is adequately placed within the site. Any spoil placed on top of the existing grassland habitat, either for landscaping or temporary storage will degrade the habitat and prevent the management plan achieving what it sets out to do. The landscape strategy will include measurements of the volume of spoil generated from the pond and lake excavations and its use in the landscaping of the site such as bunds.
- 6.7. For clarification, no evidence of bats, badgers, breeding birds, amphibians or reptiles were found present on site. A single Hare (*Lepus Europeaus*) was recorded during the Ecological Assessment but was determined to have a low likelihood of using the area other than foraging.
- 6.8. This application is considered contrary to with Policy NE1 of the Local Plan and Section 15 of the NPPF.

7. Archaeological Considerations:

- 7.1. Following a consultation with Warwickshire County Council Archaeology department it has been determined that the proposed development lies within an area of significant archaeological potential, approximately 300m west of the line of the Fosse Way Roman Road (Warwickshire Historic Environment Record MWA4759). There is therefore a potential for the proposed development to disturb archaeological features associated with the prehistoric and Roman periods and later occupation of this area. Therefore, WCC Archaeology recommended that a pre-commencement condition for a written scheme of investigation be attached to any planning approval [Condition 5].

8. Flood Risk:

- 8.1. Following a consultation with Warwickshire County Council Flood Risk Management, it was determined that from the initial information provided insufficient information had been submitted in terms of: surface water drainage infrastructure, existing and proposed impermeable surfaces, above-ground capacity of the proposed lake, how a flood risks associated with a breach will be mitigated and lastly how the lake will be filled and be kept full.
- 8.2. On receipt of additional information, WCC Flood Risk Management are of the position of no objection subject to a condition being attached to any decision notice

referring to conditioning the approved documents and the timing/phrasing of the arrangements embodied within the scheme [Condition 11].

8.3. As mentioned above, it is worth noting that concerns were raised by a neighbor towards drainage and flooding. These have been satisfactorily addressed by the Warwickshire County Council Flood Risk Management authority and measures are proposed for the site to ensure these concerns are met.

9. Trees and Landscaping:

9.1. Policy SDC2 of the Local Plan states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

9.2. RBC Arboricultural Officer (Biodiversity and Tree Protection) was consulted on the application and raised no objection, subject to condition [Condition 10], after receiving further detailed plans specifying the planting of approximately 400 trees donated by the Woodland Trust. The trees and plants are all UK sourced and grown and range from 15cm – 60 cm in height with spirals and canes to support and protect the plant. The existing hedgerow around the perimeter of the site will be retained and maintained.

9.3. This application is therefore considered to be in accordance with Policy SDC2 of the Local Plan.

10. Conclusion

10.1. On balance, the planning application is considered an acceptable form of development in the Green Belt, which promotes outdoor sport and recreation and offers additional employment in a rural location. It is judged that the holiday-let accommodation and associated facilities, have been designed to be in-keeping with current structures on site, their countryside location and neighbouring properties within the Stave Hall Farm complex. Following the submission of additional Ecological surveys, it has been sufficiently demonstrated that the semi-improved neutral grassland will be protected, and a biodiversity net gain can be achieved on site. Therefore, the application is considered in accordance with the NPPF and the Local Plan and is recommended for approval, subject to conditions.

11. Recommendation: Approval, subject to conditions

Report prepared by: Frances Keenan, Planning Officer

DRAFT DECISION

REFERENCE NO:
R19/0143

DATE APPLICATION VALID:
28-May-2019

APPLICANT:

Mr and Mrs Greenwood, Stave Hall Farm, Fosse Way, Monks Kirby, Rugby, CV23 0RL

AGENT:

Ms Beverley Bates, Iverley Lodge, 25, Main Road, Rugby, CV23 8XR

ADDRESS OF DEVELOPMENT:

Stave Hall Farm, Fosse Way, Monks Kirby, CV23 0RL

APPLICATION DESCRIPTION:

Change of use of land and existing kennels to recreational fishing lake with associated accommodation and facilities

CONDITIONS, REASONS AND INFORMATIVES:

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: 1

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 2

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

1/78/19

5/78/19

6/78/19

8/78/19

[Received by the Council on [08/05/2019]

9/78/19A

[Received by the Council on [28/05/2019]

12/78/19

[Received by the Council on [04/06/2019]

(Final) EA 2019 Cherryfield Ecology Stave Hall Farm

[Received by the Council on 07/11/2019]

Stave Hall Farm Parking Plan

[Received by the Council on [17/12/2019]

(4) Final 10 Year Ecological Management Plan 2020 Stave Hall Farm, Fosse Way, Monks Kirby, CV23 0RL

[Received by the Council on 11/11/2020]

REASON: 2

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

CONDITION: 3

No above ground 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: 3

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

CONDITION: 4

The accommodation for car parking, shown on the approved plan [Parking Stave Hall Farm - 19/12/2019] shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the site and shall not be used for any other purpose.

REASON: 4

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

CONDITION: 5

No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON: 5

In the interest of the site having significant archaeological potential

CONDITION: 6

No development other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of Land Contamination CLR 11.

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.

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

REASON: 6

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

CONDITION: 7

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

REASON: 7

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION: 8

A scheme of works for odour control for mechanical extraction equipment associated with cooking operations shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. The approved mechanical extraction scheme shall be implemented on site prior to the system being brought into use and shall be retained thereafter.

REASON: 8

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION: 9

A Construction Method Plan shall be submitted in writing to, and approved by, the Local Planning Authority prior to works commencing on site. This shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundwork's and the formation of the fishing lake 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 site during the construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON: 9

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION: 10

All proposed landscape planting detailed within the approved planting plan dated September 2019 must be planted in the 1st planting season following completion of construction/development. If within a period of 10 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON: 10

To maintain and enhance continuity of tree/hedge/shrub cover within the site and local landscape.

CONDITION: 11

The development permitted by this planning permission shall be carried out strictly in accordance with the approved documents (as listed below). The measures shall be fully implemented in accordance with the timing and phasing arrangements embodied within the scheme.

Approved Documents:

- Correspondence dated 22/08/2019 in response to LLFA letter
- Sketch of ditches and outfalls in relation to the proposed lake
- Document 'Construction Plan – Additional Information'

REASON: 11

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

CONDITION: 12

The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: 12

In the interest of Highway safety

CONDITION: 13

The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON: 13

In the interest of Highway safety

CONDITION: 14

The development shall not be occupied and the change of use shall not be implemented until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 215.0 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: 14

In the interest of Highway safety

CONDITION: 15

The development shall not be occupied until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.

REASON: 15

In the interest of Highway safety

CONDITION: 16

The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON: 16

In the interest of Highway safety

CONDITION: 17

No development shall commence until details have been submitted to and approved by the Local Planning Authority detailing adequate measures to protect the existing grassland during development. Such details shall include a plan showing a fenced buffer protection zone between the development site and grassland area(s). The details hereby approved shall be implemented in full prior to commencement of development and shall retained and maintained in its entirety until such time that the development hereby approved is completed. No construction activities including movement and storage of any machinery, equipment and materials including excavated materials etc shall occur within this buffer protection zone.

REASON: 17

To ensure the protection of existing habitat during development.

CONDITION: 18

The development shall be timetabled and carried out to wholly accord with the detailed management plan within the site as set out in the document [(4) Final 10 Year Ecological Management Plan 2020 Stave Hall Farm, Fosse Way, Monks Kirby, CV23 0RL], prepared by Cherryfield Ecology, received by the Local Planning Authority on 11/11/2020.

REASON: 18

To ensure a biodiversity net gain as a result of the development in line with the NPPF (2019)

INFORMATIVE: 1

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning.

Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE: 2

Prior to any demolition activities taking place an Asbestos Survey should be undertaken and any recommendations implemented. Such activities fall under the remit of the Health and Safety Executive.

INFORMATIVE: 3

It should be ensured that any lighting associated with this development shall not cause adverse effects off site through overspill or direct glare. There should be no upward lighting.

INFORMATIVE: 4

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal.

INFORMATIVE: 5

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE: 6

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE: 7

Condition number 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

INFORMATIVE: 8

If mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for presence of bats, prior to works commencing. Bats and roosts are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulation 2017, the latter of which deems them a European Protected Species. It is a criminal offence to disturb or destroy a bat roost, even if the roost is only occasionally used. In considering planning application that may affect European Protected Species, the Local Authority is bound by the Conservation of Habitats and Species Regulation 2017 to have regard to the Habitats Directive when exercising their functions. 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 Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE: 9

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

Reference: R19/0434

Site Address: BROWNSOVER SURGERY, 41 BOW FELL, BROWNSOVER, RUGBY, CV21 1JF

Description: Change of use from former healthcare surgery (Class E) to church (Class F1) and ground floor side extensions and first floor extensions to building (AMENDED PLANS)

Case Officer Name & Number: Thomas Leech, 01788 533762

Recommendation

Approval subject to conditions

This application has been requested to be considered at planning committee by Councillor Brown for reasons of local concern of traffic and parking issues in the area around the local district centre.

The application seeks full planning permission for the change of use of a doctor's surgery to a church along with extensions to the building at ground floor and first floor level. In addition, parking facilities with a new access formed to the rear from Bow Fell are proposed after amended plans were received.

Description of site

The site is located towards the east side of the Bow Fell local district centre in Brownsover, this being in the Local Plan defined as within the Rugby town area. The road of Bow Fell runs to what is considered to the rear of the building to the east of the application site, with the building frontage facing a public car park to the west facing elevation. This public car park is accessed from Helvellyn Way to the north.

The application building constructed in the late 1980's has a single recorded use as a doctor's surgery. The building has remained vacant since the closure of the surgery in 2016. The Brownsover Medical Centre replaced the facility and opened in 2019. This is located adjacent to the application site.

The Bow Fell local district centre comprises of a mixed use of buildings. In the immediate context to the site, the Christ Church sits to the north west on Helvellyn Way, with residential properties to the north east to the application site the closest of which being 43 Bow Fell. The aforementioned recently opened Brownsover Medical Centre intersected by a public footpath sits to the south of the application site.

The land to the rear of the building beyond its east elevation presents itself as open space with low level vegetation. The shape of the land falls away gradually towards the road of Bow Fell. Access from Bow Fell is proposed for the six parking spaces to be sited on this open space. A public footpath leads from Bow Fell through to the front of the building and the public car park.

Description of proposals

The proposal involves the change of use of the building from a doctor's surgery to a church.

The applicant has indicated that services would take place on Saturday mornings and Wednesday evening. At the time of the submission of the application, it was indicated that the church comprised of 40 members.

The application seeks to remodel and extend the building to a more contemporary appearance. The building through its proposed extensions would be resultantly two storeys with forming asymmetrical dual-pitched roof. The ridge of the building would have a height of 6.9 metres, the eaves level to front facing elevation of the building being 5.2 metres with an eaves level to the rear of 3.6 metres. The ridge of the building would have a similar height to the existing building but through the extensions its overall form and massing would increase.

The footprint of the building is proposed to be altered from its existing irregular shape to a simpler form. The larger front two storey element of the building comprises of the ancillary facilities to the church and its primary entrance. The rear element would comprise the service area denoted as an auditorium on the provided floor plans with 51 seats.

Materials for the facing walls are proposed to use a similar brick to the existing and introduce timber cladding. Fenestration treatment is proposed to encompass deep recessed window frames and external timber effect louvers. Slate effect tiles are proposed for the roof.

Six vehicle spaces are proposed to the rear of the building with new access formed from Bow Fell. The parking facilities would be sited on an area comprising of at present unkempt low level vegetation. A retaining wall is denoted to north elevation of the parking area with surfacing being denoted as a permeable bound resin.

No alterations to the existing access from Helvellyn Way that serves the public car park to the west of the application site are proposed.

Planning History

R/86/0339/1937/P – Erection of Doctors Surgery.

Approved July 1986. To note this included a condition (Condition 6) which limits the permitted use of the building to a Doctors Surgery only.

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

HS3: Protection and Provision of Local Shops, Community Facilities and Services

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

D2: Parking Facilities

National Planning Policy Framework, 2019 (NPPF)

Technical consultation responses

WCC Highways – No objection subject to conditions after amended plans received relating to the red outline on the site location plan and parking provision being provided for the building.
WCC Ecology – No objection subject to a roof stripping supervision condition after a Preliminary Roost Assessment Report was provided by the applicant.

Warwickshire Fire and Rescue – No objection subject to a directive relating to appropriate access and facilities for the fire service.

RBC Environmental Services – No objections in principle to this proposed change of use and construction works, subject to a condition relating to plant and equipment should any such equipment be required and informative notes being attached to any decision notice should permission be granted.

Further Informatives recommended with regards to noise control, air quality, asbestos, construction hours, food registration and lighting.

WCC Public Health – No comment to make on the proposal.

Third party comments

First consultation by way of letters and site notice.

Councillor comments:

- Relays concern amongst residents concerning access in and out of the car park with the access from Helvellyn Way

Third party comments – Two comments of objection received raising material planning concerns of:

- Increased traffic generation
- Parking pressures exacerbated given the limited parking available in the area
- Issues with access to car parking facilities from Helvellyn Way to the public car park
- An additional church would not bring benefit to the area
- The extensions will overshadow the public footpath to the south of the application building
- Potential loss of one parking space from the layby on Bow Fell through the access being created for the parking.

Amended plans was received which altered the design of the building and provided provision for six parking spaces to the rear of the building with new access provided from Bow Fell.

Amended plans consultation by way of letters and emails to those who previously commented:

Councillor comments:

- Raised concerns received relating to traffic flow and access near the old Brownsver Surgery

- Stated there is strong local feeling on the proposal and the application would benefit from a wider discussion because there has always been a heavy flow of traffic/parking issues in that area

Third party comments – Four comments of objection received raising material planning concerns of:

- Increase in traffic generation resultant from the use
- Increased parking pressures on the car park and surrounding roads
- Issues with access to car parking facilities from Helvellyn Way.
- Proliferation of churches in the area with potentially three places of worship within 100 metres of each other.
- There would be a loss of one parking space from the layby by the access being created
- The loss of open space to provide parking would be an eyesore

Assessment of proposals

- 1.1 The main considerations in respect of this application are the principle for the change of use and whether this is acceptable, the character and design of the proposals and its overall impacts upon the amenities of neighbouring properties, impact on protected species, highway safety and parking facilities and impact on air quality.

2. Principle of development

- 2.1 Policy GP1 of the Local Plan outlines when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 2.2 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 2.3 The application site is located within the Rugby town area as defined in Policy GP2 of the Local Plan. Rugby Town is the most sustainable location within Rugby Borough, providing the best access to a range of services and facilities.
- 2.4 The proposal is acceptable subject to all other material planning considerations.
- 2.5 This application complies with Policy GP2 of the Local Plan.

3. Community facilities

- 3.1 Policy HS3 of the Local Plan seeks to protect the available provision of local shops, community facilities and services. The loss of a community or a community facility will not be permitted unless alternative provision of equivalent or better quality, that is accessible to that local community, is available within the settlement or will be provided and made available prior to commencement of redevelopment.
- 3.2 The building has remained vacant since its closure as doctor's surgery in 2016. Since its closure, alternative and improved provision is available adjacent to application site at Brownsover Medical Centre.

- 3.3 Consultation was carried out with Warwickshire Public Health services who have no comment to make on the proposal at hand.
- 3.4 Being a church, the proposal would result in a change in type of community facility and not a loss.
- 3.5 The proposal does not represent conflict with the objectives of Policy HS3 of the Local Plan

4. Design and Residential Amenity

- 4.1 Policy SDC1 of the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.
- 4.2 The building is vacant and in its present state fails to contribute to the vitality of the area. The extension and alteration would provide a contemporary design similar in form and character to the Brownsover Medical Centre adjacent to the building through its use of timber cladding and recessed windows. Its proposed asymmetrical roof pattern provides through its form and massing a respective scale and design in context of the Brownsover Medical Centre it sits beside. The ridge of the building would be no higher than the existing building in site. Its alterations would create for a more coherent and legible form of building than the existing building in the context of the surrounding local district centre.
- 4.3 Concerns have been expressed relating to the safety of the existing footpath to the south of the application site. By bringing an otherwise vacant building back into use, it would help to secure by its design a greater surveillance within the area that should help to reduce concerns.
- 4.4 It is considered the proposed design of the building responds to the character of the area.
- 4.5 There would be a loss of low-level vegetation providing open space to the rear of the building through the introduction of parking spaces. Formal open spaces are available close by at Glaramara Close and Criss-Cross Park. Nonetheless a landscaping condition is requested as detailed within Condition 4 to provide soft landscaping enhancements in the case of this application.
- 4.6 It is requested for facing materials including the parking surfacing to be provided to be provided as detailed within Condition 3 to ensure a satisfactory external appearance and in the interests of the locality. Similarly details of bin store arrangements are requested by condition as detailed within Condition 10.
- 4.7 In terms of residential amenity in relation to the planning application, Policy SDC1 ensures that the living conditions of existing and future neighbouring occupiers are safeguarded.

- 4.8 43 Bow Fell sits adjacent to the north boundary of the application site. The overall massing of the building would increase through the extensions and alterations proposed. The positioning of the application building despite being to the south west of 43 Bow Fell would result in negligible loss of light given the proposed height and distance. The positioning of the ridge of the proposed building in relation to the existing is no greater. Proposed windows within the application building do not directly look towards to 43 Bow Fell given the juxtaposition between the two. It is considered the proposal would not represent an unacceptable loss of residential amenity to the occupiers of 43 Bow Fell.
- 4.9 The residential properties to the east along Bow Fell are intersected by the public highway with at least 30 metres distance between the rear wall of the application building and the residential property directly opposite. There would be a negligible impact on residential amenity to the occupier of these properties given these circumstances.
- 4.10 The uses to the south and west elevations of the building being non-residential does not give rise to residential amenity concerns.
- 4.11 Whilst no details of external plant machinery that may produce noise have been indicated on the provided plans. RBC Environmental Services have recommended by the detail outlined within Condition 8 that such details be provided prior to installation.
- 4.12 It is considered the proposal would not represent unacceptable conflict with the objectives of SDC1 of the Local Plan.

5. Highways and parking facilities

- 5.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities, based on the Borough Council's Standards.
- 5.2 New parking facilities would be provided through the application with six spaces accessed from Bow Fell. Parking facilities are also publicly available from outside the application site within the public car park to the west serving the local centre.
- 5.3 The public car park served from Helvellyn Way is outside of the red outline of the application site with no alterations proposed. Any use of the building would be expected to generate traffic movement to and from the premises.
- 5.4 On receipt of amended information, WCC Highways Authority were consulted and no objection has been raised in respect to impact upon highway safety and parking facilities. The initial objection related to the red outline on the site location plan originally submitted with the application. Following amendments, the Highway Authority withdrawn the objection to the scheme through the introduction of six vehicular spaces from a newly formed access from Bow Fell. The Highway Authority have no objection to the parking and access being created and have recommended conditions (Condition 6 and Condition 7) be attached as outlined within the draft decision notice.
- 5.5 When taking into consideration the parking standards guidance contained within the Local Plan, it is found the proposed use as a church would require a lesser provision of

parking given the lawful use as a doctor's surgery. The lawful use as a doctor's surgery would suggest 24 spaces considering the surgery contained 6 consultancy rooms. This is a greater provision than the proposed use as a church which would suggest a lesser provision of 12 spaces based upon seating or 19 spaces based upon overall floor space of the building. The scheme regardless proposes six additional spaces to be created to the rear of the application building with access from Bow Fell.

5.6 To encourage use of alternative sustainable transport modes, it is considered that details of cycling provision to be secured as detailed within condition 10.

5.7 The proposal does not represent conflict with the objectives of Policy D2 of the Local Plan.

6. Ecology

6.1 Policy NE1 looks at delivering a net gain in biodiversity and protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

6.2 A Preliminary Roost Assessment Report was submitted by the applicant. The bat survey of the building comprised a full internal and external inspection of the building by a suitably qualified ecologist. The report has clear descriptions and photographs, and WCC Ecology can have confidence in the findings of the report. No evidence of bat roosting was present internally or externally, however there are a number of potential access points throughout the building including ventilation holes, lifted and loose roof tiles and weepholes in the brickwork.

6.3 WCC Ecology have recommended a condition as detailed within Condition 5 involving the supervised removal by a qualified ecologist of the roof. Appropriate informatives have been included within the draft decision notice relating to biodiversity enhancements and nesting birds.

6.4 The proposal would comply with the objectives of Policy NE1 of the Local Plan.

7. Air Quality

7.1 To further safeguard and minimise pollution to reduce carbon footprint, Policy HS5 applies to any development proposal that generates new floorspace within the Air Quality Management Zone. For developments in this location, proposals must achieve or exceed air quality neutral standards, or address the impacts of air quality which include using appropriate abatement technologies.

7.2 The site is within the Air Quality Management Area. RBC Environmental Services were consulted on the application and having considered the expected traffic movement of the use to be less than its existing lawful use as a doctors surgery and recommend an informative relating to air quality be attached to any grants of permission.

7.3 The proposal complies with the objectives of Policy HS5

8. Other matters

8.1 Comments received relating to the plans being built on third-party owned land are a civil matter and not a material planning consideration.

9. Planning Balance and Conclusion

9.1 The proposal does not represent conflict with adopted policies contained within the Local Plan. It would bring an otherwise vacant building back into reuse. Whilst some informal open space would be lost, the proposal would enhance the character of the area through not only its reuse but from the alteration and extensions to the existing building. It would not result in the loss of a community facility given better alternative provision is now available nearby.

9.2 The Highway Authority have no objection to the application regarding the safety of highway users.

9.3 It is recommended for approval to be granted subject to the conditions outlined within the draft decision notice below.

Recommendation

Approval

DRAFT DECISION

REFERENCE NO:

R19/0434

DATE APPLICATION VALID:

23-Dec-2019

APPLICANT:

SEVENTH DAY, ADVENTIST ASSOCIATION, STANBOROUGH PARK, WATFORD, WS25 9JZ

AGENT:

ALISON CAWSER 21, STONEY STREET, THE LACE MARKET, NOTTINGHAM, NOTTS, NG1 1LP

ADDRESS OF DEVELOPMENT:

BROWNSOVER SURGERY, 41 BOW FELL, BROWNSOVER, RUGBY, CV21 1JF

APPLICATION DESCRIPTION:

Change of use from former healthcare surgery (Class E) to church (Class F1) and ground floor side extensions and first floor extensions to building (AMENDED PLANS)

CONDITIONS, REASONS AND INFORMATIVES:

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 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the amended plans Pr EL, Pr FF, Pr GR, Pr Sp and Loc PI received by the Council on 10 August 2020.

REASON:

For the avoidance of doubt.

CONDITION 3:

No above ground 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 4:

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the 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 consent to any non-material variations.

REASON:

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

CONDITION 5:

The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASON:

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

CONDITION 6:

The development shall not be occupied until space has been provided within the site for the parking of cars in general accordance with drawing number Pr SP received 10 August 2020.

REASON:

In the interests of safety of highway users

CONDITION 7:

The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON:

In the interests of safety of highway users

CONDITION 8:

A noise assessment shall be undertaken by a competent person to determine the existing background noise levels, noise from proposed extraction system and any other refrigeration or air-handling plant, flues or other equipment to be installed. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from structural and/or airborne noise transmission. It shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 9:

Notwithstanding any indication given on the approved drawings, before any works are carried out to create the retaining wall, full details shall be submitted to and agreed by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details and the approved design and materials shall not thereafter be maintained or replaced other than with identical materials without the prior written permission of the Local Planning Authority.

REASON:

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

CONDITION 10:

Full details of the siting, design and materials of the proposed bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of the church unit.

REASON:

In the interest of visual and residential amenity, and to encourage use of sustainable transport modes.

INFORMATIVE 1:

Condition number 7 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice

under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 2:

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE 3:

Any services with choirs, music or singing, or practice periods, should only take place inside the church building. Windows are not shown as openable however if they are, they should remain closed during services or practices.

INFORMATIVE 4:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email ept@rugby.gov.uk

INFORMATIVE 5:

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected

the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

INFORMATIVE 6:

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

Monday – Friday 7.30 a.m. – 6.00 p.m.

Saturday 8.30 a.m. – 1.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority

INFORMATIVE 7:

Prior to opening, the food business operator should register their business with the Council's Commercial Regulation Team to comply with relevant food safety legislation. For further information please email fs@rugby.gov.uk.

INFORMATIVE 8:

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects.

INFORMATIVE 9:

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 Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 10:

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. The Schwegler 1FF bat box has been recommended in the bat survey report and further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 11:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses

of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Reference: R20/0655

Site Address: 1 Somers Road, Rugby, CV22 7DB

Description: Change of use for part of existing car park area associated with car sales and rentals to provide a modular style building for the purpose as a dog grooming parlour with associated car parking and recreational area (Sui Generis use class).

Case Officer Name & Number: Chris Bates, 01788 533633

Recommendation: Approval subject to conditions and informatives.

Introduction

This application is being reported to Planning Committee due to the officer recommendation for approval being a departure from the Rugby Borough Council Local Plan.

Description of site

The application site is situated on the corner of Addison Road and Somers Road, and falls within the Somers Road Industrial Estate, which is identified, as part of the RBC Local Plan as a Strategic Employment Site. Sites designated under this policy are intended to be retained for employment purposes in use class B1, B2 and B8, and development for other uses should not be permitted.

The site encompasses circa 2,500 sqm which is under the ownership of Townsend Motor Rentals and Sales. Large buildings for the purpose of a car showroom and a MOT testing station fall along the eastern façade of the site with the remainder of the site used as a car park and forecourt for the selling of the associated vehicles. Low level fencing covers the perimeter of the site adjacent to the highway. The current use of the site is both Sui Generis (car sales) and B2 (general industry) with the main building with offices used for car sales/hire and to the rear a building that is used for MOT/repairs which is independent to the car sales/hire aspect of the site.

To the north and west of the site, industrial units are presented as No.1 Somers Road acts as a gateway into the industrial estate, to the east on the opposite side of Addison Road are residential properties; and to the south is St Oswald's Church of England Academy School in which their playing fields back onto the site.

Description of proposals

Planning permission is sought for the proposed change of use for part of the existing car park area associated with car sales and rentals to provide a modular style building for the purpose as a dog grooming parlour with associated car parking and recreational area (Sui Generis use class). As part of the change of use application, the applicant seeks to make use of used space within the display lot and create several local jobs.

The proposals would create an enclosed business area on the corner of the site which backs on to the school and is accessed via Addison Road where existing high level metal gates reside. The proposed dog grooming parlour is to be 32 sqm (8.0m width x 4.0m depth x 2.90m height) and the complete site 211 sqm in total. The modular building presented with dark grey clad panel walls, single ply membrane flat roof and dark grey PPC aluminium doors and windows is of a specification typically found in industrial estates. It is to face lengthways adjacent to the highway and set back along the rear boundary of the curtilage with a yard area adjacent to walk the dogs and three parking spaces (including one disabled space) set to the side accompanied by one electric charging point. Additional landscaping is to be provided which includes 1.05m high fencing around the site's perimeter and the removal of the existing gates following WCC Highway Authority concerns.

The two businesses (dog grooming and car sales) are to be self-contained sites that will run independently with the existing business unaffected by the proposals as they seek to utilise a redundant area, taking no parking away from the sales and rentals business.

Relevant Planning History

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP2: Settlement Hierarchy.
Policy GP3: Previously Developed Land and Conversions.
Policy ED1: Protection of Rugby's Employment Land
Policy HS5: Traffic Generation and Air Quality.
Policy SDC1: Sustainable Design.
Policy D2: Parking Facilities

National Planning Policy Framework, 2019 (NPPF)

Section 6: Building a strong, competitive economy
Section 11: Making effective use of land.
Section 12: Achieving well-designed places.

Technical consultation responses

RBC Development Strategy	No objection in principle.
RBC Environmental Health	No objection subject to relevant conditions and informatives.
RBC Arboricultural Officer	No objection.
WCC Ecology	No ecological concerns regarding this application.
WCC Highways Authority	No objection following amended plans subject to relevant conditions and informatives.
WCC Fire and Rescue Service	No objection subject to relevant informative.
WCC Water Office	No responses.
Severn Trent	No responses.
Environment Agency	No comments to make.

Third party comments

Neighbours	No responses.
Councillors	No responses.

Assessment of proposals

In the assessment of this application, the determining factors are the principle of development, impact upon the qualities, character and amenity of the area, impact upon the amenities of neighbouring properties, impact upon highway safety and parking facilities, air quality, overall impact upon employment land, and other relevant issues.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 1.2 This development is situated outside the Town Centre boundary but within a reasonable walking distance, and as such is considered to be within a reasonably sustainable location given its proximity to Rugby Town. This is the most sustainable location within the Borough as a whole.
- 1.3 As such there is a principle in favour of development subject to all planning matters being appropriately addressed.

2. Qualities, Character and Amenity of the Area

- 2.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that respond to the character of the areas in which they are situated.
- 2.2 Due to the nature of the immediate surrounding area which varies considerably by way of industrial, commercial, education and residential buildings all adding to the mixed character there is a level of flexibility in which this land can cater for. The development would not stand out due to the level of variance in the immediate surrounding area and when taken into context with the surrounding buildings such as those already on site which are in excess of 6.0m. As the modular building is set back sufficiently from any highway with a nominal height and appropriate low-level landscaping (1.10m-1.20m high fencing) this further lessens any impact if any was presented.
- 2.3 Notwithstanding any permission granted, the proposed materials will be subject to submission and assessment by the LPA prior to being installed, as the modular building provided in supporting plans is only referenced as an example. The fencing materials will also need to be addressed appropriately before installation.
- 2.4 The overall scale of the modular building and its boundary treatment is therefore considered to present no material harm to the visual amenity of the immediate surroundings and is in accordance with Policy SDC1 of the Local Plan.

3. Impact on Residential Amenity

- 3.1 In terms of residential amenity in relation to the planning application, Policy SDC1 ensures that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 3.2 Due to the nature of the business, which is to incorporate a low level of active use, low volume specification there is considered to be very little impact on surrounding neighbouring properties and businesses. The stereotypical impacts associated with dog grooming businesses would be the intensification increased customers would bring to an existing site and the potential noise disturbances from the dogs.
- 3.3 RBC Environmental Health were consulted as part of the application and share the officer views on how the proposed development could present noise and intensification issues and have recommended various conditions and informatives to aid in controlling the nature of the scheme. With regards to the external yard area it is recommended that solid fencing is installed to reduce likelihood of dogs barking at visual cues of people walking past. There may also be a security consideration so that passers-by cannot see what breeds of dog are in the recreational area and is another reason why this type of fencing would be appropriate.

- 3.4 With regards to the intensification aspect of the site, a condition restricting the maximum number of dogs to be on site at any one time is relevant and will coincide with the potential noise outbreak and the limited parking provided on site. This will ensure that the development does not become used as a form of daytime kenneling with assumptions based on the size of raised tables required for grooming and cleaning, in addition to the single internal kennel space shown.
- 3.5 The hours and days of operation as proposed are acceptable and a condition will ensure these are retained. Longer hours or weekend operations are a potential noise impact and the conditions mitigate against this.
- 3.6 Furthermore, RBC Environmental Health have recommended a plant and equipment condition, should there be any air conditioning or air handling plant fitted. Such equipment is becoming more common with dog grooming operations to control the temperature inside the main room for the comfort of the dogs; and should this be necessary then the Council can ensure what is installed is acceptable as to not be detrimental to the amenities of any nearby properties.
- 3.7 In considering the above, subject to these aspects being secured by condition, the proposal is in accordance with Local Plan Policy SDC1 in which the proposed change of use and external alterations would not have any undue detrimental impacts on the amenities of any nearby neighbouring properties.

4 Highway Safety and Parking Facilities

- 4.1 WCC Highway Authority originally objected to the scheme based on the access not being wide enough to allow two vehicles to pass side by side; and the existing gates not being set back a sufficient distance from the carriageway to allow vehicles to wait while gates are opened or closed without obstructing the public highway footway or carriageway, and without obstructing visibility for the adjacent vehicular access.
- 4.2 Amended plans were submitted to remove the initial objection from WCC Highways Authority which omitted the gates from the existing gated access along Addison Road and widened the access providing a total width of 5.0m.
- 4.3 The scheme is now considered acceptable in not being detrimental to highway safety and providing sufficient parking arrangements on site with the ability to successfully manoeuvre vehicles. Conditions attached secure this provision in line with the drawings submitted.
- 4.4 There is also the consideration that with the site being within a short walking distance of the town centre with greater accessibility to public transport this attracts weight in favour of the proposal with alternate means of transport in close proximity and less reliance on the need to travel by car and therefore less obligations to use the parking provided. Nevertheless, based on the maximum number of customers allowed on site, there is considered to be ample parking provision in any given scenario.
- 4.5 Based on the above, the proposals are therefore compliant with the various parking requirements as set out within Policy D2 and Appendix 5 of the Local Plan whilst not compromising the immediate surrounding area by way of its intended use.

5 Air Quality

- 5.1 Policy HS5 applies to any development proposal that generates new floorspace within the Air Quality Management Area of which this application forms part. The policy seeks to reduce cumulative emissions from appliances such as boilers which can contribute to poor air quality. For developments in this location, proposals must achieve or exceed air quality neutral standards, or address the impacts of poor air quality which include using appropriate abatement technologies.

- 5.2 To comply with this policy, it is considered that on-site measures can be utilised for a development of this nature with the increase of commercial floor space that relates to the installation of ultra-low emission boilers or similar, rather than conventional gas boilers for example.
- 5.3 It has therefore been agreed that subject to approval, a condition will be attached ensuring that such a scheme is put in place. The dog grooming parlour is likely to require a boiler for the nature of its business requirements to heat the premises, and potentially provide hot water. The condition is to ensure that the technology used does not assist in cumulatively worsening air quality.
- 5.4 This meets the expectations of Policy HS5 of the Local Plan which encourages dealing with air quality impacts.

6 Employment Land

- 6.1 Based on the nature of the proposals which seek such to utilise a plot of land which is surplus to requirements then this offers weight in favour of the proposals, however we must consider the argument which identifies the loss of an employment site by way of an area of the parking lot.
- 6.2 Section 6 of the NPPF looks at building a strong and competitive economy in which Paragraph 80 requires decision making to place significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Whilst, Paragraph 82 requires decisions to recognise the specific location requirements of different sectors.
- 6.3 In determining the assessment of the proposals, the background to the site is considered relevant. As part of application R10/1806, a condition restricted the premises to only being used for the sale and hire of vehicles and for no other purpose including vehicle repairs without permission of the Local Planning Authority. Also, one of the reasons for approval refers to the predominant use of the building remaining in 'B' use, therefore complying with the employment policy of the time. As a result, the proposed use would clearly differ from the 'B' use of the building.
- 6.4 Under R15/0592, the site is referred to as a sui-generis use, with the main building ancillary to this. The extensions subject of that application (for a MOT testing station) are referred to as a B2 use which was considered acceptable in this location.
- 6.5 RBC Development Strategy were consulted as part of the process and have advised that the case officer reviews the planning history of the site to establish its use and consider whether or not the proposal would conflict with the objectives of ED1, which seek to retain 'B' uses on designated strategic sites such as this.
- 6.6 Based on the supporting information, the officer is satisfied that the predominant use of the land is sui-generis and that the proposal would not adversely affect the functioning of the 'B' use, or restrict the potential for future redevelopment of the site in this use class. It is unlikely the proposal will conflict with the aims of Policy ED1 of the Local Plan.
- 6.7 A sequential test has been provided by the agent and whilst this is not a requirement of Policy ED1, the information submitted reinforces the benefits the business would bring to the area by way of economic benefits and providing several jobs, whilst illustrating the choice of site selection. The officer concurs with the evidence provided which attracts further weight in favour of the proposals as it is clearly demonstrated how and why a business of this nature could not be located within the Rugby Town Centre and any nearby locations. It was considered that this particular site caters for such needs by

way of its overall size, its accessibility, parking, and the ability to provide an outdoor area for dogs which is considered an essential aspect.

6.8 In addition, the Somers Road Industrial Estate already caters for numerous non “B” use classes, one of which is a dog grooming parlour. These are listed below:

- Jo’s Dog Shedd In ltd at Suite 1A, 6 Somers Road
- Martial Arts School at 5 Somers Road
- Warwickshire Youth Justice Services at 8 Somers Road
- Orbit Housing Association at 66c Somers Road
- The Adventure Zone Softplay at 68 Somers Road

6.9 This indicates the concentration of different uses within the industrial estate and how this site would be no different in its given location and based on the assessment above. This is reinforced within Policy ED1 which states that proposals for new employment development (including expansion of established businesses and upgrading, improvement or redevelopment of existing premises) will be permitted within all employment areas subject to accordance with other policies in the Local Plan.

6.10

Based on the above, the proposals are seen to comply with the various elements of Policy ED1 of the Local Plan whereby the existing businesses on site will not be compromised in any way or form. This also takes into the accumulative issues relating to the character and design, highway safety, parking facilities, air quality; and any impacts on neighbouring properties. More importantly new employment opportunities will arise from the dog grooming business.

7 Other Issues

7.1 RBC Environmental Health Department have advised that various informative notices are attached to any permission granted which relate to the following aspects which may arise following planning consent. Whilst these may fall outside of planning remit, they should be taken into consideration:

7.2 *Drainage and discharge consent* - In addition to complying with building regulations the applicant will require discharge consent from Severn Trent Water, particularly if any washing or bathing of dogs taking place.

7.3 *Waste collection* - The LPA should consult with RBC waste services team regarding waste collection proposals for the proposed development.

7.4 *Other legislation* - The grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated. This may entail a requirement to undertake a noise assessment, should such be warranted from investigations.

8 Planning Balance and Conclusion

8.1 On planning balance, the nature of the proposal is considered to respect the scale and character of the surrounding businesses, whilst not adversely affecting the amenities of any nearby properties and not providing any detrimental impact to highway safety. This has a neutral effect in the planning balance as there are not considered to be significant impacts. The proposal also seeks to provide additional employment opportunities whilst not displacing those currently identified within the application site, as an unused area of the parking lot is being brought into a much viable use which would help support sustainable local communities. This weighs significantly in favour of the proposal.

8.2 The application therefore complies with the relevant policies set out within the Rugby Borough Local Plan (2011-2031) and the relevant sections of the National Planning Policy Framework (2019).

9 Recommendation

9.1 Planning application R20/0655 is recommended to be granted approval subject to the conditions and informatives set out in the draft decision notice appended to this report.

DRAFT DECISION

REFERENCE NO:
R20/0655

DATE APPLICATION VALID:
08-Sep-2020

APPLICANT:
Mr G Townsend, 1 SOMERS ROAD, RUGBY, CV22 7DB.

AGENT:
Chloe Edwards, AT Architects, Kingsley House, 63 Holly Walk, Leamington Spa, CV32 4JG.

ADDRESS OF DEVELOPMENT:
1 SOMERS ROAD, RUGBY, CV22 7DB.

APPLICATION DESCRIPTION:
Change of use for part of existing car park area associated with car sales and rentals to provide a modular style building for the purpose as a dog grooming parlour with associated car parking and recreational area (Sui Generis use class).

CONDITIONS, REASONS AND INFORMATIVES:

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 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the following plans and documents:

- Application forms received by the Council on 8th September 2020.
- Site location plan at a scale of 1:1250 and site block plan at a scale of 1:500 (Drg No. 1498-0500-03) received by the Council on 8th September 2020.
- Design Statement (AT Architects - Project No. 1498, Date of Issue - 05.08.2020, Rev No. 1) received by the Council on 8th September 2020.
- Amended proposed plan and elevations (Drg No. 1498-0500-06) received by the Council on 24th November 2020.
- Sequential Test (AT Architects - Project No. 1498, Date of Issue - 29.09.2020) received by the Council on 2nd October 2020.

REASON:

For the avoidance of doubt.

CONDITION 3:

No above ground development shall commence unless and until full details of the colour, finish and texture and specification of the modular building and all boundary fencing 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 4:

The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres in width for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway, in accordance with drawing number 1498-0500-04 dated 24/09/2020.

REASON:

In the interests of highway and public safety.

CONDITION 5:

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of cars in accordance with drawing number 1498-0500-04 dated 24/09/2020.

REASON:

In the interests of highway safety and to ensure that satisfactory parking and access arrangements are maintained within the site.

CONDITION 6:

Prior to the installation of plant or machinery, a scheme of works shall be submitted to and approved in writing by the Local Planning Authority and maintained as such in perpetuity (e.g. air conditioning plant, extraction or vacuum systems). Any noise from such plant should aim to achieve NOEL (No Observed Effect Level), this being the level below which no effect can be detected to avoid causing an increase in the prevailing background noise level at any existing noise sensitive receptor, if this cannot be met the LOAL (Lowest Observable Adverse Effect Level) shall be achieved.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 7:

No more than six dogs shall be kept on or within the proposed development site (the grooming parlour building, external recreational area and parking area) at any time.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

CONDITION 8:

The fence or walls to the outdoor recreation / yard area shall be of solid construction, without gaps or holes to the sides or at the base. It shall have a minimum surface density of 10kg/m² and shall be maintained hereafter.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

CONDITION 9:

The premises shall only be open for business and operate between Monday to Friday 0830 to 1800 hours.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

CONDITION 10:

The premises shall be used for the purposes of a dog grooming business only.

REASON:

To define the permission and in the interests of visual and residential amenities of the locality.

CONDITION 11:

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet the air quality mitigation requirements of policy HS5 has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON:

In the interests of air quality.

INFORMATIVE 1:

Condition number 4 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 2:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE 3:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE 4:

The grant of planning permission does not preclude action being administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated. This may entail a requirement to undertake a noise assessment, should such be warranted from investigations.

INFORMATIVE 5:

In addition to complying with building regulations the applicant will require discharge consent from Severn Trent Water, particularly if any washing or bathing of dogs taking place.

INFORMATIVE 6:

The LPA should consult with RBC waste services team regarding waste collection proposals for the proposed development.

INFORMATIVE 7:

The applicant is advised that separate advertisement consent may be required from the Local Planning Authority for any external signage.

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 paragraph 38 of the NPPF.

Reference: R20/0689

Site Address: 13, THE LOCKS, RUGBY, CV21 4PP

Description: Retrospective application for 2 (no) outbuildings

Case Officer Name & Number: Paul Varnish 01788 533771

Recommendation

Planning application R20/0689 be granted permission subject to the conditions and informatives set out in the draft decision notice appended to this report

This application has been brought before the Planning Committee at the request of a Councillor as the application site is within an important Conservation Area in the Borough and the development could influence the local historic landscape and setting.

Site Description:

The application site is a two-storey detached property that is located within the open countryside and the Hillmorton Locks Conservation Area.

Hillmorton Locks is a small settlement located approximately two miles south-east of Rugby and is centred around the canal. The Conservation Area has retained its distinctive character, which contrasts with the suburban development of Rugby. The railway embankment acts as a physical and visual barrier. A narrow tunnel links the locks to Brindley Road and the housing estates of Hillmorton.

The dwelling would have originally been of typical design of a property of this age and type within this location; narrow with gable ends and feature chimneys. The property has been extended to include a single storey side extension and a two-storey side extension. Within the residential curtilage is a double garage, with a habitable room above. The property is well screened by fencing and mature trees and hedges.

To the south/west of the property is the nearest other residential property, with the buildings to the north, being used for employment purposes. Towards the north, east and south are fields and the open countryside.

The property is accessed via a narrow lane.

Planning History:

R77/0395/8028/P - Erection of single storey extension - Approved - 08/07/1977

R12/1151 - Single storey extension to rear of existing dwelling - Approved – 17/08/2012

R18/1374 - Erection of detached garage - Approved – 22/10/2018.

R18/1375 - Erection of two storey rear extension - Approved – 22/10/2018.

R18/2170 Erection of detached garage with habitable room over (Resubmission of previously approved scheme under R18/1374 granted on 22/10/18 for the erection of detached garage) - Approved - 09-01-2019

Summary of the proposal:

The proposal consists of a planning application for the erection of 2 (no) outbuildings. The development has commenced and is considered part retrospective.

The first outbuilding measures (approximately) 7 metres in width, 4.4 metres in depth and 2.5 metres in overall height. The construction of the outbuilding has been completed and will be used as a hobby room.

The second outbuilding measures (approximately) 7.7 metres in width, 4.4 metres in depth and 2.5 metres in height. A section will be dug out to 1 metre in depth, below the natural ground level. The outbuilding once completed will be used as an exercise pool.

The outbuildings are/will be constructed of brick and incorporate a flat roof.

The applicant constructed the outbuildings in their current position believing the development was permitted development (Class E – buildings etc incidental to the enjoyment of a dwelling house). If the south/west elevation (which includes the front door) was the principle elevation, the development would have been to the rear of the property, and as such would be considered permitted development.

Technical Consultations:

WCC Ecology – No objection, subject to informatives

Third Party Consultations:

Neighbours – None

Parish Council – No response

Relevant Planning Policies:

Rugby Borough Council Local Plan 2011-2031

GP1 - Securing Sustainable Development

GP2 - Settlement Hierarchy

SDC1 - Sustainable Design

SDC3 – Protecting and Enhancing the Historic Environment

NE1 - Protecting Designated Biodiversity and Geodiversity Assets

D1 - Transport

D2 - Parking Facilities

HS5 – Traffic Generation and Air Quality

Guidance

National Planning Policy Framework

SPD Sustainable Design and Construction, including Residential Design Guide

SPD Planning Obligations

Permitted development rights for householders – Technical Guidance September 2019

Determining Considerations:

The main issues concerning this application are the principle of the proposal, the design and appearance of the proposal; the impact of the proposal upon the amenities of the neighbouring properties; the impact on the visual and residential amenities of the area; the impact on the heritage asset; air quality; ecology and highway safety.

1. **Principle of development:**

1.1 The Local Plan Policy GP1 states that the LPA, when considering development proposals, will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.

1.2 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development being resisted and only where national policy on countryside locations allows will development be permitted.

1.3 Section 2 of the NPPF states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.

1.4 The application site is located within the Hillmorton Locks Conservation Area, within the open countryside, as defined in the Local Plan Policy GP2. The proposed development will be located within the residential curtilage of the property and therefore in principle the proposed development will be permitted, providing all other planning matters have been appropriately addressed.

1.5 The applicant has confirmed that the outbuildings will be used for hobby purposes and as a swimming pool, by the occupants of the residence. Both outbuildings would be properly described as uses having a purpose incidental to the enjoyment of the dwelling house and would be supported by the Local Planning Authority.

1.6 To ensure the use of outbuildings remain incidental to the dwelling house, a condition will be included within the planning permission (Condition 4).

2. **Protecting Amenity and Design and Appearance:**

2.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.

2.2 Policy SDC1 will be supported by the Council's 'Sustainable Design and Construction SPD'.

2.3 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Protecting amenity

2.4 The nearest neighbouring residential property is 11 The Locks, which is located to the south/west. The outbuildings are positioned behind the main dwelling approximately 20 metres away in distance. Any views would be screened by the massing of the dwelling and the boundary treatment. It is therefore considered there will be a negligible impact in terms of loss of sunlight/daylight and in terms of overlooking and loss of privacy.

2.5 The only other properties within the vicinity are the industrial buildings to the rear (north and west) which are associated with the boatyard. The outbuildings are approximately 16 metres away in distance, with any views being screened by the boundary fence.

2.6 It is therefore concluded that the development will not have an adverse impact upon neighbouring amenity, complying with the relevant section of Policy SDC1 which seeks to safeguard neighbouring amenity.

Design and Appearance

2.7 The 'Sustainable Design and Construction' supplementary planning document states that outbuildings should be 'sympathetically related to the main dwelling and may not be acceptable in prominent locations, such as corner properties or in front of the building line'.

2.8 The proposed outbuildings are of an appropriate size and scale and will appear subservient to the main dwelling. The bricks to be used in construction match the extensions on the main dwelling. Consideration was given to whether pitched slate roofs would be of a more suitable appearance, and more typical of an outbuilding within this type of setting, however, this would increase the scale and height of the outbuildings, which would potentially have a greater impact on the streetscene.

2.9 The outbuildings are located to the side of the property, which fronts the highway. Due to the outbuildings being set back off the boundary, and the screening of the boundary fence and hedges and trees, they are only partially visible. It is therefore considered that they will not have a detrimental impact on the visual amenity of the street scene.

2.10 The proposal therefore accords with policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 and the SDP - Sustainable Design and Construction Supplementary Planning Document.

3. Heritage Asset

3.1 The NPPF within paragraph 190 states that Local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal. The Planning Practice Guidance in paragraph 23 notes that conservation areas are designated heritage assets and are identified as such because of their special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

3.2 The general form of the Hillmorton Locks conservation area is a relatively small number of buildings within a large open countryside setting. There are significant areas of open space, especially to the south-east, west and north-west. The buildings are generally sited in two clusters. There is a loose group to the south of the canal including the church, adjacent cottage, former public house and farm buildings. To the north of the canal is the larger, more

concentrated, group centred on the industrial canal buildings with canal workers cottages sporadically sited to the north and east.

3.3 The property is described as an important unlisted building, typical of a residential building within this type of setting. The outbuildings will not adjoin the building and therefore consideration must be given to the setting.

3.4 The property is positioned to the east, on the edge of the conservation area and cannot be viewed from the heart of the settlement (the canal and working hub). The conservation area appraisal describes the views from the south to the north along the single lane highway, towards the A5 track as being 'towards the countryside' and due to the close proximity of the properties, adjacent to the road, and the boundary treatment, there being a 'sense of enclosure'. As the property is the last dwelling, and due to the boundary treatment, the outbuildings are barely visible, and the views are not disrupted. Any views from the north (from the countryside) into the Conservation Area would also be not be disturbed due to the size of the buildings and the boundary screening. This is an important consideration given that the location of this property is situated away from the part of the conservation area that adds significance to the heritage asset.

3.5 Paragraph 193 of the NPPF states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Planning Practice Guidance in para 18 states that what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. In general terms, substantial harm is a high test, a key consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. As the outbuildings do not adjoin the main property and as the impact on the setting of the conservation area is minimal as the proposal does not harm the significance of the designated heritage asset, the impact of the proposal would be considered less than substantial. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence but also from its setting. Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset.

3.6 Although the impact of the outbuildings would be considered less than substantial, with only minor impact on the significance and setting of the conservation area, it has been established within the high court that this would still engage paragraph 196 of the NPPF. (see R. (James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin) relates to the demolition of a fire station in Haworth Conservation Area (CA).)

3.7 Within the NPPF, paragraph 196, it states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.8 The planning policy guidance paragraph 15 advises that 'area based' designated heritage assets such as conservation areas will not have a single use and therefore when considering

the public benefit of the development proposal, securing the optimum viable use of any individual heritage assets may be the only relevant consideration.

3.9 As the proposal is for outbuildings for incidental use, it is considered that the proposed development will have an insignificant influence on the viability of the individual heritage asset (the residential dwelling). Therefore, it is considered the proposed development is acceptable, as there will be no impact on the physical building (as it does not adjoin it) and minimal impact in terms of the setting. The proposal therefore accords with policy SDC3 of the Rugby Borough Council Local Plan 2011-2031 and the SDP - Sustainable Design and Construction Supplementary Planning Document.

4. **Ecological Considerations:**

4.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things.

4.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

4.3 WCC Ecology have been consulted and have raised no objection to the proposal subject to the inclusion of an informative, regarding providing nesting opportunities for birds. It is therefore considered the proposal will not have an adverse impact on protected species in accordance with the Local Plan Policy NE1.

5. **Traffic Generation and Air Quality**

5.1 Policy HS5 states that development throughout the Borough of more than 1,000sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area (AQMA) that would generate any new floor space must address the impacts of poor air quality and introduce measure to mitigate against it.

5.2 The proposal is not a major development and although within the AQMA, would not increase on site emissions as no additional boilers are proposed and it is therefore considered to provide no additional impacts on the AQMA over and above the existing use of the site and as a result is considered air quality neutral. Therefore, it is deemed unnecessary to impose any mitigation methods on the proposed development.

5.3 The application is therefore considered to be in accordance with Policy HS5 of the Local Plan. An informative will be included to encourage the applicant to incorporate measures to assist in reducing the proposal's impact.

6. **Highway safety and car parking:**

6.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved.

6.2 It is considered as the proposal is for 2 outbuildings, incidental to the residential dwelling, there will not be an adverse impact on highway safety. It is therefore considered that the development complies with Policy D1 Transport.

6.3 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities.

6.4 The proposed development is for incidental use to the residential dwelling and will see no increase in the number of bedrooms within the property. It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

7. **Conclusion:**

7.1 The proposal is in principle acceptable; is of an appropriate design and appearance; will not impact upon the amenities of the neighbouring properties; the visual and residential amenities of the area; the heritage asset; air quality; ecology or highways safety. Accordingly, it is considered that the application accords with the National Planning Policy Framework, and the Rugby Borough Council Local Plan 2011-2031.

8. **Recommendation:**

8.1 Planning application R20/0689 be granted subject to the conditions and informatives set out in the draft decision notice appended to this report.

DRAFT DECISION

REFERENCE NO:
R20/0689

DATE APPLICATION VALID:
24-Aug-2020

APPLICANT:
Mr Pammenter, 13 The Locks, Rugby, CV21 4PP

AGENT:
Ms Rebecca Walker, Chapman Design LLP, Lelleford house, Coventry road, Rugby, CV23 9DT

ADDRESS OF DEVELOPMENT:
13 The Locks, Rugby, CV21 4PP

APPLICATION DESCRIPTION:
Retrospective application for 2 (no) outbuildings

CONDITIONS, REASONS AND INFORMATIVES:

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 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Location Plan - 38122-LP

Proposed Site Plan - 3812-01

Received by the Local Planning Authority on the 24th August 2020

Proposed Floor Plan and Elevations - 3812-02 Rev A

Received by the Local Planning Authority on the 08th October 2020

REASON:

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

CONDITION 3:

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

REASON:

To ensure a satisfactory external appearance.

CONDITION 4:

The outbuildings hereby approved shall not be used for any purpose other than incidental to the residential use of 13, The Locks, Rugby, CV21 4PP.

REASON:

In the interest of residential amenity.

INFORMATIVE 1:

A variety of bird species use bird boxes for nesting. They can be particularly useful in the urban environment, where natural nesting places can be scarce. Consideration should be given to the provision of suitable bird boxes within the new build or adjacent trees, in order to increase nesting opportunities for birds. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of bird boxes to use.

INFORMATIVE 2:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 22nd October 2020 to 18th November 2020

Name of Committee: Planning Committee

Date of Meeting: 9 December 2020

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey, Search and Systems Officer
daniel.mcgahey@rugby.gov.uk
01788 533774

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

- Continue to improve the efficiency of our waste and recycling services (EPR)
- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
Financial Implications:	There are no financial implications for this report.
Risk Management Implications:	There are no risk management implications for this report.
Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	
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.

Planning Committee - 9 December 2020

Delegated Decisions - 22nd October 2020 to 18th November 2020

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 9 December 2020

Subject Matter: Delegated Decisions - 22nd October 2020 to 18th November 2020

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 22/10/2020 To 18/11/2020

APPENDIX 1

Delegated

8 Weeks PA Applications

Applications Refused

R20/0281 8 Weeks PA Refusal 30/10/2020	Land to the rear of Dunsmore Garage, Coventry Road, Thurlaston, CV23 9JR	Erection of 4 detached dwellings with associated car parking and landscaping.
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R20/0756 8 Weeks PA Refusal 09/11/2020	8 , Mosedale, Brownsover, Rugby, CV21 1SE	Erection of a single storey side extension.
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R20/0833 8 Weeks PA Refusal 16/11/2020	THE COTTAGE, NORTH STREET, MARTON, RUGBY, CV23 9RJ	Conversion of office and store to a residential annex. Replacement of roof, addition of solar panels and external alterations.
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Applications Approved

R19/1442 8 Weeks PA Approval 22/10/2020	LAND SOUTH OF, FRANKTON ROAD, BOURTON-ON- DUNSMORE	Erection of 2no. dwellinghouses
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R20/0064 8 Weeks PA	37, LOWER STREET, RUGBY, CV21 4NP	
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Delegated

8 Weeks PA Applications Applications Approved

Approval
22/10/2020

Demolition of existing
outbuildings and construction of 3
new dwellings and a new garage
for No. 37 Lower Street.

R20/0721
8 Weeks PA
Approval
22/10/2020

BOAT INN, RUGBY ROAD,
BIRDINGBURY, RUGBY, CV23
8HQ

Erection of a Single storey rear
extension

R20/0026
8 Weeks PA
Approval
23/10/2020

ROUNDWAY COTTAGE, 8,
MAIN STREET, STRETTON
UNDER FOSSE, RUGBY, CV23
0PF

Single storey rear extension,
internal alterations and
conversion of storage out building
to bike garage.

R20/0473
8 Weeks PA
Approval
23/10/2020

9, SMEATON LANE, COOMBE
FIELDS, RUGBY, CV23 0PS

Change of use of an existing
detached outbuilding to
residential annex.

R20/0484
8 Weeks PA
Approval
23/10/2020

29, REGENT STREET, RUGBY,
CV21 2PE

PROPOSED LOFT
CONVERSION TO FORM ONE
FLAT

UNIT D, JUNCTION ONE,

Delegated

8 Weeks PA Applications Applications Approved

LEICESTER ROAD, RUGBY,
CV21 1RW

R20/0485
8 Weeks PA
Approval
23/10/2020

Subdivision of A1 retail unit to
include external alterations to
shopfront, rear delivery ramps
and external doors.

R20/0638
8 Weeks PA
Approval
23/10/2020

FIELD HOUSE FARM,
BROADWELL LANE,
BROADWELL, RUGBY, CV23
8HP

Construction of tennis court,
stable block and ménage.
Change of use of land outside the
curtilage of the dwelling.

R20/0682
8 Weeks PA
Approval
23/10/2020

17 , Ruskin Close, Rugby, CV22
5RU

Proposed Rear Extension to
provide a disability bedroom with
shower room

R20/0714
8 Weeks PA
Approval
23/10/2020

16, ILMER CLOSE, RUGBY,
CV21 1TY

Erection of a two storey side
extension

R20/0592
8 Weeks PA
Approval
26/10/2020

10 , Long Furlong, Rugby, CV22
5QS

Erection of a single storey front
and rear extension

57, ASHLAWN ROAD, RUGBY,

Delegated

8 Weeks PA Applications Applications Approved

CV22 5ET

R20/0738
8 Weeks PA
Approval
26/10/2020

Erection of Front Garden Wall
with Automatic Electrically
Operated Gates

R20/0789
8 Weeks PA
Approval
26/10/2020

LABURNUM LODGE, BIGGIN
HALL LANE, THURLASTON,
RUGBY, CV23 9LD

Partial demolition of the original
bungalow and rebuilding as a two
storey house (retrospective).

R20/0669
8 Weeks PA
Approval
27/10/2020

58, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2AX

Single storey extension and
alterations to front, and change of
use of garage to habitable room
of dwellinghouse

R20/0718
8 Weeks PA
Approval
27/10/2020

Stocks Cottage, 140 , Stocks
Lane, Thurlaston, CV23 9JU

Demolition of existing
Conservatory and construction of
new Orangery.

R20/0497
8 Weeks PA
Approval
29/10/2020

LAND TO EAST OF THE BARN,
LONGDOWN LANE,
WILLOUGHBY,
WARWICKSHIRE, CV23 8AG

Erection of stables with tack room
and hay barn; and a construction
of a menage

NEWNHAM LODGE FARM,
NEWNHAM PADDOX, MONKS

Delegated

8 Weeks PA Applications Applications Approved

KIRBY, RUGBY, CV23 0RX

R20/0585
8 Weeks PA
Approval
29/10/2020

Demolition of outbuildings,
erection of two storey rear
extension, single storey side
extension (permitted
development), covered walkways
and partial conversion of existing
barn

R20/0653
8 Weeks PA
Approval
30/10/2020

2, HARGRAVE CLOSE,
GRANDBOROUGH, RUGBY,
CV23 8DS

New porch to principle elevations
and Conservatory replaced with
rear extension.

R20/0686
8 Weeks PA
Approval
02/11/2020

54 SOUTH ROAD, CLIFTON
UPON DUNSMORE, CV23 0BZ

Erection of a first floor side, two
storey rear and single storey front
and rear extension (re-
submission of previously
approved application R19/0036)

R20/0745
8 Weeks PA
Approval
02/11/2020

4, BARTON ROAD, RUGBY,
RUGBY, CV22 7PT

Erection of two storey side
extension (Re-submission of
previously approved R19/0870)

R20/0751
8 Weeks PA
Approval
02/11/2020

BRANDON GRANGE FARM,
BRET福德 ROAD, BRANDON,
COVENTRY, CV8 3GE

Erection of a single storey side
extension to form entrance and
internal alteration works

Delegated

8 Weeks PA Applications Applications Approved

R20/0570
8 Weeks PA
Approval
03/11/2020

FERNDALE, MAIN ROAD,
COVENTRY, COVENTRY, CV7
9HZ

Conservatory to the rear of
dwellinghouse

R20/0685
8 Weeks PA
Approval
03/11/2020

5 FIELD VIEW, CAWSTON,
RUGBY, CV22 7FE

Remove existing conservatory
and build a single story extension
to rear of property

R20/0727
8 Weeks PA
Approval
03/11/2020

18 , Lyndhurst Road, Rugby,
CV21 4HL

Erection of ground floor rear and
side extension

R20/0728
8 Weeks PA
Approval
03/11/2020

17 , Alwyn Road, Bilton, Rugby,
CV22 7QU

The removal of a conservatory
and erection of a ground floor
rear extension and a front porch
and garage extension

R20/0759
8 Weeks PA
Approval
03/11/2020

9, HAYES CLOSE, RUGBY,
CV21 1JG

Erection of single storey front
extension.

20, COOMBE DRIVE, BINLEY

Delegated

8 Weeks PA Applications Applications Approved

R20/0774 8 Weeks PA Approval 03/11/2020	WOODS, COVENTRY, CV3 2QU	Conversion of existing garage to a new kitchen area. Replacement of existing garage roof.
R20/0704 8 Weeks PA Approval 04/11/2020	50, CATESBY ROAD, RUGBY, RUGBY, CV22 5JL	Proposed loft conversion into a master bedroom, ensuite and living area. Plus other minor alterations to the property.
R20/0618 8 Weeks PA Approval 05/11/2020	2, TOP ROAD, BARNACLE, COVENTRY, CV7 9LE	Construction of a detached duplex and associated landscaping to serve as a residential annex
R20/0724 8 Weeks PA Approval 05/11/2020	2, ROTHLEY DRIVE, RUGBY, CV21 1TS	Proposed first floor side addition above the current garage to accommodate 2 additional bedrooms to the property.
R20/0749 8 Weeks PA Approval 05/11/2020	7, ST LEONARDS WALK, RYTON-ON-DUNSMORE, COVENTRY, CV8 3FD	Erection of a single storey rear extension.
	31, BAWNMORE ROAD, RUGBY, CV22 7QJ	First floor side extension, single storey rear extension, erection of

Delegated

8 Weeks PA Applications Applications Approved

R20/0763
8 Weeks PA
Approval
05/11/2020

porch and canopy.

R20/0388
8 Weeks PA
Approval
06/11/2020

21 GAINSBOROUGH
CRESCENT, HILLMORTON,
RUGBY, CV21 4DQ

Erection of a single storey rear
extension

R20/0643
8 Weeks PA
Approval
06/11/2020

THE OLD PRESBYTERY, MAIN
STREET, BOURTON-ON-
DUNSMORE, RUGBY, CV23
9QZ

Erection of a single storey and
flat roof side extension

R20/0760
8 Weeks PA
Approval
09/11/2020

37 , Overslade Lane, Rugby,
CV22 6DY

Erection of a two storey side
extension to form ancillary
accommodation, single storey
rear extension and garage to
front

R20/0713
8 Weeks PA
Approval
10/11/2020

10, THE SPINNEY, LONG
LAWFORD, RUGBY, CV23 9SH

Erection of boundary fencing
(Retrospective).

123, CLIFTON ROAD, RUGBY,

Delegated

8 Weeks PA Applications Applications Approved

CV21 3QJ

R20/0770
8 Weeks PA
Approval
11/11/2020

Reinstatement of an expired
Outline Planning Approval (ref.
R17/0061 dated 22/05/2017) for
a small infill residential property
between Nos. 121 and 125
Clifton Road, Rugby

R20/0703
8 Weeks PA
Approval
12/11/2020

157, ADDISON ROAD, RUGBY,
CV22 7HB

Demolition of the existing
extensions and erection of new
side gable and rear extensions.

R20/0707
8 Weeks PA
Approval
12/11/2020

63, WARREN ROAD, RUGBY,
CV22 5LG

Erection of rear and side 2 storey
extension and removal of the
existing garage

R20/0846
8 Weeks PA
Approval
12/11/2020

4, ELSTOP AVENUE, RUGBY,
CV23 0GQ

Retention of a single self closing
gate at the front of the property
and railings down the side from
the front of the property to the
boundary fence.

R20/0865
8 Weeks PA
Approval
12/11/2020

RUGBY WEST INDIAN
ASSOCIATION, ST PETERS
ROAD, RUGBY, RUGBY, CV21
3QP

PROPOSED ALTERATION TO
PREVIOUSLY APPROVED
APPLICATION R17/1726 TO
CONVERT ONE RESIDENTIAL
UNIT INTO 2 SEPERATE

Delegated

8 Weeks PA Applications Applications Approved

RESIDENTIAL UNITS.

R20/0735
8 Weeks PA
Approval
13/11/2020

50, YATES AVENUE, RUGBY,
CV21 1DG

Erection of a single storey rear
extension

R20/0752
8 Weeks PA
Approval
13/11/2020

ST JOSEPHS, LEAMINGTON
ROAD, PRINCETHORPE,
RUGBY, CV23 9PU

Erection of single storey front and
rear extension, alterations and
new carport.

R20/0814
8 Weeks PA
Approval
13/11/2020

52, GROSVENOR ROAD,
RUGBY, CV21 3LF

Conversion of existing dwelling
into a 7bed HMO.

R20/0830
8 Weeks PA
Approval
13/11/2020

THURLASTON MEADOWS
CARE HOME, MAIN STREET,
THURLASTON, RUGBY, CV23
9JS

Erection of a garden room, to be
used as a visitor pod, enabling
residents to see their families.

R20/0572
8 Weeks PA
Approval
16/11/2020

REAR OF, 58, Manor Road,
Rugby, CV21 2TG

Conversion of former motorcycle
MOT garage into two residential
flats.

Delegated

8 Weeks PA Applications Applications Approved

18, BULKINGTON ROAD,
WOLVEY, HINCKLEY, LE10 3LA

R20/0861
8 Weeks PA
Approval
16/11/2020

Erection of a porch to front of property and erection of part single, part two storey rear extension. This is a re-submission of previous application R20/0407.

R19/1396
8 Weeks PA
Approval
17/11/2020

24A, COVENTRY ROAD,
BRINKLOW, RUGBY, CV23 0NE

Erection of fence and gate to front of dwelling

R20/0734
8 Weeks PA
Approval
17/11/2020

89, HILLARY ROAD, RUGBY,
RUGBY, CV22 6ET

Erection of a two Storey side extension and Erection of ground floor rear extension.

R20/0644
8 Weeks PA
Approval
18/11/2020

MAKINS FISHERY, BAZZARD
ROAD, WOLVEY, RUGBY, CV11
6QJ

Demolition of existing café and storage facility and erection of new café, storage unit and club house

R20/0799
8 Weeks PA
Approval
18/11/2020

45, Gilbert Avenue, New Bilton,
Rugby, CV22 7BZ

Erection of a two storey side extension and single storey front and rear extension

Delegated

8 Weeks PA Applications Applications Approved

2, CENTRAL PARK DRIVE,
RUGBY, CV23 0WE

R20/0870
8 Weeks PA
Approval
18/11/2020

Renewal of planning permission
for replacement of underground
sprinkler system water storage
tanks with new above ground
storage tank and associated
pipework.

Discharge of Conditions Applications Approved

R20/0653
2, HARGRAVE CLOSE,
GRANDBOROUGH, RUGBY,
CV23 8DS

30/10/2020

New porch to principle elevations
and Conservatory replaced with
rear extension.

R20/0685
5 FIELD VIEW, CAWSTON,
RUGBY, CV22 7FE

03/11/2020

Remove existing conservatory
and build a single story extension
to rear of property

R20/0727
18 , Lyndhurst Road, Rugby,
CV21 4HL

03/11/2020

Erection of ground floor rear and
side extension

Delegated

Discharge of Conditions Applications Approved

17 , Alwyn Road, Bilton, Rugby,
CV22 7QU

R20/0728

The removal of a conservatory
and erection of a ground floor
rear extension and a front porch
and garage extension

03/11/2020

Listed Building Consent Applications Applications Approved

R20/0783
Listed Building Consent
Approval
02/11/2020

KINGS NEWNHAM HALL,
KINGS NEWNHAM LANE,
KINGS NEWNHAM, RUGBY,
CV23 0JT

Listed Building Consent for the
replacement of the porch roof
and associated works

Major Applications Applications Approved

R20/0660
Major Application
Approval of Reserved
Matters
02/11/2020

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, CV23 0AS

Application for reserved matters
approval (outside of a key phase)
of appearance, landscape, layout
and scale, for enabling works to
facilitate residential development
south of Key Phase 1 and north
of land known as Wharf Farm, of
the Radio Station Rugby
development (R17/0022),
including relocation of Great

Delegated

Major Applications Applications Approved

Crested Newts, sustainable drainage features, surface water drainage including connections to existing ditches, foul water drainage including connections to existing network, construction of engineered drainage works, planting, any necessary demolition, site investigation, ground remodelling, temporary stockpiling of materials, construction compounds, areas for construction use, and temporary haul routes for construction purposes.

R20/0213
Major Application
Approval of Reserved
Matters
12/11/2020

INWOODS HOUSE, ASHLAWN
ROAD, RUGBY, RUGBY, CV22
5QF

Demolition of existing buildings and development of retirement village consisting of 11 bungalows (Use Class C2), 40 apartments (Use Class C2) and a 59-bed care home (Use Class C2), approval of reserved matters relating to R16/2333.

R20/0540
Major Application
Approval of Reserved
Matters
12/11/2020

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0AS

Submission of reserved matters (outside of a key phase) comprising access, appearance, landscaping, layout and scale for the erection of 38 dwellings together with garages, access roads, parking and associated

Delegated

Major Applications Applications Approved

works pursuant to outline
planning permission ref.no
R17/0022 dated 28th June 2017.

Non Material Amendment Applications Applications Approved

R20/0240 11, Welton Place, Rugby, CV22
5JY

Two storey side and rear
extension

Non-Material
Amendment agreed
22/10/2020

R20/0364 THE BAKEHOUSE, MAIN
STREET, WILLOUGHBY,
RUGBY, CV23 8BH

Proposed new dwelling and
garaging on land to the rear of
The Bakehouse, (reserved
matters application for
appearance, landscaping, layout
and scale following outline
planning approval under
R18/1426 granted 18th July
2019)

Non-Material
Amendment agreed
03/11/2020

R19/1309 15, BILTON LANE,
DUNCHURCH, RUGBY, CV22
6PY

Demolition of No. 15 and erection
of 5 new dwellings with
associated access.

Non-Material
Amendment agreed
05/11/2020

Delegated

Non Material Amendment Applications Applications Approved

R19/0373	THE FURROWS, BIRDINGBURY ROAD, HILL, CV23 8EA	Erection of one new dwelling (previously approved under R18/0079).
Non-Material Amendment agreed 16/11/2020		
R14/1071	RUGBY RADIO STATION, (KEY PHASE 1), A5 WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 OAQ	Urban extension to Rugby under ref.no R11/0699 approved on 21 May 2014 - Application for reserved matters approval of appearance, landscape, layout and scale in respect of strategic green infrastructure and associated works at Key Phase 1 of the Rugby Radio Station development comprising areas of common or strategic green infrastructure including wildlife corridors, Great Crested Newt holding habitats including any necessary fencing, hibernacula and crossings, productive landscape, footways/cycleways, lighting, sustainable drainage features, construction of engineered drainage works, planting, any necessary ground remodelling and demolition and connections to existing ditch courses, temporary construction compound, stockpiling and
Non-Material Amendment agreed 17/11/2020		

Delegated

Non Material Amendment Applications Applications Approved

construction areas and
construction access from the
A428.(GREEN
INFRASTRUCTURE - Part
Condition 15 of the Outline
Planning Permission - R11/0699)

Prior Approval Applications Prior Approval Applications

R20/0812 Land off Freeboard Lane
Agriculture Prior
Approval
Not Required
23/10/2020

Prior notification for the erection
of an agricultural storage building

R20/0757 LAND SOUTH OF,
TECHNOLOGY DRIVE,
BROWNSOVER, RUGBY, CV21
Telecoms Prior
Approval
Required and Approved 1GB
02/11/2020

Proposed telecommunications
installation of a 20 metre
monopole mast with wraparound
cabinet built around the base,
3no. new equipment cabinets and
ancillary development thereto

R20/0710 LAND ON THE WEST SIDE OF
A5, WATLING STREET,
NEWTON
Demolition Prior
Approval
Not Required
10/11/2020

Prior notification for the
demolition of two no. existing
single storey buildings with
timber and brick/block walling on
concrete slabs to allow for the
diversion of Footpath R107.

Delegated

Prior Approval Applications

Prior Approval Applications

R20/0811
Prior Approval
Extension
Not Required
10/11/2020

72, MANOR ESTATE,
WOLSTON, COVENTRY, CV8
3GY

Single storey rear extension

R20/0817
Prior Approval
Extension
Not Required
10/11/2020

82, NEWBOLD ROAD, RUGBY,
CV21 2NQ

Prior approval for erection of a
single storey rear addition
measuring 3.5x6m and a total
height of 2.7m.

R20/0882
Prior Approval
Extension
Not Required
16/11/2020

31, WILLOUGHBY PLACE,
RUGBY, CV22 5JE

Erection of a single storey rear
extension (prior approval larger
home extension)
