

16th September 2016

PLANNING COMMITTEE - 28TH SEPTEMBER 2016

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 28th September 2016 in the Council Chamber, Town Hall, Rugby.

Site visit

3.00pm Welkin Cottage, Main Street, Easenhall
3.45pm Land south of Coventry Road/north of Lime Tree Avenue, Coventry Road, Rugby.
4.30pm Units 12 and 14, The Tripontium, Newton Lane, Newton.

Adam Norburn
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 7th September 2016.
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. Amended Procedure for Members' Requests for Site Visits by Planning Committee.

6. Amendment to the Scheme of Delegation - Variation and Removal of Planning Conditions Attached to Major Applications and Revocation of Hazardous Substance Consents.

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

8. Delegated Decisions – 11th August – 31st August 2016.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2016/17 – 6) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Brown, Butlin, Cranham, Ellis, Gillias, Lewis, Sandison, Srivastava and Helen Taylor.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Senior Democratic Services Officer (01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

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 – 28th September 2016

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)
- Applications recommended for approval with suggested conditions (yellow pages)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R15/2288	Units 12 and 14, The Tripontium, Newton Lane, Newton Retrospective planning permission for the change of Use from B1 (Light Industry with Associated Office Accommodation) to B8 (Regional Distribution Centre Local Depot with Associated Office Accommodation) and proposed alterations to front elevation of building	4
2	R15/1881	Units 12 and 14, The Tripontium, Newton Lane, Newton, Rugby Retention of levelling of land to front of building and laying of a 0.1M permeable surface comprising hard core blinded by quarry dust. Erection of 2.35m high palisade fencing along the site boundaries and a 4m high acoustic fencing along site boundary with the site access road.	18
3	R13/1401	Fields south of Black Spinney adjacent to the A5, east of School Farm on School Lane, Churchover Provision of a ground mounted solar PV park of up to 12MWp comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTV poles and cameras, access tracks and a new highway junction.	29
4	R15/2068	Yew Tree House, 34 Brookside, Stretton-on-Dunsmore, Rugby Conversion and external alterations of existing outbuildings to form 2no. dwellings, together with the construction of an additional dwelling house, erection of a double garage and provision of new access.	61
5	R16/1625	Land off Alfred Green Close, Rugby Erection of 9 no.dwellings and associated access.	75

6	R15/1816	Land South of Coventry Road and North of Lime Tree Avenue, Coventry Road, Cawston, Rugby Residential development of up to 150 dwellings including vehicular access from Coventry Road, open space, landscaping, surface water attenuation ponds, footpaths, cycleways and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved).	89
7	R16/1448	Land at Williams Fields, Coventry Road, Cawston, Rugby Variation of condition 21 of planning approval R15/0540 (for the erection of 113 dwellings including new vehicular access to Coventry Road) to allow the approved site access to be constructed before any dwelling is occupied rather than before development commences.	138
8	R16/0933	Welkin Cottage, Main Street, Easenhall, Rugby, CV23 0JA Erection of detached dwelling and formation of new site access	157
9	R15/2240	Land at Evreux Way and North Street, Rugby, CV21 2DT Change of use to temporary car park (for a period of 5 years)	175
10	R16/1701	Site of the Old Bull and Butcher, Oxford Road, Ryton on Dunsmore Demolition of existing public house buildings and the erection of part one and a half storey and two and a half storey building to provide a 50 bedroom care home together with car parking and landscaping.	183

Reference number: R15/2288

Site address: Units 12 and 14, The Tripontium, Newton Lane, Newton

Description: Retrospective planning permission for the change of Use from B1 (Light Industry with Associated Office Accommodation) to B8 (Regional Distribution Centre Local Depot with Associated Office Accommodation) and proposed alterations to front elevation of building.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the retrospective change of use from B1 (Light Industry with Associated Office Accommodation) to B8 (Regional Distribution Centre Local Depot with Associated Office Accommodation) and proposed alterations to front elevation of building. The alterations comprise the increase in the width and height of the existing vehicular door to the building.

A Noise Nuisance Report was submitted following discussions and was received on 4th March 2016. Further to this a Noise Management Plan has been provided that has subsequently been superseded with an up-dated Noise Management Plan provided. An artificial lighting report and air quality impact assessment report have been provided.

An up-dated plan showing the provision on an acoustic fence 4m high and 75m in length situated alongside a section of palisade fencing and the parking area has also been provided. While this plan relates primarily to the other application being considered, it is of relevance to this application in the context of amenities and neighbouring sites.

Site History;

The site as a whole has a substantial site history with the following being those of relevance to this current application;

Use of part of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R92/1147/6648/P) Approved 11.11.1992

Use of part of former riding school as storage / warehousing, ancillary offices and car park (R92/1148/6648/P) Withdrawn 03.11.1992

Use of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R92/1430/6648/P) Approved 03.02.1993

Use of part of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R93/0545/6648/P) Approved 01.09.1993

Construction of new vehicular access / drive to industrial units (R97/0888/6648/P) Approved 26.01.1998

Use of land for the erection of buildings to be used for purposes within B1, B2, B8 and C1 of the Town and Country (Use Classes) Order 1987, the use of existing building (Holywe3ll House) as visitor and field study centre and flat plus associated highway improvements and archaeological facilities (R01/1103/6648/OP) Withdrawn 07.10.2004

Retention of levelling of land to front of building and laying of a 0.1M permeable surface comprising hard core blinded by quarry dust. Erection of 2.35m high palisade fencing along the site boundaries and a 4m high acoustic fencing along site boundary with the site access road (R15/1881) Under consideration

Consultee Correspondence;

Environment Agency No objection

Highways England No objection

Have assessed the proposal and advise that they have no objections as the proposal is not resulting in any additional access points being provided directly onto the A5 trunk road and that based on trip rates the B8 use will have less than the B1 use and would not result in an intensification of the access to a point where it would be possible to substantiate an increased safety risk.

Historic England No objection

RBC Environmental Health No objection

Following an initial objection relating to in-sufficient information having been provided, the agent has submitted a Noise Nuisance Report with Environmental Health officers having no objections subject to a number of conditions restricting hours of use as well as the number of HGV lorries that can operate from the site and the number of deliveries between 6am and 7am, requiring all loading and unloading occur within the building, prohibiting vehicle maintenance servicing and pressure washing, the permission being personal and a scheme or the containment, mitigation and management of noise in the form of a noise mitigation plan being submitted and approved within 2 months of the date of any approval. A number of informatives have also been requested.

WCC Archaeology No comments to make

WCC Ecology No objection Request informatives

WCC Highway v No objection

Third Party Correspondence;

Churchover Parish Council Object

On the grounds of the opening hours being 0500 to 2200 Monday to Saturday; in the context of the proposed B8 use no information what 'opening' actually means; if the warehouse is closed outside these times would the parking area therefore be prevented from being used 24 hours a day; until properly defined re opening hours permission should be refused; no information on noise impact of the proposal on any noise sensitive receptors; investigations should be fully undertaken prior to determination or a refusal issued; errors in supplied information as is not credible that a new transport / distribution business would be operated with no extra employees or vehicles; also not credible that all existing activities would cease; question raised over description of 'light goods' vehicles as articulated vehicles frequently seen in the yard and site; no information as to how vehicles will be prevented from access the site via Newton village which is unsuitable to the likely traffic generated; no information given on traffic generation; no information on capacity and safety issues of using the A5 / Newton Lane; A5 currently under massive pressure with further increases permitted through other permissions; applicants should submit a full Transport Assessment; and noise impacts.

On the grounds of the hours of use being unacceptable and even if the warehouse were closed between the hours specified it would not prevent the yard being used 24 hours a day; no information on noise impact of the operation on adjacent noise sensitive receptors; a noise risk seems to exist that should be investigated in detail prior to determination; it is not credible that parking space provision and employment levels will remain unaltered as stated in the application forms; nor is it credible that existing operations on site would cease; query the stated light goods vehicles using the site as HGV's are regularly seen using the site; no information on how vehicles will be prevented from accessing Newton village where a 7.5 ton weight restriction exists; no information given on traffic generation; no information given on capacity and safety issues of using the Newton Lane and A5 junction which is dangerous due to the narrowness of Newton Lane, poor visibility and lack of deceleration / acceleration lanes; A5 under massive pressure at present with likely increases; need for a Transport Assessment; RBC should use a Stop Notice if noise impacts found; request the further information be provided or application refused and request conditions is approved.

Neighbours (3)(include numerous letters from 1 neighbour)

Object

Would have been preferable for applicant to obtain permission prior to commencing; need to recognise planning law before doing work; need to contact / consult Highway Agency; the site is inappropriate for storage and distribution; highway safety at Newton Lane and A5 junction; history of traffic accidents; have somewhat clandestinely occupied the premises; believe it is a 24 hour a day 6 days a week operation but may increase to 7 days a week shortly that will disrupt the nature of the Tripointium Business Centre site; feel has generally been small light industry 'cottage industry' type feel; suitability of Newton Lane and the site entrance for the large vehicles associated with the use; noise issues late at night and early morning; highway safety concerns relating to Newton Lane and the A5 Watling Street; B8 uses not ideally located here; noise and dust concerns; authorised B1 use on-site with the proposed use as B8 having a materially different impact; noise activities from the intended site use than existing with greater impact upon amenity; noise impact upon residential amenity during early and late hours of use of site in relation to sole neighbouring house; highway safety concerns from increased use of Newton Lane by HGV's; increased hardstanding likely to result in further increases in vehicle numbers; Newton Lane the subject of a 7.5ton weight limit; highway safety impact; need for a Transport Statement; adverse impact on visual amenity of vehicles and hardstanding; an archaeological assessment needed given historical interest of the site; and existing nearby sites more suited to such uses. Following the agenda being published for the Planning Committee of 7th September 2016 (where the item was deferred for a site visit), an additional objection was received continuing to object while commenting on the agenda report that that while the two applications are separate they are interlinked; the NPPF being explicit that planning decision should avoid new development giving rise to significant adverse impacts on health and quality of life through noise; the development having started without planning permission nor has it ceased or attempted to become a 'good neighbour'; it not having a vehicle operator's licence; a noise abatement notice has been served; the proposed hours of use suggested by condition not being satisfactory as it would still result in undue noise and disturbance; staff arriving prior to the 6am Monday to Friday and 7am Saturday start time causing disturbance from car engines, radios, doors slamming etc that are unacceptable immediately adjacent to existing residential development; evening noise beyond closing time would result in noise and disturbance when occupants of the neighbouring dwelling would expect a quiet noise environment; vehicle movements from the use would continue to be audible resulting in noise nuisance; the noise nuisance report submitted doesn't consider impulsive noise that should be taken into account and its failure to does not allow the LPA to consider them so can't understand the true noise environment or impacts; failure of the noise documents submitted in fully addressing all matters; the worst case scenario would exceed acceptable

internal noise levels thus resulting in demonstrable harm to residential amenity to the impact of existing residents; lack of consideration to low frequency noise from HGV engines and exhausts inc groundbourne vibrations; likely HGV arrivals before suggested start times would also impact upon amenities; negative impact on health and wellbeing of residents; the mitigation proposed and suggested conditions would not make the development acceptable as the residents of the adjacent dwelling would continue to experience noise nuisance, disturbance and vibration due to its operation; dust clouding resulting in occupants of neighbouring dwelling being unable to open their windows or enjoy their garden; the acoustic fence not preventing dust from having a detrimental impact upon amenities; the acoustic fence failing to mitigate noise and dust impact of the scheme while being visually prominent and a discordant feature in the area; acoustic fencing being detrimental on visual amenity including by being overbearing on and resulting in a loss of light and outlook to the neighbouring dwelling; conditions would not mitigate the impact of the development; conditions 4 and 5 being unenforceable; no confidence that the applicants would adhere to the conditions given they have been operating without planning permission for a period of time; condition 10 requiring a further noise survey shows noise and the resulting harm from the scheme have not been fully addressed by the information submitted; condition 10 shows that the Council acknowledges the operation is causing a nuisance with the matter not fully explored so it is premature to bring the matter before the committee; conditions would not mitigate the development so fail to meet the 6 tests; and request the Committee undertake a site visit.

Petition (1) of 87 signatures Object

Other Relevant Information;

The application is before the Committee at the request of Councillor Hunt and was the subject of a Committee site visit having been deferred from the 7th September 2016 Planning Committee to allow the site visit to take place.

Located in the open countryside the site is occupied by a single storey industrial building providing a number of industrial units. Access to the site is directly from Newton Lane although the location of the access is close to the A5 trunk road. Ground levels fall slightly from the front of the site towards the rear with the site itself being set slightly lower than Newton Lane as well as significantly lower than the A5 which forms the sites eastern boundary. A two-storey residential dwelling is situated to the west of and adjoining the application site while also standing to the front and north of the front elevation of the building to which the application relates. The wider area predominantly comprises agricultural land with a number of historic, isolated residential dwellings. There is a Scheduled Ancient Monument under the site.

A noise abatement notice was served on the operator of the B8 use. Dialogue is occurring between the Council and the B8 operator on the matter of the Order while investigations are continuing on the site.

Since the previous Planning Committee on 7th September 2016 where this application and the other application on the site being considered were deferred for a site visit to be undertaken, officers have re-visited the site and spoken with both Highways England and WCC Highway Authority. Newton Lane is subject to an Environmental Weight Limit Order along the whole of its length which restricts weight to a limit of 7.5 tonnes. This Environmental Weight Limit Order has recently been reviewed in August 2016 and the provisions previously established and accepted in 1982 retained. There is however an exception to the weight limit that allows for access to and from sites along the length of Newton Lane.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design and Construction
Saved Local Plan Policy GP2	Complies	Landscaping
Saved Local Plan Policy E6	Complies	Biodiversity
Saved Local Plan Policy T5	Complies	Parking Facilities
Saved Local Plan Policy ED6	Complies	Retention of other employment land

Planning Obligations SPD

NPPF

Consideration;

The issues for consideration relate to and include the acceptability or otherwise of the change of use, highway safety, parking matters and amenity.

Principle:

The site is located in the open countryside where the provisions of policy CS1 of the Rugby Borough Core Strategy detail that it is the 5th location of 6 for development to be located and should only be approved where in accordance with national policy. Paragraph 7 of the NPPF sets out that proposals should seeks to provide sustainable development through economic, social and environmental roles taken collectively due to their being mutually dependant. Within paragraph 9 of the NPPF it continues by detailing how pursuing sustainable development involves seeking positive improvements in the built, natural and historic environment as well as in the quality of people’s lives through a variety of means. Section 1 of the NPPF establishes the means in which sustainable development may be achieved through building a strong, competitive economy while Section 3 relates to supporting a prosperous rural economy including supporting the sustainable growth an expansion of all types of business through the conversion of existing buildings.

Planning permission was granted once in 1992 and twice in 1993 for the change of use of the building to provide offices within Use Class B1 with these 3 permissions all including the provision of a car parking area. While one of these permissions was implemented, the car parking provision was not implemented and notwithstanding the other application being considered, could be implemented at any point. An assessment of the sites history also shows that an application for the change of use of the building to a mixed use including B8 storage and distribution was withdrawn in 2004 although no details indicate the reason for its withdrawal. The building as a whole is used for office purposes within use class B1 and is situated in very close access to the A5 trunk road allowing it to benefit from good transport links. This factor and due to the NPPF indicating that building should be re-used or converted where possible add weight to the unit being used for purposes is, in principle, of benefit with regards to meeting the aims of sustainable development. Officers are therefore of the opinion the proposal complies with the provisions of the NPPF thus also comply with policy CS1 of the Rugby Borough Core Strategy.

Furthermore, the provisions of saved policy ED6 detail that existing employment land should be retained for employments purposes (use B1, B2 and B8) unless certain instances exist. The proposal would see the land retained for employment purposes so complying with the provisions of this policy.

Design and Appearance:

As part of this application, alterations are proposed to the existing vehicular access point into the building to enlarge it in a manner enabling HGV vehicles using the site to be loaded and unloaded within the existing unit. The purpose for this alteration is to enable impacts on the nearby residential dwelling to be minimised. It will continue to be read in to be read in the context of the building while also being of an appropriate scale, bulk, proportion and massing in relation to the building so will continue to be in-keeping with the design, proportions, character and appearance. In this respect the proposal complies with the provisions of policy CS16.

Amenity:

A number of issues relating to amenity have been raised by RBC Environmental Health and the occupiers of an adjacent residential dwelling (as well as the neighbouring dwellings planning agent). In order that these be addressed thoroughly in a coherent matter each will be dealt with under appropriate headings here.

Noise and Hours of Use;

Noise has been raised as an issue since the use of the site began for B8 purposes, specifically in relation to the adjacent residential dwelling and has contributed to a Noise Abatement Notice having been served by Environmental Health. While this is separate from Planning having been issued under separate legislation, it is relevant by virtue of showing the proposal to which this application relates has an unacceptable impact on amenity in an unchecked situation.

The hours of use proposed on the application forms submitted indicated the applicants intended hours of use were between 0500 and 2200 hours Monday to Saturday inclusive with the proposal not being used at all on Sundays or Bank Holidays.

As a result of the issues encountered by the neighbouring residential dwelling relating to noise and in connection with the noise abatement notice served by RBC Environmental Health, a Noise Nuisance Report and Noise Management Plan were undertaken and submitted in association with this application. An assessment of these documents by Environmental Health has resulted in an amendment to the Noise Management Plan.

Environmental Health colleagues are satisfied with the contents of the amended noise management plan, requesting a condition requiring compliance with it. Such a condition would, in officers opinion, comply with the provisions of the relevant circular pertaining to planning conditions so would be acceptable and appropriate to attach to any approval.

Turning to the Noise Nuisance Report, it confirmed the likelihood of significant adverse impact range of the proposal in relation to the neighbouring residential dwelling however highlighted that the mitigation measures advanced by the applicants noise advisors in the report would serve to address these issues in principle – a view agreed by Environmental Health officers. It has been highlighted by Environmental Health officers that the imposition of conditions restricting the hours of use to between 060 and 2030 hours as well as restricting the number of deliveries between 0600 and 0700 hours to no more than 2 with any loading / unloading of these 2 vehicles being from within the building. A condition restricting the number of HGVs that can operate from the site is also requested. Discussions between Planning and Environmental Health officers on this matter has determined that the conditions suggested by Environmental Health would be acceptable while serving to address the valid noise issued raised through neighbours, the application and the noise abatement notice. Furthermore, and as a result of the noise survey, an amended plan has been provided on the corresponding application for the parking and fencing to include the

provision of a 4m acoustic fence that extends for a distance of 75m from the front wall of the building along the site boundary between the site and the nearby residential dwelling. While being considered as part of the other application, it is of relevance to this submission with Environmental Health having commented that it would, through the provision of the noise survey, contribute to the reduction in noise impact to the residential dwelling in a manner that further supports the proposal.

Within the objection letter received following publication of the previous planning committee agenda, a number of specific points were raised in respect of the noise documentation submitted as well as a number of the suggested conditions requiring the submission of a further noise survey and hours of use.

In respect of these points, Environmental Health has commented that the hours of operation condition could be modified to prevent access prior to the start times unless there was an emergency while also highlighting that total inaudibility from a B8 use - as is proposed here - cannot be expected with their having taken a neutral approach with overall aim of protecting residential amenity and taking operation need of the applicant to formulate appropriate levels of noise mitigation. Impulsive noise has been considered and the noise management plan already in place with significant improvements already noticed when Council officers have been requested to independently monitor the noise since the noise abatement notice was served. In respect of comments made pertaining to condition 10 requiring an additional noise survey, the purpose of this is to ascertain if predicted noise levels were realistically being achieved once mitigation was in place while allow for further mitigation should it required. Environmental Health officers have also advised that the other points raise no undue issue while also commenting that in respect of comments pertaining to the 72 hour response to a complaint in the noise management plan, this could be altered to 24 hours should Committee consider it appropriate.

Dust;

The use of units 12 and 14 for storage and distribution purposes has, through the other application for the parking area, palisade fencing and acoustic fencing, the potential to result in levels of dust that could result in detrimental impacts upon amenity through the intended use of quarry dust as a topping for the hard core that forms the base of the parking area. However on the other application for the parking area – also on this Planning Committee agenda – a condition could be attached requiring details of a more solid surfacing material be provided and implemented that would serve to ensure the amount of dust generated through vehicular movements was kept to a minimum and as such wouldn't impact upon neighbouring amenity.

With regards to dust matters raised in the additional objection received prior to the last Planning Committee, Environmental Health has indicated Members could require a hard surface be provided as opposed to dust or alternatively impose an additional condition requiring wet suppression be used during dry periods. In respect of this point, the applicant has indicated his willingness to surface the parking area in rolled, reclaimed road plainings that would remove dust concerns. It has also been highlighted that the access road serving the entire building has levels of dust and dirt no it so some of the dust impacts on the neighbouring dwelling could continue as this road serving the entire building is outside of the applicants control and to require them to do works to the whole road would be unreasonable.

Lighting and levels of illumination;

An artificial lighting report has also been provided following a request for it from officers, also on the grounds of seeking to ensure the amenities of the nearby dwelling as well as the countryside are not impacted upon through light pollution. The report provides details on the lighting proposed as well as mitigation measures in association with them. This report

has been assessed and found to be acceptable subject to the mitigation measures proposed being implemented.

Access and parking:

Newton Lane is managed by WCC Highway Authority and is subject to an Environmental Weight Limit Order along the whole of its length which restricts weight to a limit of 7.5 tonnes. This Environmental Weight Limit Order has recently been reviewed in August 2016 and the provisions previously established and accepted in 1982 retained. There is however an exception to the weight limit provisions within the Order that allows for access to and from sites along the length of Newton Lane. On the basis of this exception, it can be seen that the use of Newton Lane by vehicles with a greater weight than 7.5 tonnes is permissible where accessing sites. In the context of the application site and its operation, the use of Newton Lane by vehicles in excess of 7.5 tonnes accessing the site for business purposes is considered to comply with the provisions of the Order. Officers are aware that the applicant has previously issued memos to all employees in respect of only exiting to the right on egress from the site as a result of the weight limit in place due to the bridge situated between the application site and Newton.

Vehicles using the application site comprise staff cars, rigid vehicles up to 18 tonnes in weight and articulated vehicles up to 44 tonnes in weight and it should be noted that the main access road within the site as well as Newton Lane can be and is used by a variety of different vehicles including coaches, double decker buses and farm machinery.

The unit to which the application relates is, along with the other units in the building, accessed directly off Newton Lane which is a road managed by WCC Highways. In their consultation response they state they have no objections as the fence would be positioned behind and out of the visibility splays required for the access. The access off Newton Lane is in close proximity to the junction between Newton Lane and the A5 with the A5 being a trunk road managed and maintained by Highways England who have commented that they have no objections to the proposal. Discussions with Highway England specifically drew their attention to the use of the Newton Lane and A5 junction by HGV's as well as weight restrictions further along Newton Lane towards Newton itself with regards to highway safety following a site visit by officers and objections by residents. In respect of these, Highway England re-assessed their original no objection comments and were still of the opinion that the change of use of Unit 12 from B1 offices to a B8 storage and distribution would not result in any adverse or detrimental impacts on highway safety – a view also shared by WCC Highways.

Parking details are required to be provided in accordance with saved local plan policy T5 as well as the Planning Obligations SPD where standards are set out. Within the area to be enclosed by the fencing (palisade and acoustic) and used for parking there is space that could accommodate a large number of cars and or heavy goods vehicles to a point where standards are met. The provisions of both saved policy T5 and the Planning Obligations SPD have been complied with.

Ecology:

WCC Ecology has no objections to the proposal subject to 2 informatives being attached to any approval and discussions with Ecology Officers have indicated that do not consider the proposal would result in any adverse or detrimental impact upon ecology in the area. The provisions of saved local plan policy E6 have been complied with.

Heritage:

A Scheduled Ancient Monument exists under the site. Historic England have been consulted on the submitted and commented that they do not wish to offer any comment on this occasion. Warwickshire County Council Archaeology has also commented they have no comments to make. Discussions with both have indicated that it is considered the proposal does nor would not impact upon the Scheduled Ancient Monument so does not therefor, it is considered, impact on the heritage asset on-site.

Conclusion:

In conclusion it has been established that the use of the unit would, in principle, be acceptable and in accordance with the provisions of the NPPF as well as Core Strategy policy CS1 and saved local plan policy ED6. While the proposal has been shown to result in unacceptable amenity impacts through a Noise Abatement Notice having been served, the mitigation measures contained within the various reports provided on the application show to the satisfaction of the relevant consultees that the various impacts can be addressed so that existing impacts will be overcome. The proposal would not impact on highway safety with sufficient on-site parking being capable of being provided while also not impacting on either heritage assets or ecology.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 22nd August 2016

DRAFT DECISION

APPLICATION NUMBER

R15/2288

DATE VALID

12/11/2015

ADDRESS OF DEVELOPMENT

Centre
Units 12 and 14- Tripontium Business
Newton Lane
Newton
Rugby
CV23 0TB

APPLICANT/AGENT

Mr Kenneth Watt
Whittaker & Watt Architects
379 Antrim Road
Newtownabbey
Antrim
BT36 5EB
On behalf of Mr Mark Montgomery,
Montgomery Distribution

APPLICATION DESCRIPTION

Change of Use from B1 (Light Industry with Associated Office Accommodation) to B8 (Regional Distribution Centre Local Depot with Associated Office Accommodation) and alterations to front elevation of building.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

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

Application Forms, plans numbered 1588(09)-01 and 1588(09)-02 both dated 29th October 2015 and drawing numbered 1588(09)-03 dated 11th November 2015 all submitted to and received by the Local Planning Authority on 12th November 2015;;

Agent letter dated 18th November 2016 and drawing numbered 1588(05) - 03 dated 19th October 2015 both submitted to and received by the Local Planning Authority on 19th November 2015;

Noise Nuisance Report numbered NI1674/N/NNR/01/02 Rev D01 by RPS dated 9th February 2016 submitted to and received by the Local Planning Authority on 4th March 2016;

Artificial Lighting Report numbered NI1674/ALR/01/26042016 by RPS dated 26th April 2016 and Air Quality Impact Assessment (AQIA) Report numbered NI1674/AQIA/01/100316 Rev F01 dated 8th April 2016 both submitted to and received by the Local Planning Authority on 26th April 2016;

Noise Management Plan Version 1:3 by Montgomery Distribution dated July 2016 submitted to and received by the Local Planning Authority on 7th July 2016;

Preliminary Ecological Appraisal Report numbered OFX9541 by RPS dated May 2016 submitted to and received by the Local Planning Authority on 9th May 2016;

Drawings numbered 1588(09).07 dated 24th April 2016 nad 1588(09).08 dated 25th May 2016 submitted to and received by the Local Planning Authority on 13th May 2016

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 development hereby approved shall only be used during the following hours;

Monday to Friday - 0600 and 2030 hours

Saturday - 0700 and 1730 hours

No operations on Sunday or public holidays.

REASON;

In the interests of protecting residential amenity.

CONDITION 4;

A maximum of two vehicular deliveries shall take place on the hardstanding between the hours of 0600 and 0700 Monday to Friday inclusive none on Saturday, Sunday or public holidays. Any loading or unloading associated with these shall take place within the unit known as Units 12 and 14, The Tripontium, Newton Lane.

REASON;

To ensure that the use of the hardstanding in this early period does not impact upon residential amenity.

CONDITION 5;

No more than a total 25 HGVs / lorries shall operate from the development hereby permitted.

REASON;

To ensure the amenities of nearby dwellings are protected.

CONDITION 6;

All loading and unloading activities on the site between the hours of 0600 and 0700 shall be undertaken within the units known at Unit 12 and 14, Tripontium Business Centre, Newton Lane, Newton.

REASON;

To ensure the amenities of nearby residential properties is protected.

CONDITION 7;

Within three months of the date of this decision the contents of the Artificial Lighting Report numbered NI1674/ALR/01/26042016 by RPS dated 26th April 2016, submitted to and received by the Local Planning Authority on 26th April 2016, shall be implemented in full.

REASON;

To protect the visual amenity of the area and nearby residential dwellings.

CONDITION 8;

The provisions of the Noise Management Plan Version 1:3 by Montgomery Distribution dated July 2016 submitted to and received by the Local Planning Authority on 7th July 2016 shall be implemented within 2 months of the date of this decision then subsequently retained.

REASON;

To ensure the development does not unacceptably impact upon the amenities of neighbouring and surrounding sites.

CONDITION 9;

Within two months of the date of this decision the contents of the Noise Nuisance Report numbered NI1674/N/NNR/01/02 Rev D01 by RPS dated 9th February 2016 submitted to and received by the Local Planning Authority on 4th March 2016, shall be implemented in full.

REASON;

To protect the visual amenity of the area and nearby residential dwellings.

CONDITION 10;

10 months following the date of this decision a full noise survey shall be undertaken with resultant report, to include mitigation measures where required, submitted to and approved in writing by the Local Planning Authority. Any mitigation within the report shall be implemented within 6 months of the written approval of the further noise survey and subsequently retained.

REASON;

In order to ensure mitigation measures ensure the protection of the amenities of nearby residential dwellings.

CONDITION 11;

Within one month of the date of this decision, the acoustic fence approved shall be installed in accordance with the approved details then subsequently retained and maintained.

REASON;

To ensure acceptable noise mitigation measures are provided and subsequently retained in the interests of residential amenity.

CONDITION 12;

The development hereby permitted shall be for storage and distribution purposes within Use Class B8 of the Town and Country Planning (Use Classes) Order 2015 or as subsequently amended and for no other purpose.

REASON;

To ensure the use of unit and site is for purposes as applied for.

CONDITION 13;

No servicing, maintenance or repair of any vehicles associated with the development and use hereby permitted shall be carried out on the application site.

REASON;

In the interests of protecting amenity.

CONDITION 14:

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be personal to Montgomery Distribution Ltd. When the unit is vacated, the use of the unit shall revert to Use Class B1 office purposes only.

REASON:

As the development is only acceptable due to the applicant's personal circumstances.

CONDITION 15;

Within one month from the date of this decision, a plan showing the location of bollards around the gas and oil tanks on the eastern site boundary and full details of the intended bollards shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full within one month of their approval and subsequently retained while the site is used for the approved storage and distribution purposes.

REASON;

In the interests of health and safety.

CONDITION 16;

Within one month of the date of this decision a routing strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON;

To ensure traffic movements associated with the site are routed in an appropriate manner so as to not impact upon highway safety.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1;

Designated walkways and protective barriers should accompany a storage and distribution site for employee health and safety reasons. Consultation is advised principally with the HSE or with Health and Safety Officers at Rugby Borough Council Environmental Services, Dean Taylor of Gill Parsons 01788 533 533.

INFORMATIVE 2;

The Council is committed to compliance with the Regulators' Code. If applicant has any concerns about the action being taken, are considering an appeal, or need advice on regulatory issues please visit http://www.rugby.gov.uk/info/200013/business_support_and_advice/1784/the_regulators_code

INFORMATIVE 3;

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

INFORMATIVE 4;

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0300 060 3900. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE 5;

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

Reference number: R15/1881

Site address: Units 12 and 14, The Tripontium, Newton Lane, Newton, Rugby

Description: Retention of levelling of land to front of building and laying of a 0.1M permeable surface comprising hard core blinded by quarry dust. Erection of 2.35m high palisade fencing along the site boundaries and a 4m high acoustic fencing along site boundary with the site access road.

Case Officer Name & Number: Richard Redford, (01788) 533 625

The Proposal;

Planning permission is sought for the retention of the levelling off of land to the front of the Tripontium Business Centre Building through the laying of 0.1m permeable surface comprising hard core and quarry dust, and the provision of 2.35m high palisade fencing around a section of the site. A Preliminary Ecological Appraisal has been provided following a request as have an artificial light report and a noise nuisance report.

An additional plan has been provided by the agent showing details pertaining to the levelling of the land and sections through it. The covering letter provided details that the hardstanding is to enable the safe manoeuvring of vehicles on the site, with a separate application having been made for the change of use of a part of the building and site from B1 to B8 use, and that the fencing around the site is for security purposes.

The agent has confirmed that they applicant would accept a condition requiring the surface be covered in rolled, reclaimed roll plainings to address concerns raised in regards of dust while also being prepared to accept a condition pertaining to a routeing condition.

Site History;

The site as a whole has a substantial site history with the following being those of relevance to this current application;

Use of part of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R92/1147/6648/P) Approved 11.11.1992

Use of part of former riding school as storage / warehousing, ancillary offices and car park (R92/1148/6648/P) Withdrawn 03.11.1992

Use of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R92/1430/6648/P) Approved 03.02.1993

Use of part of former riding school as business units within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and provision of a car park (R93/0545/6648/P) Approved 01.09.1993

Construction of new vehicular access / drive to industrial units (R97/0888/6648/P) Approved 26.01.1998

Use of land for the erection of buildings to be used for purposes within B1, B2, B8 and C1 of the Town and Country (Use Classes) Order 1987, the use of existing building (Holywe3ll House) as visitor and field study centre and flat plus associated highway improvements and archaeological facilities (R01/1103/6648/OP) Withdrawn 07.10.2004

Retrospective application for the change of use of Unit 12 from offices (Use Class B1) to storage and distribution (Use Class B8) (R15/2288)
Under consideration

Consultee Correspondence;

Environment Agency No comments to make

Highway England No objection

Historic England No comments to make

Natural England No objection

RBC Environmental No objection Request conditions

Health

WCC Archaeology No comment to make

WCC Ecology No objection Request an informative

WCC Highway Authority No objection

Third Party Correspondence;

Newton & Biggin Parish Council Object

On the grounds of the hours of use being unacceptable and even if the warehouse were closed between the hours specified it would not prevent the yard being used 24 hours a day; no information on noise impact of the operation on adjacent noise sensitive receptors; a noise risk seems to exist that should be investigated in detail prior to determination; it is not credible that parking space provision and employment levels will remain unaltered as stated in the application forms; nor is it credible that existing operations on site would cease; query the stated light goods vehicles using the site as HGV's are regularly seen using the site; no information on how vehicles will be prevented from accessing Newton village where a 7.5 ton weight restriction exists; no information given on traffic generation; no information given on capacity and safety issues of using the Newton Lane and A5 junction which is dangerous due to the narrowness of Newton Lane, poor visibility and lack of deceleration / acceleration lanes; A5 under massive pressure at present with likely increases; need for a Transport Assessment; RBC should use a Stop Notice if noise impacts found; request the further information be provided or application refused and request conditions is approved.

Neighbours (2 including a number of letters from the same address) Object

On the grounds of detrimental impact on outlook from existing, principle room windows in their dwelling which adjoins the site; unauthorised change of use from B1 to B8; increased use of the site by large, articulated lorries; increased noise disturbance at all hours from 5am to 8pm; increased disturbance; adverse impact on residential amenity; increased noise and pollution levels; Newton Lane has a 7.5 tonne vehicle weight capacity with the vehicles using the site exceeding this; increased dust levels impacting on the adjacent dwelling (windows, garden etc) and the health of its occupants; authorised use for purposes within use Class B1 that would not cause detriment to residential amenity; materially different impact from that authorised; noise from site operations with the intended B8 use will have a detrimental impact on neighbouring amenity; noise impact especially significant in the early mornings between 5am and 8am as well as at evening between 6pm and 10pm; need for a noise survey; likely the heavy goods vehicles using the site will expand, hence the need for the

additional hardstanding; adverse impact on Newton Lane that has a weight restriction; a transport statement hasn't been provided with the submission; difficult to fully assess the highway impact due to lack of information; hardstanding will be detrimental to visual amenity; is highly visible from the public realm and adjacent residential dwelling creating a harder, less attractive visual environment; impact heightened when HGV's are parked on the site; an archaeological assessment is required given the archaeological interest of the site; dust increase prevents windows being opened; providing a copy of the noise abatement notice served on the operator of the B8 use on site; and permission should be refused with subsequent enforcement action taken. Following the agenda being published for the Planning Committee of 7th September 2016 (where the item was deferred for a site visit), an additional objection was received continuing to object while commenting on the agenda report that that while the two applications are separate they are interlinked; the NPPF being explicit that planning decision should avoid new development giving rise to significant adverse impacts on health and quality of life through noise; the development having started without planning permission nor has it ceased or attempted to become a 'good neighbour'; it not having a vehicle operator's licence; a noise abatement notice has been served; the proposed hours of use suggested by condition not being satisfactory as it would still result in undue noise and disturbance; staff arriving prior to the 6am Monday to Friday and 7am Saturday start time causing disturbance from car engines, radios, doors slamming etc that are unacceptable immediately adjacent to existing residential development; evening noise beyond closing time would result in noise and disturbance when occupants of the neighbouring dwelling would expect a quiet noise environment; vehicle movements from the use would continue to be audible resulting in noise nuisance; the noise nuisance report submitted doesn't consider impulsive noise that should be taken into account and its failure to does not allow the LPA to consider them so can't understand the true noise environment or impacts; failure of the noise documents submitted in fully addressing all matters; the worst case scenario would exceed acceptable internal noise levels thus resulting in demonstrable harm to residential amenity to the impact of existing residents; lack of consideration to low frequency noise from HGV engines and exhausts inc groundbourne vibrations; likely HGV arrivals before suggested start times would also impact upon amenities; negative impact on health and wellbeing of residents; the mitigation proposed and suggested conditions would not make the development acceptable as the residents of the adjacent dwelling would continue to experience noise nuisance, disturbance and vibration due to its operation; dust clouding resulting in occupants of neighbouring dwelling being unable to open their windows or enjoy their garden; the acoustic fence not preventing dust from having a detrimental impact upon amenities; the acoustic fence failing to mitigate noise and dust impact of the scheme while being visually prominent and a discordant feature in the area; acoustic fencing being detrimental on visual amenity including by being overbearing on and resulting in a loss of light and outlook to the neighbouring dwelling; conditions would not mitigate the impact of the development; conditions 4 and 5 being unenforceable; no confidence that the applicants would adhere to the conditions given they have been operating without planning permission for a period of time; condition 10 requiring a further noise survey shows noise and the resulting harm from the scheme have not been fully addressed by the information submitted; condition 10 shows that the Council acknowledges the operation is causing a nuisance with the matter not fully explored so it is premature to bring the matter before the committee; conditions would not mitigate the development so fail to meet the 6 tests; and request the Committee undertake a site visit.

Petition (1) of 87 signatures Object

Other Relevant Information;

The application is before the Committee at the request of Councillor Hunt and has been the subject of a committee site visit.

Located in the open countryside the site is occupied by a single storey industrial building providing a number of industrial units. Access to the site is directly from Newton Lane although the location of the access is close to the A5 trunk road. Ground levels fall slightly from the front of the site towards the rear with the site itself being set slightly lower than Newton Lane as well as significantly lower than the A5 which forms the sites eastern boundary. A two-storey residential dwelling is situated to the west of and adjoining the application site while also standing to the front and north of the front elevation of the building to which the application relates. The wider area predominantly comprises agricultural land with a number of historic, isolated residential dwellings. There is a Scheduled Ancient Monument under the site.

A noise abatement notice was served on the operator of the B8 use. Dialogue is occurring between the Council and the B8 operator on the matter of the Order while investigations are continuing on the site.

Since the previous Planning Committee on 7th September 2016 where this application and the other application for the change of use were deferred for a site visit to be undertaken, officers have re-visited the site and spoken with both Highways England and WCC Highway Authority. Newton Lane is subject to an Environmental Weight Limit Order along the whole of its length which restricts weight to a limit of 7.5 tonnes. This Environmental Weight Limit Order has recently been reviewed in August 2016 and the provisions previously established and accepted in 1982 retained. There is however an exception to the weight limit that allows for access to and from sites along the length of Newton Lane.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design and Construction
Saved Local Plan Policy GP2	Complies	Landscaping
Saved Local Plan Policy E6	Complies	Biodiversity
Saved Local Plan Policy T5	Complies	Parking Facilities
Saved Local Plan Policy ED6	Complies	Retention of other employment land

Planning Obligations SPD

NPPF

Consideration;

The primary issue for consideration in this application relate to the acceptability or otherwise of the retention of levelling of the land to front (Newton Lane side) of building and laying of a 0.1M permeable surface comprising hard core blinded by quarry dust to form a parking area as well as the erection of 2.35m high palisade fencing around the site. Subsequent to this matters relate to ecology, amenity, landscaping and employment land.

Principle;

The site is located in the open countryside where the provisions of policy CS1 of the Rugby Borough Core Strategy detail that it is the 5th location of 6 for development to be located and should only be approved where in accordance with national policy. Paragraph 7 of the NPPF sets out that proposals should seeks to provide sustainable development through economic, social and environmental roles taken collectively due to their being mutually

dependant. Within paragraph 9 of the NPPF it continues by detailing how pursuing sustainable development involves seeking positive improvements in the built, natural and historic environment as well as in the quality of people's lives through a variety of means. Section 1 of the NPPF establishes means in which sustainable development may be achieved through building a strong, competitive economy while Section 3 relates to supporting a prosperous rural economy including supporting the sustainable growth and expansion of all types of business through the conversion of existing buildings.

Planning permission was granted once in 1992 and twice in 1993 for the change of use of the building to provide offices within Use Class B1 with these 3 permissions all including the provision of a car parking area. While one of these permissions was implemented, the car parking provision was not implemented in full and covers an area of approximately the same area as is the case in this application being determined. The implemented permission could still implement the parking scheme approved which would cover the same area resulting in the surfacing element of the proposal covering the area to which this application relates. This serves to show that the use of this area for parking in this countryside location has already been considered acceptable and can still be implemented. Its use in this instance would be associated with unit 12 which is the subject of a separate application also on this agenda.

From these points it can be seen that the car park historically approved as part of a larger implemented development can be put in place at any point and that the proposal in this application is on the same area of the site so could constitute an alteration to the scheme that would be used in association with the use of an element of the building. It has already been established that the proposed parking area would be acceptable and associated with the building in enabling the re-development of the land and its use in association with an existing building contributing to sustainable development. In this context it is considered to comply with the provisions of the NPPF and therefore policy CS1.

Furthermore, the provisions of saved policy ED6 detail that existing employment land should be retained for employment purposes (use B1, B2 and B8) unless certain instances exist. The proposal would see the land retained for employment purposes so complying with the provisions of this policy.

Environmental Health and Amenity;

The submitted details indicate that the hard core will be covered by a quarry dust permeable surface 0.1m in depth in order to afford vehicles safe turning and manoeuvring space. Environmental Health colleagues are, following the submission of a number of documents including the acoustic fencing details, satisfied that there would be no impact although they are currently investigating dust matters. While at present the intended quarry dust permeable surface is considered acceptable based on the Environmental Health comments, a condition could be attached requiring details of a bound surface material be submitted, agreed and implemented within a specified time period should permission be granted in order to ensure a dust does not arise from the quarry dust proposed to be used. In respect of this matter, the applicant has indicated their willingness to have the area covered in rolled, reclaimed road plainings that would ensure the dust is suppressed such that there should be no dust clouds or the like as a result of large commercial vehicles using the site. Furthermore, it would also be permeable so allowing drainage to continue to take place within the application site and thus avoid flooding / drainage concerns.

With regards to the fencing proposed, as originally submitted the fencing related solely to the 2.35m high palisade fencing. The palisade fencing is of a design, appearance, height and character in keeping with the existing fencing and gates and the site entrance off Newton Lane which it matches. Although it is located within the site itself, it is not considered to be

unacceptable nor out of keeping with the locality and this element therefore complies with policy CS16.

However as a result of the business operating causing a noise impact, a noise abatement notice was served by Environmental Health leading to the noise survey being submitted as part of this and the other planning application being considered. Due to these, an additional plan was provided showing a 4m high 75m long acoustic fence to be sited along a length of the existing internal access road to separate the operational site from both the access road and the nearest residential dwelling. Environmental Health are satisfied that, subject to conditions, the acoustic fence would be acceptable in addressing noise concerns. Visually the fence will be prominent within the site and from the nearest dwelling albeit to a limited amount from its ground floor opens however it would, on the basis of discussions with Environmental Health, address the noise concerns raised. Its prominence will be limited to within the site and the adjacent dwelling as a result of the sites location substantially below the A5 trunk road and existing semi-mature site boundary treatment around the site boundary. Its design is to a great extent influenced by its purpose which is to reduce unacceptable noise levels resulting in their not impacting upon, in this instance, the nearest dwelling. Although not in-keeping with the character and appearance of the site, it is considered to be acceptable on balance due to it addressing noise concerns and being viewed from limited vantage points in such a manner that would allow operations to occur on-site without impacting on noise amenity in a sustainable manner. A further benefit is that it would serve to ensure any potential dust from the application site would not impact upon the neighbouring dwellings although given the intended use of reclaimed and rolled road planings as agreed to by the applicant, dust should not be an issue from the application site.

In relation to the grounds of objection raised pertaining to suggested conditions, the noise surveys and reports provided and dust, Environmental Health have provided an additional response. They comment that the hours of operation condition could be modified to prevent access prior to the start times unless there was an emergency while also highlighting that total inaudibility from a B8 use as is proposed here cannot be expected with their having taken a neutral approach with overall aim of protecting residential amenity and taking operation need of the applicant to formulate appropriate levels of noise mitigation. Impulsive noise has been considered and the noise management plan already in place with significant improvements already noticed when Council officers have been requested to independently monitor the noise since the noise abatement notice was served. With regards to dust matters raised in the additional objection it has been highlighted in the main agenda report members could require a hard surface be provided as opposed to dust or alternatively impose an additional condition requiring wet suppression be used during dry periods. In respect of comments made pertaining to condition 10 requiring an additional noise survey, the purpose of this additional noise survey is to ascertain if predicted noise levels were realistically being achieved once mitigation was in place while allow for further mitigation should it required. Environmental Health officers have also advised that the other points raise no undue issue while also commenting that in respect of comments pertaining to the 72 hour response to a complaint in the noise management plan, this could be altered to 24 hours should Committee consider it appropriate

Landscaping;

The site as a whole has a good level of landscaping along both its A5 and Newton Lane road frontages as well as in places long its other site boundaries including with the land associated with the adjoining dwelling. The existing provision would not be impacted upon while a condition requiring further landscaping to be provided would not comply with the requirements of the conditions circular as it would not be necessary to the development proposed given sufficient landscaped screening already exists.

Access and parking:

Newton Lane is managed by WCC Highway Authority and is subject to an Environmental Weight Limit Order along the whole of its length which restricts weight to a limit of 7.5 tonnes. This Environmental Weight Limit Order has recently been reviewed in August 2016 and the provisions previously established and accepted in 1982 retained. There is however an exception to the weight limit provisions within the Order that allows for access to and from sites along the length of Newton Lane. On the basis of this exception, it can be seen that the use of Newton Lane by vehicles with a greater weight than 7.5 tonnes is permissible where accessing sites. In the context of the application site and its operation, the use of Newton Lane by vehicles in excess of 7.5 tonnes accessing the site for business purposes is considered to comply with the provisions of the Order.

The agent has advised that vehicles using the application site comprise employee's cars, rigid vehicles up to 18 tonnes in weight and articulated vehicles up to 44 tonnes in weight.

The unit to which the application relates is, along with the other units in the building, access directly off Newton Lane which is a road managed by WCC Highways. In their consultation response they state they have no objections as the fence would be positioned behind and out of the visibility splays required for the access. The access off Newton Lane is in close proximity to the junction between Newton Lane and the A5 with the A5 being a trunk road managed and maintained by Highways England who have commented that they have no objections to the proposal.

Parking details are required to be provided in accordance with saved local plan policy T5 as well as the Planning Obligations SPD where standards are set out. Within the area to be enclosed by the fencing (palisade and acoustic) and used for parking there is space that could accommodate a large number of cars and or heavy goods vehicles to a point where standards are met. The provisions of both saved policy T5 and the Planning Obligations SPD have been complied with.

Ecology:

Ecologically, following an initial request from WCC Ecology, a preliminary ecological appraisal has been undertaken with resultant report submitted for assessment. WCC Ecological officers have commented that they are satisfied with the findings of the report and have no objections to the proposal subject to an informative being attached to any approval. The proposal therefore complies with the provisions of saved local plan policy E6.

Heritage:

A Scheduled Ancient Monument exists under the site. Historic England have been consulted on the submitted and commented that they do not wish to offer any comment on this occasion. Warwickshire County Council Archaeology has also commented they have no comments to make. Discussions with both have indicated that it is considered the proposal does not and would not impact upon the Scheduled Ancient Monument so does not therefore, it is considered, impact on the heritage asset on-site.

Conclusion:

Overall therefore it is considered that the principle of the development is acceptable given the implementation of a previous approval which included a parking area that was not implemented when the change of use was. While concerns have been raised in respect of noise and amenity through the proposal, officers are satisfied based on consultation response that the concerns can be addressed through appropriate conditions. The proposal is therefore considered acceptable and recommended for approval subject to conditions.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 19th August 2016

DRAFT DECISION

APPLICATION NUMBER

R15/1881

DATE VALID

12/10/2015

ADDRESS OF DEVELOPMENT

UNITS 12 & 14 TRIPONTIUM BUSINESS
CENTRE
NEWTON LANE
NEWTON
RUGBY
CV23 0TB

APPLICANT/AGENT

Kenneth Watt
Whittaker And Watt Architects
379 Antrim Road
Newtownabbey
BT36 5EB
On behalf of Mr Mark Montgomery,
Montgomery Distribution

APPLICATION DESCRIPTION

Retention of leveling of land to front of building and laying of a 0.1M permeable surface comprising hardcore blinded by quarry dust. Erection of 2.35m high palisade fencing around the site and a 4m high acoustic fencing along site boundary with the site access road.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

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

Application Forms, site location plan numbered 1588(05)-01B Rev B dated 17th September 2015 and Palisade fencing plan numbered 1588(2)-02 dated 16th September 2015;

Agent letter dated 18th November 2016 and drawing numbered 1588(05) - 03 dated 19th October 2015 both submitted to and received by the Local Planning Authority on 19th November 2015;

Noise Nuisance Report numbered NI1674/N/NNR/01/02 Rev D01 by RPS dated 9th February 2016 submitted to and received by the Local Planning Authority on 4th March 2016;

Artificial Lighting Report numbered NI1674/ALR/01/26042016 by RPS dated 26th April 2016 and Air Quality Impact Assessment (AQIA) Report numbered NI1674/AQIA/01/100316 Rev F01 dated 8th April 2016 both submitted to and received by the Local Planning Authority on 26th April 2016;

Noise Management Plan Version 1:3 by Montgomery Distribution dated July 2016 submitted to and received by the Local Planning Authority on 7th July 2016;

Preliminary Ecological Appraisal Report numbered OFX9541 by RPS dated May 2016 submitted to and received by the Local Planning Authority on 9th May 2016;

Drawings numbered 1588(09).07 dated 24th April 2016 and 1588(09).08 dated 25th May 2016 submitted to and received by the Local Planning Authority on 13th May 2016

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 area within the blue line on drawing 1588(05)-01B Rev B dated 17th September 2015, submitted to and received by the Local Planning Authority on 12th October 2015, shall not be used for any maintenance, servicing or washing down of any HGV, forklift or fleet vehicle using the site.

REASON;

In the interests of environmental protection and to protect the amenity of nearby residential dwellings.

CONDITION 4;

Within three months of the date of this decision the contents of the Artificial Lighting Report numbered NI1674/ALR/01/26042016 by RPS dated 26th April 2016, submitted to and received by the Local Planning Authority on 26th April 2016, shall be implemented in full.

REASON;

To protect the visual amenity of the area and nearby residential dwellings.

CONDITION 5;

Within one month of the date of this decision, the acoustic fence approved shall be installed in accordance with the approved details then subsequently retained and maintained.

REASON;

To ensure acceptable noise mitigation measures are provided and subsequently retained in the interests of residential amenity.

CONDITION 6;

The provisions of the Noise Management Plan Version 1:3 by Montgomery Distribution dated July 2016 submitted to and received by the Local Planning Authority on 7th July 2016 shall be implemented within 2 months of the date of this decision then subsequently retained.

REASON;

To ensure the development does not unacceptably impact upon the amenities of neighbouring and surrounding sites.

CONDITION 7;

10 months following the date of this decision a full noise survey shall be undertaken with resultant report, to include mitigation measures where required, submitted to and approved in writing by the Local Planning Authority. Any mitigation within the report shall be implemented within 6 months of the written approval of the further noise survey and subsequently retained.

REASON;

In order to ensure mitigation measures ensure the protection of the amenities of nearby residential dwellings.

CONDITION 8;

Within three months of the date of this decision, a contaminated land investigation of the hardcore laid shall be undertaken with resultant report submitted to and approved in writing by the Local Planning Authority. Any mitigation measure identified in the report and approved shall be implemented within three months and subsequently retained.

REASON;

In order to ensure the hardcore imported does not pose any adverse or detrimental effect on the ground.

CONDITION 9;

All external lighting is switched off after 20:30.

REASON;

To ensure the protection of nearby residential amenity from light pollution.

CONDITION 10;

The vehicular parking area hereby approved as part of this development shall only be used by during the following times;

Monday to Friday - 0600 to 1900

Saturday - 0730 to 1800

No operations on Sunday or public holidays.

REASON;

In the interests of protecting residential amenity.

CONDITION 11;

A maximum of two vehicular deliveries shall take place on the hardstanding between the hours of 0600 and 0700 Monday to Friday inclusive. Any loading or unloading associated with these shall take place within the unit known as Unit 12, The Tripontium, Newton Lane.

REASON;

To ensure that the use of the hardstanding in this early period does not impact upon residential amenity.

CONDITION 12;

Prior to the palisade fencing hereby approved being installed, full details of the intended finish shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be installed in accordance with the approved details.

REASON;

In the interests of visual amenity.

CONDITION 13;

Within a period of 1 month from the date of this decision and notwithstanding the provisions of the approved documents including applications forms, the area to be used for parking purposes shall be surfaced in rolled, reclaimed road planings and thereafter retained.

REASON;

In the interests of residential amenity and dust prevention.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1;

A variety of bird species use bird boxes for nesting. 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.

Reference number: R13/1401

Site address: Fields south of Black Spinney adjacent to the A5, east of School Farm on School Lane, Churchover

Description: Provision of a ground mounted solar PV park of up to 12MWp comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTV poles and cameras, access tracks and a new highway junction.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the provision of a ground mounted solar PV park of up to 12MWp comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTV poles and cameras, access tracks and a new highway junction. The application was submitted with an Environmental Statement addressing matters including assessments of the landscaping and visual area, traffic, transportation, cultural heritage and ecology, the documents set out details pertaining to the proposals interaction with its proposed immediate and wider environment. An Agricultural Land Classification report by Adams Land Management Ltd was also provided pertaining to the quality of the land. Other reports provided include a Design and Access Statement, Planning Statement, and a Statement of Community Involvement.

The proposal would be located on an area of land covering 24.3 hectares made up of 6 agricultural fields with each being separated from the other by existing hedgerows. Access to and from the site will be off the A5 trunk road using the existing access which will be improved to facilitate safe vehicular access and egress. A formal 3m wide access track to be no deeper than 0.5m will be provided to enable access all year round within the site positioned immediately adjacent to the existing centrally situated hedgerow running east-west. All existing hedgerows and trees will remain in-situ and enhanced where possible with access between the 6 fields being via the existing gated access points. 2.5m high fencing would be placed around the site boundary with CCTV cameras put in place for site security and to facilitate remote monitoring of the site. The solar panel arrays, to be a maximum of 2.3m above ground level at their highest point, will run east to west with the face of the panel facing south while being separated from the next parallel row by between 3.8m and 5.6m. The arrays will also be positioned so they at varying distances to the north of existing and proposed trees and hedgerows so as to ensure their effectiveness is not reduced by these existing and proposed trees and hedgerows. Within each field there will be an electrical cabinet measuring 6m x 2.5m x 3m, while toward the site entrance there will be a Distribution Network Operator (DNO) substation, storage cabinet (6m x 2.5m x 3m) and customer sub-station (6m x 2.5m x 3m). With regards to the DNO substation, this would be constructed under and subject to the provisions of the Town and Country (General Permitted Development) Order 2015 should permission be granted for the proposal.

The agent has provided an Agricultural Land Management Strategy Report setting out how the agricultural land on which the proposal is to be sited could continue to be used and managed for agricultural purposes over the 25 year duration for which permission is sought.

An Alternative Site Assessment Report has been undertaken and provided in response to objections raised by residents, Churchover Parish Council and ASWAR, putting forward and assessing other sites for potential to accommodate a solar development.

Amended plans relating to the proposed site access to and from the A5 have been provided along with a both Design and Compliance Report and Road Safety Audit Stage 1 following dialogue between the agent and Highways England following an objection from Highways England to the plans originally submitted.

A number of additional documents and responses have been provided relating to the agricultural land classification of the site and comments raised by objectors, seeking to show that the fields on which the proposal will be sited fall within 3(b) quality.

Discussions have also seen a number of amended landscaping plans, application forms and site location plans to include additional areas of land within the application in order to provide enhanced landscaping provision in response to objections raised. These, along with further dialogue has resulted in a consolidated proposed landscape scheme plan being provided to address points raised by Historic England in respect of the widening of the existing vehicular access arrangement on the A5 to meet Highway England requirements.

Site History;

The site has no relevant planning history.

Consultee Correspondence;

Original Consultation;

British Pipeline Agency No objection

Coventry Airport No objection

Historic England Object

On the grounds of further information being required to assess the proposals impact on the setting of the conservation area that they feel would be impacted upon by the proposal.

Environment Agency No objection

Request conditions

Leicestershire County Council Comment

Would wish to see a routing agreement for construction traffic to ensure only the strategic road network (A5, M69 and M1) as well as the A4303 and A426 were used.

Highway Agency Do not approve

Further information and amended plans needed.

Natural England No objection

National Air Traffic No objection

Services

Ramblers Association Object

On the grounds of visual impact on the landscape; loss of valuable grazing land; and elements of the proposal are alien and at odds with the landscape character.

Severn Trent Water No objection

RBC Environmental Health No objection

Request conditions if approved

RBC Landscape Officer Object

On the grounds of adverse visual impact on the area impacting upon the landscape character

Rhodes Rural Planning & Land Management More information is required

Warwickshire Police No objection

WCC Archaeology No objection

Request condition if approved

WCC Ecology No objection

Request conditions if approved.

WCC Highway Authority No objection

WCC Rights of Way No objection

Amended / Additional Information Re-Consultation:

British Pipeline Agency No objection

Coventry Airport No objection

CPRE Warwickshire Object

On the grounds that Churchover is a historic village of great value with the whole village and some surrounding fields being a Conservation Area with the proposal affecting this historic significance; would cause significant harm to the conservation area and a number of listed buildings including Holy Trinity Church; the proposal would due to its location be visible and exposed harming the character of the open fields; any attempts at screening the proposal would conflict with the open nature of the landscape; harm is due to the proposal being present with landscaping not being a remedy; the land quality includes some of the Most Versatile Land that should not be lost due to its economic value; and the visual impact on footpath and bridleway users would be significant.

Environment Agency No objection

Request conditions if approved.

Harborough Council No objection

Highways England No objection

Request a condition and informatives if approved.

Historic England Comment

Will cause some harm to the significance of the Churchover Conservation Area through impact upon its setting; disagree with statement in the ES that there will be no impact; will be visible on approaches to the Conservation Area from the A426 and Lutterworth Road; there will be intervisibility from properties within the conservation area; the harm needs to be justified convincingly if approved; and if the proposal cannot be amended to avoid all harm then if it would lead to less than substantial harm to the significance of the heritage asset the harm should be weighed against the public benefits.

HSE No objection

NATS No objection

National Grid No objection

Natural England No objection

Severn Trent Water No comment to make

Warwickshire Police No further comments to make

RBC Env. Health No further comments to make

RBC Landscape Officer No objection

Additional planting in key locations seems acceptable

RBC Environmental No additional comments to make

Health

RBC Tree Officer No objections

Request conditions if approved.

Reading Agricultural Consultants (Rural Affairs Advisor) Comment

Issues within the submitted ALC have been addressed with the site at Grade 3b quality.

Warwickshire Police No objection

WCC Ecology No objection

Welcome the up-dated landscaping plans and request informatives if approved.

WCC Highway Authority No objection

Request conditions and informatives if approved.

WCC Rights Of Way No objection

Amended Landscape Plans:

Historic England Object

Still remain concerned over the proposals impact on the landscape are such there is potential impact on the setting of the Grade II* church in the centre of Churchover; the church was referred to in the Appeals Inspectors decision on the wind farm development on the adjacent site; while landscaping has improved views of the church will still be visible in relation to the solar farm with the solar farm still impacting on the landscape; comment that the level of harm will be less than substantial but there will still be harm that will need to be balanced against the public benefits as set out in paragraph 134 of the NPPF; while the provision of a tree to break up the direct view from the A5 is an improvement there will still be an impact; refer back to comments of 25th June 2015 which remain even with the full range of landscaping on offer; note that there would be a strengthening of the planting of the field boundaries to the west of the site but their main concerns 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; the LPA will need to undertake a balancing exercise as set out in para 134 of the NPPF setting the public benefits of the scheme against the view that the scheme will cause some harm to heritage assets; and if the LPA are minded to grant consent it is recommended it considers all ways in which the impacts of the scheme could be reduced particularly with respect to the height of the proposed plans which will ensure the scheme has as low an impact as possible.

RBC Heritage Consultant Comments

On balance the scheme is generally appropriate and would not substantially harm the character and appearance of the Conservation Area and the setting of the Grade II* listed building. A number of conditions are suggested if approved.

Third Party Correspondence;

Original Submission;

Mark Pawsey, MP Object

On the grounds of the Government being fully committed to food production and to ensuring more agricultural land is retained with other locations needing to be fully investigated before agricultural land is considered.

Cllr Leigh Hunt Objects

On the grounds of the impact on both the environment and landscape; inappropriate use of agricultural land; and the impact on heritage assets.

Neighbours (46) Object

On the grounds of impact on good quality agricultural land; impact on historic landscape; inappropriate location; more suited to factory / warehouse roof tops; proximity to settlements; Churchover already having a large gas distribution site; the recent refusal of a wind farm shows local opposition to large scale developments in the locality; impact from the lighting and cameras associated with the proposal; light reflection during the day time impacting on the area and potentially safety; evening light pollution; drainage concerns through increased ground coverage from the panels leading to increased run-off and flooding downstream; negative visual impact; would be more appropriate to combine the proposal with commercial developments taking place in the locality; detrimental visual impact creating an eyesore from

every direction akin to looking at a prison camp with rows of arrays, security fencing and lighting; no need to use greenfield sites when there are brownfield sites including roof tops that could be used instead; village residents have previously voted against the scheme at a village meeting on the subject; industrialization of the 'vital green lung' between Rugby and Magna Park; 25 years not temporary; perceived impact on property values; good agricultural land taken out of food production; will be an intrusion on the conservation area and heritage assets of Churchover; intrusion on landscape; subsidised solar parks create small amounts of expensive intermittent energy requiring fossil fuel back-ups; impact on landscape setting; will seriously impact archaeological remains of medieval agriculture; will result in the destruction of an area of rural tranquillity; unnecessary development; loss of agricultural land; no justification for solar panels in the open countryside; is inappropriate development; is contrary to Government policy; will destroy a green field site; will convert a green field site to a brown field site making way for further development; impact on users of and views from the adjacent A5 trunk road; cumulative impact if this is approved alongside the adjacent wind farm being allowed on appeal; out of scale with the surrounding area especially nearby village of Churchover; would destroy the rural community between Junction 1 of the M6 and Lutterworth; no consideration having been given to a brownfield site for a solar farm; social and economic implications; and it removing the option of the land being used to cultivate arable crops or for the grazing of cows.

Neighbours (4) Support

Supports the proposal as it contributes toward energy security, cutting carbon emissions, creates jobs and other economic benefits; still enable the agricultural land to be used for agricultural (livestock) purposes; allow farm diversification; national and local policies encourage renewable energy; will be well screened from many viewpoints; habitat enhancements proposed; will provide a significant contribution toward UK renewable targets; the developer will contribute toward community projects; and many people in the village are benefiting from solar panels.

ASWAR Object

On the grounds of loss of good agricultural ground; contrary to Government policy of May 2014; will be a visual eyesore from all directions appearing as a prison camp with rows of solar arrays, security fencing and lighting with cameras on high gantries; numerous footpaths and bridleways in the area will see it so it will be visually at odds with the locality; should be built on brownfield sites and roof tops; will destroy the environment and landscape; developers haven't made a full sequential survey of other brownfield and roof top sites where it could go; Churchover residents are unified against the proposal; it will industrialise a 'vital green lung' between Rugby warehouses and Lutterworth; 25 years is not temporary; property devaluation; it being an intrusion on the conservation area of Churchover as well as heritage assets and landscape; sequential assessment concerns and its conflict with recent appeal decisions; and solar farms only creating small amounts of expensive, intermittent energy requiring inefficiently run fossil-fuelled back-ups.

Churchover Parish Council Object

On the grounds of it will restrict the agricultural activity the farmer will be able to do as opposed to enabling them to diversify as stated in the Design & Access Statement; the land could be seeded with wild flowers now to improve soil quality and ecology without solar panels; the agricultural land classification report appears to be questionable given the limited number of test points over a large site; 25 years is not offered as a time period and such a time period is not considered to be temporary; no reference in the Environmental Statement of the sites location adjacent to the Green Corridor; photos in submitted documents create false representations of the site; proposed would be more visible than suggested; recent

reason to support the scheme ignoring the case against and don't recommend refusal and members take their advice, while also highlighting elements of ASWARS participation in the wind farm inquiry on the adjacent land and comments made by the Inspector in dismissing the appeal.

Other Relevant Information;

The site is located in the open countryside and currently comprises 6 agricultural fields. Vehicular access to the site is via an existing access point off the A5 trunk road with access between the fields being via existing field gates. The fields are separated from each other and surrounding land by a mixture of established trees and hedgerows although there are, in a number of locations, gaps in the hedgerow. To the north-west, south-east and south-west are agricultural fields with Black Spinney, a wooded area, being immediately adjacent to a section of the northern site boundary while immediately to the north-east is the A5 Watling Street trunk road beyond which is other agricultural land. The A5 in this location forms the separation point between Rugby Borough Council and Harborough District Council administrative areas with Harborough District Council situated within Leicestershire. To the west of the site beyond the agricultural fields is the settlement of Churchover that contains a number of listed buildings and has a conservation area that extends beyond the defined edge of the village. A number of the buildings and the church steeple are visible from the application site. The church, including steeple, is a Grade II* listed building. Ground levels within the site fall from south to north as well as from the A5 into the site and from Churchover toward the site, although, there are areas of undulation in the wider area.

Relevant Policies;

National Policy and Guidance:

National Planning Policy Framework (NPPF) (2012)

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

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

Planning practice guidance for renewable and low carbon energy (2013) (now cancelled and replaced with Planning Practice Guidance – Renewable and low Carbon Energy 2014)

Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage 2008)

Historic Environment Good Practice Advice Notes 2 (Historic England 2015)

Historic Environment Good Practice Advice Notes 3 (Historic England 2015)

Planning for Renewable Energy: A Companion Guide to PPS22

Rugby Local Development Framework – Core Strategy (adopted June 2011)

Policy CS1 Development Strategy

Policy CS16 Sustainable Design

Rugby Borough Local Plan (Saved Policies – Post LDF Adoption 2011)

Policy GP2 Landscaping

Policy GP5 Renewable Energy

Policy E6 Biodiversity

Policy E17 Development affecting parks and gardens and other elements of historic landscape

Policy T5 Parking Facilities

Supplementary Planning Guidance.

Churchover Conservation Area Appraisal

Warwickshire Renewable and Low Carbon Energy Resource and Feasibility Assessment
Warwickshire CC Landscape Assessment

Other:

Ministerial Statement, 'Priorities for UK energy and climate change policy', 18th November 2015

Consideration;

National Policy

As a result of EU Directive 2009/28/EC, the UK is committed to a legally binding target to achieve 15% of all energy generated from renewable resources, including electricity, heat and transport, by 2020. The 2006 Energy Review set an increased target of 20% of electricity to be from renewable resources by 2020. The Climate Change Act of 2008 sets a target of at least an 80% cut in greenhouse gas emissions by 2050. The overarching strategy to reduce carbon emissions to meet the requirements of the Directive and the Climate Change Act is contained in the UK Renewable Energy Strategy and the UK Low Carbon Transition Plan where the lead scenario is that 30% of electricity is to be derived from renewable resources by 2020. The UK Renewable Energy Roadmap (the Roadmap) was published in 2011 and focuses on 8 technologies which are considered to offer the greatest potential to deliver the infrastructure to meet the target.

The National Planning Policy Framework (NPPF) of 2012 replaced the previous Planning Policy Statements (PPSs) and Planning Policy Guidance Notes, though the PPS22 *Planning for Renewable Energy* Practice Guide (PPS22CG) remains extant. The PPS5 *Planning for the Historic Environment* Practice Guide (PPS5CG) has been replaced by a number of documents by Historic England. Paragraph 17 of the NPPF outlines 12 core planning principles that underpin both plan-making and decision-taking. One of these principles identifies that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources. Following on from this, paragraph 17 in Section 1 pertaining to the delivery of sustainable development sets out the Government's commitment to securing economic growth to create jobs and prosperity while, amongst other things, meeting the twin challenges of global competition and a low carbon future. The NPPF says at paragraph 98 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. 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.

Principle:

Paragraphs 11 to 16 of the NPPF set out the presumption in favour of sustainable development with applications determined in accordance with the development plan unless material considerations indicate otherwise. Policy CS1 of the Rugby Borough Core Strategy provides a strategic direction for growth within the Borough by setting out a preference for the areas in which development should occur. The application site, situated within the open countryside, is within the 5th priority area of 6 where new development will be resisted and only where national policy on countryside locations allows will development be permitted. This requires the principle of development to be established in association with National Policy provisions.

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.

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 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.

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.

The site is situated within the countryside (5th priority area for development) and NOT the Green Belt which is the 6th priority area for development. Section 9 of the NPPF relates specifically to the protection of the Green Belt stating that all development is inappropriate and should not be approved except in very special circumstances although certain functions detailed in the NPPF such as agriculture and forestry are appropriate exceptions. Paragraph 91 specifically refers to renewable developments as being inappropriate in the Green Belt that would need very special circumstances to be established in order to be supported. This Section of the NPPF gives a clear position in respect of proposed renewable developments within the Green Belt. However, and as already stated, the application site is within the countryside where these provisions do not apply due to the difference between countryside and Green Belt taking account of the purposes and aims of land designated as Green Belt.

In response to the initial objections made, the applicant has submitted an Alternative Land Assessment in which they have identified alternative sites for the proposal to be located. Within it

they provide a long, detailed list of 43 potential sites within the administrative boundaries of both Rugby Borough Council and Market Harborough District Council including some sites suggested by objectors. Based on an initial assessment in terms of site capability, including ability of each site to accommodate the proposal, this long list was reduced to a separate list of 7 sites with 6 in the Rugby administrative area and 1 in the Market Harborough administrative area. Those identified are listed with an assessment undertaken looking at the ability of the site to accommodate the development including constraints while also looking at visual matters before explaining why the application site provides the best opportunity for the development to be progressed. The basis for the various sites having been discounted include insufficient space being available on undeveloped and developed (industrial) rooftops to facilitate the proposal. Officers consider, having read and assessed this document in relation the development, sequentially the site is capable of accommodating the proposal and affords the land required to enable the proposal to be undertaken.

Officers are of the opinion that in this instance given that the site is outside of the Green Belt where tighter restrictions exist, while details of arguments in support of renewable developments needs to be advanced in order to support the proposed development, the principle of the development proposed in this countryside location could be considered as being acceptable in principle. This is on the basis of compliance with National policy and therefore policy CS1 of Rugby Borough Core Strategy.

Heritage:

The site itself is not covered by nor does it include any heritage designations. The nearby settlement of Churchover, to the south-west of the site, is covered by a Conservation Area that extends beyond the edge of the defined settlement boundary and has a number of Listed Buildings including the Grade II* Trinity Church that has a spire.

Section 12 of the NPPF relates specifically to conserving and enhancing the historic environment in which paragraph 127 details that Local Planning Authorities should require applications be accompanied by a description of the significance of any heritage affected including any contribution made by their setting with the level of detail proportionate to the assets importance. In their assessment of the application, para 129 indicates Local Planning Authorities should identify and assess the particular significance and take this assessment into account in the determination of the application. Paragraph 131 sets out that in determining applications, the Local Planning Authority should take account of various matters including the desirability of sustaining and enhancing the significance of the heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities. The following paragraph, para 132, sets out how when considering impact of a proposal on the significance of a heritage asset, great weight should be given to its conservation with significance able to be harmed or lost through the alteration or destruction of the asset itself as well as its setting and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This is followed in paragraph 133 by the statement that where a proposal would lead to substantial harm to or total loss of significance of a heritage assets, consent should be refused unless it can be demonstrated the harm is necessary to achieve sustainable public benefits that outweigh the harm or loss. Within paragraph 134 it is detailed that where a proposal will lead to less than substantial harm to the significance of the heritage asset the harm should be weighed against public benefits.

Within the Environmental Statement submitted with the application, a chapter addresses heritage matters comprising Conservation Areas, Listed Building and Scheduled Ancient Monuments. It details that in addition to the Churchover Conservation Area, there are 3 listed buildings identified within a 5km radius of the site as potentially being impacted upon through the development with one of these listed buildings being the Grade II* Trinity Church in Churchover and the other 2 being situated in Lutterworth.

The Environmental Statement details that 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 it was judged in the Environmental Statement assessment as no change to the current situation with no effect occurring. Turning to Trinity Church, a Grade II* listed building, it is identified in the Environmental Statement 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 but acknowledges it extends to other medieval settlements in the area. It concludes 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.

The provisions of the NPPF as well as saved local plan policy E17 and the Churchover Conservation Area Appraisal are relevant.

As can be seen from the consultee responses on the original submission and subsequent re-consultations, Historic England have objected to the proposal on heritage grounds. Their original objection was on the grounds of further information being required to assess the proposals impact on the setting of the conservation area that they feel would be impacted upon by the proposal. Following this information being provided and discussions having taken place, they provided a further objection as they considered the proposal would cause some harm to the significance of the Churchover Conservation Area through impact upon its setting, disagreeing with statement in the ES that there will be no impact. They commented that the proposal would be visible on approaches to the conservation area from the A426 and Lutterworth Road with there being an inter-visibility from properties within the conservation area and the development. They commented that this resulted in the harm needing to be justified convincingly if the application is to be approved and if the proposal cannot be amended to avoid all harm then if it would lead to less than substantial harm to the significance of the heritage asset the harm should be weighed against the public benefits.

In their final and most recent objection they comment that they still remain concerned over the proposals impact on the landscape are such there is potential impact on the setting of the Grade II* church in the centre of Churchover with the church referred to in the Appeals Inspectors decision on the wind farm development on the adjacent site. They also comment that while landscaping has improved views of the church will still be visible in relation to the solar farm with the solar farm still impacting on the landscape, commenting that the level of harm will be less than substantial but there will still be harm that will need to be balanced against the public benefits as set out in paragraph 134 of the NPPF. It is reiterated that while the provision of trees to break up the direct view from the A5 is an improvement there will still be an impact referring back to earlier comments which remain even with the full range of landscaping now on offer including a strengthening of the planting of the field boundaries to the west of the site but their main concerns are with views over the site toward 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 so the Local Planning Authority will need to undertake a balancing exercise as set out in para 134 of the NPPF setting the public benefits of the scheme against the view that the scheme will cause some harm to heritage assets and if the LPA are minded to grant consent it is recommended it considers all ways in which the impacts of the scheme could be reduced particularly with respect to the height of the proposed plans which will ensure the scheme has as low an impact as possible.

Through the various objections, both the applicants agent and officers have actively sought to proactively address the concerns of Historic England including through a number of amended landscaping plans being submitted.

The Council has also sought the view of an independent heritage consultant who has commented that on balance the scheme is generally appropriate and would not substantially harm the character and appearance of the Conservation Area and the setting of the Grade II* listed building, suggesting a number of conditions be attached should the application be approved. Within their report that indicate that the subject site lies outside the Churchover Conservation Area, however is considered to lie within the setting of the Conservation Area. Pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, additional consideration is to be given to the preservation and/or enhancement of the character and/or appearance of the Conservation Area. Given that the church spire, a Grade II* listed building is visible from the site, it is considered that the site is within the setting of this listed building.

They continue that solar panels can have a negative impact upon the historic landscape if not designed and positioned correctly due to their urbanising nature within the landscape with the proposal covering an area of some 26Ha that has been designed to minimise the impact on the historic landscape and is setback some 500m from the village of Churchover. They consider the placement of the solar panels to be generally appropriate and is positioned in a way which provides a separation from the village so that the scheme is not highly visible in the landscape from viewpoints or approaches or presents as an extension of Churchover. There is a large amount of perimeter screening via the hedges which is planned to be strengthened by more planting which has benefits to the visual appearance as well as to wildlife.

In terms of the perimeter fencing, consisting of timber poles with wire mesh fencing and timber gates with CCTV mounted on the posts, the design and appearance of the fencing is quite agricultural in nature and is positioned in front of the screening so are of an appropriate height and are considered to be appropriate.

It is also stated how no information is given as to the location, design and appearance of the DNO substation that can be requested via condition. The ancillary infrastructure such as the switchroom and substation have a shipping container appearance which is appreciated needs to be a secure room. The plans do not indicate the colour of the infrastructure however photos show cabinets to be green, however this needs to be confirmed. They do however have concerns over the appearance of the switch room and customer substation which have an appearance of shipping containers within the landscape which are detrimental to the appearance of the area with the preference being the buildings clad in timber or such so that they have more of an agricultural appearance.

They continue that the Churchover Conservation Area surrounds the historic core of the village which is based around the church and manor house. The Church dates from the 15th Century and has a prominent spire which is some 25 metres tall and can be viewed from a number of directions. Other building stock is from the 18th and 19th Centuries. The Conservation Area Appraisal states that *“Open and green space is a crucial element within the character and appearance of the Conservation Area. The approach into the village from the east is through countryside and the setting is dominated by grass verges, hedges and trees. These elements create a green entrance to the village and a gradual transition from countryside to village.”*

In the opinion of the independent consultant the significance of the Conservation Area arises from its Historic Value (historic core of village which has a number of buildings which maintain authenticity in their detailing, some of which date to the 15th Century and the relationship of the village to the countryside), Communal Value (association with prominent

residents and key events); Aesthetic Value (the visual appearance of the buildings and the varying architectural styles and forms of the conservation area and its appearance within the countryside) and Evidential Value (illustrating how the village has grown and changed over time).

A key consideration to the harm caused to the setting of the conservation area is from the relationship of the conservation area to the countryside and the approaches from viewpoints. It is noted that the Conservation Area Appraisal limits crucial view points along the main streets and east from the village down Lutterworth Road. There are also view points from the Public Right of way to the north of the village (from the end of Church Street) and the unadopted County track leading from Church Street, however these are not detailed in the appraisal. Saved Policy E17 of the Local Plan 2011 although predominantly associated with designated landscapes does make reference to the historic landscape which is assessed in this report.

The potential harm caused by solar panels is that they are a foreign form in the landscape which have the potential to urbanise land as they have a developed and hard appearance when compared to the generally more soft and rural appearance of an agricultural field.

The site of the proposed panels is large, however is separate from the village having a separation distance of some 500m. The panels would be screened a great deal from the perimeter hedges with only limited glimpses to the panels gained from Lutterworth Road, the A5 and from the Public Right of way. On the approach to the Conservation Area from these various points it is felt that there is not a strong association or relationship with the site of the solar panels with the Conservation Area in that the solar panels would not present as a type of extension to the village. They appear independent of each other and with the added screening by additional planting there would be very limited views. The main distraction from the public right of way or the track to the north of the village is from the wind turbines which are visible from this approach to the village.

They consider the harm to be 'less than substantial' to the significance and the character and appearance of the setting of the conservation area. Pursuant to Paragraph 134 of the NPPF, where there is 'less than substantial' harm, this harm needs to be weighed against the benefits of the development including its optimum use. The main element of harm would be to the aesthetic value, however mitigation via the appropriate positioning, and design of panels and associated infrastructure and screening would mitigate much of this harm caused. The main benefit of the development is the production of renewable energy contributing toward meeting national targets, reduced dependence on fossil fuels and sustainability as well as the increased vegetation which will assist wildlife habitats. The panels are also for 25 years, which although a long time, given that they panels are pole driven, rather than concreted in, are reversible. The panels are also spaced apart which would allow for potential for grazing and planting amongst the panels. Taking this into account, they consider that the harm caused to the setting of the Conservation Area does not outweigh the benefits of the development and that the proposal would preserve and enhance the character and appearance of the conservation area.

In respect of inter-relationship with the listed church, the church dates from the 15th Century, and has a prominent spire that is approximately 25 metres tall and can be viewed amongst the landscape from a number of points. The spire or the church itself however is not considered to be a landmark building which is positioned deliberately on a hillside location, such as the Church of St Mary and St Hardulph, Breedon on the Hill, Leicestershire or within a designated landscape such as a registered park and garden or scheduled ancient monument. From the A5, the church is also viewed amongst the backdrop of the countryside which contains rolling hills together with electricity pylons in the distance which compete with the spire and are actually taller than it.

The village is some distance from the A5, and given that the A5 follows the route of the Roman Road which would have existed prior to the village, there is not a strong historic relationship between the A5 and the village as the road does not lead to or through the village.

In assessing harm, the independent consultant considers that there would be 'less than substantial' harm caused to the setting of the listed building. As previously discussed although there may be some limited harm to the Aesthetic Value via limited glimpses of the spire and the panels, it is felt that there is not a strong connectivity between the subject site and the spire which is still able to be appreciated on the approach to the conservation area. Taking this into account, it is not considered that the harm to the setting of the listed building would outweigh the benefits of the development as previously discussed.

On balance they conclude the scheme does not cause substantial harm to the character and appearance of the conservation area or to the setting of the listed building or the historic landscape. As such the scheme is in accordance with Policy E17 of the Local Plan 2011 and the relevant policies of the NPPF.

Warwickshire County Council Archaeology have also assessed the proposal, commenting that they have no objections to the proposal subject to a condition being attached to any permission relating to investigatory works being undertaken on-site with resultant reports submitted prior to works on the development commencing.

CPRE Warwickshire has also objected to the proposal on heritage grounds, advancing comments relating to heritage assets in the area and the interaction between the proposal and the assets.

In balancing the heritage matters of the application Officers have carefully read and considered the responses of the various heritage based technical consultees as well as other points raised in objections made by the public, Parish Council and the ASWAR as an opposition group.

The Environmental Statement clearly acknowledges that the proposal will detract from views of the Grade II* church spire upon approach to Rugby and Churchover from the east but that, in their consideration, the development won't challenge this dominance so the impact is judged to be minimal while also not impacting upon the setting or character of the Churchover Conservation Area as a result of a combination of the separation distance and ground level variation between the Conservation Area and the site. Historic England and CPRE Warwickshire have both objected, expressing concerns in respect of the impact of the proposal on, primarily, the setting of the Grade II* listed Trinity Church while also raising concern over the interaction between the site / proposal and Churchover Conservation Area. An independent assessment has concluded that the proposal would on balance not substantially harm either the character and appearance of the Churchover Conservation Area nor the setting of the Grade II* Holy Trinity Church listed building.

It is accepted that small elements of the proposal will be visible from the upper floors of a limited number of properties in Churchover. However this will be counter-balanced through the provision of additional planting that despite taken a period of time to establish and fully screen the proposal, will in the medium and longer term provide greater protection in the setting of Churchover. It will also serve to also protect and enhance it including the character, appearance and setting of both the Conservation Area and listed buildings.

On approach to Rugby and Churchover from the east as well as while travelling by vehicle along the A5 trunk road, there will be views of the proposal set to the front of the spire of the Grade II* listed building. While both the proposal and spire will be visible from certain, limited viewpoints, officers consider they will be limited view points while the intervening

fields will provide separation and now impact unduly on the prominence, character, appearance of setting of the spire.

Significant effort and work has been undertaken to ensure additional planting and other works will be undertaken to provide additional planting, landscaping and screening to the benefit of the heritage assets should permission be granted. These will last beyond the time period of the development that would be removed following the expiry of the time period for the proposal.

On balance therefore the benefits of the proposal are considered to outweigh the less than substantial harm to heritage assets. As such the proposal complies with the relevant policies.

Agricultural Land:

Paragraph 112 of the NPPF, within the section pertaining to the conservation and enhancement of the natural environment, sets out that Local Planning Authorities should take account the economic and other benefits of the best and most versatile land. It also details that where significant development of agricultural land is demonstrated to be necessary Local Planning Authorities should seek to use areas of poorer quality land in preference to that of higher quality.

It has been established earlier in the report where the principle of the development was set out that an alternative site assessment was undertaken by the applicant and that within this assessment a number of sites, including some suggested in objection letters submitted on the application, were indicated as having potential. Of those within the built up area, all were found not to be feasible options for a variety of reasons while of those in the countryside, were not viable as a result of existing permissions in place and where the sites availability for the proposed solar development would not be capable without impact on other areas such as housing and employment on land forming part of both approved Gateway and Mast site developments. Resultantly, the only land capable of accommodating the proposal is the land covered by this planning application.

As part of the submission an appraisal of the quality of the agricultural land was made, setting out and concluding that it fell within Category 3B – outside of the best and most versatile groups 1, 2 and 3A.

Within a number of the objections made, attention was drawn to the assessment having included a number of areas falling within Category 3A. Previous farmers of the land also highlighted that the land was amongst the best quality land in the area and being very productive.

An initial assessment of the development with regards to the ability of the land to continue to be farmed was undertaken by Rhodes Rural Planning, the Council's agricultural affairs advisor, who commented that further information was required. This additional information was duly submitted and assessed with Rhodes Rural Planning commenting that while satisfied that the land could continue to be used for grazing purposes, a detailed assessment of the land quality should be undertaken by a specialist consultant to establish the factual position based on the submitted information.

This detailed assessment was duly undertaken by Reading Agricultural Consultations. Within their first comments they highlighted that from the 11 fields surveys across the site undertaken one profile would be Grade 2; one profile would be Subgrade 3a; two profiles are borderline Subgrade 3a and 3b; and seven profiles are Subgrade 3b. The expectation would be that approximately two-thirds of the site would be classified as moderate quality Subgrade 3b, with the remainder in higher grades. However, the absence of a plan showing the location of profile observations and the limited density of sampling prevents any further comment on whether the remaining land forms coherent map units within the site. In summary, whilst the evidence is that

the site is likely to be classified as predominantly Subgrade 3b, the inconsistent profile descriptions in Appendix 1 of the Adams Land Management (ALM) report, the low density of sampling undertaken (and the absence of a soil pit), and the absence of a plan indicating the location of observations mean that the results of the ALM survey cannot be validated.

Based upon these comments the applicants agricultural consultant provided further information / comment seeking to clarify the points raised. The subsequent consideration and assessment of these by Readings Agricultural on behalf of the Council commented that their reviews of the agricultural land classification report concluded that the evidence showed that the site is likely to be classified as predominantly Subgrade 3b but there were some uncertainties remaining due to the inconsistent soil profile descriptions in Appendix 1 of the report, the low density of sampling undertaken (and the absence of a soil pit) and the absence of a plan indicating the location of observations. Based on the additional information provided, including a plan showing the location of auger pits and soil pits as well as an observational plan, were helpful because they demonstrates that the occurrence of the two profiles that are definitely classified as best and most versatile land are isolated and do not – and cannot - form a coherent map unit. It is normal practice in constructing agricultural land classification maps to identify a mapped unit where there are two or more contiguous observations of the same grade – single profiles of a different grade to the surrounding predominant grade are not normally mapped because there is no certainty that they are representative of land quality in that location. Therefore, on the basis of the observations that have been made and the results found, the applicant agricultural consultant was correct to have mapped the entire site as Subgrade 3b. in terms of the density of sampling undertaken, based on the clarification provided in terms of site surveys including soil pits and auger observations, the applicants agricultural consultants have made 14 profile observations in a 24ha site, which is an average of one per 1.7ha. The additional comments provided by the agents in March 2015 explain that:

“The survey carried out was based a reconnaissance scale only. Although the normal intensity for this type of survey is 1 boring per 5 hectares, additional borings and soil pits were included to reflect the range of land found. The survey was carried out at this scale as this intensity is considered sufficiently detailed for the type of development that is proposed on the site. Based on long term land use considerations, the installation of solar panels would be regarded as reversible, that is, if the site was required for the growing of food or non-food crops in the future.”

The applicants consultants, Adams Land Management, therefore accept that the survey was a reconnaissance level – and their latest response accepts that the survey was not carried out at a detailed scale (i.e. at one per ha). Whilst they are correct that there is no requirement to carry out an Agricultural Land Classification survey at a detailed level, there is also no guidance as to when it is appropriate to carry out a reconnaissance rather than a detailed ALC survey. The only clue in Natural England’s TIN049 is that “ALC field surveys are usually time consuming and should be initiated well in advance of planning decisions”. Nevertheless, it is clear that Adams Land Management on behalf of the applicant did not see the need to return to the site to increase the density of observation when asked for additional comments in March which clearly would have been an option available to them. The question posed by Natural England’s TIN049 is whether there is sufficient detailed site-specific agricultural land classification data available to inform the local planning authority’s decision making. The Council’s consultant considered that, despite the deficiencies identified in the initial review, the agricultural land classification information that has been provided and that is also available from the Ministry for Agriculture, Farming and Fisheries for a nearby site on identical soils is sufficient to demonstrate that the site is classified as predominantly Subgrade 3b, and does not comprise the best and most versatile agricultural land.

In summary therefore on agricultural matters Officers are satisfied that for the duration the proposed arrays would be in situ the land itself would be capable of use for agricultural grazing

purposes. Officers are also satisfied that while there are pockets of land within the site as a whole that fall within the agricultural land quality classification to be protected, these are limited with the overall land quality falling within Grade 3b. Therefore the use of the land for the purposes proposed would not unduly impact upon the agricultural land on which it would be located.

Highway and Parking;

Access to and from the proposal would be via an existing field access point on the A5 trunk road. As part of the proposal, the access point would be altered to enable suitable access arrangements are provided for vehicles whilst the proposal would be implemented and subsequently removed.

Following an initial direction from Highways England not to approve until further information / amendments had been undertaken and provided. Further investigative works were undertaken and submitted along with amended access / egress plans. Based on these documents Highways England removed their direction and have now commented that they have no issues with the access arrangements and it can be approved subject to a condition.

Warwickshire County Council has no objections to the proposal.

The amended plans provided show the existing vehicular access off and onto the A5 trunk road widened and arranged so that entry may only occur when approaching the site from the Gibbet Hill roundabout to the east (A5 and A426 roundabout) while egress is onto the A5 in the direction of Magna Park and Hinckley.

Within the area of the site at the site entrance, an Y-shaped turning area will be provided of sufficient size where vehicles can turn in order to ensure entry to and exit from the site in a forward gear. It is also of sufficient size to enable vehicles to park while the arrays are being installed and then removed, whilst also enabling vehicles used when maintenance of the site is taking place. Its arrangement is considered to be the appropriate and most effective in order to avoid the substantial expanse of hard surfaced turning and manoeuvring that would be the case with a circular or similar shaped turning area.

Vehicular movement around the site will be via the use of a strip of land running around the central hedging that will remain grassed as is the case at present with existing openings between the fields being utilised. Such an arrangement is considered by officers to be appropriate due to it utilising existing arrangements and openings and minimising impacts not only on the visual amenity but on ecology as well that utilise the existing grassed and hedgerow areas.

Overall therefore it complies with the provisions of the NPPF as well as Core Strategy policy 16.

Ecology;

Section 9 of the Environmental Statement submitted relates to ecological matters. This has been assessed by Warwickshire County Council Ecology Unit along with the various Agricultural Land Management reports provided as well as ecological sections of other documents including both the Planning Statement and the Design and Access Statement.

The provisions of Saved Local Plan policy E6 and the NPPF are relevant. Saved policy E6 details that the Council will seek to safeguard, maintain and enhance features of ecological importance with developers being required to take measures in the development process to prevent disturbance to wildlife while making provision of the protection and subsequent retention of natural features. It also states that where loss of habitat is unavoidable adequate mitigation measures should be undertaken and only when this is not possible should adequate compensation measures be implemented. Within the NPPF, Section 11 relates to conserving

and enhancing the natural environment with paragraph 109 stating that, amongst other things, the planning system should contribute to and enhance the natural and local environment through minimising impacts on biodiversity and providing net gains where possible contributing to the decline in biodiversity. It also details that in determining planning applications Local Planning Authorities should aim to conserve or enhance biodiversity through a variety of means.

Natural England has commented no objections to the proposal.

Warwickshire County Council Ecology Unit were consulted on the application, commenting that they have read through the various documents including the Agricultural Land Management Strategy Report dated February 2015 that states that following construction, the site will be seeded with a grassland seed mix suitable for grazing and this is anticipated to be a high yielding mix. They continue by indicating that it has also been noted that Section 4.3 of the Phase 1 Habitat Survey report states that "an appropriate native species rich grassland mix for grazing will be seeded under the arrays for the sites retention as farmland". Having undertaken a rapid Biodiversity Impact Assessment based on the proposed creation of 2ha of good quality lowland meadow habitat they largely agree with the conclusions drawn within the Phase 1 Habitat Survey report that the proposals will result in an overall biodiversity gain. However looking at the Landscape Proposals map, it is not completely clear where the areas of species-rich grassland will be created within the site, and recommend that this is clarified in order to ensure that the proposals will result in no net loss of biodiversity. They also recommend that the grassland management regime for the species rich grassland areas is provided by the applicant (i.e. a description of how the areas will be created and managed) in order to clarify how the areas of wildflower grassland will be managed appropriately as areas of value for biodiversity in comparison to the grazed areas which will be seeded with a high yielding grazing mix and are anticipated to be of generally low ecological value.

In respect of the clarification of where the species rich grassland is to be sited, this can be covered by pre-commencement condition as can the grassland management regime for the species rich grassland to be created.

Due to the extensive dialogue with Highways England, Historic England and the Rugby Borough Council Landscape Officer in respect of highway and heritage matters, amended plans showing enhanced landscaping on-site has been provided and re-consulted on. In respect of these they have commented that while their previous comments remain in respect of the species rich grassland, they welcome the updated landscaping plans including the proposed native hedgerow tree planting including within hedgerows to the south-west. The additional tree planting will be of a positive benefit for biodiversity and enhance habitat connectivity within the local area, in line with one of the aims of the NPPF.

Significant and substantial landscaping enhancements are incorporated within the proposal that will result in beneficial ecological gains in the area. The means of construction of the development is such that the metal frame work to support the arrays will be pile driven into the ground thus avoiding substantial quantities of concrete or similar covering an area that would likely result in the loss of ecological habitat. The benefits of the proposal in ecological terms have, as detailed in the preceding 3 paragraphs, been accepted by WCC Ecology subject to the proviso that further details are required and which can, in the opinion of Officers, be dealt with by way of pre-commencement conditions so ensuring the ecological gain are done so in a structured manner.

The proposal will be for a period of 25 years from the point at which it becomes operational with their being works associated with it prior to it being operational and post 25 year period while the proposal and associated items are installed and then removed. Although the 25 year period proposed to be operational is beyond that within the normal confines of temporary, the landscaping proposed can be conditioned to be provided prior to the proposal becoming

operational and will remain in place following the removal of the arrays and infrastructure at the end of the 25 year period. This longevity of the landscaping over the development will, in Officers opinion, contribute to an improvement in the ecological functioning and abilities of the site and area in addition to the benefits of the proposal in electricity production that shows it will provide significant benefits. As such it complies with the provisions of both the NPPF and saved local plan policy E6 with regards to biodiversity.

Design, Appearance, Site Layout, Landscaping and Amenity;

Section 7 of the NPPF relates specifically to the requirement for good design as being a key aspect of sustainable development indivisible from planning that should contribute positively to making places better for people (para 56). It is also set out that developments should function well adding to the overall quality of the area for the lifetime of the development, responding to local character and history while also being visually attractive due to good architecture and appropriate landscaping (para 58). Developments should also address connections between people and places and the integration of new developments into the natural, built and historic environments (para 61). Paragraph 64 details that planning permission should be refused for developments due to poor design failing to take advantage of opportunities for improving the character and quality of an area including the way it functions, while paragraph 65 sets out the permission shouldn't be refused for buildings or infrastructure that promote high levels of sustainability due to concerns over incompatibility with an existing townscape if they have been mitigated by good design unless the concern relates to a designated heritage asset with the impact causing harm to the asset or its setting that is not outweighed by the economy, social and environmental benefits.

Section 11 of the NPPF addresses the conservation and enhancement of the natural environment with paragraph 109 setting out that the planning system should contribute to and enhance natural and local environment through a number of means including protecting and enhancing valued landscapes and soils as well as recognising the wider benefits of ecosystems and minimising impacts on biodiversity. It also sets out guidance in respect of maintaining the character, protection and enhancements of landscaping.

At a local level, the provisions of policy CS16 are relevant. It requires all development demonstrate high quality, inclusive and sustainable design of a scale, density and design that would not cause material harm to the quality, character or amenity of the area where they are situated. Additionally, it also details new development safeguard amenities including neighbouring occupiers while seeking to compliment, enhance and utilise the historic environment and must not have a significant impact on existing heritage assets and their settings.

In 2006 Warwickshire County Council published a document entitled 'Landscape Assessment of the Borough of Rugby – Sensitivity and Condition Study'. As its name suggests, it looks at a broad scale landscape assessment and sensitivity analysis of the Borough looking at the countryside around the urban fringe of Rugby itself. Based upon the contents of this document the site is located in an area highlighted as being moderate to low fragility in a landscape characterised as High Cross Plateau for village farmlands of moderate to low visibility and moderate sensitivity. The High Cross Plateau is detailed as being sparsely populated and characterised by wide rolling ridges and valleys belonging to the south western section of the Leicestershire Wolds with this rolling plateau being dissected by streams forming deep but poorly defined valleys separated by broad round ridges. Two major Roman roads cross the site: namely Watling Street and Fosse Way; with the physical nature of the area and historical development having had strong influence on the character of the landscape as reflected in the pattern of large fields, nucleated settlement pattern and the strong impression of "emptiness" in many areas due to the early enclosure of

the agricultural area. the area is also identified as a primarily agricultural area with valuable habitats.

The site will be surrounded by a mixture of post and rail gates 4.1m in width and stock-proof fencing attached to timber posts at 3m centres, all of which will be 2m in height which will provide the site boundary treatment. A number of the posts around the site will be 2.2m in height above ground level to facilitate the provision of a CCTV camera above it to enable site monitoring and security. With regards to the materials to be used as well as their design, appearance, massing and proportions, that proposed for the site boundary treatment is not dissimilar from site boundary treatments on agricultural land in the immediate area as well as the Borough so is considered by Officers to be appropriate. While the proposed height is greater than that normally found its height is not considered to be unduly large to adversely impact on the character or appearance of the locality as a result of its design, appearance and materials which are acceptable as already stated.

A number of buildings are proposed as part of the development in the form of 6 electrical cabinets (1 on each field), one storage cabinet, one customer substation and one DNO substation. Correspondence with the agent has indicated that the DNO substation will, should the application be approved, be constructed by the energy provider as permitted development, so whilst shown on the submitted plans is not formally part of the consideration here.

Submitted plans in respect of the electrical cabinets, storage cabinet and customer substation show they will each measure 2.44m wide by 6m deep with a height of 3.2m while being sited on a concrete base marginally larger than the cabinets. Each will have a metal shipping container appearance and be constructed of metal. It is accepted that these buildings are required in association with the proposed solar farm in order to facilitate the conversion of the solar rays to electricity and its subsequent access to the grid. However, as proposed the external appearance is out of keeping with the character, appearance and visual amenity of the locality due to it having been constructed of metal and its corrugated appearance. While unacceptable in this form, it is considered that a condition could be attached to any approval requiring it be clad in an alternative finish such as timber that would be more appropriate visually in the locality so that its detrimental impact is overcome. This would allow the metal means of construction to still afford the security necessary given their use in the process of solar energy production while providing a more aesthetic appearance in the area that would result in these elements of the proposal complying with the provisions of policy CS16.

As proposed, the panels will be arranged running east-west and facing south to ensure the proposal can benefit from the sun in the generation of electricity as required. The panels will be attached to frames piled into the ground with each frame having 2 rows of panels adjacent and parallel to each other running along the length of the frame which will vary in length depending upon where within the site it is located. At their highest point, the top of the array panel when positioned on the frame will be a maximum of 2.3m above ground level. Each individual panel measures 1.65m in length and 0.99m in width. There will be a distance of between 3.8m and 5.6m between the rear edge of one array and the front edge of the array immediately behind it with the distance varying depending on the slope of the ground. Their arrangement within each field has been orchestrated and set out to position the various elements of the scheme in a manner allowing the process to operate while also being positioned sufficiently far away from existing features such as hedging, trees and existing access points enabling their retention and in the case of field access points, use for vehicles. It has also been laid out in a manner allowing existing gaps in the outer most field boundaries to have additional landscaping planted to provide additional screening adjacent to the proposed development. This layout is considered to be an efficient, effective and respectful arrangement that will, due to its positioning off existing field boundaries and

proposed additional planting, allow the proposal to be implemented and operate with reduced impact visually within the area.

The design, appearance and size of the panels themselves as proposed are established as a result of their means of production in order to achieve the function of enabling the generation of electricity. They are considered to be acceptable in their individual appearance. Each individual panel will be attached to the frames which, running east-west, will be piled into the ground in order to minimise the amount of ground works to be done while also retaining a maximum amount of grassed ground area able to be used for agricultural purposes. Officers consider that this method of installing the frames to which the solar panels will be attached as the best and most effective means due to the minimal amount of work required to the ground resulting in a much reduced ground impact at the end of the development's life when the panels and arrays are removed from the site.

Individually the solar panels would not pose any impact upon the character and appearance of the countryside. Collectively, the size of the application site, number of panels involved in the proposal as well as the buildings associated with the scheme area such that from certain vantage points, elements of the development will be visible. This collective size, bulk, massing and nature of the arrays as well as the buildings to be associated with the development are considered by officers to have an impact on the character, appearance and visual amenity of the area due to the prevailing character of the area as set out in the Warwickshire County Council 'Landscape Assessment of the Borough of Rugby – Sensitivity and Condition Study' as well as the way in which ground levels in the area rise and fall. There is therefore a need to weigh this impact against the benefits of the proposal.

The main areas where views of the proposal will be visible are from the A5 trunk road, limited sections of the A426 and limited sections of Lutterworth Road which leads into Churchover from the A426. Views from these roads are predominantly through gaps in the existing site boundary hedgerows and field accesses. There are direct views into the site from the A5 to the north of the site access and east of Black Spinney as a result of the road being positioned above field level in sections as well as the slope of the A5 at this point.

Within the proposal and as a result of the dialogue between the agent, officers and Historic England, significant amount of new planting is proposed through the amended plans that have taken the level of planting to substantially above that originally proposed. These amended and improved landscaping proposals will see the existing gaps in the hedgerow filled with native planting, whilst also result in the planting of trees in a number of strategic positions. The effect of this landscaping will serve to provide a number of functions. In the immediate term it will serve to reduce the visibility of the proposal from certain vantage points while also contributing to the enhancement of the area and reinstatement of what are likely to historic field pattern arrangements. It is accepted that the landscaping will take a period of time to establish in the area but will, through its establishment and growth, result in the medium and long term enhancement in terms of visual and ecological amenities as well as contribute to the enhancement of the setting of both the Churchover Conservation Area and Trinity Church as a Grade II* listed building. These beneficial enhancements to the area are points acknowledged and accepted by Historic England, the independent heritage consultants, WCC Ecology and the Rugby Borough Council landscape officer. Whilst Historic England are correct in that an element of the proposal will still be visible from the A5 and seen in the context of the Grade II* listed building, the landscaping proposed has substantially reduced the visual prominence of the proposal in the area while contributing to significant enhancements in a range of other areas. When these gains are taken into account with the facts that the proposal will contribute to the provision of renewable energy, will be for a period of 25 years, complies with sustainable development as per the NPPF provisions and would not substantially impact on heritage assets, there are substantial gains

which in the opinion of officers outweigh the visual impact which has been reduced from the originally submitted situation through the provision of the amended plans.

It would not impact upon residential amenity.

Other matters:

The submission details the proposal would be a period of 25 years with this time period relating to the collection of energy to be fed into the grid. Officers consider that any permission should enable the proposal to fulfil its intended function for a period of 25 years while allowing time for the installation and removal of the development from the site. On this basis it is considered that conditions should be attached requiring the development be commenced within 3 years from the date of any permission, be for a period of 25 years from the date at which it is operational with a requirement that the developer provides written confirmation of the date this occurs, and be removed from site within a specified time period following the end of the 25 year time frame.

With regards to the access arrangements to the site, Highways England has commented that they are happy with the amended access plans submitted only requesting one condition that it be implemented in accordance with them. Officers consider that due to the level of equipment to be delivered to the site for its implementation and then subsequently removed after the 25 year period has passed, a condition requiring the submission of a document including plan pertaining to routing of vehicles for delivery and removal of equipment be submitted. A request for such an arrangement has been made by Leicestershire County Council in their consultee response. Such a condition would be appropriate in order to ensure the arrangements are acceptable.

A significant number of objections have been submitted in respect of the application at various stages. While the consideration above, in the opinion of officers, addresses those raised the following points should be noted.

In respect of objections pertaining to food production, while the site itself will not be available for crop production while the development is in place, the land will remain capable of use by livestock purposes that could contribute to food production. Furthermore, given the proposal is for a temporary period, it would revert to being able to be used for arable purposes following the removal of the proposal. As such, the site would have the potential to provide both electricity and food while the proposal is in place before being fully available for arable purposes upon the removal of the development.

It has been considered through the assessment that while the development could be accommodated on existing and proposed rooftops, it cannot readily be in this instance as set out in the sequential assessment. In respect of the existing gas distribution facility close by, each application is considered on its own merits and in this instance the existence of the gas facility is not sufficient in its own right to justify a refusal with the same being the case of strong local opposition to large scale developments in the area. Discussions with Environmental Health officers have indicated that they are of the opinion the proposal would not pose unacceptable impacts as a result of lighting or light reflection associated with the proposal while the proposed means of installation would not impact upon drainage. Whilst local residents may have voted against the proposal at a meeting over the proposal, this does not in itself provide a material planning reason or reasons for refusal. The proposals provision here would cover an area of land but it would not stop its use for agricultural grazing purposes, would be removed when the 25 year period has finished, result in improved landscaping and ecological enhancements and is situated to the east of Churchover as opposed to the north by north-east where Magna Park is situated. Concerns over impacts of the proposal on property values are not a material planning consideration that can be taken into account. Warwickshire County Council Archaeology team have

commented that they have no objections to the proposal subject to a condition indicating they are satisfied that the proposal would not impact on archaeology in ways that if identified through the condition, cannot be addressed through mitigation. The development would not change the use of the land from being green field to brownfield.

ASWAR (Against Subsidised Windfarms Around Rugby) have submitted a number of letters on the proposal objecting on various grounds while also providing numerous different appeal decisions and Court judgements. With regards to the various appeal decisions and Court judgements provided, their contents have been noted by officers and relevant points taken into account in the consideration of this application. However, each application is considered and determined on its own merits. In respect of objections made relating to the height of the fencing and lighting, it should be noted that the maximum height will be 2.2m high above ground level with this height including any lighting and CCTV cameras with the existing hedging around the site as well as surrounding area varying between approximately 1.2m and 3m so the height of the proposed fencing is considered acceptable in that context and given that it is of a design and appearance appropriate with this countryside location.

Conclusion:

In conclusion, the principle of the development is considered acceptable due to the site's location in the countryside, outside of the Green Belt where tighter restrictions exist, and in accordance with the provisions of the NPPF and local policy. The scale and location of the proposal will result in it having both a visual impact on the area as well as an impact upon the setting of a heritage asset in the form of Trinity Church, a Grade II* listed building. However, following a detailed assessment of the proposal the visual impact has been reduced significantly due to the substantial improvements to the landscaping proposed as part of the development across not only the application site itself, but an area beyond including the planting of additional trees and both the strengthening of and filling in of gaps in the existing hedgerow. This additional landscaping has, as acknowledged by Historic England and notwithstanding their objections to the proposal, also reduced the impact on the listed building within Churchover that is visible from the surrounding area. The assessment of the proposal in relation to heritage matters has, as set out, concluded that while the proposal does have an impact it is less than substantial.

The proposal will however allow for the production of renewable energy, comply with sustainable development as per the provisions of the NPPF, improve the visual appearance of the area including the setting of both the Churchover Conservation Area and Grade II* Listed Building through the additional planting to be provided across the majority of the site and enhance the ecological environment. Furthermore, access to the development is acceptable as a result of the amended plans provided while the proposal will not impact on archaeology and enable the fields to continue to be used for agricultural purposes in the form of grazing. The use of the land for the proposed period of 25 years is appropriate, will not result in the land being considered previously developed and when removed will ensure the land is fully reverted to agricultural purposes for a continuation for grazing purposes or arable production.

On balance therefore officers consider that while the proposal will result in an impact on both the visual amenity of the area as well as the setting of Trinity Church as a Grade II* listed building, the harm has been reduced through the amended landscaping plans. This reduction in harm when taken into account with the benefits of the proposal, result in the proposal being considered, on balance, to be acceptable.

It is therefore recommended that the application be approved subject to conditions.

Recommendation;

Recommend approval subject to referral to the National Casework Unit.

DRAFT DECISION

APPLICATION NUMBER

R13/1401

DATE VALID

04/11/2014

ADDRESS OF DEVELOPMENT

ADJACENT TO A5
FIELDS SOUTH OF BLACK SPINNEY
WATLING STREET
CHURCHOVER
RUGBY

APPLICANT/AGENT

Mr Mark Westcott
Aecom
6 - 8 Greencoat Place
London
SW1P 1PL
On behalf of Mr Hugh Brennan, Hive Energy
Ltd

APPLICATION DESCRIPTION

Provision of a ground mounted solar PV park of up to 12MWp comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTV poles and cameras, access tracks and a new highway junction.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2;

The development hereby permitted shall be for a period of 25 years commencing from the date the operational use of the solar panels for the generation of electricity commences after which time all equipment and infrastructure shall be removed and the land reinstated to its original agricultural land use.

REASON;

To restrict the development to a temporary period of 25 years as sought in accordance with the submitted details

CONDITION 3;

Within 10 working days of the development approved commencing for the generation of electricity, the applicant / developer shall notify the Local Planning Authority in writing of the first date on which electricity is first generated.

REASON;

To ensure a written record exists of the date when the operational use of the development commenced in order to establish the start and end dates of the temporary 25 year temporary permission as specified in Condition 2.

CONDITiON 4;

Prior to the development commencing, a scheme for the implementation of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON;

To ensure the implementation of the development approved will not impact upon the area.

CONDITiON 5;

Within 6 months of the development approved commencing for electricity generation, a scheme of works for the removal of the development from the site at the end of the temporary period shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include;

- a) A programme of works;
- b) A method statement for the decommissioning and dismantling of all equipment and surfacing on-site;
- c) Details of any items to be retained on site;
- d) A method statement for restoring the land to agriculture;
- e) Timescales for decommissioning, removal and reinstatement of the land;
- f) A method statement for the appropriate disposal / recycling of redundant equipment / structures; and
- g) Provision for the review of the scheme as necessary.

REASON;

The works are expected to have a limited life, permission has been sought for a limited period, any adverse effect on agricultural production would be for a limited period and to ensure the removal of all items associated with the development on the site.

CONDITiON 6;

Prior to the development approved commencing, full details of external cladding to all approved buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved cladding attached to the buildings prior to the solar panels being operational and thereafter retained for the duration of the temporary approval.

REASON;

To ensure the visual appearance of all buildings on the site are acceptable to minimise visual impact.

CONDITION 7;

No phase of development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological trial trenching has been 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 is to be undertaken. A report detailing the results of this fieldwork is to 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. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

REASON;

To ensure the further satisfactory assessment and consideration of archaeological matters including where necessary appropriate mitigation is undertaken.

CONDITION 8;

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;

To ensure an accurate account of items identified through Condition 7 are provided and retained.

CONDITION 9;

Before the development hereby approved commences a Grassland Management Regime for the species rich grassland to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON;

To ensure appropriate measures are in place to satisfactorily manage the rich species grassland area forming part of the approved development in the interests of amenity and habitat.

CONDITION 10;

Prior to the development hereby permitted commencing, an additional dated landscaping plan showing the exact location of the species rich grassland shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON;

For the avoidance of doubt.

CONDITION 11;

No works shall take place until an arboricultural method statement/tree protection plan (BS5837:2012 - Trees in relation design demolition and construction: Recommendations) for the protection of all of the retained trees/hedges on site has been agreed in writing with the Local Planning Authority. The development shall take place in accordance with the approved details.

REASON:

To protect adjacent trees during the construction phase

CONDITION 12;

No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

REASON:

To enhance the continuity of existing tree stock.

CONDITION 13:

The landscaping scheme, as detailed on the approved plans and taking account of Condition 10 above, 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 variations.

REASON:

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

CONDITION 14:

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

URS Volume 1 Environmental Statement Main Text report dated October 2014,

URS Volume 2 Figures document dated July 2014, URS Volume 3 Appendices document dated July 2014, Volume 4 Environmental Statement Non-Technical Summary dated October 2014, agents letter dated 31st October 2014, Design and Access Statement dated October 2014, Planning Statement dated October 2014, Statement of Community Involvement report dated October 2014, the Agricultural Land Classification Report dated 3rd February 2014 written by Adams Land Management, drawing entitled Customer Substation / Storage Room numbered SKD393 and dated 9th July 2014, drawing unnumbered but numbered SKD393 and dated 9th July 2014, drawing entitled Site Layout Plsn numbered SKD393 Rev D and dated 9th July 2014, drawing entitled Fence under drawing number SKD393 dated 9th July 2014, drawing entitled Electrical Cabinet numbered SKD393 and dated 9th July 2014 and drawing entitled CCTV numbered SKD393 and dated 9th July 2014.

AECOM Town Planning Agricultural Land Management Strategy Report dated February 2015, AECOM Transportation Stage 1 Road Safety Audit dated February 2015, agent response to local representation dated 24th February 2015 and AECOM School Farm Design Compliance Report numbered 47069507 dated February 2015 submitted to and received by the Local Planning Authority on 24th February 2015;

AECOM Town Planning Alternative Site Assessment Report dated March 2015 submitted to and received by the Local Planning Authority on 20th March 2015;

AECOM Transportation Stage 1 Road Safety Audit response dated February 2015, AECOM School Farm Design Compliance Report numbered 47069507 dated June 2015, response to Highway Englands further comments, URS Appendix 7-1: Transport Report dated July 2014 and drawings numbered SCHO-URS-ZO-DR-CE-00100 Rev B titled Proposed Layout Access and SCHO-URS-ZO-DR-CE-00101 Rev A both dated 15th June 2015 submitted to and received by the Local Planning Authority on 22nd June 2015

Agricultural Land Classification response letter dated 7th September 2015 by Adams Land Management Ltd, Natural England Technical Information Note TIN049, and Agricultural Land Classification Additional Comment report by Adams Land Management Ltd dated 30th March 2015 all submitted to and received by the Local Planning Authority on 7th September 2015;

Amended Application Forms, amended drawing numbered SCH/SLP/100 Rev 2 dated 21st October 2015, amended Site Layout Plan drawing numbered 47069507/GA/001 dated 22 October 2015, amended drawing numbered 47069507_LA-001 Rev D entitled Proposed Additional Landscape Proposals dated 21 October 2015 and agent letter dated 22nd October 2015 submitted to and received by the Local Planning Authority on 22nd October 2015

Drawing numbered 47069507_LA_002 titled Proposed Landscape Scheme dated November 2015 submitted to and received by the Local Planning Authority on 26th November 2015;

REASON:

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

CONDITION 15;

Prior to the development hereby approved commencing, full and precise details of the sub-stations to be used as well as all other associated plant (including noise data) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved detail.

REASON;

In the interests of amenity and noise protection.

CONDITION 16;

No Development shall take place until an Environment and Species Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Surveys at appropriate periods by an agreed expert to determine the possible presence of great crested newt;
- b) An appropriate scale plan showing the 'Environment Protection Zones' where any construction activities are restricted and where protective measures will be installed or implemented;
- c) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- e) Persons responsible for i) Compliance with legal consents relating to nature conservation; ii) Compliance with planning conditions relating to nature conservation; iii) Installation of physical protection measures during construction; iv) Implementation of sensitive working practices during construction; v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction; and vi) Provision of training and information about the importance of 'Environment Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

REASON:

To protect features of recognised nature conservation and/or landscape importance.

CONDITION 17;

No development shall take place until full details of a habitat creation/restoration scheme have been submitted to and approved in writing by the planning authority and these works shall be carried out as approved. The details shall include:

- i) Purpose, aims and objectives for the scheme;
- ii) A review of the site's ecological potential and any constraints;
- iii) Description of target habitats and range of species appropriate to the site;
- iv) Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
- v) Selection of specific techniques and practices for establishing vegetation;
- vi) Sources of habitat materials (e.g. plant stock) or species individuals;

- vii) Method statement for site preparation and establishment of target features;
- viii) Extent and location of proposed works;
- ix) Aftercare and long term management;
- x) The personnel responsible for the work;
- xi) Timing of works;
- xii) Monitoring;
- xiii) Disposal of wastes arising from the works.

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the planning authority. The works shall be carried out in accordance with the programme agreed with the Local Planning Authority.

REASON:

To protect features of recognised nature conservation and/or landscape importance and ensure a no net loss to biodiversity.

CONDITION 18;

Prior to any works on the development hereby approved commencing a Routing Strategy associated with the construction and removal of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON;

In the interest of highway safety and to ensure no adverse or detrimental impact on road users and or pedestrians as a result of the route taken by vehicles associated with the construction and removal of the development permitted.

CONDITION 19:

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.

ENVIRONMENTAL STATEMENT:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1;

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with Highways England's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk.

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not

Highways England Formal Recommendation letter to LPA: v.2 JULY 2015

affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

INFORMATIVE 2:

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.

Reference number: R15/2068

Site address: Yew Tree House, 34 Brookside, Stretton-on-Dunsmore, Rugby

Description: Conversion and external alterations of existing outbuildings to form 2no. dwellings, together with the construction of an additional dwelling house, erection of a double garage and provision of new access.

Case Officer Name & Number: Nathan Lowde 01788 533725

This application is to be determined by members of the planning committee at the request of Cllr Howard Roberts.

Description of Site

The application site is within the defined settlement boundary of Stretton-on-Dunsmore. Stretton-on-Dunsmore is located towards the east of the Rugby Urban Area and is designated within the Core Strategy as a main rural settlement. Stretton-on-Dunsmore has a Conservation Area which occupies approximately one fifth of the village and includes the application site, which is located towards the eastern boundary.

Yew Tree House is an attractive, timber-framed, period farmhouse, set within a large garden area. The dwelling stands to the rear (south east) of the Oak and Black Dog public house. There are a number of outbuildings within the site which includes two large distinct outbuildings located along the southern boundary of the site. These are referred to on the drawings submitted as 'existing stables' and 'existing barn'. Both the dwelling house and outbuilding are identified within the Stretton-on-Dunsmore as being important unlisted buildings, and whilst not listed, are of historical and architectural interest. It is understood from information contained within the 'Stretton on Dunsmore History Society', that this farmhouse dates back to the 16th Century.

The site is situated on the south side of the Brookside at the corner with School Lane and is currently accessed from Brookside via a driveway that runs beside the Oak and Black Dog public house. There is also a secondary access off Knob Hill, however, this appears to be currently not in use. The site slopes up gently from the Brookside entrance to the rear Knob Hill access.

Description of Proposal

The proposal seeks the conservation of two existing outbuildings along southern boundary of the site together with external alterations.

These external alterations include:

- Replacement of all windows and doors with replicas
- Insertion of new windows
- Bricking up of existing opening
- Replacement of fascia board and gutters
- Insertion of conservation rooflight
- Insertion of a 2no. dormer windows

The proposed dwelling will be positioned to the east of the site adjacent to 8 Knob Hill, with access off Knob Hill utilising an existing disused access, which would be upgraded. This proposed dwelling house has been amended with the ridge height reduced. This dwelling house would measure 4.3m to the eaves and 5.7m to the ridge.

The proposal also includes the erection of three double garages. The eaves of the proposed garages would be 2.4m in height and 4.5m to the ridge.

Third Party Comments

On original proposal

Neighbours (Objection 6)

- The scale, massing size, siting, appearance and design of the new dwelling in unsympathetic to existing dwellings
- The new dwelling would be unduly prominent and an obstructive feature within the Conservation Area
- The new dwelling would constitute an unneighbourly form of development upon no. 6 Knob Hill given its close proximity to the boundary resulting in loss of privacy, outlook, overlooking and overbearing
- The proposed access to serve this new dwelling is dangerous with inadequate visibility
- Loss of a sycamore tree within the Conservation Area
- There has never been an access within the area proposed to create vehicular access to serve the dwelling
- Loss of rural appearance
- Impact upon biodiversity
- Construction vehicles will obstruct the flow of traffic along Knob Hill
- On the application form Certificate B should have been served on the County Highway Authority
- The new dwelling would fail to protect and enhance the conservations area, as the new dwelling would be unduly dominant, out of scale with neighbouring properties and the loss of a prominent semi-mature sycamore tree
- May impede neighbours access
- Some of the existing outbuildings along the boundary with 20 Brookside are structurally unsafe and any reconstruction should be done safely and to current building regulations
- Conditions imposed to prevent new windows being formed within the side elevation of the converted barns facing no. 20.
- Bin store needs to be in a different location away from no.20
- Loss of privacy in respect to no. 20 by the new windows proposed.
- Conditions imposed to prohibit the creation of patio areas
- To improve visibility in respect to the existing access off Brookside the wall between the Oak and Black Dog car park and Yew Tree Hall be shortened
- Concerns about the stability of the existing outbuilding adjoining 4 the Paddock
- The construction works involved in the construction of the new dwelling may result in ground subsidence
- The new dwelling would result in loss of light to the rear of 4 the paddocks
-

Neighbours (Support 2)

- It is good that the old agricultural buildings are going to have a new and constructive purpose rather than be left derelict.
- Smaller affordable housing should have been considered
- Obscured glazed windows along the rear elevations of the converted buildings are welcome and these should be non-opening
- The rooflights should be positioned so not to create any overlooking issues
- Details of water run-off needs to be considered

Neighbour (Observation 1)

- Over-development
- Impact upon pedestrians and vehicles using Knob Hill

Parish Council no comments submitted

On Amended Proposal

Neighbours (Objections 5)

- Visibility cannot be achieved
- The amended design with first floor windows set into the roof is unsympathetic in appearance with the area.
- The proposed dwelling not be constructed on the same levels as no. 6 Knob Hill and therefore would be prominent within the streetscene and overbearing on this neighbouring property.
- Whilst the reduced height of the new build is welcome, the property will still be a dominate feature on the skyline in the conservation area when approaching the village down Knob Hill.
- Concerns about the amount of land to be excavated and number of construction vehicles required to remove the soil from the land.
- The new dwelling would have three garages serving it.
-

Technical consultation responses

Warwickshire County Council Highways	no objection subject to conditions
Warwickshire County Council Tree Officer replacement tree	no objection subject to planting of
RBC Tree Officer replacement tree	no objection subject to planting

Relevant planning policies/guidance

Core Strategy

CS1	Development Strategy
CS16	Sustainable Design
CS20	Local Housing Needs

Saved Local Plan Policies

E6	Biodiversity
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National Policy

National Planning Policy Framework (NPPF)
Part 7 – Requiring good design

Other Material Guidance

Planning Obligations SPD – Appendix 2 Parking Standards

Assessment of Proposal

1. Validity of application

A third party has raised concerns about the validity of the application as works are proposed to the highway and certificate B has not been served. It is very common for applications involving residential scheme that highway improvement works are undertaken some relatively minor and some of a more major nature. When applications are approved that require works to the highway the applicant would have to enter into a S184 legal agreement with the highway authority and informatives are attached to any approval informing applicants of this. Because proposed works are to be undertaken on land owned by the highway, applicants are not required to serve notice on the highway authority, as they are a statutory consultee as part of any application involving works to the highway, and therefore are aware of the application. No works can be undertaken to land owned by the highway authority without first entering a legal agreement with them. In this case the Highway Authority and County Tree Officer have been consulted on the application.

2. Principle of development

The application site is located within the settlement boundary of Stretton-on-Dunsmore, which is designed within the Council's Core Strategy as a Main Rural Settlement. Policy CS20 is therefore the most dominant policy in assessing the principle of development.

CS20 states that within a Main Rural Settlement marketing housing will be permitted in line with policy CS1 but any development should seek to deliver any local housing need dwellings before market housing will be permitted.

Stretton-on-Dunsmore has an up to date Housing Needs Settlement dated September 2011, which identified the need for 2 x 2 Bed house – social rented home.

The adopted Core Strategy and Housing Needs SPD contain no guidance on the conversion of existing buildings. Paragraph 17 of the NPPF, encourages the reuse of existing resources, including conversion of existing buildings, and at paragraph 55 allows special circumstance for homes in the countryside where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In light of guidance contained within the NPPF at par. 17 and 55 it is considered that CS20 can no longer be applied to proposals for the conversion of existing buildings to dwellings in Local Needs. As such it is not considered that the proposed conversion would have to contribute towards the identified local need.

A structure survey have been undertaken and submitted as part of this application and concluded that each barn is structurally stable and capable of conversion.

In respect to the new dwelling house given its location within the settlement boundary of Stretton-on-Dunsmore it is considered to be sustainability located. In respect to the small-scale nature of the proposed new dwelling house, it would not be considered financially viable for this dwelling house to meet this identified need.

It is considered that the principle of development is acceptable in accordance with policy CS1 and CS20.

3. Character and appearance

Policy CS16 also refers to the historic environment. It states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant-impact on existing designated and non-designated heritage assets and their settings.

The outbuildings which are proposed to be converted are considered important, unlisted buildings, within the Conservation Area, which are of both historical and architectural importance. These buildings are therefore considered to be non-designated heritage asset. Paragraph 135 states that the effect of an application on the significance of non-designated heritage asset should be taken into account in determining the application.

The Structural Survey submitted with this application has identified a number of structural defects with the buildings. The retention and reuse of these outbuildings are supported, in order to retain the longevity of these important buildings. The external alterations are considered sensitive to the character and appearance of the building and these alterations would ensure that they can be used efficiently for residential purposes.

The reuse of these buildings together with the external works proposed would enhance that character and appearance of these buildings and would also enhance the character and appearance of the Conservation Area.

The proposed new dwelling house would sit within the Conservation Area. Overall the Conservation Area is characterised by an irregular style of architecture. Red brick is the dominant wall material with render also featuring. Roofs are traditionally punctuated by chimneys with roof tile providing a greater variety in colour and profile. The proposed design of the dwelling house would reflect feature within the Conservation Area and therefore would not have an adverse impact upon the character and appearance of the area and the Conservation Area which it is set within. The height of the dwelling has been reduced so that does not exceed the ridge height of the neighbouring dwelling house No. 6 Knob Hill. A condition would be attached to any approval requesting details of proposed and existing level. Concerns have been expressed about the flat roofed dormer windows. There are positioned to the rear of the property and therefore would not be prominent within the streetscene.

The positioning of the dwelling is such that it would be screened to a degree by existing vegetation and the detached garage which serves the neighbouring property and would be viewed in conjunction with this neighbouring property no. 8 Knob Hill.

Therefore the proposal would not appear unduly prominent or intrusive within the streetscene.

4. Highways and parking

The provision of satisfactory car parking facilities is covered by Local Plan saved policy T5 and the standards set out in the Council's Planning Obligations SPD. The site is in a "low access" location. As proposed 4 car parking spaces would be provided for the main dwelling house, together with a further 4 car parking spaces for the 'stable' building and 3 for the 'barn' building. In respect to these converted dwellings each would be 3 bed units, and therefore the level of proposed car parking would comply with the standards outlined within the Council's Planning Obligation SPD which stipulates a minimum requirement of 2 spaces/unit.

In respect to the proposed dwelling house, as indicated on the submitted drawing three car parking spaces, in accordance with the minimum standards, together with adequate turning space will be provided to the front of the proposed dwelling house.

There are two existing accesses into the site, one on Brookside and another on Knob Hill. The access on Brookside is currently only wide enough to allow one-way vehicle movements, which could result in vehicles waiting in the highway whilst another vehicles egresses from the site. On-street parking currently occurs along the nearside of the carriageway, so it is unlikely that a vehicle waiting within the highway would obstruct the flow of traffic, as there is currently sufficient space for vehicles to park on-street and two-way vehicle movements to occur. During pre-application discussions that the applicant had with WCC Highways, it was calculated that the existing agricultural buildings could generate a comparable number of vehicular trips to approximately 2 dwellings. According to the drawings provided, the access on Brookside shall serve the existing dwelling and 2 of the proposed dwellings.

The existing access on Knob Hill is considered to be below standard however, County Highways have confirmed that it has previously been utilised to serve a garage associated to the existing dwelling. According to drawing no. 19/10/14-10 Rev. D, the existing access shall be improved and utilised to serve 1 of the proposed dwellings. Therefore, the response of Warwickshire County Council as the Local Highway Authority to the above application is one of no objection subject to conditions.

In response to third party comments about the existing access the Highway Authority have confirmed that whilst the existing access on Knob Hill has not been used recently, it is nevertheless an existing access which could be re-used at any point. In addition to this as Knob Hill is a 'D' classified road and therefore planning permission would not be required for the formation of a vehicular access onto this road. Visibility splays to the left of the access are below standard however, as indicated in the Highway Authorities response, the access was previously used to serve a single dwelling associated to the existing dwelling, which could generate a comparable number of vehicular trips to the proposed single dwelling.

5. Residential amenity

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties.

New Dwelling House

This new dwelling house would be positioned towards the southern side elevation of 8 Knob Hill and therefore the main consideration in the assessment of this application is impact upon this neighbouring property. The proposed new dwelling would be positioned approximately 1 metre from the boundary with this neighbouring property and would not surpass the front and rear elevation of this neighbouring property. Therefore the proposed would not result in loss of light into the habitable windows within the rear and front elevation of this neighbouring property. The amended dwelling has reduced the height of the dwelling and therefore would not be overbearing upon this neighbouring property.

A first floor window is proposed within the rear elevation of this proposed dwelling house which would serve a bedroom. Whilst it is acknowledged that an element of privacy would be lost to this neighbouring property, this window would not directly overlook this neighbouring property, and therefore this loss of privacy would not be so adverse to constitute a reason for refusal.

The proposed dwelling would be sited 5m from the boundary of the neighbouring property no. 4 The Paddocks and 13m from the rear elevation of this neighbouring property. The rear elevation of this neighbouring property is north facing and therefore the proposal would not impact upon sunlight into the rear garden of this neighbouring property.

Converted Dwellings

Conditions will be attached restricting the insertion of new windows, and for windows along the southern elevation to be obscured glazed, with ground floor windows being top opening only to protect the amenities of neighbouring properties.

Conclusion

It is considered that the proposal would not have an adverse impact upon the amenities of neighbouring properties in accordance with policy CS16.

6. Tree and ecology

Saved policy E6 seeks to ensure that proposed development does not impact upon protected species/habitats.

Accompanying this application is a Nocturnal Bat Survey, Ecological Appraisal, Great Crested Newt Surveys and Arboricultural Constraints Report.

The quality of these trees within the site is generally low. The most significant tree loss is a mature Pagoda tree which rather unusually grows from the footings of the existing derelict building. It appears to be declining and its long term retention is not considered desirable/achievable. The top of the tree is visible from the village centre but is by no means a prominent visual amenity within the conservation area. Similarly other trees will be lost for example Cherry Plum, Hawthorn and fruit trees which are of low arboricultural value with very limited suitable useful life expectancies. Mitigation tree planting is planned.

In order to form a new access onto Knob Hill there will be a requirement to remove an early mature Sycamore tree upwards of 13m in height. This tree is generally in good condition and does offer a degree of visual amenity as viewed from Knob Hill. The Council's Tree Officer has no objection to the removal of this tree. The tree is a County Council owned/managed tree and the county council have agreed in principle that this tree can be removed subject to replacement planting. Planting should be in a public place and not just included with proposed tree planting within the site.

The most significant tree to be retained is a mature Yew adjacent to the existing dwelling. There is no change to the footprint of the existing dwelling but there will be a requirement to have a robust arboricultural method statement/tree protection plan to ensure it and other retained trees on site are not adversely affected during the demolition/development phase. This can be conditioned (as well as the landscape scheme).

WCC Ecologists have assessed the application and considered that the proposal would not have an adverse impact upon protected species/habitats in accordance with saved policy E6.

Recommendation

Approval subject to conditions

APPLICATION NUMBER

R15/2068

DATE VALID

09/06/2016

ADDRESS OF DEVELOPMENT

YEW TREE HALL
34 BROOKSIDE
RUGBY
CV23 9LY

APPLICANT/AGENT

Rachel Mann
47 Styles Close
Leamington Spa
CV31 1LS

APPLICATION DESCRIPTION

Conversion and external alterations of existing outbuildings to form 2no. Dwellings, together with the construction of an additional dwelling house, erection of 3no. double garages and provision of new access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

- Application Form dated 09/06/16
- Structure Report dated June 2015
- Design and Access Statement
- Arboricultural Constraints Report
- Ecological Appraisal 01/04/15
- Nocturnal Bat Survey dated 09/07/15, 23/09/15 and 20/07/16
- Ecological appraisal of pond at 20 Brookside dated 11/08/16
- Great Crested Newt Assessment of pond near to Yew Tree Hall, Stretton on Dunsmore, Rugby dated 01/08/16
- Amended Plans of the New Dwelling received on the 12/07/16
- Amended Site Plan of the New Dwelling received on the 12/07/16
- Amended Drawing 19/10/14-13 REV F
- Drawing number 19/10/14-SP1

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 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

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows, including the reveal depths as well as the type and size of the proposed rooflights, and external doors, in connection with building B shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter be maintained or replaced other than with identical materials and finishes 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: 5

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.

REASON:

In the interest of visual and residential amenity.

CONDITION: 6

No development shall commence unless and until details of all proposed walls, fences and gates 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:

In the interest of visual amenity.

CONDITION: 7

No development shall commence in any phase unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 8

No development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the replacement tree proposed to mitigate the loss of the existing Sycamore Tree. 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 variations.

REASON:

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

CONDITION: 9

An Arboricultural method statement/tree protection plan (BS5837:2012 Trees in relation to design demolition and construction recommendations) must be submitted to the LPA prior to commencement of any works on site which details how all retained trees will be protected from damage during the development phase.

REASON

To protect existing trees

CONDITION: 10

Prior to commencement of development full details of the proposed hybrid heat pump heating/hot water system, and LPG storage containers shall be submitted to and approved by the Local Planning Authority.

REASON

In the interest of visual and residential amenity

CONDITION: 11

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: 12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E, and F 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: 13

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

REASON:

In the interest of residential amenity.

CONDITION: 14

The windows/rooflights shown to be obscured glazed on amended drawing 19/10/14-13 REV F, within elevation 7, shall not be glazed or reglazed other than with obscure glass. The ground floor windows within this elevation shall be top opening only.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 15

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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: 16

The development hereby permitted (including site clearance) shall proceed in accordance with the reasonable avoidance measures for great crested newts as set out in the document Great Crested Newt Assessment of pond near to Yew Tree Hall, Stretton on Dunsmore,

Rugby prepared by Ecolocation dated 1st August 2016 The approved mitigation measures shall be implemented in full.

REASON:

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

CONDITION: 17

The development hereby permitted (including conversion and demolition) shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION: 18

No development shall commence in respect to the conversion and alterations to the existing outbuilding until a full specification of works and a methodology statement has been submitted and approved by the Local Planning Authority.

REASON

In the interest of visual and residential amenity.

CONDITION: 19

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

REASON:

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

CONDITION: 20

The development shall not be occupied until the existing vehicular access to the site on Knob Hill has been widened/remodelled so as to provide an access of not less than 3 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interest of highway safety

CONDITION: 21

The existing access to the site for vehicles on Knob Hill 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.

REASON

In the interest of highway safety

CONDITION: 22

The gradient of the access on Knob Hill for vehicles to the site shall not be steeper than 1 in 12 for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interest of highway safety

CONDITION: 23

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

REASON

In the interest of highway safety

CONDITION: 24

The propose car parking spaces in the garages, shall be provided prior to occupation and shall be retained for the purposes of accommodating vehicles.

REASON

To ensure that sufficient car parking in provided within the site.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE:**HIGHWAYS**

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

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

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

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

INFORMATIVE:

ECOLOGY

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.

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

The applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species or fruit/berry bearing species should be used, preferably of local provenance. Such plants have a far higher value for local wildlife than cultivated, non-native plants. WCC Ecological Services would be happy to provide further advice if required (01926 418060).

Reference number: R16/1625

Site address: Land off Alfred Green Close, Rugby

Description: Erection of 9no.dwellings and associated access.

History:

Alfred Green Close

24050 72/7A/20 Residential development of the whole site. Planning approved
27/09/72

24500 72/11/28 Proposed erection of 32 aged persons flats, Warden's house and
common room, 20 houses, 12 flats, 27 garages and construction of 41
parking spaces. internal walls and fitting WC to create 14 bedrooms.
Planning approved 06/11/72

R75/0114/1885/P The erection of 20 3 bedroom 4 person terraced houses, 12 2
bedroom 3 person flats, and 33 1 bedroom 1 person old people
Category 1 flats together with clubroom and associated car parking
sites and works. Planning approved 04/09/75

Proposal site (rear of 82-90 Dunchurch Road)

R97/0932/21773/OP Use of land for residential development and construction of access
there to from Alfred Green Close Planning refused 23/04/98

**NB – Refused on highway grounds only (note that Alfred Green
Close was not the primary access)**

R98/0611/21773/OP Residential development of private allotments with access off Alfred
Green Planning refused 16/12/98 Appeal dismissed 11/08/99

**NB – Refused on highway grounds only (note that Alfred Green
Close was not the primary access)**

R02/1070/21773/OP Use of land for the erection of a dwelling. Planning refused
19/02/03

**NB – Refused on highway grounds only (note that Alfred Green
Close was not the primary access)**

R05/1228/21773/P Use of land as extension to existing residential curtilage incorporating
vehicle parking and manoeuvring and erection of a 2.4m high fence.
Planning approved 21/12/05

Proposal:

This application is brought before the Planning Committee for consideration at the request of
Councillor Sandison, Councillor Roodhouse and Councillor Mrs Roodhouse.

The applicant seeks planning permission to develop the site for residential purposes,
erecting 9no. 2.5 storey town houses together with associated access and vehicle turning
areas. Access is to be via Alfred Green Close.

Setting:

Alfred Green Close is a residential cul-de-sac located within the urban area of Rugby, close to the Town Centre and the Primary Shopping Area. It lies outside the Town Centre Conservation Area.

Development of Alfred Green Close has comprised the erection of two storey terraced houses, three storey apartment blocks, a community centre and provision of designated parking areas. A further residential cul-de-sac branches off Alfred Green Close (Brookside Close).

The development site itself lies to the West of properties on Dunchurch Road. These properties are large two storey dwellings, some of which have rooms at second floor level (not loft conversions). Between these properties and the site are garages serving the properties. These include garages used by the applicant as well as a vehicle parking and turning area (see planning history above). These are accessed via a private access road off Dunchurch Road. This access road is NOT proposed to be used for access to the development site.

Along the Western boundary of the site there is a footpath which runs along the edge of adjacent public open space which includes play equipment. There is presently a mature "green screen" along the boundary between the footpath and the proposal site, but this comprises predominantly self-seeded trees of varying states of health, as well a copious amounts of ivy and brambles.

Along the Northern boundary there is a small cluster of trees of varying species and states of health, which screen the site from a small pocket of open land beyond.

To the South (the front boundary of the proposal site) there is presently a grassed area and another self-seeded "green screen", again of varying quality. Beyond this area is a communal car park serving residents of Alfred Green Close. Local residents have stated that this car park area is also used by parents dropping off children who attend the nearby St Marie's Junior School.

Technical Consultation Responses:

- | | |
|--------------------|--|
| Historic England - | The LPA was contacted by Historic England following a call they received from a local resident who had advised them that the site had potential historical value and should be protected. Historic England confirmed by telephone that they had no interest in this site and that they did not consider it to have historical interest. |
| WCC Archaeology - | After undertaking a detailed assessment WCC Archaeology confirmed that they had no comments to make as they considered that development of the site was unlikely to have a significant archaeological impact. |
| WCC Ecology - | WCC Ecology initially requested a pre-determinative ecological appraisal of the site. However after further consideration they downgraded this request to requiring a pre-commencement condition for submission of a combined ecological and landscaping scheme. In response to this request the applicant submitted a detailed landscaping plan which included details of where bat access points would be located and specifications on tree species to be planted. WCC Ecology agreed that this was sufficient to meet their needs so long as it was enforced by a suitably worded condition to ensure the provision as made. |

WCC Fire and Rescue	No objections received, subject to the inclusion of a pre-commencement condition requiring the submission of a scheme for the provision of adequate water supplies and fire hydrants.
WCC Highways	In their capacity as Highway Authority, WCC Highways carried out a detailed assessment of the proposals, including consideration of any impact it may have on the operation of adjacent highways and pedestrians. They concluded that the proposed development provided sufficient parking (including additional parking provision in the adjacent car parking area) to avoid causing a material increase in existing on-street parking in Alfred Green Close or adjacent highways. They also concluded that the turning area provision within the site would be sufficient to avoid the need for residents of the new houses to leave the site in reverse. They requested conditions requiring the access provision to comply with the proposed plans, and for the pre-commencement submission of a Construction Management Plan. They also requested advisory notes re works in the highway extents.
RBC Development Strategy -	Although the status of the proposal site as open space and allotment land has been corrected in the emerging Local Plan, <i>adopted</i> planning policy still requires the applicant to comply with the requirements of Saved Policy LR4: Safeguarding Open Space. The applicant therefore needed to submit supporting evidence to prove that the development of the site would not result in a loss of open space provision.
RBC Environmental Health -	No objections were raised to the scheme, but the Environmental Protection Team requested conditions requiring the pre-commencement submission of a Construction Method Statement, mitigation measures for control of demolition and construction dust/mud/debris. They also requested a condition restricting hours of construction on site in order to protect residential amenity by avoiding noise and disturbance at unsociable hours.
RBC Tree Officer -	Following on site assessment of the state of the boundary planting and the trees in existing on and around the site, the Tree Officer concluded that the existing planting was not of sufficient quality to warrant protection measures. He also advised that some additional trees should be removed to avoid impacting on the proposed adjacent dwellings. Through negotiations with the applicant it was agreed that a landscaping strategy would be put together that incorporates a detailed re-planting scheme along the Western Boundary, with offset planting of a similar quality along the land parallel to the Southern boundary. Planting will include specifically selected species that

will create an effecting green screen whilst also enhancing wildlife habitat and enhancing the appearance of the locality. Specimens would be of sufficient age and size to create a good standard of screening from the outset. All of this would be controlled via suitably worded conditions.

Ward Consultation Responses:

Concerns were raised regarding parking, highway safety and amenity. Ward Councillors requested that the application be brought before the Planning Committee, and also requested that members undertake a site visit prior to considering the proposals.

Neighbour Consultation Responses:

A total of 65 letters were received in response to neighbour consultation. They came from a total of 51 addresses, of which 2 were not within the vicinity of the proposal site. Of these 65 letters a total of 45 were in the form of duplicated standardised letter, to which names and addresses had been added at a later date. Only 10 of the letters received were unique in that they were not standardised duplications.

Objections were raised on the grounds of pollution, flood risk, impact on wildlife and habitat, restrictive covenants on the land, impact on the character and amenity of the locality, the validity of the planning process, limitations of consultation, traffic generation, access and parking restrictions, impacts on road safety, impact on the rural character of the site, loss of privacy, noise nuisance during construction, compliance with adopted planning policies, loss of trees and hedges, no mention of the presence of a historic reservoir below the site, loss of green space, lack of reference to recycling facilities, site assembly, shape and topography, legal and economic viability, access for refuse and emergency vehicles, and design.

Comments were also received supporting the provision of car parking (two spaces in the car park adjacent to the site to replace the one lost due to the access, and two per new dwelling proposed).

Planning Policy:

National Planning Policy Framework March 2012 (NPPF)	Complies
Rugby Borough Core Strategy 2011	
CS1: Development Strategy	Complies
CS16: Sustainable Design	Complies
Rugby Borough Local Plan 2006 Saved Policies	
LR4: Safeguarding Open Space	Complies
T5: Parking Facilities	Complies
Rugby Borough Council Planning Obligations SPD	Complies

Considerations:

Principle of Development

Historically the land had been identified as open space and allotment land, meaning that development was resisted. In fact the land has always been privately owned, in the form of

either *private* allotments or garden land, and has never been made available for public access as an area of open space. However, as the land is still identified as such within current planning policy it is necessary to satisfy the requirements of Saved Policy LR4: Safeguarding Open Space, namely proving that the loss of the open space will not be harmful or detrimental.

Development of open space land is deemed to be acceptable provided that:-

1. The open space is no longer needed or of value for its current or other open space use now and in the foreseeable future;
2. The development would result in the enhancement of sport and recreation facilities sufficient to outweigh any loss of the existing facilities; or
3. In the case of school playing fields, the development is for educational purposes that outweigh the loss of the existing facilities.

In this instance the most relevant test would be that the open space is no longer needed or of value, as the proposals do not include enhancement of facilities or the loss of school playing field land.

The applicant has submitted evidence to support their stance that the land has never been publicly accessible, and that at no time was it used as designated open space. As such, the site would not be deemed to be necessary for retention as an open space, either now or in the foreseeable future. Development of the site would therefore be acceptable within the requirements of Saved Policy LR4: Safeguarding Open Space of the Rugby Borough Local Plan 2006.

The proposal is a windfall site within an area identified in the Core Strategy as being the most sustainable location for residential development (i.e. a site within the urban area). This type of site is therefore considered to be appropriate for residential development. This development therefore complies with policy CS1: Development Strategy of the Rugby Borough Core Strategy 2011, and guidance set out in the NPPF.

The key considerations in determining this application are therefore the impact of erecting the nine dwellings, the creation of the access turning and parking areas, and associated works on a) the character and appearance of the site and the locality, b) residential amenity, c) highway safety and parking, and d) biodiversity.

Character and Appearance

The site is currently classed as private garden land, but has not been tended regularly for several years following the abandonment of the private allotments that previously occupied the site. The entirety of the site is currently grassland, which is occasionally mowed but otherwise left alone. Over time self-seeded and multi-stem trees, as well as considerable amounts of ivy and brambles, have created a high green screen along the Southern and Western boundaries.

The location of the site is such that it cannot presently be clearly viewed from any highways, although views from the adjacent footpath are possible through the green screen along the Western boundary. There is no direct access to the site except by foot.

The site has experienced a long period during which little management has taken place. As a result it is overgrown along the boundaries and the trees within and around the site are in a poor state. This has led to the site appearing neglected, detracting from the character and appearance of neighbouring dwellings along Dunchurch Road, as well as detracting from the adjacent park and open space.

The built environment in the immediate vicinity includes varied house types, heights and densities. The terraced dwellings opposite the site access create an intensive form of development, whereas the properties on Dunchurch Road (which lie closest to the site) are much larger in scale and benefit from greater private amenity space creating a more open pattern of development. There is a predominance of red facing brickwork in the properties on Alfred Green Close and Dunchurch Road.

The proposed scheme would see the erection of a total of 9no. 2.5 storey dwellings, arranged in a horseshoe around a central access and turning area. It is proposed that all houses will be of a similar modern design, with variation and visual interest created through the use of combinations of three main facing materials (brickwork, cladding and render).

The plots include allocation for off street parking, green areas to the front of the dwellings, and varied hard surfaces to indicate roadways, parking areas and pathways. There will also be structured planting along the Southern and Western boundaries that in addition to creating a more effective screen will create an attractive backdrop to the development.

The location and orientation of the site would mean that there would be no views of the development from Dunchurch Road. As the access is off the car park at the terminus of Alfred Green Close there would be views of the development from here, primarily from the adjacent terraced dwellings and apartment block.

The lie of the land is such that the site is up to 2m or more below the ground floor level of the Dunchurch Road properties. They are also on a similar plane to the ground floor level of the adjacent apartment block. This effectively means that despite their 2.5 storey height, these houses will be lower than all the immediately adjacent buildings. Their height would not therefore cause the development to appear unduly prominent or overbearing within the streetscene of Alfred Green Close or the wider setting.

Turning to the dwellings themselves, the design and scale have been inspired by the properties that lie closest to them, namely the houses along Dunchurch Road. Common features of these properties include prominent gables facing onto the highway, rooms in the roof spaces (i.e. 2.5 storeys), prominent window features in the front elevations, and projecting eaves over upper floor windows.

The design of the proposed dwellings takes these features and interprets them into a modern design which provides variety through use of materials, yet uniformity through the replication of the house types. This creates a cohesive group of buildings that in turn create a micro-streetscene of their own.

Within the design one of the key features are the second floor balconies, created by recessing the front walls at second floor level. This feature stems from the projecting eaves features mentioned above, found over the front windows in the Dunchurch Road properties. As the balconies are created in a recess rather than projecting out from a flush front elevation, they do not corrupt the clean lines and strong angles that are so essential to the scheme design.

As materials are vital to the visual impact of these dwellings, submission of samples would be required by condition to ensure that the materials chosen complement both the design of the dwellings and their surroundings. Details of the RAL colours for the proposed door and window frames and any visible framework for the balconies (if painted) would also be requested, to ensure that these are in keeping with the impact achieved by the primary facing materials.

This scheme is contemporary and modern, but does not detract from the character of the locality. The streetscene of Alfred Green Close already incorporates a variety of building styles, and this latest development would positively contribute towards the appearance and presentation of this part of the urban area of Rugby. It therefore complies with policy CS16: Sustainable Design of the Rugby Borough Core Strategy, which seeks to ensure that development is in keeping with its surroundings.

Residential Amenity

Neighbouring residents have raised a series of objections to the proposed development, some of which cannot be considered as material planning considerations as they fall outside the remit of planning legislation

Comments raised in relation to parking and highway safety will be addressed in the section of this report entitled **Highway Safety and Parking**. Of the remaining concerns raised, the key amenity concerns were over loss of privacy and noise and disruption.

The proposed development has been design such that the nearest dwellings would be set away from the proposed houses by a combination of existing and proposed garden spaces, an access road, open land and a parking area. They would also (as mentioned above) be at a similar or lower level that surrounding dwellings. The low levels of the site are significant, as they effectively limit the potential for overlooking or overbearing impact on neighbouring residents. Therefore the likelihood of residents of existing properties experiencing a loss of privacy through direct overlooking is significantly reduced.

In order to try to prevent unacceptable disruption and/or loss of amenity through noise etc. associated with the construction and development of the site, in the event of an approval conditions would be applied requiring pre-commencement submission of both a Construction Method Statement and an Construction Management Plan to control dust and noise, as well as a condition restricting the hours of construction. The latter would prevent work being undertaken on Sundays or Bank Holidays, limit operating hours on Saturdays to between 08:30-13:00, and prevent development on weekdays except between the hours of 07:30-18:00.

When considering residential amenity for new housing schemes, we must assess not only impact on existing residents but also on the future occupants of the proposed dwellings.

The buildings have been designed such that the only primary windows facing towards other proposed dwellings within the site are in the front elevations, and the relationship between the dwellings is such they are either significantly far away of at too oblique an angle to enable direct overlooking, even from the proposed balconies. The proposals do not include any primary side facing windows, thereby ensuring not direct loss of privacy, overlooking or loss of light as a result of proposed or future development of the houses. A condition restricting the installation of additional windows would be applied in the event of an approval, in order to maintain privacy levels for future occupants of the proposed dwellings.

Future occupants of the dwellings will have access to their own private garden areas, but there are also parks both immediately adjacent to the site and within 10 minutes' walk, and Whitehall Recreation Ground is also approximately 10 minutes' walk away. All these parks and recreational areas include provision for exercise, recreation and play. Overall, the future occupants of the dwellings would benefit from a range of amenities. Being within 5 minutes' walk of the Primary Shopping Area means that future occupants of the site have easy access to a variety of shops that would accommodate day-to-day retail needs (such as groceries), and high street shops providing clothing etc.

There are also several coffee shops, bars and restaurants within easy walking distance, as well as pubs. The Town Centre is well served by frequent and reliable bus services, providing access to other areas of Rugby and further afield.

The site is also close to both a Methodist and Roman Catholic churches, both of which are within easy walking distance, and there is also provision for other religious and spiritual requirements within the Town Centre area.

The site is also within close walking distance to both a primary and a junior school, with several other schools also located within 2-3 miles of the site.

Overall, the future occupants of the dwellings would benefit from a range of easily accessible amenities.

Neighbouring residents have raised concerns regarding a lack of recycling facilities. RBC Works Services Unit have confirmed that recycling and refuse bins will be provided for each home, and thus the occupants of these new housings will have full access to the recycling facilities already available to existing residents within the borough.

The scheme therefore complies with policy CS16: Sustainable Design of the Rugby Borough Core Strategy, which seeks to preserve and protect neighbouring residential amenity.

Highway Safety and Parking

A common concern that has been raised by neighbouring residents, and also by Ward Councillors, has been that the residential development of the site would result in increased on street parking and traffic. Objectors have raised issues relating to the existing use of Alfred Green Close as an impromptu parking area for people using the schools and St Marie's Church, and feel that the addition of 9no. dwellings in this location would result in increased vehicle movements and therefore increase risks to those parking and walking in the area including children being dropped off for and picked up from school.

The provision of 2no. parking spaces per dwelling meets RBC standards for residential development of this type in the high access area of Rugby. A further three spaces are also proposed adjacent to the access, to compensate for the one space being lost through the formation of the access. It is not therefore considered by either the LPA or the County Highway Engineer that the development would directly contribute to an increase in on-street parking.

Given the immediate proximity to frequent and reliable bus services (there are bus stops on Dunchurch Road including one at the junction with Alfred Green Close) as well as the train station being within 15 minutes' walk, it is considered that parking will not be a detrimental or direct side effect of this development.

In terms of access for refuse and emergency vehicles, the design and layout of the proposed dwellings has been created specifically to accommodate sufficient space for a large vehicle (refuse, emergency or delivery) to turn such that they can arrive and leave in a forward gear. WCC Highways have confirmed that the provisions made meet their criteria and they have no objections on that basis.

The proposals therefore comply with Saved Policy T5: Parking Facilities of the Rugby Borough Local Plan 2006, and the Rugby Borough Council Planning Obligations SPD, and accord with the requirements for highway safety as set out by WCC Highways.

Biodiversity

WCC Ecology Unit originally requested a pre-determinative bat survey of the site. Following discussions with the applicant and agent, it was agreed that specific provision would be made in the form of bat and bird boxes located at strategic point within the site. An enhanced landscaping plan highlighting these in conjunction with specific planting details was duly submitted. WCC Ecology have confirmed that the provision proposed would be sufficient subject to requirement through a condition, which would be added to any approval.

Through close work with the RBC Arboricultural Officer, a scheme for clearing and replanting trees and shrubs around the perimeter of the site has been agreed. Species have been specifically selected for their type and form, and are all native to the UK and suitable for the location. Once completed the planting will create a much improved screen along the boundaries of the site, creating a pleasant visual feature that forms a backdrop to the proposed dwellings as well as enhancing both it and the adjacent park and footpath.

The development therefore complies with Saved Policy E6: Biodiversity of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and guidance set out in Part 11 of the NPPF.

Recommendation:

Approval subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R16/1625

DATE VALID

28/07/2016

ADDRESS OF DEVELOPMENT

Land off
Alfred Green Close
Rugby
CV22 6ND

APPLICANT/AGENT

Mrs Glenda Parkes
The Tyler-Parkes Partnership Limited
66 Stratford Road
Shirley
Solihull
West Midlands
B90 3LP
On behalf of Mr and Mrs Hedderwick

APPLICATION DESCRIPTION

Erection of 9no.dwellings and associated access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application form (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-01E (received by the Local Planning Authority on 27 July 2016).

Tree Schedule dated 21 July 2016 (received by the Local Planning Authority on 28 July 2016).

Design and Access Statement (received by the Local Planning Authority on 27 July 2016).

Supporting Statement (received by the Local Planning Authority on 11 August 2016).

Ecological Appraisal dated 21 July 2016 (received by the Local Planning Authority on 27 July 2016).

Drawing number 249 Landscaping Scheme Revision 1 (received by the Local Planning Authority on 14 September 2016).

Drawing number 307-03D (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-04 (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-05 (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-06 (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-07 (received by the Local Planning Authority on 27 July 2016).

Drawing number 307-08 (received by the Local Planning Authority on 31 August 2016).

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 development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all door and window frames and all external surfaces, together with samples of the facing bricks, render, cladding 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 development shall commence unless and until details of all proposed walls, fences and gates 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:

In the interest of visual amenity.

CONDITION 5:

The landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/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 variations.

REASON:

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

CONDITION 6:

No new windows or rooflights shall be formed in the side elevations or any roofslope of the proposed development unless otherwise agreed in writing by the Local Planning Authority prior to installation.

REASON:

In the interest of residential and visual amenity.

CONDITION 7:

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

REASON:

In the interest of residential and visual amenity.

CONDITION 8:

The windows to be formed in the side elevations of the proposed dwellings shall not be glazed or reglazed other than with obscure glass, and shall be fixed so as to remain

permanently fixed unless otherwise agreed in writing by the Local Planning Authority. Any repairs or replacement must also accord with these details.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 9:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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 10:

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

REASON:

In the interests of fire safety.

CONDITION 11:

Prior to the commencement of any works, a Construction Method Statement 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 groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase

The control of dust including arrangements to monitor dust emissions from the development 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 interest of health and safety.

CONDITION 12:

The proposed access road and site layout shall be constructed in general accordance with drawing number 307-07.

REASON:

In the interest of highway safety and for the avoidance of doubt.

CONDITION 13:

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles.

REASON:

In the interest of public and highway safety.

CONDITION 14:

The development hereby permitted shall be carried out strictly in accordance with the enhancements for bats and nesting birds as shown on the Landscape Scheme (drawing number 249 Revision 1, prepared by DJOGS and received by the Local Planning Authority on. Thereafter, the boxes shall be installed and maintained in perpetuity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

Condition 12 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an 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 2:

In view of the existing habitat present, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (Great Crested Newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and Great

Crested Newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

INFORMATIVE 3:

In view of the existing habitat present, care should be taken when clearing the ground prior to development, particularly piles of deadwood /leaves. If a hedgehog is found, work should stop until WCC Ecological Services is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters and hedgehog-sized holes within garden fences. More details can be provided by the WCC Ecological Services on 01926 418060 if required.

Reference number: R15/1816

Site address: Land South of Coventry Road and North of Lime Tree Avenue, Coventry Road, Cawston, Rugby

Description: Residential development of up to 150 dwellings including vehicular access from Coventry Road, open space, landscaping, surface water attenuation ponds, footpaths, cycleways and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved)

Case Officer Name & Number: Chris Kingham, 01788 533629

Site Description:

The application site comprises of 5.77 hectares of agricultural land to the southeast of Coventry Road and northwest of Lime Tree Avenue in Rugby. It is triangular in shape and is enclosed by established hedgerows to the northwestern and southwestern boundaries and a mix of boundary treatments including hedgerow, scrub, wire fencing and timber fencing to the southeastern boundary. A number of mature trees are also located along the boundaries of the site. The site itself contains improved grassland and is intersected by a hedgerow through the centre which effectively creates two field parcels. Topographically, the site is relatively flat with a gentle fall in levels from the northeastern to southwestern corner. Vehicular access is currently gained via a dropped kerb access off Coventry Road and through a field gate.

The site is bordered by Coventry Road (B4642) to the northwest which acts as a key distributor road linking Rugby town centre with the A4071 Rugby Western Relief Road. The northern edge of this road is defined by a hedgerow in addition to areas of grass verge and interspersed mature trees. Beyond this road is an area of public open space which takes the form of an open area of amenity greenspace. There are also a number of detached two-storey residential dwellings within the Cawston Grange Estate which back and side onto this road albeit with a mature landscaped buffer containing hedgerows and trees inbetween.

Along the northwest boundary of the site there are two semi-detached two-storey residential dwellings and a smallholding. The side and rear elevations of these dwellings overlook the application site. The associated side and rear garden back onto the site with the boundary currently defined by a mix of trees, 1.80 metre high close-boarded fencing and post and rail fencing.

A number of detached residential properties are located beyond the southeastern boundary of the application site. These properties are laid out in a linear fashion and are accessed from Lime Tree Avenue. The appearance and scale of each of these properties varies but the associated rear elevations face towards the site. The exception to this is the residential property of 41 Main Street which is located at an angle to the other properties with the associated side elevation and garden facing and backing onto the site. The rear gardens to all these dwellings back onto the site with the boundary currently defined by a mix of hedgerow, trees, scrub, wire fencing, close-boarded fencing and post and rail fencing. There is also a drainage ditch located along the southernmost part of this boundary which runs into a wooded pond just beyond the southern corner of the site.

Beyond the southwest boundary of the application site is an area of open agricultural land. Outline planning permission for up to 250 dwellings with a means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure has been granted on this agricultural land in May 2014 (ref: R11/1521).

Relevant Planning History (Application Site):

None.

Relevant Planning History (Area within Vicinity of Application Site):

R16/0984: Erection of 250 dwellings with associated works: Approval of reserved matters in relation to outline planning application R11/1521 (development of up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure). Ongoing – not yet determined.

R15/0540: Land at Williams Fields, Coventry Road, Cawston, Rugby. Erection of 113 dwellings including new vehicular access to Coventry Road. Approved 08/04/2016.

R12/1947: Grange Farm Cottage, Coventry Road, Cawston, Rugby. Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings. Approved 09/07/2015.

R11/1521: Land south of Coventry Road and north east of Cawston Lane, Coventry Road, Cawston, Rugby. Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure. Approved 06/05/2014.

R11/0114: Cawston Extension Site, Coventry Road, Cawston, Rugby. Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved). Approved 01/04/2014.

Technical Consultation Responses:

Development Strategy	No objection
Environment Agency	No comment
Environmental Health	No objection subject to conditions
Highways England	No objection
Housing	No objection subject to planning obligation
Landscaping and Design	No response
National Grid	No response
Natural England	No objection
NHS England	No objection
Parks and Grounds	No objection with comment
Public Health Warwickshire	No objection
Severn Trent Water	No objection subject to a condition

Stagecoach	Comment – request bus stops on Coventry Road
Tree Officer	No objection subject to conditions
Warwickshire Fire and Rescue	No objection subject to a condition
Warwickshire Police	No objection subject to advisory notes and financial contribution
Warwickshire Wildlife Trust	No objection subject to conditions and planning obligation
WCC Archaeology	No objection
WCC Ecology	No objection subject to conditions and planning obligation
WCC Flood Risk	No objection subject to conditions and advisory notes
WCC Highways	No objection subject to conditions and financial contributions
WCC Infrastructure	No objection subject to financial contributions
WCC Planning	No response
WCC Rights of Way	No objection subject to financial contribution
Western Power Distribution	No response
Works Services Unit	No response

Third Party Consultation Responses to Amended Plans:

Neighbours (7) Objection

- Site access would create break in footpath and cycleway making it more dangerous.
- Disruption to Coventry Road as an important transport route.
- Site access unsafe in 40mph zone.
- Position of access unsafe due to blind bend.
- Access should be provided off existing roundabout.
- Should provide access link through adjacent development (ref: R16/0984).
- Access should be provided elsewhere on Coventry Road.
- Disruption to Coventry Road during construction phase.
- Walking routes to schools dangerous owing to existing traffic with further traffic from development adding to this.
- Would require council resources to fund transport to/from school.
- Exacerbation of existing traffic problems in Bilton.
- Significant upgrade of highway infrastructure required.
- Increase in traffic at Lime Tree Avenue, Alwyn Road, Coventry Road and Lawford Lane junction.
- Cumulative impact of 1,000 dwellings requires holistic look at highway impact.
- No strategy for improving road/pedestrian footpath network through Bilton.
- No strategy for roads/paths to support increase in traffic.

- Pedestrian/cycle route into Bilton village very narrow and blocked with parked cars in addition to mini central reservation being too small – forces people to drive with limited parking or avoid rather than deal with danger so requires action.
- Not in alignment with defined strategy to protect and improve local centre amenities through Main Street and The Green in Bilton to support increased local demand.
- Broad Council led strategy does not exist for local centre in Bilton village – failure and represents piecemeal approach.
- Schools in area oversubscribed with development exacerbating this.
- No capacity for patients at dental practices.
- Query whether BT cabinet planned for development.
- Access location not appropriate due to loss three trees (including black walnut tree) – should be transplanted elsewhere on site.
- Buffer zone between site and Lime Tree Avenue properties does not extend full length of site – should be provided to reduce noise and preserve wildlife.
- Loss of valuable green space.
- Removal of green space separating Bilton from Cawston causing Bilton to lose identity.
- Urban sprawl.
- Proposed dwellings should be in keeping with existing properties or character Lime Tree Avenue.
- Too many affordable dwellings given demographic of area.
- Concentration of 40% affordable housing not acceptable and in keeping with area.
- Increased risk of flooding to properties as field higher than gardens.
- Flood risk assessment identifies flood risk potential at south-eastern site perimeter backing onto gardens of 55-66 Lime Tree Avenue and low points where water might pond.
- No explicit statements or calculations to demonstrate development would not increase surface water run-off or what this would be.
- Marginal increase in run-off would increase probability and frequency of ponding on land to properties in Lime Tree Avenue.
- Co-ordination with development to south of site required to ensure drainage run-off can be accommodated.
- Council should mandate developer to invest in appropriate measures to safeguard/improve flood prevention.
- Not clear how septic tank for existing property located in field would be dealt with.

Friends of Lime Tree Avenue Objection

- Holistic approach demanded – tired hearing each application must be assessed on own merits.
- Council should take oversight of decisions for interlined and adjacent projects.
- Can't be called planning without co-ordinated approach – would result in sub-optimum actions on road congestion, safety, flood prevention and environmental matters.
- This application and R16/0984 should be interlocked in approval process.
- Expect and demand proposals scrutinised in finest detail to ensure does not introduce danger or hazardous environments.
- Would increase danger to pedestrians, cyclists and drivers along B4642 leading into Bilton without remedial action.
- Cumulative impact of 400 dwellings from application and R16/0984 would generate significant increase in pedestrians/cyclists travelling to/from Bilton – junctions would negotiate would become unacceptably hazardous.
- Compliment on thoroughness of traffic assessment but difficult to assess accuracy.

Parish Council Objection

- Original objections and S106 requests remain.

Third Party Consultation Responses to Original Plans:

Neighbours (16) Objection

- Departure from development plan.
- Does not comply with planning policies.
- Detrimental impact on character of area.
- Loss of green and pleasant environment causing cumulative irreversible damage to environment and attractiveness and desirability of town.
- Adverse impact on visual amenity of area.
- Proposed high density development out of character with low density of properties surrounding site.
- Overdevelopment of site.
- Proposed dwellings not in keeping with existing properties and character of Lime Tree Avenue or adjacent area of Coventry Road.
- Adverse and detrimental impact on rural landscape.
- Poor maintenance of paths, roads, lighting, grass verges and hedgerows.
- Potential damage to existing trees bordering site giving rise to potential failure and damage from falling.
- Proximity of proposed houses and road to oak trees covered by a tree preservation order would cause damage to roots and canopy to detriment of environment and landscape.
- Would kill oak trees covered by tree preservation order and of good health and over 40 years of life left to detriment of environment and wildlife.
- Proposed dwellings would result in pressure to cut back mature oak trees covered by tree preservation order.
- Area around oak trees covered by tree preservation order should be public open space with a landscaped buffer zone around the trees and wild flower meadow concept.
- Oak trees covered by tree preservation order taller than detailed within submitted Arboricultural Report.
- Layout would not comply with requirements of BS5837 in relation to impact on trees.
- Loss of two trees for proposed access so alternative access should be required.
- Any path running alongside existing drainage ditch would give access to unsecured ends of existing gardens.
- Planting and fencing should be required to existing properties.
- Buffer zone should be provided along rear of Lime Tree Avenue properties and particularly to those with shorter rather than longer gardens.
- Dwellings should not be greater than two storeys high.
- Septic tank for existing property located in field.
- Loss of valuable agricultural land and farmland for food production.
- Alternative brownfield land on eastern side of Rugby more suitable than semi-rural location.
- Brownfield sites should be used first.
- Relatively small number of houses proposed does not outweigh impact of development.
- Sprawl of housing developments over adjacent fields.
- Development would not start for considerable time so would not meet housing need.
- Should build bungalows rather than houses.

- Concentration of affordable housing (up to 40%) high and not in keeping with area.
- Two lime tree lined streets could be built rather than standard estate.
- Destruction of wildlife and associated habitat.
- 5 metre wide green wildlife corridor planted with trees and shrubs should be provided inbetween rear of properties along Lime Tree Avenue and site.
- Loss of privacy from proposed dwellings.
- Overlooking of habitable rooms and gardens.
- Loss of light to habitable rooms and gardens.
- Proximity of dwelling to rear garden.
- Negative impact on health, wellbeing and standard of living.
- Construction machinery presents danger to safety.
- Noise, dust, disturbance and pollution during construction.
- Noise and disturbance from proposed new development.
- Buffer zone should be provided, particularly to those with shorter rather than longer gardens, to reduce impact of noise, disturbance and light pollution.
- Children's park area will increase noise and disturbance.
- Traffic from development would add to existing problems of house shaking and cracks appearing in walls/ceilings.
- Would prevent ability to work from home and dry laundry outside during construction.
- Air pollution from construction.
- Air pollution from vehicles going to and from proposed development.
- Light pollution from proposed development to existing properties.
- Increased traffic and congestion from construction.
- Increased traffic and congestion from proposed development on existing road network.
- Negative cumulative impact of traffic on B4642 from major housing schemes.
- Rugby relief road does not relieve traffic along B4642 and has actually added to it.
- Junction of Main Street, Alwyn Road, Lawford Lane and Magnet Lane already dangerous and would be exacerbated by additional traffic in this location from this proposal and other approved applications.
- Increase in traffic would cause additional hazards within Bilton village, Tesco supermarket and children going to school.
- Extra traffic would add to existing difficulties getting out of Lime Tree Avenue and turning right out of Alwyn Road.
- Would increase instances of parked cars on roads causing highway safety issues.
- Bilton needs more off-street parking.
- Existing traffic and highway problems should be resolved before allowing new development.
- Transport Assessment based on flawed data.
- Increase in traffic on A426 and centre of Dunchurch.
- Part of western relief road towards A45 would not be able to cope with extra traffic and would add to congestion.
- Reducing speed limit to 30mph would not reduce actual speed of vehicles.
- Reducing speed limit to 20mph would only make marginal difference to risk of serious accidents.
- Access dangerous as on blind bend.
- Right hand turn from access would be dangerous.
- Proximity of access to existing access at 1 Coventry Road impacting on access and egress from driveway.
- Access to site should only be obtained via existing roundabout to Cawston.
- Access to site should only link into approved adjacent development site.
- Paths and cycle routes along Coventry Road and Cawston Lane should be improved.

- Gardens to existing properties have flooded before and concerned proposed development together with sustained changes to weather could increase potential for further flooding.
- Water run-off from proposed development into existing drainage ditch inbetween site and existing properties might cause problems and flooding of gardens.
- Drainage and extent of impermeable area of developed site would increase storm drain load requirements on existing drainage ditch inbetween site and existing properties and result in unacceptable flood risks.
- Required finished floor levels of dwellings to reduce flood risk would result in higher run-off and impact on privacy to existing properties and gardens.
- Insufficient infrastructure including shops, GP surgeries, NHS services, pharmacies, schools and community facilities to support development.

Parish Council Objection

- Should prioritise re-use previously developed land not of environmental value (p.111 of NPPF).
- Rugby town urban areas should be considered for development first (CS1 of Core Strategy).
- Rugby Radio Station strategic development site but behind schedule.
- Made observation at Core Strategy inquiry that south west broad location would be required because Radio Station site would be behind schedule.
- Development on site would not conserve or enhance natural environment.
- Development ahead of strategic policies.
- No local housing need to justify 150 dwellings in Dunchurch.
- No justification for approved and pending applications for new dwellings in Dunchurch.
- No provision for employment land and distance to existing employment areas means unsustainable.
- Would put pressure on facilities in Dunchurch
- Unacceptable increase in traffic through village including at crossroads with high pollution levels.
- Negative impact of traffic using Cawston Lane.
- If development approved financial contributions required for youth services and library in Dunchurch.

Cllr Julie A'Barrow, Bilton Ward Councillor Objection

- Concern with increase in volume of traffic and effect on Coventry Road and nearby roads such as Alwyn Road.
- Concern regarding pedestrians and cyclists, especially young people going to/from Bilton High School.
- Pedestrians and cyclists from south side of Coventry Road going into Bilton unlikely to use nearest pedestrian crossing by post office when wanting to join path for school or Tesco store.
- Query what safe crossing points proposed.
- Extension of 30mph zone not enough to create safe road for pedestrians and cyclists to cross.
- Turning right out of proposed access to Rugby and turning right into access from Cawston would be difficult at peak times.
- Proposed access potentially dangerous spot for collisions.
- Tree Preservation Orders not taken into consideration.
- Buffer zone behind Lime Tree Avenue properties not extended.

- Larger green space at Bilton end of site would keep break in construction and be more attractive gateway into town between Bilton and Cawston.

Assessment of Proposal:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan Saved Policies 2009 with the relevant policies outlined below.

Rugby Borough Core Strategy 2011

CS1 Development Strategy assessment below)	Does not comply (see
CS5 Growth Delivery	Complies
CS10 Developer Contributions	Complies
CS11 Transport and New Development	Complies
CS15 Green Infrastructure Allocations	Complies
CS16 Sustainable Design	Complies
CS17 Sustainable Buildings	Complies
CS19 Affordable Housing	Complies

Rugby Borough Local Plan Saved Policies 2009

GP2 Landscaping	Complies
GP6 Safeguarding development potential	Complies
E6 Biodiversity	Complies
T5 Parking Facilities	Complies
H11 Open space provision in residential developments in the urban area	Complies
H12 Open space provision in residential developments in the rural area	Complies
LR1 Open space standards	Complies
LR3 Quality and accessibility of open space	Complies

Guidance

Housing Needs SPD (2012)

Planning Obligations SPD (2012)

Sustainable Design and Construction SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG)

Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Emerging Rugby Borough Local Plan (see paragraph below)

The Council is in the process of preparing further Development Plan Documents (DPDs) which will update the Core Strategy 2011 and progressively replace the Rugby Borough Local Plan Saved Policies 2009. Consultation on the Local Plan: Development Strategy Consultation document closed in July 2014 and consultation on the Rugby Borough Local Plan Preferred Options DPD closed in February 2016. The Council currently expects to adopt this DPD by July 2017. However, as it has yet to be submitted for examination and so is subject to change, it has been afforded little weight as a material consideration.

Key Issues

1. Principle of Development, Housing Need and Housing Land Supply
2. Land Designation and Use
3. Location and Accessibility
4. Landscape Character and Appearance
5. Trees and Hedgerows
6. Heritage and Archaeology
7. Access, Parking Provision, Traffic Flows and Highway Safety
8. Ecology
9. Flood Risk and Drainage
10. Air Quality
11. Noise
12. Contamination
13. Economic Growth
14. Design, Layout and Visual Amenity
15. Residential Amenity
16. Open Space, Landscaping and Green Infrastructure
17. Sustainable Design and Construction
18. Safeguarding Development Potential
19. Infrastructure and Planning Obligations
20. Planning Balance and Sustainability of Development

1. Principle of Development, Housing Need and Housing Land Supply

Policy Position

Policy CS1 of the Core Strategy outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the countryside which is classified as being the fifth out of six sequentially preferable locations for development. Paragraph 2.8 of the Core Strategy indicates that this is the most unsuitable location for development and will therefore only be permitted where national policy on countryside locations allows. It then clarifies that the only variation to this approach will be 'the exceptional delivery of housing to meet a

specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting’.

The proposal to build up to 150 dwellings on this area of designated countryside would not comply with policy CS1 and would therefore fail to be in accordance with the Development Plan. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 there is consequently a presumption against granting planning permission unless material considerations indicate otherwise.

In this case the main material considerations arise from the National Planning Policy Framework (NPPF) which was published by the Government in 2012 following the adoption of the Core Strategy in 2011. It is consequently considered that the NPPF carries significant weight as a material consideration in the determination of this application.

Paragraph 49 of the NPPF is particularly relevant and outlines that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. To this end it is clear that the effect of policy CS1 is such that it seeks to influence the supply of housing land by restricting the locations where new housing may be developed. In doing this policy CS1 serves to act against the Government’s policy of boosting significantly the supply of housing land. It is consequently necessary to consider whether the Council has a five year supply of deliverable housing sites which would result in policy CS1 being out-of-date.

Housing Need and Housing Land Supply

The NPPF sets out a need to significantly boost the supply of housing and therefore requires the Council to fully and objectively assess housing need across the housing market area in co-operation with neighbouring authorities (paragraphs 47, 157 and 159). There is also a requirement for the Council to identify a deliverable five year supply of housing land to meet this identified need (paragraph 47). However, to ensure choice and competition in the market for land, a 5% buffer is further required and this increases to 20% where there is a persistent under delivery of new homes.

It is within the context of the above that the Council has adopted a Core Strategy which includes Strategic Development Targets for new development. In relation to residential development, the Core Strategy sets out that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 with at least 9,800 dwellings accommodated within or adjacent to Rugby Town itself. This target equates to the development of 540 dwellings per year over the plan period. However, a Housing Land Supply Position statement published by the Council in December 2015 indicates that the number of dwellings erected within the Borough to date has failed to meet this target. It therefore calculates that the Council can only demonstrate a 3.78 year housing land supply with a shortfall of 775 dwellings over five years.

Implications of a Lack of a Five Year Housing Land Supply

As previously outlined, paragraph 49 of the NPPF states that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. As set out above, the Council cannot. Policy CS1 relates to the supply of housing and therefore cannot be considered up-to-date due to the absence of a five year housing land supply. Paragraph 14 of the NPPF is consequently relevant and sets out a presumption in favour of sustainable development. For decision-taking it explains that this means that where the development plan is absent, silent, or as is the case here, out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies of the NPPF, taken as a whole, or specific policies in the NPPF indicate development should be restricted.

The effect of the above is not such that policy CS1 should be ignored or disapplied but rather that consideration should be given as to what weight it holds in the decision. In this respect policy CS1 states that new development on land designated as countryside will be resisted and only allowed where permitted by national policy. Policy CS1 is therefore only being given limited weight in the assessment of this application and full weight is being given to the content of the NPPF.

It is consequently necessary to assess the proposal within the context of the presumption in favour of sustainable development as outlined in paragraph 14 of the NPPF. In this case there are no specific policies within the NPPF which indicate that development on this site should be restricted. In order to determine whether the proposal constitutes sustainable development it is therefore necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be 'sustainable development'.

Benefits of Proposed Housing

It is within the context of the above that it is necessary to recognise that there is a significant need for new houses within the Borough and that there is currently not a high enough level of supply of new houses to meet that need. This is consequently a matter which in itself carries significant weight in favour of the application because it would improve the number of available homes in the Borough and thereby contribute towards resolving current housing land supply issues.

It is considered that this is a deliverable site and one which would make a significant and positive contribution towards meeting the identified housing need in the Borough. This is consequently a matter which must be weighed within the overall planning balance of this case. However, as the applicant is placing an element of weight for the acceptability of their proposal on the Council's lack of housing land supply, the Local Planning Authority is anxious that any approval does then subsequently result in the commencement of a development in a timely manner which can contribute to housing need in the Borough. On this basis, it is considered reasonable to reduce the time the applicant can submit reserved matters from 3 years to 18 months.

Affordable Housing Provision

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 40% of new homes should be affordable homes on sites with an area greater than 1 hectare or capable of accommodating more than 30 dwellings. These affordable homes should be provided in a range of different sizes, types and tenures.

The applicant has consequently proposed that up to 40% of all new homes on this site would be affordable housing in compliance with this policy. This equates to 60 new affordable houses if 150 dwellings are provided. Having regard to the Housing Needs SPD and Strategic Housing Market Assessment, 25% of these would be intermediate houses, 18% affordable rented houses and 57% social rented houses, unless otherwise agreed in writing with the Local Planning Authority. Housing Services have not raised any objection to this provision and are satisfied that it would meet the needs of those who require affordable housing in this Borough.

Taking into account the significant need for affordable housing within this area, it is considered that the provision of affordable homes on this site is a matter which weighs significantly in favour of the application.

Other Considerations

The application site falls within the boundaries of the South West Broad Location (SWBL) for housing as designated by policy CS5 of the Core Strategy. This policy sets out that the Council will publish a Development Plan Document (DPD) to allocate land within the SWBL where there is a significant shortfall in the supply of deliverable housing land. The accompanying text to this policy specifically outlines that 'The SWBL represents the Council's preferred choice for expansion of the urban area beyond the provisions of policies CS3 [Rugby Gateway] and CS4 [Rugby Radio Station]. Should there be an identified shortfall in 5 year land supply within the Core Strategy period, the Council will seek to bring forward land within the Broad Location to address the identified shortfall'.

Due to the lack of a five year housing land supply, policy CS5 has been triggered but no DPD has been produced to date and the land has not therefore been allocated for housing. In any event, policy CS5 clearly relates to the supply of housing and therefore cannot be considered up-to-date due to the absence of a five year housing land supply.

2. Land Designation and Use

The application site is currently utilised as agricultural land. Paragraph 112 of the NPPF (and reference ID: 8-026-20140306 of the NPPG) is therefore relevant and outlines the need to consider the economic and other benefits of the best and most versatile agricultural land. It goes on to indicate that where significant development of agricultural land is demonstrated to be necessary, the Council should seek to use areas of poorer quality land in preference to that of a higher quality (see paragraph 109 of the NPPF). This higher quality land represents that which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. In this respect agricultural land is graded on a scale of 1 to 5 where the grades are: 1 (excellent); 2 (very good); 3a (good); 3b (moderate); 4 (poor); and 5 (very poor). The best and most versatile land are classified as being grades 1 (excellent), 2 (very good) and 3a (good).

Approach to Agricultural Land

The above policy position implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of higher quality land. Although no sequential assessment has been undertaken by the applicant's with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land. This is consistent with the technical note produced by Natural England entitled 'Agricultural Land Classification: protecting the best and most versatile agricultural land' (2012). This note emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does note that decisions rest with planning authorities and that the agricultural land classification is not the sole consideration.

Agricultural Land Classification within Warwickshire and Rugby

According to Natural England's statistics, approximately 12% of land (23,692 hectares) in Warwickshire falls in grades 1 (excellent) and 2 (very good). In Rugby Borough there is no grade 1 (excellent) land but there are 4,186 hectares of grade 2 (very good) land which equates to 11.8% of land within the Borough. The figures for grade 3 (good/moderate) land provided by Natural England do not split grades 3a (good) and 3b (moderate) but indicate that approximately 75.5% of land within the Borough (26,686 hectares) is grade 3 (good/moderate) land.

Agricultural Land Classification of Application Site

In respect of the application site, the mapping from Natural England shows that the application site contains land falling within the grade 3a (good) classification of agricultural land. The development of the application site would therefore result in the loss of an area of the best and most versatile agricultural land. The amount of grade 3a (good) land which would be lost by the proposed development is 5.77 hectares which equates to approximately 0.02% of all grade 3a (good) land in the Borough. This loss is considered minimal but is nonetheless contrary to the approach outlined in the NPPF which prioritises the use of poorer rather than higher quality land.

Assessment of Agricultural Land Classification

The Agricultural Land Classification Map of the West Midlands Region produced by Natural England provides an overview of agricultural land quality around the urban area of Rugby town. In broad terms, the land surrounding the town to the north and west is primarily grade 3 (good/moderate) land whereas land to the south and east (with the exception of grade 4 (poor) land for the Mast site) is grade 2 (very good) land. It is consequently apparent that the proposed development would potentially not be located in the most sequentially preferable location when the quality of agricultural land is considered in isolation of other factors. However, as evidenced by the emerging Local Plan, reality dictates that other factors are such that it is highly unlikely that new housing developments would only be located on areas of poorer quality land. That being the case it is highly probable that land classified as being the best and most versatile agricultural land will need to be used to meet Rugby's needs. It would consequently be inappropriate to curtail all development on such land and consideration must therefore be given to the merits of each site. In this respect the economic and other benefits of protecting this agricultural land from development are not clear and can principally only be based on assumptions rather than evidence.

It is within the context of the above that it is important to note that the application site falls within the boundaries of the South West Broad Location (SWBL) for housing as designated by policy CS5 of the Core Strategy. The accompanying text to this policy specifically outlines that 'The SWBL represents the Council's preferred choice for expansion of the urban area beyond the provisions of policies CS3 [Rugby Gateway] and CS4 [Rugby Radio Station]'. There is consequently a clear policy intent, which has been accepted at the Core Strategy Public Inquiry, to seek the development of land in this area for housing where there is a shortfall in supply despite the agricultural quality of this land. Furthermore, it is noteworthy that this area of land is still allocated for housing within the emerging Local Plan.

Land Designation and Use Conclusions

Overall, it must be accepted that the proposed development would result in the loss of an area of the best and most versatile agricultural land rather than lower quality agricultural land. It is within this context that it is reasonable to conclude that the permanent and irreversible loss of this land to the proposed residential development is a matter weighs against it. However, due to the limited area concerned, the availability of other best and most

versatile agricultural land within the Borough, the need for housing around the urban edge of Rugby, the policy intention to allow the development of this land, and in the context of a housing land shortage, it is considered that only limited weight can be afforded to the loss of this area of best and most versatile agricultural land. Nonetheless, this harm of limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance.

3. Location and Accessibility

The core planning principles outlined in paragraph 17 of the NPPF set out the need for planning to 'Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. It also seeks to ensure that planning 'takes account of the different roles and character of different areas, promoting the vitality of our main urban areas'. The NPPF consequently seeks to promote a mix of land uses within an area to minimise journey length times (paragraphs 37, 38 and 70). A range of local services and facilities should all be within walking and cycling distances of most properties. Policy CS11 of the Core Strategy and the Planning Obligations SPD is consistent with this and promotes the use of sustainable transport modes. Further guidance on acceptable walking and cycling distances to shops, services, facilities and employment areas are outlined within Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot' (2000).

Location

In this case the application site is located on the edge of Rugby's urban area which both the Core Strategy and emerging Local Plan makes clear is the most sustainable location for new housing. Chapters 1 and 3 of the Core Strategy explain that this is because the town is considered to be the most sustainable location within the Borough for development, providing the best access to a range of services and facilities. Furthermore, the site falls within the boundaries of the South West Broad Location (SWBL) for housing as designated by policy CS5 of the Core Strategy. The Council has made it clear that this location is its preferred choice for expansion of the urban area beyond the provisions of policies CS3 [Rugby Gateway] and CS4 [Rugby Radio Station]. Significant weight is therefore given to the proximity of the site to the urban area when considering whether it is a sustainable location in geographical terms as the NPPF requires.

Accessibility by Walking

In terms of accessibility, the proposed dwellings would be within the preferred maximum Institution of Highways and Transportation (IHT) walking distances to the closest local food retail store, local centre, primary school, secondary school, college, public house, GP surgery and dentist. This would consequently provide future residents with an excellent opportunity to walk to these uses rather than having to rely on the use of a private car. However, the proposed dwellings would be over preferred walking distances for a supermarket, library, leisure centre, town centre and areas of employment. In relation to these uses it would therefore have to be accepted that residents would be more likely to rely on the use of a private car to access them.

Accessibility by Cycling

Manual for Streets outlines that cycling has the potential to act as a substitute for short car trips, particularly those under 5km. In this respect all of the proposed development would be within a 5km distance of the main local services and facilities that occupants would need.

However, the applicant has recognised that it is important to provide good conditions for cyclists on roads so that they are content to use this as a form of transport. It is consequently proposed that a combined off-road footway and cycleway would be provided along the frontage of the site by Coventry Road. This would tie in with existing cycle links to the east and west of the site. The eastern cycle link is located within the open space opposite the site, with access gained via an existing dropped kerb crossing and refuge island within Coventry Road. The western cycle link ties directly into an existing cycle lane. Appropriate signage would also be provided to identify these links. These improvements would be secured via condition and would consequently make cycling a safer and more attractive option for future residents.

Accessibility by Bus

The closest existing bus services to the application site can be found on Main Street (approximately 240-725 metres away) and Calvestone Road (approximately 310-730 metres away). These bus stops are served by regular bus services which provide access to Rugby town centre, Rugby railway station, Warwickshire College, Junction 1 and Elliotts Field. Stagecoach has subsequently considered the proposal and outlined that this site is among the best-served locations in the town by public transport. It is consequently the case that the proximity of the site to regular bus services is such that this would provide a viable form of frequent, reliable and sustainable transport for future residents. This would therefore reduce reliance on and provide a suitable alternative to the use of private cars.

Notwithstanding the above, owing to the further demand for bus services arising from this development, Stagecoach has requested that bus stops and shelters are provided by the site frontage with Coventry Road. Despite this, WCC Highways have not supported this request and it would consequently not be possible to justify asking for this.

Location and Accessibility Conclusions

It is important to recognise that the application site is located immediately adjacent to the defined Rugby Urban Area and is therefore in a sustainable location in geographical terms. In addition, future residents would be within walking and cycling distance of a number of services and facilities they would need. They would also have good access to regular bus services which would particularly provide further sustainable transport opportunities to access Rugby town centre and further afield. Nonetheless, it must equally be accepted that some of the services and facilities they would need would be beyond preferred maximum walking distances. The implication of this is consequently such that some harm would arise from the reliance of future residents on private cars. However, on balance, this harm is considered to be of very limited weight given the general accessibility of this location when combined with the proximity to the defined Rugby Urban Area. This is particularly the case when considering that the services and facilities that would be beyond the preferred maximum walking distances are likely to be the same as would be the case for alternative sites around the edge of Rugby. Nonetheless, this harm of very limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance.

4. Landscape Character and Appearance

Two of the core planning principles outlined within paragraph 17 of the NPPF establish the need to 'Take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'Help conserve and enhance the natural environment...land for development should prefer land of lesser environmental value'. Furthermore, paragraphs 109 and 113 of the NPPF outline the need to protect and enhance valued landscapes whilst ensuring protection is commensurate with their status and

gives appropriate weight to their importance and contribution. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

Landscape Designation and Character

In landscape terms the application site is not covered by any formal or statutory landscape designations (for example, an Area of Outstanding Natural Beauty or National Park). However, it does fall within the Natural England 'Dunsmore and Feldon' National Character Area Profile 96 and Warwickshire County Council 'Dunsmore, Plateau Farmlands' Landscape Character Type. These broad areas of land are classified having regard to their general characteristics. However, it is apparent that only a limited number of these identified characteristics are evident within the application site.

Landscape Value of Application Site

In respect of landscape value it is necessary to note that the NPPF does not offer blanket protection to all parts of the countryside regardless of its quality. It rather requires that landscapes are assessed on their own merits with value apportioned accordingly. In this respect there are effectively three tiers of landscape. Formal and statutory landscapes such as national parks form the top tier and this site does not benefit from any such designation. The middle tier takes the form of valued landscapes as referred to in paragraph 109 of the NPPF. The lowest tier takes the form of an area of countryside which must be assessed on its own merits.

It is within this context that a Landscape and Visual Impact Appraisal (LVIA, 2015) relating specifically to this site has been submitted with the application. This identifies that the site has the appearance of a typical agricultural field contained by hedgerows with some hedgerow trees. Topographically, the site is relatively flat with a gentle fall in levels from the northeastern to southwestern corner. However, the proximity of the site to existing development is such that this has an urbanising effect upon it.

In view of this it is considered that whilst the fields are not unattractive, they are generally unremarkable in landscape terms. Furthermore, the site does not possess any unique physical attributes which would make the land 'valued' for the purposes of paragraph 109 of the NPPF. The site consequently falls within the lowest tier of landscape value as an area of countryside. Having regard to the landscape features the local landscape character is classified as being of low value with low susceptibility to change and low sensitivity.

Impact of Development on Landscape

It is clear that the proposed development would change the character and appearance of the existing landscape in this location. Indeed, the construction of dwellings upon this land would result in the permanent and irreversible loss of green fields where no development is currently located. It would particularly result in the encroachment and extension of development into an area of countryside beyond the edge of the existing settlement boundary and defined boundaries of the Rugby Urban Area. The result of this is such that it would, to an extent, diminish the locality's semi-rural, green and open character and appearance thereby causing some harm.

Nonetheless, the LVIA concludes that the proposed development would not have a material effect on the landscape. This is because there would only be a limited loss of landscape elements and features that are characteristic of the local landscape (hedgerows and mature trees). Indeed, the illustrative layout plans demonstrate that the proposed development could

actually be accommodated on the site whilst retaining and enhancing existing landscape features such as hedgerows and trees. The confined nature of the site is also such that this would limit the effects on the wider landscape and nearby receptors.

The proposed development would retain the existing sloping topography and would be contained within the existing field boundaries as defined by hedgerows. These hedgerows and associated hedgerow trees would largely be retained with further additional planting and areas of open space proposed. The use of landscape planting in and around the site would also assist, over time, in providing a degree of visual containment of the site and softening of the impact the built development would otherwise have. Aside from this, the development would be seen within the context of existing dwellings and planned development within the immediate vicinity of the site. In this respect the proposed dwellings would relate appropriately and acceptably to the existing urban area rather than appearing as an isolated form of development in open countryside which paragraph 55 of the NPPF seeks to resist.

Landscape Character and Appearance Conclusions

It is necessary to acknowledge that the proposed development would result in the loss of green fields and would encroach into open countryside. However, the site does not benefit from any formal landscape designations and is not a 'valued landscape' for the purposes of paragraph 109 of the NPPF. At a local level the site falls within the 'Dunsmore, Plateau Farmlands' Landscape Character Type but the impact of developing the site was found to have a negligible impact upon this. Indeed, the landscape of the site itself is judged to be of low susceptibility to change with this therefore having an ability to accommodate development. It has consequently been demonstrated that development could be accommodated on the site whilst retaining and enhancing existing landscape features. Coupled with the proximity to the existing urban area it is considered that there would only be minor adverse landscape and visual effects after the proposed planting matures. On balance, it is therefore considered that the landscape and visual impact of the proposed development in this location would not be sufficiently detrimental to weigh significantly against the application. Nonetheless, some harm of limited weight would still arise and must therefore be considered within the overall planning balance.

5. Trees and Hedgerows

Paragraph 118 of the NPPF sets out that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Three of the core planning principles outlined within paragraph 17 of the NPPF establish the need to 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings', 'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'help conserve and enhance the natural environment'. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

Existing Trees and Hedgerows on Site

The majority of trees on the application site are located around the site boundaries but there are also three trees located within a hedgerow that cuts across the centre of the site. Four oak trees located along the boundary of the site with properties in Lime Tree Avenue are

also covered by a Tree Preservation Order. A Tree Survey and Constraints Report (2015) submitted with the application includes a survey which identifies the arboricultural value of all existing trees and tree groups located on and adjacent to the site. The results of this indicate that out of a total of 60 individual trees, 40% were high quality, 46.7% were moderate quality, 11.7% were low quality, and 1.6% were unsuitable for retention. Out of a total of 11 tree groups, 36.4% were high quality, 45.5% were moderate quality and 18.2% were low quality.

A total of 830 linear metres of hedgerows were recorded around the perimeter of the site and also intersecting the centre of the site. An Ecological Assessment (2015) submitted with the application identifies that one section of these hedgerows along the southwestern boundary is classified as being an important hedgerow under the Hedgerow Regulations 1997.

Proposed Tree and Hedgerow Planting and Removal

Although only an outline application with all but access reserved, the Tree Report indicates that no significant tree loss would be required to accommodate the proposed development. Existing trees situated around the site would be retained with suitable protection provided during construction. However, three trees of moderate arboricultural value and a small section of hedgerow would need to be removed to facilitate access into the site. To mitigate for this loss it is proposed that new tree and additional tree planting would be provided within the landscape buffer strips and public open space. New hedgerows would also be planted whilst existing hedgerows would be enhanced with additional planting.

Assessment of Impact on Trees and Hedgerows

The Council's Arboricultural Officer has assessed this report and raised no objection to the impact the proposed development would have on existing trees and hedgerows on and immediately adjacent to the site. In respect of the three trees proposed to be removed he has commented that whilst there will be some impact on the green corridor, the proposed tree losses are relatively minor. One of these is a relatively young Walnut Tree, one is an indifferent multi-stemmed Cherry Tree and the other is a mature Cherry Tree with evidence of major decay limiting its long term viability. An illustrative layout plan has been submitted which shows that the proposed development could be accommodated on the site without causing significant and detrimental harm to existing trees, including those covered by a Tree Preservation Order. However, two conditions requiring the submission of an arboricultural report and specification of all tree planting would be necessary to ensure existing trees are not adversely impacted and proposed trees are suitable.

Trees and Hedgerows Conclusion

It has been demonstrated that the proposed development could be accommodated on the application site without requiring the significant removal of existing trees and hedgerows. Where limited tree and hedgerow removal is indicated it is proposed to offset this by planting new trees and hedgerows. It is consequently considered that the proposed development would not have a harmful impact on existing trees and hedgerows

6. Heritage and Archaeology

Policy CS16 of the Core Strategy sets out that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. This is consistent with section 12 and the tenth core planning principle outlined within paragraph 17 of the NPPF which sets out the need to conserve and enhance heritage assets in a manner appropriate to their significance.

Archaeological Remains

The Heritage Statement (2015) submitted with application outlines that a Geophysical Survey and a programme of Archaeological Trial Trenching have been carried out on the site. This records that the only items of potential archaeological interest were a gully and single pit. However, these items contained no artefactual evidence to confirm their date or function. It was consequently concluded that it was unlikely that any further sub-surface archaeological remains will be present on site. WCC Archaeology are satisfied with these findings and do not require any further archaeological work to be carried out.

Impact on Heritage Assets

The potential impact of the proposed development on designated and non-designated heritage assets has been considered within the Heritage Assessment (2015) submitted with the application. This firstly outlines that there are no designated heritage assets located on or within the immediate vicinity of the application site. However, there are thirteen listed buildings located within 1km of the site. Despite this it is considered that the proposed development would not have any adverse effects upon their settings or heritage significance owing to distance, intervening topography, trees, hedgerows and existing modern development. For the same reasons there would be no detrimental and adverse impacts or effects on non-designated built heritage assets identified within Historic Environment Records.

Heritage and Archaeology Conclusions

The archaeological investigations carried out indicate that there are no archaeological remains of interest present within the application site. The potential impact of development on designated and non-designated heritage assets within the vicinity of the site has been considered and found to have no significant and detrimental impact. The impact on heritage and archaeology is therefore considered to be acceptable.

7. Access, Parking Provision, Traffic Flows and Highway Safety

One of the core principles outlined within paragraph 17 of the NPPF sets out the need for planning to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. This is then further expanded upon in section 4 of the NPPF which also sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. It further indicates the value of travel plans and the promotion of a mix of uses on larger residential developments (paragraphs 17, 36 and 38). Policy CS11 of the Core Strategy is consistent with this and states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

Proposed Site Access

This is an outline planning application to include consideration of access at this stage with all other matters reserved for consideration at a later stage. In this respect it is proposed that the development would be accessed off Coventry Road via a priority 'T' junction with a ghost

right turn lane within the centre of Coventry Road. There is a 40mph limit along this section of the road and minimum visibility splays of 2.40 metres by 120 metres would therefore be provided. In order to achieve this, the proposals include provisions for realigning and extending the width of the highway along Coventry Road. This would enable a right turning ghost island facility to be located within the centre of the carriageway. A stage 1 Road Safety Audit of the proposed access arrangements has been undertaken to identify any road safety problems and suggest measures to eliminate and mitigate concerns. The recommendations of this have consequently been incorporated into the final design of the access.

WCC Highways have carried out an independent assessment of the proposed site access and TA. They have subsequently indicated that they are satisfied that the proposed site access would be able to operate in a safe and efficient manner without being detrimental to highway safety. It is consequently considered that the proposed access would provide a suitable and safe access to the development proposed.

Proposed Parking Provision

The explanatory text accompanying policy T5 sets out that the availability of car parking can influence people's transport decisions and that an excessive increase in car parking can reinforce car dependency. Equally, the guidance on parking standards within the Planning Obligations SPD sets out that the Council will seek well designed parking solutions that will accommodate the likely level of car ownership in any given area and reduce the level of on street parking. As this is an outline application the provision of parking on the site would only be considered at the detailed reserved matters stage. However, the TA indicates that parking would be provided in accordance with the Council's standards in the Planning Obligations SPD.

Findings of Transport Assessment on Traffic Flows

The TA submitted with this application provides an assessment of existing traffic levels within the local highway network and sets out the impact that would arise from the vehicular trips generated by the proposed development. The scope of this was agreed with WCC Highways who have accepted that the methodology, data and modelling used provides a robust basis for assessment.

In order to understand the existing traffic situation the TA draws on the findings of manual turning counts, automatic traffic counters and capacity assessments which use national industry standard software. It then forecasts what traffic levels will be in five years' time without development using an industry standard trip end model produced by the Government. The assessment also takes into account projected traffic from committed developments which include the nearby Helical Bar and Cawston Extension sites.

The TA then forecasts the number of trips which would be generated by the proposed development. This is established by using a nationally recognised trip generation database validated against traffic surveys of residential developments in Rugby. The distribution of these trips on the road network is then forecast based upon anticipated trip purpose/destinations (i.e. to work, education, shopping, holiday and other) and where vehicles would then need to travel in order to reach these destinations. This enables the increase in the number of vehicles using different roads and junctions to be modelled.

Following this, the TA uses the projected traffic in five years' time without development as a baseline. It then forecasts what traffic levels will be like in five years' time with development. It subsequently uses modelling to establish whether junctions within the area would be able to operate within or over capacity with the development. The modelling shows that all but one junction modelled for this development would be able to operate within capacity.

The Lawford Lane/Main Street/Alwyn Road crossroads junction is anticipated to operate marginally over theoretical capacity with the proposed development. Mitigation measures in the form of a dedicated left lane and a dedicated ahead/right lane on Alwyn Road and yellow hatched box marking at the junction of Lime Tree Avenue and Alwyn Road are therefore proposed to improve this junction to enable it to continue operating within capacity.

Impact on Highway Safety and Traffic Flows

WCC Highways have carried out an independent assessment of the TA and are satisfied that this offers a robust and sound basis upon which to judge the impact of the development on traffic flows. In relation to the Lawford Lane/Main Street/Alwyn Road crossroads junction they have requested a condition requiring the improvements to be carried out before first occupation of the development. They have subsequently accepted that the proposal would not have a detrimental and severe impact upon the efficient operation of the local highway network subject to conditions and financial contributions.

However, in order to try and encourage further reductions in car usage, they consider that the development should fund improvements towards sustainable transport facilities in the area. A request has subsequently been made for financial contributions for cycling improvement schemes between the development site, Bilton School and Rugby Town Centre. Requests have been made for further information to justify this but no response has been received. The applicant has further highlighted that the development would provide a combined off-road footway and cycleway along the frontage of the site by Coventry Road. This would consequently provide part of a missing cycle lane link between Cawston and Bilton. In view of this and the absence of further requested information, the financial contribution for cycling improvement schemes cannot be justified in this instance. Nonetheless, the applicant has agreed to enter into a S106 Agreement to secure contributions towards sustainable travel packs. This and the cycle lane provision would consequently help to reduce the potential number of vehicular movements through junctions within the local highway network thereby lowering the impact it would otherwise have.

Aside from the impact on the local highway network, Highways England has also carried out an independent assessment of the TA in relation to the impact of this development on the strategic road network and raised no objection to this.

As previously indicated, paragraph 32 of the NPPF outlines that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case it has been demonstrated that the residual cumulative impacts of the proposed development would not be severe. The impact on highway safety and traffic flows is consequently considered to be acceptable.

Access, Parking Provision, Traffic Flows and Highway Safety Conclusions

It is proposed that the site would be accessed Coventry Road via a priority 'T' junction with a ghost right turn lane within the centre of Coventry Road. It has been found that this would be able to operate in a safe and efficient manner without causing detrimental harm to highway safety. The TA has then considered the impact of traffic flows to and from this proposed access on the local highway network. It consequently looks at the impact on key junctions with and without the proposed development to determine what the impact would be and whether this would lead to any capacity issues. The impact to all but one junction was found to be acceptable. Improvements have consequently been identified to the Lawford Lane/Main Street/Alwyn Road crossroads junction which would lead to an acceptable impact on the capacity and operation of this. WCC Highways has therefore raised no objection to the proposed development. It has consequently been demonstrated that the impact on the local highway network would not be severe in terms of safety or capacity.

8. Ecology

Policy E6 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, policy CS14 of the Core Strategy requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network. These policies are consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

It is within the context of the above that the applicant has submitted an Ecological Assessment and Protected Species Survey (2015). This is based upon an extended Phase 1 Habitat Survey, desk study, hedgerow survey and reptile survey. A detailed Bat Survey Report (2016), Badger Report (2016) and Biodiversity Impact Assessment (2016) have also been submitted.

Impact on Statutory and Non-Statutory Ecological Sites

There are no sites of international importance for biodiversity within 10km of the site, six sites of national importance within 5km and seven non-statutory biodiversity sites within 1km. These statutory and non-statutory sites would be separated from the proposed development at distance by existing housing thereby limiting any potential direct impact. Whilst the development could result in a slight increase in visitors to these statutory and non-statutory sites, the additional impact would be minimal with no detrimental and adverse impacts occurring.

Habitats

The assessment identifies that the majority of the site comprises improved grassland that is of limited value for biodiversity. However, the hedgerows located on the site are priority habitats with the hedgerow along the southwestern boundary qualifying as a species-rich important hedgerow under the Hedgerow Regulations 1997. Additionally, the on-site mature trees and wet ditch are of some value for nature conservation.

As this is an outline application, matters relating to the layout and landscaping will only be considered at a later date when a reserved matters application is submitted. However, access is a matter which is being considered at this stage and the plans show that a small section of hedgerow and three trees would need to be removed to facilitate this. The illustrative layout plan also shows that a small section of hedgerow running across the centre of the site would need to be removed to provide a road across the site. Despite these small losses, the illustrative plan demonstrates that the remaining hedgerows and trees could be retained and protected within the proposed development.

To mitigate for the identified loss in habitat it is proposed that all retained hedgerows would be enhanced through additional planting. It is also proposed that new tree planting would be provided within landscape buffer strips around the perimeter of the site, public open space and adjacent off-site woodland. In addition, the assessment indicates that the proposed attenuation basin would be designed to provide ecological benefits. Furthermore, the open space would be managed to promote species-rich grassland whilst log piles and artificial hibernacula would be created. Bat and bird boxes would also be provided.

A Biodiversity Impact Assessment has subsequently been submitted to quantify the value of the existing habitats and establish what impact the proposed development would have on this. This concluded that there would be a 31.16% biodiversity impact loss arising from the proposed development. However, the proposed hedgerow planting and enhancement is such that there would be a linear biodiversity gain.

WCC Ecology has considered all of the above and reasoned that it would be necessary to secure an appropriate biodiversity offsetting scheme off-site to compensate for the residual habitat loss. The applicant has therefore agreed to enter into a S106 Agreement to secure the provision of either a suitable offsetting scheme or provision of a financial contribution to enable WCC to find a suitable offsetting scheme. WCC Ecology consequently does not object to the proposed development in regard to the impact on habitats subject to conditions requiring the submission of a construction and environmental management plan and landscape and ecological management plan. This position is supported by Warwickshire Wildlife Trust whilst Natural England has responded to confirm that they do not object to the application.

Protected and Priority Species

In relation to protected and priority species, the assessment draws on data records and surveys which indicate that the development has the potential to have an impact on badgers, bats, reptiles and breeding birds. However, WCC Ecology are satisfied that the potential impact to these species could be mitigated against through the planning conditions referred to above and specific conditions requiring a badger mitigation strategy and schedule of reptile mitigation measures. Again, this position is supported by Warwickshire Wildlife Trust whilst Natural England has only made general comments on the need to follow their standing advice notes.

Ecology Conclusions

It has been found that the findings of the assessment and surveys are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The diversity and value of existing habitats on site is currently limited. Some of these habitats would be lost to allow for the proposed development but a significant majority of trees and hedgerows would be retained. Nonetheless, it is proposed that biodiversity would be enhanced and any loss mitigated for through a biodiversity offsetting scheme and proposed habitat creation and enhancement on-site. In turn this would ensure that the loss of habitats available for protected and priority species would be minimised. Furthermore, mitigation strategies and measures would be provided to ensure that the impact of development on badgers and reptiles are acceptable. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species.

9. Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 100-103). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage systems (SUDS) should be proportionality incorporated into new development where practical.

Flood Risk

The Flood Risk Assessment (FRA) (2015) confirms that the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the NPPF. It also outlines that a small area of land along the eastern edge of the site is at low to medium risk of surface water flooding.

Surface Water Drainage

In respect of surface water drainage, the FRA considers a range of factors including the impact of ground conditions, topography and layout. It concludes that the potential use of infiltration based drainage solutions is likely to be limited with the consequent need to use an attenuation basin of an appropriate size. Surface water would therefore be directed into a drainage system which would flow into the attenuation basin which would be located in the southeast corner of the site. It has been demonstrated that this would be able to attenuate surface water flows up to and including 1 in 100 year plus 30% for climate change rainfall events. It would consequently contain water within the site boundaries and limit discharge rates to that of existing greenfield runoff rates into existing drainage channels on adjacent land. The drainage scheme and associated attenuation requirements would need to be finalised at the detailed design stage when the layout of development is known.

Aside from the surface water drainage scheme, the FRA indicates that water accumulating at the small area of land at low to medium risk of surface water flooding would need to be captured and managed within the SUDS. It further recommends that minimum finished floor levels for each dwelling are set according to their general location on the site. These levels would correspond to the natural topography of the land with no general land raising proposed. It also recommends that low points where water could pool is avoided in the detailed design with careful profiling away from buildings. This is intended to provide additional resilience against any extreme flooding events.

WCC Flood Risk Management has carried out an independent assessment of the FRA and raised no objection subject to conditions that: require the submission of a detailed surface water drainage scheme; stipulate minimum finished floor levels; and stipulate the need for an unobstructed easement on part of the site. The details of these conditions would also require the submission of detailed design plans and future maintenance proposals. They would further stipulate a requirement for the developed site to not increase the risk of flooding off-site. The response from STW further supports this position whilst the Environment Agency has responded to confirm that they do not wish to comment on the application.

Foul Sewage

The Utilities Statement (2015) submitted with the application identifies that the foul water system running across the site is currently at full capacity. A sewer capacity assessment by Severn Trent Water would therefore be required to determine the impact on the local pumping station and establish whether reinforcement works are required. Detailed designs of how foul sewage would be dealt with would therefore be provided at the detailed design stage. It is further necessary to note that under the Water Industry Act the applicant has the right to connect to public sewers with STW being liable to provide any necessary upgrades to enable this. The response received from STW is ultimately one of no objection subject to the submission of drainage plans for the disposal of foul sewage.

Flood Risk and Drainage Conclusions

It has been found that the findings of the FRA are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in

a low risk flood zone and would therefore not be susceptible to flooding. Surface water drainage will principally be dealt with through the use of drainage system outfalling into an attenuation pond. This would ensure that the proposed development would not increase flood risk off site whilst ensuring that the development itself would not be at risk from surface water flooding. Minimum finished floor levels for each dwelling are also proposed to provide additional resilience against any extreme flooding events. Aside from this, detailed designs of how foul sewerage would be disposed of would be submitted at the detailed plans stage. It is consequently considered that the proposed development would not have an adverse impact upon flood risk and drainage.

10. Air Quality

The NPPF establishes the need to consider whether the proposed development would result in unacceptable levels of air quality to the detriment of new or existing development (paragraph 109). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 124). This is consistent with policy CS10 of the Core Strategy and the Air Quality section of the Planning Obligations SPD which set out the need to ensure that new development does not result in a significant increase in the production of air quality pollutants.

Air Quality Management Area

The application site falls within the Rugby Air Quality Management Area (AQMA) which has been designated due to an excess of nitrogen dioxide primarily related to traffic congestion near the centre of Rugby and Dunchurch. An Air Quality Assessment (2015) has therefore been submitted with the application. This outlines the potential impacts of the additional vehicular traffic that would be generated by the proposed development. Air pollutant levels are considered at existing sensitive receptors within the vicinity of the site and at proposed receptors within the site. The assessment subsequently concludes that the proposed development would not result in nitrogen dioxide and particulate matters being exceeded at existing and future residential receptors. Environmental Health has considered this and responded to indicate that they have no objections to the modelling carried out and the impact of this development on air quality.

Dust and Fine Particulate Emissions

Aside from the above, the Air Quality Assessment also identifies the potential for construction activities to give rise to dust and fine particulate emissions. It therefore outlines the need for mitigation measures to be implemented to substantially reduce the potential impact on surrounding residential receptors. Environmental Health are in agreement with this and have therefore requested a condition requiring the submission of a Construction Environmental Management Plan. This would need to include details of how and what specific dust, noise and vibration mitigation measures will be incorporated into the proposed development to prevent off site migration of dust, mud and debris impacting on receptors and the local highway network.

Air Quality Conclusions

It has been found that the findings of the Air Quality Assessment are acceptable and form a robust basis for considering the air quality impacts arising from the proposed development. In respect of the impact upon the Rugby AQMA it is acknowledged that the additional vehicular traffic would have a negligible impact on existing sensitive receptor locations. The potential for dust and fine particulate emissions arising from construction activities could be reduced through mitigation measures to be secured by condition. It is consequently

considered that the proposed development would not have an adverse impact upon air quality.

11. Noise

Paragraph 123 of the NPPF outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider measures, including the use of conditions, to minimise noise and mitigate against the impact from it. Paragraph 17 of the NPPF and policy CS16 of the Core Strategy is consistent with this in outlining that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.

Impact of Noise to Proposed Development

The submitted Noise Assessment (2015) considers the impact of noise from road traffic on the residential amenity of future occupants. It consequently concludes that mitigation may be required to achieve internal maximum noise levels within the proposed dwellings. Careful consideration will also need to be given to the layout of gardens with mitigation measures potentially being required. A full noise assessment would therefore need to be submitted at the detailed design stage when the layout of properties is known.

Assessment of Noise

Environmental Health has carried out an independent assessment of the noise screening report. They have raised no objection to this subject to a condition requiring the submission of a full noise assessment with appropriate mitigation prior to the commencement of development.

Environmental Health has further identified the potential for noise to arise from construction activities associated with the proposed development. They have consequently requested a condition requiring the submission of a Construction Environmental Management Plan to ensure potential harm is minimised.

Noise Conclusions

It has been found that potential noise from road traffic has the potential to impact upon the residential amenity of future occupiers. A noise assessment including mitigation measures would consequently need to be submitted to ensure detrimental harm does not arise. The impact of construction noise on these properties can also be controlled via condition.

12. Contamination

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121).

The submitted Phase 1 Geo-environmental Desk Study Report (2015) reviews source material and the existing setting of the site. It concludes that there is only a low risk of contamination but recommends that further testing is carried out at a later stage.

Environmental Health has subsequently considered the assessment and acceptability of the proposed development in relation to potential contamination issues at the site. Their response is one of no objection subject to a condition requiring the submission of an investigation and risk assessment including a remediation scheme and measures to report unexpected contamination found on the site. It is therefore considered that this would ensure

that contaminated land does not affect the health of the future occupiers of the proposed development.

13. Economic Growth

Section 1 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. In this respect the proposed development would result in: money being invested in construction on the site; construction and associated in-direct jobs being supported; potential new construction employment opportunities; increase in Gross Value Added; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; an increase in the viability of existing public services; and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if development was carried out at other locations on the edge of Rugby town. However, not enough homes are being constructed within the Borough to meet identified housing needs and these potential benefits are therefore not being realised. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract significant weight.

14. Design, Layout and Visual Amenity

Policy CS16 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 17 and Chapter 7 of the NPPF are also relevant and set out the importance of good design in relation to new development.

Illustrative Design and Layout

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement which includes design principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 150 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 150 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable design and layout could be achieved. An assessment of the proposals has subsequently been undertaken in accordance with the Government endorsed Building for Life 12 criteria. This has enabled consideration of how the proposed development would integrate into the existing neighbourhood, create place and provide suitable streets and homes.

Integration with the Existing Neighbourhood

In relation to integration with the existing neighbourhood it is proposed that the vehicular access to the site would only be achieved via a single access point onto Coventry Road. However, the illustrative layout plan shows that the scheme could be laid out with the internal road layout extending to the edge of the southwest boundary. This would provide the option of creating a vehicular link between this site and the adjacent site with extant planning permission for 250 dwellings. Nonetheless, the location and size of the application site is also such that it could create an entirely self-contained development with no secondary vehicular connections into the wider neighbourhood. Aside from vehicular links it is noted that pedestrian and cycle links could be provided to the northeast corner to provide easier access to Bilton and the southwest boundary to link into the adjacent site with extant planning permission for 250 dwellings.

Any connections into the surrounding area would help to ensure that the development integrates with the existing neighbourhood surrounding it. These proposed connections would further help to increase the accessibility of the development in relation to the facilities and services future occupants would need. Broader considerations relating to the accessibility and capacity of existing facilities and services, public transport and meeting local housing requirements have been considered in other sections of this report. The effect of the above is such that the proposed development could, on balance, integrate sufficiently well with the existing neighbourhood.

Creating Place

In relation to creating place it is considered that the size and location of the proposed development is such that it would be able to create its own distinct character. However, it has been demonstrated that a scheme could be designed to take account of a number of site constraints including the position of the single site access point, topography, existing hedgerows and trees, sensitive boundaries with neighbours and existing surface water flows. It would achieve this by ensuring that dwellings would be located within development blocks which correspond with the landscape. A central component of this would be ensuring existing trees and hedgerows would be retained with new planting also provided to create a larger area of green infrastructure. Public open space would principally be provided on the southwestern boundary. This would therefore be able to integrate with open space proposed as part of the adjacent site with extant planning permission for 250 dwellings. The scale of development is indicated to range between two and two-and-a-half storey development with two storey predominating. A simple street hierarchy would be utilised consisting of a primary main street running from northeast to southwest with secondary residential streets and lanes/drives running off this. The effect of the above is such that the proposed development could, on balance, create a place with a good character and appearance.

Suitable Streets and Homes

In relation to providing suitable streets and homes it is proposed to utilise primary and secondary roads to distinguish between the main vehicular distributor road and more pedestrian friendly roads to local housing. At a more specific level the proposed dwellings around the streets would be able to offer good natural surveillance opportunities over the streets and public open space. Design features listed within the Design and Access Statement have the potential to further contribute to the creation of streets which have a degree of visual interest whilst providing a suitable mix of parking treatments. In addition, public open space and a play area for children could be provided within the development in clearly defined areas. The effect of this is such that public spaces would be readily distinguishable from private spaces. External storage space for bins and recycling would need to be carefully considered to ensure these are located to the rear of properties and out

of intrusive public views. The effect of the above is such that the proposed development could, on balance, provide suitable streets and homes.

Visual Amenity Conclusions

Overall, it is considered that the proposed development could be designed to satisfactorily integrate into the existing neighbourhood, create place and provide suitable streets and homes. Indeed, the illustrative layout plan provides the required level of comfort in this stage of the planning process that an acceptable design and layout could be achieved. There is also sufficient flexibility within the scheme to reduce the number of dwellings if necessary to achieve an acceptable layout. It is within this context that it is considered that the impact of the proposed development on visual amenity would be acceptable.

15. Residential Amenity

Policy CS16 of the Core Strategy requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 3.2 of this SPD refers to Appendix B – Residential Extension Design Guide (REDG), which at paragraph 4, provides guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Although directed at householder extensions, the principles of this SPD can equally be applied to applications for new houses. Paragraph 17 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

Existing Properties

Two existing isolated dwellings are located along the southwestern boundary of the application site fronting onto Coventry Road. Private gardens to the dwellings surround the buildings which contain primary habitable room windows overlooking the site. Aside from this a number of dwellings fronting onto Lime Tree Avenue have rear gardens which back onto the site. The rear elevations to these properties contain primary habitable room windows which also overlook the site. The proposed development on the application site consequently has the potential to have an impact upon the residential amenity of these existing properties.

Impact to Existing Properties

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement which includes design principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 150 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 150 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable level of residential amenity could be achieved between existing and proposed dwellings. In this respect it is considered that the

illustrative plans provide confidence that dwellings could be laid out on the site without giving rise to significant and detrimental impacts on the light, aspect and privacy to existing properties on Coventry Road and Lime Tree Avenue. The actual impact to these properties would be considered at the detailed reserved matters application stage.

Residential Amenity (Light, Aspect and Privacy) Conclusions

It is considered that the proposed development could be designed so as to ensure that it would not have a significant and detrimental impact upon the residential amenity of existing properties.

16. Open Space, Landscaping and Green Infrastructure

Policies H11, H12 and LR1 of the Local Plan require proposals for new residential development of the size proposed to provide appropriate play and open space on site in accordance with the Council's Open Space Standards. Policy LR3 relates to this and sets out the need for new open space provision to be of a high quality and accessible. Further guidance is outlined within the Council's Planning Obligations SPD which recognises that financial contributions may be appropriate to allow off site provision to be provided or improved in a suitably accessible location where these elements cannot be provided on site.

On-Site Open Space, Landscaping and Green Infrastructure

Following discussions with the Parks and Grounds Manager and assessing existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it was considered that an element of on-site provision and financial contributions for off-site provision should be made. As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement and Landscape and Visual Impact Appraisal which includes design and landscaping principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 150 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 150 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the plans, statement and appraisal indicate the minimum amount and nature of different types of public open space and green infrastructure that would be required on the site. In particular, it is indicated that the proposed development would provide a minimum of 1.11ha of public open space and green infrastructure. This would include an area of amenity greenspace (0.43ha), natural and semi-natural greenspace (0.61ha) and option for a Locally Equipped Area of Play. This would be secured within a S106 Agreement unless otherwise agreed in writing with the Local Planning Authority.

Financial Contributions for Off-Site Provision

Aside from the on-site provision it is acknowledged that the size of the development and application site is such that it would not be possible or desirable for all of the required types of open space to be provided on-site. The applicant has consequently agreed to make financial contributions for off-site provision towards natural and semi-natural greenspace,

option for provision for children and young people, outdoor sports and parks and gardens unless otherwise agreed in writing with the Local Planning Authority. These contributions would be secured within a S106 Agreement.

Open Space, Landscaping and Green Infrastructure Conclusions

Following an assessment of existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it has been considered that an element of on-site provision and financial contributions for off-site provision should be made. Unless otherwise agreed in writing with the Local Planning Authority, on-site provision would include a minimum of 1.11ha of public open space and financial contributions would be made towards natural and semi-natural greenspace, option for provision for children and young people, outdoor sports and parks and gardens. The proposed play and open space on-site together with contributions to improve existing off-site provision would consequently be acceptable.

17. Sustainable Design and Construction

Core Strategy policies CS16 and CS17 refer to sustainable design, water efficiency and reducing carbon emissions. The Sustainable Design and Construction Supplementary Planning Document (SDC SPD) 2012 further expands upon this and sets out the potential to reduce carbon emissions through improving energy efficiency in construction and design. This is consistent with chapter 10 of the NPPF which supports the inclusion of renewable and low carbon energy within new development.

Water Efficiency

Policy CS16 and SDC SPD specifically state that all new residential developments should incorporate measures to meet the water conservation standards in Level 4 of the Code for Sustainable Homes. This is consistent with paragraph 94 of the NPPF which outlines the need to take account of water supply and demand.

Level 4 of the Code for Sustainable Homes sets out that the potential consumption of water by persons occupying a new dwelling should not exceed 105 litres per person per day. However, it is necessary to note that the Code for Sustainable Homes was withdrawn by the Government in March 2015 and this policy is effectively out-of-date.

Carbon Dioxide Emissions

Policy CS17 and SDC SPD specifically state that development must comply with the Building Regulations relevant at the time of construction. It also sets out that as a minimum all new development of 10 or more dwellings should incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

The development should therefore be designed to utilise renewable energy technologies to reduce carbon emissions. A condition requiring the submission of these details would consequently need to be imposed to ensure such renewable energy technologies are provided. A further condition stipulating that the proposed dwellings must comply with the Building Regulations relevant at the time of construction would also be necessary.

Sustainable Design and Construction Conclusions

It is considered that the proposed development would be able to reduce carbon emissions through improving energy efficiency in construction and design. Planning conditions would need to be imposed to ensure that this is provided.

18. Safeguarding Development Potential

Policy GP6 of the Local Plan sets out that planning permission will not be granted for development which would prejudice the development potential of other land, including the comprehensive development of a larger site, or the provision of important infrastructure.

It is acknowledged that this outline application has been submitted as a standalone scheme and consequently needs to be assessed on its own merits. Nonetheless, outline planning permission has been granted for residential development on adjoining land for up to 250 dwellings (ref: R11/1521) and a reserved matters application relating to this is currently under consideration (ref: R16/0984). In this respect it is considered that granting outline permission on the application site would not prejudice the development potential of other land, including the comprehensive development of the wider area, or the provision of important infrastructure. Indeed, the illustrative layout plan shows that links could be provided between this application site and adjoining development. The open space on both sites could also be amalgamated to create a larger and more usable area of public open space for the benefit of future residents on both sites.

In conclusion, it is considered that the proposed development would not prejudice the development potential of other land, including the comprehensive development of the wider area, or the provision of important infrastructure.

19. Planning Obligations

Policy CS10, the Planning Obligations SPD and paragraph 203 of the NPPF set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable. Policy CS13 also states that 'Where new developments are proposed the implications on existing services need to be taken into account. This may result in contributions to existing services or new provisions being accrued'. This is consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which outlines the need for planning to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Notwithstanding the above, paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has received a number of requests for planning obligations from technical consultee's as detailed below.

Education: The proposed development would result in more children moving into this area of Rugby who would consequently need a place within local schools. WCC has therefore undertaken an assessment as to whether there would be sufficient spaces within existing schools to accommodate the estimated number of pupils that would be likely to arise from this development. They have consequently indicated that there would not be sufficient capacity for early years, primary, primary special educational needs, secondary, secondary special educational needs and sixth form provision. Financial contributions have

consequently been sought for increased provision at local schools to provide for the projected increase in demand. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

Policing: The proposed development would result in an increase in demand for policing within this area of Rugby. Warwickshire Police and West Mercia Police have consequently requested a financial contribution to offset this impact. This would be used by the Rugby Town West Safer Neighbourhood Team for the recruitment and equipping of officers and staff, police vehicles and office accommodation. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

GP Surgeries: NHS England has responded to the Council's consultation and indicated that there is un-used capacity at the two nearest GP surgeries to this proposed development. They have therefore not made any requests for financial contributions towards GP Surgeries.

Public Open Space: The applicant has agreed to provide on-site public open space and off-site financial contributions as detailed within the Open Space, Landscaping and Green Infrastructure section above. This would be secured within a S106 Agreement.

Cycle Network Improvements: The applicant has agreed to provide a combined off-road footway and cycleway along the frontage of the site by Coventry Road. This would be secured by planning condition.

Affordable Housing: The applicant has agreed that 40% of the proposed dwellings would be affordable housing comprising a split of 25% intermediate houses, 18% affordable rented houses and 57% social rented houses, unless otherwise agreed in writing with the Local Planning Authority. This would be secured within a S106 Agreement.

Indoor Sports Facilities: Financial contributions towards off-site health and fitness and sports halls are required in accordance with the Council's Planning Obligations SPD. This would be secured within a S106 Agreement.

Youth Services in Dunchurch: The proposed development would result in an increase in demand for existing youth services within Dunchurch. Dunchurch Parish Council has consequently requested a financial contribution to offset this impact. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

Dunchurch Library: The proposed development would result in an increase in demand at Dunchurch Library. Dunchurch Parish Council has consequently requested a financial contribution to offset the additional running costs that would be incurred. WCC Infrastructure has also requested financial contributions towards improving, enhancing and extending the facilities or services of the library. The applicant has accepted these requests and agreed for them to be secured within a S106 Agreement.

Public Rights of Way: WCC Rights of Way Team has requested financial contributions for improvements to Public Rights of Ways (PRoWs) within a 1.5 mile radius of the application site. This has been requested owing to increased maintenance liabilities arising from increased usage. The request consequently relates to 28 different PRoWs and therefore fails the required tests in respect of being reasonable and directly related to the development proposed. Further justification was requested but specific works in relation to identified PRoWs was not provided. The requested contribution to PRoWs has therefore not been sought in this instance.

Biodiversity Offsetting: WCC Ecology has requested financial contributions towards off-site biodiversity offsetting as detailed within the ecology section above. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

Sustainable Travel Packs: WCC Highways has requested a financial contribution towards the provision of sustainable travel packs for each new dwelling. This would include information on sustainable modes of transport and help promote sustainable travel and road safety in the local area. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

Infrastructure and Planning Obligations Conclusions

It is considered that the impact of the proposed development on existing services, facilities and infrastructure would be acceptable. Consultation has been carried out with key service providers within this area. In some circumstances it has been found that there is sufficient capacity to accommodate increased usage that would arise from the occupants of this proposed development. In other circumstances the impact of the development would be offset through in-kind provision or financial contributions. The applicant has agreed to enter into a S106 Agreement which will ensure in-kind provision and financial contributions are delivered and paid.

20. Planning Balance and Sustainability of Development

The location of the application site within designated countryside is such that the proposed development would be contrary to policy CS1 of the Core Strategy. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should consequently be refused 'unless material considerations indicate otherwise'. It is therefore necessary to consider whether material considerations exist which are of sufficient weight to justify sanctioning a departure from the Development Plan.

In this case the main material considerations arise from the NPPF and the Council being unable to demonstrate a five year supply of deliverable housing sites to meet the identified housing need within the Borough. Paragraph 49 of the NPPF is consequently relevant and states that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Policy CS1 relates to the supply of housing and therefore cannot be considered up-to-date. The effect of this is not such that policy CS1 should be ignored or disapplied but rather that consideration should be given as to what weight it holds in the decision. In this respect it has been found that only limited weight can be given to policy CS1 in this instance.

Paragraph 14 of the NPPF is consequently relevant and sets out a presumption in favour of sustainable development. For decision-taking it explains that this means that where the development plan is absent, silent, or as is the case here, out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole, or specific policies in the NPPF indicate development should be restricted. In this case no specific policies within the NPPF have been identified that would indicate that the scheme should be restricted. The test must therefore be whether the proposed development would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme.

It is within this context that it is necessary to have regard to paragraph 7 of the NPPF which indicates that sustainable development has three dimensions: economic, social and environmental. Paragraphs 18 to 219 of the NPPF taken as a whole subsequently constitutes what this means in practice when considering proposals for new development.

From an economic perspective the proposed new dwellings would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

From a social perspective there is a significant need for new housing within the Borough and the Council does not have a five year housing land supply to meet that need. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed development of up to 150 dwellings, of which up to 40% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting this housing need. Aside from this, the proposed development would provide cycle network improvements which would not only offset the impact of this development but also be of benefit to existing residents. These matters consequently weigh in favour of the application. As such, the proposed development would satisfy the social role of sustainable development.

From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, landscape character and appearance, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, visual amenity, residential amenity, water conservation and carbon emissions have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions and a S106 Legal Agreement to ensure that this is delivered.

Notwithstanding the above, it is clear that the proposed development would give rise to some unavoidable environmental harm which could not be adequately mitigated against. In this first instance the proposal would result in the loss of an area of the best and most versatile agricultural land which would result in harm of limited weight. Secondly, the physical location of the site in relation to some of the services and facilities that future residents would need is such that they are more likely to rely on the use of private cars rather than sustainable transport alternatives such as walking. However, the majority of services and facilities could still be accessed by a range of transport options and harm of only very limited weight is therefore attributed to this. Thirdly, the proposed development would result in the loss of a green field and open countryside which would result in harm of limited weight to the landscape character of this area.

In conclusion, it is necessary to acknowledge that the proposed development would be contrary to the Development Plan and should consequently be refused unless material considerations indicate otherwise. In this respect regard has been had to national policy and the presumption in favour of sustainable development. It is therefore considered that the identified environmental harm of only limited weight does not, on balance, significantly and demonstrably outweigh the identified economic and social benefits of significant weight. It is consequently considered that this would be a sustainable development and the presumption in favour of such development should apply here.

It is concluded that the identified conflict with the Development Plan is outweighed by material considerations, which weigh strongly in favour of the proposed development and are to be afforded significant weight in that balance. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and by reference to the presumption in favour

of sustainable development set out within the NPPF, it is recommended that planning permission should be granted.

Recommendation:

The Head of Growth and Investment be given delegated powers to grant planning permission subject to conditions, informatives and the completion of a legal agreement to include affordable housing, education, policing, open space on-site, open space off-site, indoor sports facilities, youth services, libraries, biodiversity offsetting and sustainable travel packs.

DRAFT DECISION

APPLICATION NUMBER

R15/1816

DATE VALID

09/09/2015

ADDRESS OF DEVELOPMENT

LAND SOUTH OF COVENTRY ROAD
AND NORTH OF LIME TREE
COVENTRY ROAD
CAWSTON
RUGBY

APPLICANT/AGENT

Amec Foster Wheeler E&I UK Ltd
Gables House
Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX
On behalf of Warwickshire County Council

APPLICATION DESCRIPTION

Residential development of up to 150 dwellings including vehicular access from Coventry Road, open space, landscaping, surface water attenuation ponds, footpaths, cycleways and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved)

CONDITIONS AND REASONS

CONDITION 1:

Application for approval of the reserved matters specified in condition 3, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

The development hereby permitted must be begun not later than the expiration of one year from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 3:

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

- a – Appearance;
- b – Landscaping;
- c – Layout; and
- d – Scale.

REASON:

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

CONDITION 4:

The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u> <u>Received</u>	<u>Plan/Report No.</u>	<u>Date</u>
Site Location Plan	36250-Lea16a	08-09-15
Existing Topographical Survey	7240-01	19-11-15
Proposed Site Access Plan	36250-LEA83	08-09-15
Planning Statement	36250R025i1	08-09-15
Design and Access Statement	36250-001	08-09-15
Transport Assessment	36250LEArr011i1	08-09-15
Road Safety Audit	RSA 2234	11-11-15
Landscape and Visual Impact Appraisal	36250LEArr026i2	08-09-15

Ecological Assessment	36250R024	08-09-15
Bat Survey 15/07-01-16	ST14115 008	27-10-
Badger Report	36250R015i3	29-06-16
Flood Risk Assessment and Drainage Strategy	36250-r016i5	23-11-15
Geo-environmental and Geo-technical Assessment	36250Lea010i1	08-09-15
Heritage Statement	36250rr022i3	08-09-15
Noise Assessment	N001	08-09-15
Air Quality Assessment	36250rr020i1	08-09-15
Utilities Statement	36250rr0131i1	08-09-15
Arboricultural Report	AFW-17-04-2015-V 1-SB	08-09-15
Access Tree Plan	36250-Lea84	19-11-15

REASON:

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

CONDITION 5:

The details submitted in relation to condition 3 above shall have regard to the Illustrative Masterplan (36250-Lea82e, received 07-09-16), Illustrative Public Open Space Plan (36250-Lea46d, received 07-09-16) and Illustrative Attenuation Basin Details (36250-Lea92, received 07-09-16).

REASON:

To ensure the detail of the development of the site is acceptable to the Local Planning Authority.

CONDITION 6:

No development shall commence until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:

- a. Highway works to Coventry Road;
- b. The provision of all major infrastructure including accesses, roads and footpaths;
- c. Attenuation pond;
- d. Residential dwellings;
- e. Public open space; and
- f. Green infrastructure (including ecological and landscaping enhancement areas).

The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure the proper development of the site.

CONDITION 7:

No development shall commence 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 8:

No development shall commence until full details of earthworks, site levels, finished floor levels of all buildings, and ground levels of all access roads, parking areas and footways, including proposed grading and contours and a schedule of implementation, have been submitted to and approved in writing by the Local Planning Authority. In accordance with the Recommended Finished Floor Levels Plan (36250_LEA085v2 contained within Appendix G of the Flood Risk Assessment and Drainage Strategy, received 23-11-15), these details shall show that all internal finished floor levels shall be set at least 150mm above the adjacent external ground levels and no lower than: 112.0mAOD (Above Ordnance Datum) in the northern field shown on the Recommended Finished Floor Levels Plan; and 600mm above the bank top level of the ditch running along the south-eastern boundary of the southern field shown on the Recommended Finished Floor Levels Plan. No construction work and development shall be carried out other than in accordance with the approved details and schedule.

REASON:

To ensure the proper development of the site, in the interest of visual amenities and to reduce the risk of flooding to the proposed development and future occupants.

CONDITION 9:

No development shall commence until full details of all boundary treatments, including walls, fences, railings and gates, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the position, materials, appearance and height of the boundary treatments. The development shall not be carried out other than in accordance with the approved details. No dwelling shall be occupied until the approved boundary treatments for that plot have been installed in accordance with the approved details.

REASON:

In the interest of visual and residential amenities.

CONDITION 10:

No development shall commence until full details of all highway surfaces and parking areas, including details of materials, construction, drainage and levels, together with samples of the materials, 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. No dwelling shall be occupied until the parking areas for that plot have been laid out in

accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON:

To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality and to ensure adequate parking provision in the interests of highway safety.

CONDITION 11:

No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of drainage.

CONDITION 12:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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. The scheme to be submitted shall:

- a. Provide details and the outcome of infiltration testing undertaken 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.
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- c. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- 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 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.
- f. Demonstrate how the on-site surface water drainage scheme accords with paragraph 6.1 of the Ecological Assessment (36250R024, received 08-09-15).
- g. Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The scheme shall subsequently be implemented in accordance with the approved details before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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 13:

The details required by condition 3 should show the provision of at least an 8 metre wide unobstructed easement from the top embankment of the ditch running along the south-eastern boundary of the southern field indicated on the Recommended Finished Floor Levels Plan (36250_LEA085v2 contained within Appendix G of the Flood Risk Assessment and Drainage Strategy, received 23-11-15).

REASON:

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage structures.

CONDITION 14:

No development and works, including any site clearance, shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of: updated protected species surveys carried out at a suitable time of year by a qualified ecologist; pre-commencement checks for protected species including bats, breeding birds and amphibians; appropriate working practices and safeguards for protected and notable species and habitats that are to be employed whilst works are taking place on site; and what to do if protected species are discovered during construction. The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The approved CEMP shall be implemented in full and adhered to throughout the construction period.

REASON:

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

CONDITION 15:

Notwithstanding the Badger Report approved under condition 4, no development or works, including site clearance, shall commence until a further update to the existing badger survey has been carried out by a suitably qualified badger consultant and the results of the survey and details of any revised mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

REASON:

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

CONDITION 16:

No development or works, including site clearance, shall commence until a detailed schedule of reptile mitigation measures, to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary, has been submitted to and approved in writing by the Local Planning Authority. The approved reptile mitigation measures shall thereafter be implemented in full in accordance with the approved timetable.

REASON:

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

CONDITION 17:

No development shall commence until a Landscape and Ecological Management Plan (LEMP), which incorporates the layout and landscaping details required by condition 3 above, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of: the quantity, size, species, position and sourcing of all new planting including trees, hedgerows and shrubs; maintenance of all new planting; how all new planting would integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement); provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, and location of log piles); a timetable for the implementation of all of the ecological and landscape enhancement/creation measures; and a scheme securing future maintenance and retention. The approved LEMP and associated measures shall be implemented in full.

REASON:

To protect and enhance biodiversity, to ensure that protected species are not harmed by the development and in the interests of visual amenity.

CONDITION 18:

The landscaping details required by condition 1(b) and condition 15 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 variations.

REASON:

To ensure the proper development of the site, in the interest of visual amenity and to enhance biodiversity.

CONDITION 19:

Notwithstanding the Arboricultural Assessment approved under condition 4, no development or works shall commence until an Arboricultural Report (to include an Arboricultural Impact Assessment, Method Statement and Tree and Hedgerow Protection Plan) has been

submitted to and approved in writing by the Local Planning Authority. The Report shall give details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development, in accordance with BS5837: 2012 'Trees in relation to Design, Demolition and Construction'. The required details shall include:

- a. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring ground in relation to the proposed development. This should also show the details and positions of the tree protection barriers and ground protection.
- b. A schedule of tree works for all the retained trees specifying pruning and other remedial or facilitation work, whether for physiological, hazard abatement, aesthetic or operational reasons.
- c. Details of any changes in levels and/or the position of any proposed excavations within the Root Protection Area of any retained tree.
- d. Details of "no dig" construction methods to be implemented in root protection areas.
- e. Details and positioning of the proposed attenuation basin in relation to the impact upon the retained trees surrounding it.

The approved development shall not be carried out other than in accordance with the approved Arboricultural Report and details for the duration of the works on site. No tree or hedgerow other than so agreed shall be removed, and no works or development shall commence, unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

REASON:

To ensure that all retained tree stock is integrated successfully into the design, to maintain the overall continuity of tree cover within the application site, to protect and enhance biodiversity, to ensure that protected species are not harmed by the development, and in the interests of visual amenity.

CONDITION 20:

No development shall commence until a scheme for the external lighting of communal and public areas, including road and path lighting, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include full details of the type, design and location of lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity. No external lighting shall be erected and installed other than in accordance with the approved scheme and details.

REASON:

To prevent harm to protected species, to prevent unnecessary light pollution and in the interests of the amenities of the area.

CONDITION 21:

No development shall commence until the access to the site from Coventry Road has been constructed, located and laid out in general accordance with the Proposed Site Access Plan (36250-LEA83, received 08-09-15), including provision of visibility splays where indicated. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.60 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

CONDITION 22:

No dwelling shall be occupied until the combined footway/cycleway along Coventry Road and junction improvement scheme at Alwyn Road has been constructed, located and laid out in general accordance with the Proposed Site Access Plan (36250-LEA83, received 08-09-15) and Junction Improvements Alwyn Road Plan (36250-Lea60 provided within the Transport Assessment as figure 6.5, received 08-09-15).

REASON:

In

CONDITION 23:

No development shall commence, including any site clearance and demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- a. Hours of work and deliveries;
- b. Control of noise and vibration emissions from construction activities including ground works and the provision of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- c. Control of dust, including arrangements to monitor dust emissions from the development site during the construction phase;
- d. Measures to reduce mud deposition, debris and obstacles offsite from vehicles leaving the site during the construction phase;
- e. Timing and routing of heavy goods vehicle movements during the construction phase;
- f. The parking of vehicles of site operatives and visitors;
- g. Loading and unloading of plant and materials; and
- h. Storage of plant and materials used in constructing the development.

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

REASON:

In the interests of health and safety, highway safety and amenities of the area.

CONDITION 24:

Notwithstanding the Noise Assessment approved under condition 4 above, no development shall commence until an updated Noise Assessment, including full details of any required mitigation, has been submitted to and approved in writing by the Local Planning Authority. The assessment should demonstrate that the proposed dwellings would comply with recommended internal ambient noise level guidelines within BS8233: 2014 and recommended levels for outside residential properties within the World Health Organisations – Guidelines for Community Document 1999. No dwelling requiring mitigation shall be occupied until the required mitigation has firstly been installed in accordance with the approved details.

REASON:

In the interest of residential amenity.

CONDITION 25:

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

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

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

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

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

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

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

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

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

must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

REASON:

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

CONDITION 26:

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

REASON:

To ensure sustainable design and construction.

CONDITION 27:

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION 28:

No development shall commence 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. No dwelling shall be occupied until the approved scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This development is subject to a S106 legal agreement.

INFORMATIVE 2:

The applicant is required to ensure that the estate road, footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' 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 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 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 3:

The applicant will require 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 4:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be downloaded at: http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223 Alternatively, you can contact the Street Naming and Numbering Team for an application form at: SpecialistSupport@rugby.gov.uk or by ringing 01788 533885.

INFORMATIVE 5:

Warwickshire Police advise that:

- Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self closing spring, and a snap shut lock, that needs a key to release;
- All ground floor glazing (including that to external doors) and vulnerable windows should meet PAS 24:2012 and have laminate glass to a minimum thickness of 6.8mm. All laminated glass must be certified to BS EN 356 2000 rating P2A;
- Fencing or similar along the open space areas should be provided to prevent vehicles driving onto the open space causing anti-social behaviour or injuring someone who is using the space for play;
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013; and
- Footpaths that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site.

INFORMATIVE 6:

RBC Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during external construction, work on site should not occur outside the following hours:

- Monday - Friday: 07:30 - 18.00;
- Saturday: 08.30 - 13.00; and
- No work on Sundays & Bank Holidays.

INFORMATIVE 7:

The construction dust and debris mitigation requirements required by condition does not prevent action from being taken by the Council or members of the public or businesses to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions should statutory nuisance occur.

INFORMATIVE 8:

The applicant should have due regard to the advice contained in BS5228:2008 "Noise and vibration control on construction and open sites". Attention is also drawn to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:

- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;

- Eradicate offensive behaviour and language from construction sites; and
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

For further information contact: Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN. Tel: 0800 783 1423. Or visit www.considerateconstructors.co.uk.

INFORMATIVE 9:

WCC Flood Risk Management advise that:

- They do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
- Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
- SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

INFORMATIVE 10:

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

Reference number: R16/1448

Site address: Land at Williams Fields, Coventry Road, Cawston, Rugby

Description: Variation of condition 21 of planning approval R15/0540 (for the erection of 113 dwellings including new vehicular access to Coventry Road) to allow the approved site access to be constructed before any dwelling is occupied rather than before development commences

Case Officer Name & Number: Chris Kingham, 01788 533629

Site Description:

The application site comprises of 4.80 hectares of agricultural land to the northwest of Coventry Road in Cawston, Rugby. It is enclosed by a number of established hedgerows to the boundaries in addition to mature hedgerow trees. Topographically, the site is relatively flat with a gentle slope rising approximately 3 metres from the northern to southern corner. A Public Right of Way (Bridleway R165) runs through the centre of the site from the southeast to northwest. Vehicular access can also be gained via a dropped kerb access off Coventry Road into a gated tarmac and grass track inbetween the properties of Home Leas and Cawston Manor.

To the southeast, the site is bordered by Coventry Road (B4642) which acts as a key distributor road linking Rugby town centre with the A4071 Rugby Western Relief Road. A number of existing properties front this road in a linear fashion with the application site falling behind these. The properties themselves principally take the form of two storey detached and semi-detached dwellings set back a significant distance from the road and featuring large rear gardens. However, the design, layout and appearance of these properties are inconsistent and consequently create a varied and interesting streetscene. On the opposite side of the road to the application site is a grass highway verge which contains a narrow pavement. This highway verge also contains a number of mature lime, whitebeam and sycamore trees located in a linear fashion along the road. A one metre high timber picket fence runs parallel to the highway verge with an area of open agricultural land beyond. Cawston Lane is also located here and provides access to Lime Tree Village. Outline planning permission for up to 250 dwellings with a means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure has been granted on part of this agricultural land in May 2014 (ref: R11/1521).

The detached property of Cawston Manor is located to the immediate side (northeast) of the proposed access road to the application site on Coventry Road. This building is used as a cosmetic and beauty treatment clinic with flats to the first floor. It is two-storeys in height and finished with a white render and stone detailing with grey slate tiles to the roof. It is accessed via a shared dropped kerb access which leads into a long tarmac access driveway with parking area to the front of the property contained by a low brick wall. There is also a landscaped area to the front of the property including areas of lawn, mature trees and shrubs. Two trees (one Sycamore and one Lime) covered by Tree Preservation Order TR4.328 are located to the southwest boundary of this landscaped area. A landscaped area is also located to the rear of the building in addition to a large detached single storey building constructed from bricks and finished with corrugated sheeting to the gable roof. The boundaries to the north and west are defined by post and rail fencing.

The semi-detached dwelling know as Home Leas is located to the immediate side (southwest) of the proposed access road to the application site on Coventry Road. It is accessed via a dropped kerb access which leads into a long driveway and parking area to the front of the property which then extends down the side to the rear garden. The rear

garden contains a patio and lawn area in addition to a large timber garage, two smaller timber sheds and a fuel heating tank. The boundary treatment to the side (southwest) boundary is defined by a mature and well established hedgerow approximately 1.80 metres high. The dwelling takes the form of a two storey dwelling with single storey extension to the rear. The front elevation contains a living room window to the ground floor and two bedroom windows to the first floor. The side elevation contains an obscure glazed w.c. window, kitchen window and glazed kitchen door to the ground floor and obscure glazed landing window to the first floor. The rear elevation contains a kitchen window and dining room patio door windows to the ground floor and bedroom and bathroom window to the first floor.

To the northeast, the application site is bordered by an agricultural storage area accessed via a single track which runs down the side and beyond the rear of Grange Cottage. The surface of this area is predominately grass and exposed soil with an area of hardstanding close to an agricultural building constructed from corrugated metal sheeting. A range of agricultural machinery and equipment is located in the open across the land. An established hedgerow with a number of hedgerow trees defines the boundary of this land with the application site. Outline planning permission for the erection of up to 10 dwellings on this land including a new access onto Coventry Road was granted in June 2015 (ref: R12/1947). Beyond this agricultural storage area, and bordering part of the northeast boundary, is an area of public open space associated with the existing Cawston Grange development. This open space contains a footpath finished with crushed stone in addition to areas of grass, shrubs, trees and informal mini football area. The Cawston Grange development is located beyond this open space and comprises of two and two-and-a half storey detached dwellings. The front elevations of properties to the perimeter of this development contain windows to habitable rooms facing towards the application site at distance. The architectural details of these properties vary but include chimneys, stone/arched brick-on-edge headers and cills, dentil corbel detailing to roof eaves, bay windows, gable ends to front and brick paved roads.

To the northwest and southwest of the application site are open agricultural fields. The land levels slope down here from the northeast to southwest before rising up again. An agricultural building forms the only significant structure of note within these fields. The field boundaries are defined by a mixture of established hedgerows and post and rail fencing. Outline planning permission for up to 600 dwellings with new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works has been granted on the application site and these agricultural fields in April 2014 (ref: R11/0114). Beyond these fields and accessed via the Public Right of Way which runs across the application site is a disused railway line which is now utilised as a footpath and cycleway. The A4071 Rugby Western Relief Road runs parallel to this.

Relevant Planning History (Application Site):

R16/1447: Variation of condition 21 of planning approval R15/0540 (for the erection of 113 dwellings including new vehicular access to Coventry Road) to change the layout of the site access and not require the construction of a right hand turning lane in Coventry Road. Ongoing – not yet determined.

R15/0540: Erection of 113 dwellings including new vehicular access to Coventry Road. Approved 08/04/2016.

Relevant Planning History (Area Surrounding Application Site):

R16/0266: Spine road and strategic landscaping (Phases 1a and 2a) only, Approval of Reserved Matters in relation to outline planning permission R11/0114. Ongoing – not yet determined.

R16/0984: Erection of 250 dwellings with associated works: Approval of reserved matters in relation to outline planning application R11/1521 (development of up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure). Ongoing – not yet determined.

R15/1816: Land South of Coventry Road and North of Lime Tree Avenue, Cawston, Rugby. Residential development of up to 150 dwellings including vehicular access from Coventry Road, open space, landscaping, surface water attenuation ponds, footpaths, cycleways and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved). Ongoing – not yet determined.

R12/1947: Grange Farm Cottage, Coventry Road, Cawston, Rugby. Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings. Approved 22/06/2015.

R11/1521: Land south of Coventry Road and north east of Cawston Lane, Coventry Road, Cawston, Rugby. Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure. Approved 06/05/2014.

R11/0114: Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved). Approved 01/04/2014.

Technical Consultation Responses:

WCC Highways No objection

Third Party Consultation Responses:

Residents (1) Objection

- Concerned problems with dust will continue without established road and parking area on site.
- Use of Coventry Road as diversion route for gas works has no bearing on amount of room for road.
- Do not understand why road cannot be completed prior to final tarmac – otherwise condition requiring solid temporary fencing rather than heras fencing should be provided to help noise and dust problems.

Assessment of Proposal:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan Saved Policies 2009 with the relevant policies outlined below.

Rugby Borough Core Strategy 2011

CS11 Transport and New Development Complies

Guidance

Planning Obligations SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG)

Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Emerging Rugby Borough Local Plan

Planning Committee have previously considered and approved the access for this development of 113 dwellings (application ref: R15/0540). It will be provided off Coventry Road via a priority 'T' junction with a ghost right turn lane within the centre of Coventry Road. This therefore requires works to realign and extend the width of the highway along Coventry Road.

The existing planning permission for application R15/0540 is subject to compliance with condition 21 which states that "No development shall commence on the application site until the access to the site from Coventry Road has been constructed, located and laid out in accordance within the Site Access Plan (drawing VN50438- 101 Rev B, received 20.08.15)". This was imposed in the interest of highway safety at the request of WCC Highways.

Since permission was granted in April 2016 the applicant has wanted to start development without delay and have already commenced works on site. The applicant is therefore proposing to make an immediate and positive contribution towards addressing the Council's five year housing land supply issues.

In order to comply with condition 21 the applicant needs to obtain separate permission from WCC Highways to undertake the necessary works in the public highway. In applying for this permission the applicant was advised that the earliest they would be able to carry out these works is January 2017. WCC Highways advised that this is because Coventry Road is being used as a diversion route for nearby roads where gas works are being carried out in the highway. Furthermore, permission has already been granted and scheduled in for other highway works along Coventry Road near to the site. These works include the construction of new accesses for the wider Cawston extension site and Bellway Homes site.

In order to avoid delaying the development until January 2017 the applicant is proposing a variation to the wording of condition 21. They are still proposing to provide the access as approved by Committee but the timing of when this is provided would change from before development commences to before the first dwelling is occupied.

The nature of this application is such that the Council is only allowed to consider whether this proposed variation of condition is acceptable – it is not a complete re-consideration of the whole original application. As the proposal only relates to the timing of approved highway works it is considered that the impact on highway safety is the only key issue which needs to be considered.

WCC Highways has considered the proposed change to the timing of the highway works and raised no objection to this. The impact on highway safety is therefore considered to be acceptable.

Recommendation:

The Head of Planning and Recreation be given delegated powers to grant planning permission subject to conditions, informatives and a Deed of Variation allowing the existing S106 Legal Agreement for application R15/0540 to refer to this application.

DRAFT DECISION

APPLICATION NUMBER

R16/1448

DATE VALID

21/06/2016

ADDRESS OF DEVELOPMENT

LAND AT WILLIAMS FIELDS
COVENTRY ROAD
CAWSTON
RUGBY

APPLICANT/AGENT

Redrow Homes
Redrow House
Kinsall Green
Wilnecote
Tamworth
Staffordshire
B77 5PX

APPLICATION DESCRIPTION

Variation of condition 21 of planning approval R15/0540 (for the erection of 113 dwellings including new vehicular access to Coventry Road) to allow the approved site access to be constructed before any dwelling is occupied rather than before development commences

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

The development to which this permission relates must not be begun later than the 8th October 2017.

REASON:

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

CONDITION 2:

The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description Received</u>	<u>Plan No.</u>	<u>Date</u>
Location Plan	1654-08-02-120	17.03.15
Proposed Site Layout Plan	1654-08-02-101 rev.F	05.10.15
Site Access Plan	VN50438-101 Rev B	20.08.15
Finished Floor Levels	1654-08-02-122 rev.C	10.09.15
Materials Plan	1654-08-02-111 rev.C	10.09.15
Enclosures Plan	1654-08-02-121 rev.E	21.10.15
Landscape Masterplan	D4997.001 03	16.12.15
Landscape General Arrangement Plan	D4997.100 03	16.12.15
Landscape Schedule	D4997.110 03	16.12.15
Planting Plan – Sheet 1	D4997.111 03	16.12.15
Planting Plan – Sheet 2	D4997.112 03	21.10.15
Planting Plan – Sheet 3	D4997.113 03	21.10.15
Planting Plan – Sheet 4	D4997.114 03	21.10.15
Planting Plan – Sheet 5	D4997.115 03	21.10.15
Planting Plan – Sheet 6	D4997.116 03	21.10.15
Sections 1 of 2	1654-08-02-116 rev.B	20.08.15
Sections 2 of 2	1654-08-02-117 rev.B	20.08.15
Planning Statement	RCA171a v.3	20.08.15
Design and Access Statement	1654-DAS01 rev.B	20.08.15
Landscape and Visual Impact Assessment	4997.004 v.3.0	20.08.15
Ecological Assessment	4997.003 v.1.0	19.03.15
Ecological Letter	4997.012	28.08.15
Ecological Letter	4997.013	15.09.15
Ecological Letter	4997.014	21.10.15
Bat Survey Report	4997 011 v.2	03.09.15
Arboricultural Assessment	TEP.4997.002 v.3	21.10.15
Detailed Off-Site Planting Plan	D4997.117	14.01.16
Tree Pit Detail Plan	D4997.118	14.01.16
Planting Strategy	4997.009 v.1.0	17.03.15

Flood Risk Assessment	AAC5205 Issue 4	06.11.15
Flood Risk Assessment Addendum	AAC5205add.1	11.11.15
Transport Assessment	VN50438 v.3	20.08.15
Noise Assessment	AALBS 15007	20.08.15
Archaeological Evaluation Report	41611-1 (00)	20.08.15
Energy Statement	Rev. A	20.08.15
Open Space Plan	1654-08-02-131 rev.A	10.09.15
Marlborough Elevation (Brick) (Asterisk) Plans	EF Series Brick (B1)	20.08.15
Marlborough Elevation (Render) (Asterisk) Plans	EF Series Full Render (A2)	20.08.15
Marlborough Floor (Asterisk) Plans	EF Series	20.08.15
Shaftesbury Elevation (Render) (Asterisk) Plans	EF_SHAF_DM.1.0	20.08.15
Shaftesbury Floor (Asterisk) Plans	EF_SHAF_DM.1.0	20.08.15
Sunningdale Elevation (Render) (Asterisk) Plans	EF Series Full Render (A2)	20.08.15
Sunningdale Floor (Asterisk) Plans	EF Series	20.08.15
Tavy Elevation (Brick) (Asterisk) Plans	EF-TAVY-EM(and MM).1.0	20.08.15
Tavy Elevation (Render) (Asterisk) Plans	EF Series Render (A1/A2)	20.08.15
Tavy Floor (Asterisk) Plans	EF Series	20.08.15
Dart Elevation (Brick) (Chimney) Plans	EF-DART-EM(and MM).1.0	20.08.15
Dart Floor (Chimney) Plans	EF-DART-EM(and MM).1.0	20.08.15
Henley Elevation (Brick) (Chimney) Plans	EF_HENL_DM.1.0	20.08.15
Henley Elevation (Render) (Chimney) Plans	EF_HENL_DM.1.0	20.08.15
Henley Floor (Chimney) Plans	EF_HENL_DM.1.0	20.08.15
Marlborough Elevation (Brick) (Chimney) Plans	EF_MARL_DM.1.0	20.08.15
Marborough Elevation (Render) (Chimney) Plans	EF_MARL_DM.1.0	10.09.15
Marlborough Floor (Chimney) Plans	EF_MARL_DM.1.0	20.08.15
Oxford Floor and Elevation (Brick) (Chimney) Plans	EF_OXFD_DM.1.0	20.08.15
Oxford Floor and Elevation (Render) (Chimney) Plans	EF_OXFD_DM.1.0	20.08.15
Sunningdale Elevation (Brick) (Chimney) Plans	EF_SUND_DM.2.0	20.08.15
Sunningdale Floor (Chimney) Plans	EF_SUND_DM.1.0	20.08.15
Tavy Elevation (Brick) (Chimney) Plans	EF_TAVY_EM(and MM).1.0	20.08.15

Tavy Elevation (Render) (Chimney) Plans	EF Series Render (A1/A2)	20.08.15
Tavy Floor (Chimney) Plans	EF Series	20.08.15
Highgate Elevations (Brick) Plans	EF_HIG5_DM.1.0 Rev.A	20.08.15
Highgate Elevations (Render) Plans	EF_HIG5_DM.1.0 Rev.A	20.08.15
Highgate Floor Plans	EF_HIG5_DM.1.0 Rev. B	20.08.15
Marlow Floor and Elevation Plans	EF_MARW_DM.1.0	20.08.15
Tweed Floor and Elevation Plans	EF_TWED_SM.1.0	20.08.15
SP2 Floor Plans	SP2	14.09.15
SP2 Elevation Plans	SP2	14.09.15
Proposed Single Garage Floor and Elevation Plan	GAR01.901 rev.A	04.09.15
Proposed Double Garage Floor and Elevation Plan	GAR12.905 rev.A	04.09.15

REASON:

For the avoidance of doubt.

CONDITION 3:

The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the Phasing Plan and details approved in writing under condition 3 of planning permission reference R15/0540 by the Local Planning Authority on 21st July 2016, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

CONDITION 4:

The development shall not be carried out other than in accordance with the external surface material details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 4 of planning permission reference R15/0540.

REASON:

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

CONDITION 5:

The development shall not be carried out other than in accordance with the parking area, shared surface and feature square details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 5 of planning permission reference R15/0540. No dwelling shall be occupied until the parking areas for that plot have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON:

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

CONDITION 6:

The development shall not be carried out other than in accordance with the 1.80m high screen wall material details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 6 of planning permission reference R15/0540.

REASON:

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

CONDITION 7:

The development shall not be carried out other than in accordance with the gravel path material details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 7 of planning permission reference R15/0540.

REASON:

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

CONDITION 8:

No development shall commence until full details of pedestrian and cycle links from the application site to the edge of the northern and western site boundaries at positions to be agreed, including surfacing, levels, drainage, lighting and barriers, 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 and timing details approved under condition 3.

REASON:

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

CONDITION 9:

The development shall not be carried out other than in accordance with the shared access gate details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 9 of planning permission reference R15/0540. No dwelling with a rear access to multiple rear gardens shall be occupied until the associated shared access gate has been provided in accordance with the approved details.

REASON:

To ensure the proper development of the site and reduce the potential for crime.

CONDITION 10:

No development shall commence until full details of the surfacing and barriers of the Public Right of Way (Bridleway R165) crossing the application site, including materials, levels, drainage, lighting, gates and bollards, 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 and timing details approved under condition 3.

REASON:

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

CONDITION 11:

The foul sewage drainage scheme approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 11 of planning permission reference R15/0540 shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of drainage.

CONDITION 12:

The surface water drainage scheme approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 12 of planning permission reference R15/0540 shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

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

CONDITION 13:

Development shall only be carried out in compliance with the Construction Method Statement approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 13 of planning permission reference R15/0540 shall be implemented

REASON:

In the interests of health and safety and amenities of the area.

CONDITION 14:

No development, including any site clearance, shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of: pre-commencement checks for protected species; the species safeguards to be employed; appropriate working practices and timings of construction works; outcome of invasive species survey and any necessary mitigation pertaining to this; outcome of badger survey and any necessary mitigation pertaining to this; site clearance methods; the extent of buffer zones and stand-offs for sensitive ecological features; and what to do if protected species are discovered during construction. The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The approved CEMP shall be implemented in full and adhered to throughout the construction period.

REASON:

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

CONDITION 15:

No development shall commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 16:

No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include details of: planting and maintenance of all new planting; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement); provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog enhancement measures and suitable kerb design for amphibians); a timetable for the implementation of all of the ecological and landscape enhancement/creation measures; and a scheme securing future maintenance and retention. The approved LEMP and associated measures shall be implemented in full.

REASON:

To protect and enhance biodiversity and ensure that protected species are not harmed by the development.

CONDITION 17:

Notwithstanding the submitted plans, no development shall commence until full details, including layout and elevations, of the Locally Equipped Area of Play (LEAP) has been submitted to and approved in writing by the Local Planning Authority. The LEAP shall be provided in accordance with the approved details and timing details approved under condition 3.

REASON:

To ensure the proposed play equipment is appropriate for its intended purpose, to ensure the proper development of the site and in the interest of visual amenity.

CONDITION 18:

Development shall only be carried out in compliance with the Ground Investigation Report approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 18 of planning permission reference R15/0540. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

REASON:

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

CONDITION 19:

The development shall not be carried out other than in accordance with the Tree and Hedgerow Protection Plan and Arboricultural Method Statement approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 19 of planning permission reference R15/0540.

REASON:

In the interest of visual amenity.

CONDITION 20:

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be in branches, stems or roots without the prior written consent of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations) and shall be carried out before the commencement of development on the application site unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 21:

No dwelling shall be occupied until the access to the site from Coventry Road has been constructed, located and laid out in accordance within the Site Access Plan (drawing VN50438- 101 Rev B, received 20.08.15).

REASON:

In the interest of highway safety.

CONDITION 22:

Development works to the site access on Coventry Road, including earthworks, the removal of existing trees within the public highway and restoration of the ground shall not be carried out other than in accordance with the details and method statement approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 22 of planning permission reference R15/0540.

REASON:

In the interest of highway safety and to ensure the proper development of the site.

CONDITION 23:

The replacement trees and relocation of the existing electric main line shown on the hereby approved Detailed Off-Site Planting Plan (drawing no. D4997.117, received 14.01.16) and Tree Pit Detail Plan (drawing no. D4997.118, received 14.01.16) shall be carried out, provided and planted by the owner of the application site within one month of the removal of any of the existing trees shown on the Detailed Off-Site Planting Plan (drawing no. D4997.117, received 14.01.16) unless otherwise agreed in writing by the Local Planning Authority. If within a period of 5 years from the date of planting, any of the replacement trees is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 24:

The replacement trees shown on the Detailed Off-Site Planting Plan (drawing no. D4997.117, received 14.01.16) shall only be maintained in accordance with the Maintenance Plan approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 24 of planning permission reference R15/0540.

REASON:

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

CONDITION 25:

The landscaping scheme approved in condition 2 shall be implemented no later than the first planting season following the first occupation of each phase of the development defined in the Phasing Plan required by condition 3. 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 variations.

REASON:

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

CONDITION 26:

No dwelling shall be occupied until the landscaping and boundary treatment to that plot has been carried out in accordance with the details approved in condition 4 and contained within the approved plans contained in the following schedule:

<u>Plan Description</u> <u>Received</u>	<u>Plan No.</u>	<u>Date</u>
Enclosures Plan	1654-08-02-121 rev.E	21.10.15
Landscape Masterplan	D4997.001 03	16.12.15
Landscape General Arrangement Plan	D4997.100 03	16.12.15
Landscape Schedule	D4997.110 03	16.12.15
Planting Plan – Sheet 1	D4997.111 03	16.12.15
Planting Plan – Sheet 2	D4997.112 03	21.10.15
Planting Plan – Sheet 3	D4997.113 03	21.10.15
Planting Plan – Sheet 4	D4997.114 03	21.10.15
Planting Plan – Sheet 5	D4997.115 03	21.10.15
Planting Plan – Sheet 6	D4997.116 03	21.10.15

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality and residential amenity of existing and future residents.

CONDITION 27:

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

REASON:

To ensure sustainable design and construction.

CONDITION 28:

Prior to the first occupation of any dwelling, details of water efficiency measures to be incorporated into the design of all dwellings to meet the standards below shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall then be incorporated into the design of each dwelling prior to their first occupation and then retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards should be a water consumption rate of a maximum of 110 litres per person per day.

REASON:

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

CONDITION 29:

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION 30:

No external lighting shall be erected or installed other than the external lighting details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 30 of planning permission reference R15/0540.

REASON:

To prevent unnecessary light pollution and in the interests of the amenities of the area.

CONDITION 31:

The development shall not be first occupied until the scheme for the provision of adequate water supplies and fire hydrants approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 31 of planning permission reference R15/0540 has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION 32:

No dwelling shall be occupied until a water butt to store rainwater from roof drainage has been provided in the garden of the dwelling, in accordance with the details approved in writing by the Local Planning Authority on 21st July 2016 in relation to condition 32 of planning permission reference R15/0540.

REASON:

To reduce the risk of creating or exacerbating a flooding problem.

CONDITION 33:

The first floor bathroom window to be formed within the side elevation of the proposed dwelling at plot 1 shall not be glazed or re-glazed other than in obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 34:

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

REASON:

In the interest of visual amenity.

CONDITION 35:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting that order, no hard surfaces, with the exception of repair, maintenance and replacement of any existing hard surface, shall be constructed on land beyond the front elevation of any property without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 36:

No development shall commence until full details of boundary and/or landscaping treatments to be provided along the hereby approved site access road adjacent to the southwestern boundary of Cawston Manor have first been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved boundary and/or landscaping treatments have been provided in accordance with the approved details.

REASON:

In the interest of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This development is subject to a S106 legal agreement.

INFORMATIVE 2:

The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' 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 Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE 3:

The applicant will require 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.

INFORMATIVE 4:

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway Works the applicant / 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 5:

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

INFORMATIVE 6:

WCC Rights of Way Team advise that:

- Public bridleway R165 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 construction;
- If it is necessary to temporarily close public bridleway R165 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way Team should be contacted well in advance to arrange this; and
- Any disturbance or alteration to the surface of public bridleway R165 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 bridleway.

INFORMATIVE 7:

Warwickshire Police advise that:

- Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self closing spring, and a snap shut lock, that needs a key to release;
- All ground floor glazing and vulnerable windows meet PAS 24:2012;
- All external doors meet PAS 24:2012 all glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.8mm;
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013; and
- Footpaths that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site.

INFORMATIVE 8:

WCC Flood Risk Management advise that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

INFORMATIVE 9:

RBC Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during demolition and external construction, work on site should not occur outside the following hours:

- Monday - Friday: 07:30 - 18.00;
- Saturday: 08.30 - 13.00; and
- No work on Sundays & Bank Holidays.

INFORMATIVE 10:

RBC Environmental Services advise that that the applicant should have due regard to the advice contained in BS5228:2008 "Noise and vibration control on construction and open sites". Attention is also drawn to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:

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

For further information contact: Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN. Tel: 0800 783 1423. Or visit www.considerateconstructors.co.uk.

INFORMATIVE 11:

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

INFORMATIVE 12:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be downloaded at: http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223 Alternatively, you can contact the Street Naming and Numbering Team for an application form at: SpecialistSupport@rugby.gov.uk or by ringing 01788 533885.

Reference number: R16/0933

Site address: Welkin Cottage, Main Street, Easenhall, Rugby, CV23 0JA.

Description: Erection of detached dwelling and formation of new site access.

Case Officer Name & Number: Lizzie Beresford 01788 533762

This proposal is being presented to the Planning Committee at the request of Councillor Gillias, and because more than 14 letters of objection have been received.

Proposal Description

Planning permission is sought for the erection of a four bedroom detached dwelling to include the formation of a new site access. The proposed dwelling will serve a local need, as identified within the Easenhall Housing Needs Survey (September 2015).

The proposed dwelling, along with an integral garage, will be located within the grounds of Welkin Cottage, Main Street, Easenhall. The site is in the centre of the village, which is located three miles north west of the Rugby town centre, and a mile south of the M6 motorway.

Welkin Cottage is a Grade II listed building, located entirely within the Easenhall Conservation Area. The original property was constructed in 1871 using Polychrome red brick with blue brick and stone dressing. It was designed with a steeply pitched patent tiled roof with elaborate arch based barge boards on brackets with pierced spandrels. The design of this property is replicated in a number of properties within Easenhall, where a vernacular splay of workers cottages were designed to form a village with classic estate cottage architecture.

The design proposed will incorporate a number of key design features from the estate cottages within the village. This includes a ground floor square bay window with mullion-transom windows and a low level plinth with blue brick weathering. In addition to this, the property will feature a projecting gable with arch-based barge boards with pierced spandrels and scissor bracing above. It will also have twin pointed arched first floor windows with stone hoodmoulds beneath. The dwelling will have a chimney to the northern elevation, and the eaves will have exposed rafters.

The house will have an eaves height rising to approximately 5m and a ridge height of approximately 8.1m above ground level. The footprint of the dwelling will measure approximately 9.1m in width by 11.9m in depth, with a 1m setback to the front right hand side of the dwelling to accommodate an integrated garage.

The proposed dwelling differs to the existing workers cottages within the village in that it is detached and includes an integral garage (as opposed to a semi-detached dwelling with a detached garage). However, the roof of the proposed integral garage replicates the style of the porch canopies on neighbouring cottages and the garage door features iron studs, which compliments the gothic style.

Immediately to the left of the site is a row of three large detached dwellings on large plots, which each demonstrate a very different character and style to the traditional workers cottages within the village. These properties have been constructed since the 1950's.

The proposed new dwelling at Welkin Cottage will be set back from the road to accommodate 3 parking spaces for the proposed dwelling, in addition to 3 parking spaces for the existing Welkin Cottage. The existing access will remain, however it will be widened to satisfy highway requirements. The access will be tarmacked and will feature an Acco drain to pick up surface water and to discharge into a soakaway. The driveway will have a gravel surface treatment, with a paved path from the main access to the entrance to the new dwelling to provide disabled access. To the rear of the property there will be a patio area constructed from sandstone paving.

The existing hedge to the front boundary of the site and Welkin Cottage has already been considerably cut back. The applicant proposes to plant a replacement holly hedge, set back from its existing location to facilitate an acceptable visibility spay, as required by Warwickshire County Council Highways. The boundary treatment between the proposed dwelling and the existing Welkin Cottage will also feature a holly hedge. The boundary treatment between the proposed dwelling and the existing dwelling immediately to the left of the site will remain as existing, a wall and a hedge.

In accordance with the submitted tree protection plan, the existing Yew, Silver Birch, Holly and apple trees will be retained. Additional planting in the form of dwarf maple trees will also be planted along the front boundary in addition to the new holly hedge set back from its existing location, as identified earlier in this report. The RBC Arboricultural Officer has confirmed that the existing Yew and Silver Birch trees will be subject to a Tree Preservation Order.

A vehicle manoeuvring plan has been submitted to illustrate the ability for all potential parked cars to enter and exit the site in a forward gear.

Technical Consultation Responses

WCC Ecology	No objection subject to informatives
WCC Highways	No objection subject to conditions and informatives
WCC Archaeology	No objection subject to conditions
Warwickshire Fire and Rescue	No comments
RBC Trees	No objection subject to conditions
RBC Environmental Health	No objection subject to informatives
RBC Building Control	No objection
RBC Strategic Housing	No objection

Third Party Responses

Cllr	Called into Planning Committee
Parish	Split of support and objections with no overwhelming majority.
	Concerns regarding: <ul style="list-style-type: none"> ▪ The manner in which the housing needs survey was conducted ▪ The removal of a tree from the property during the evening

- The condition of the holly hedge now suitable for removal

Neighbours

1 letter of support

- Development is well suited to the village
- Improvements to visibility and road safety for multiple houses and users of the road

25 residents submitting letters of objection. Some residents submitting multiple letters of objection

- Proposed dwelling not in keeping with the area
- Impact on setting of listed building and conservation
- Impact on the character of the village
- Loss of important trees and hedgerow
- Validity of housing needs survey
- Validity of speed survey
- Traffic generation
- Highway safety
- Parking on the grass verge
- The precedent this proposal will set
- Loss of allotment land
- Impact on the amenity of neighbouring residents

Relevant Planning Policies and Guidance

National Planning Policy Framework (NPPF)

Part 7	Requiring Good Design
Part 11	Conserving and Enhancing the Natural Environment
Part 12	Conserving and enhancing the historic environment

Core Strategy

CS1	Development Strategy
CS16	Sustainable Design
CS20	Local Housing Needs

Saved Local Plan Policies

E6	Biodiversity
T5	Parking Facilities
GP2	Landscaping

Other Documents

Sustainable Design and Construction SPD: Appendix B Residential Design Guide

Housing Needs SPD

Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed development on:

21. Principle of Development and Housing Need
22. The Qualities, Character and Amenity of the Area
23. The Amenity of Neighbouring Properties
24. The Impact of the Proposal on the Setting of the Listed Building
25. Landscape Character, Trees and Hedgerows
26. Highway Safety and Parking Provision
27. Archaeology
28. Ecology and Biodiversity

These factors will be discussed in more detail below.

1. Principle of Development and Housing Need

The site is located within the village of Easenhall, which in accordance with Core Strategy Policy CS1 is categorised as a Local Needs Settlement. Policy CS1 identifies that in Local Needs Settlements, small scale development can only take place to meet the local housing needs permitted within existing village boundaries. Limitations within the policy dictate that development cannot be on a site larger than 0.2Ha or on a site that could reasonable form part of a larger developable area. The site is positioned within the centre of the village, with a site area 0.1059 hectares, of which 0.0544 hectares is proposed for the new build with 0.0519 hectares to remain for Welkin Farm Cottage. Given the size and location of the site there is no prospect that the site could form part of a larger developable area.

Core Strategy Policy CS20 outlines the criteria to establish an identified need. The policy identifies need will be judged with reference to the circumstances of the proposed resident including:

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

Policy CS20 also identifies that there must be an established local connection for those local people that claim to be in housing need. Local people will include:

- A person or persons and their dependants residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years;
- A person or persons required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care due to age, ill health and/or infirmity;
- A person or persons required to live close to their place of work in the parish or an adjoining parish.

In 2015, a Housing Needs Survey was commissioned privately by the applicant, to Midlands Rural Housing. Midlands Rural Housing is the approved contractor to carry out all of the Housing Needs Surveys across the Borough. The results of this survey concluded an identified need of 2 x 2 bed open market dwellings and 1 x 4 bed open market dwelling. The survey identified no need for affordable homes, which was cross referenced with Rugby Borough Council's housing register which also did not identify anyone with a connection to the village who is in need of affordable housing.

Questions were raised by residents within the village relating to the validity of the Housing Needs Survey. Such concerns included the methodology used, the distribution of surveys and the availability of existing houses that were available on the open market at the time of the survey. This was investigated with Midlands Rural Housing. In response, Midlands Rural Housing sent a follow up 'flyer' to every household within the village to ensure they had each received notification of the Housing Needs Survey questionnaire. Furthermore, Midlands Rural Housing made contact with the four respondents of the survey who claimed they were in housing need. Each phone call clarified the local connection and went through the financial information and current housing circumstances of each respondent. The result of the phone calls concluded that 3 of the 4 respondents had a legitimate need.

In relation to the concern that was raised with regard to the availability of existing houses that were available on the open market at the time of the survey, Midlands Rural Housing commented that "As the report shows the house sales at the time of the survey were only showing 2 retirement/sheltered homes. This was from Zoopla which is a comprehensive round up of property sales and house price data. Even if these homes were available they may not have been right for the households saying they were in housing need." It was also commented that "Market housing needs are different to affordable needs. The private buyer can afford to be more selective than a person in affordable housing need."

It should be noted that, as stated previously, Midlands Rural Housing are the approved contractor for all the approved Housing Needs Surveys within the Rugby Borough. The methodology used has been through scrutiny and is subsequently considered robust.

In light of the results of the Housing Needs Survey and the above justification from Midlands Rural Housing in response to the queries raised, it is the opinion of the Local Planning Authority that the results of the survey are valid. As the proposal is for a 4 bed open market dwelling, which was identified as a need in the Housing Needs Survey, it is therefore considered that the proposal complies with Core Strategy policy CS1 and CS20 and subsequently the principle of development is acceptable.

2. The Qualities, Character and Amenity of the Area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design. Paragraph 61 also states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. In relation to the protection of conservation areas, the paragraph 137 of the NPPF also states that Local Planning authorities should look for opportunities for new development within Conservation Areas to better reveal their significance.

The site in its entirety is located within the designated Conservation Area. In accordance with the Easenhall Conservation Area Appraisal, the land and buildings within the Conservation Area are generally of good quality and are well maintained.

Easenhall is of a generally linear form comprising a rural appearance. The village is set in well landscaped countryside which is reflected in the village by mature trees, landscaping, hedges and green spaces. The result is a dominantly green character, with many buildings being partially hidden from view by landscaping. The landscaping provides the setting of the village and frames its character and appearance.

Since the 1950's the Conservation Area has accommodated limited infilling between the older buildings, whereby large detached dwellings have a clear presence along Main Street,

the key road that runs through the village. This has created a greater mix of development and house types, breaking the pattern of development and deviated from the original character of the estate village.

Continuing from this, the appraisal identifies that there is further potential for development, including infilling open spaces with new dwellings. The site, positioned off Main Street, is a large plot between a 1950's dwelling (Robin Down) and one of the old estate cottages (Welkin Cottage). The Easenhall Conservation Area Appraisal identifies that the dwellings within the village are built to a low density on large spacious plots. When measuring the widths of the sites surrounding the proposed site, Robin Down (to the left) measures at approximately 26m, Four Winds (to the right) measures at approximately 18m, The Moorings, Dilkisha Brimham and Crantock (all opposite the site) measures at 19m, 19m 15m and 17m respectively. When measuring the width of the proposed site, at both the narrowest and widest points, it is clear that it continues this pattern of development, whereby the narrowest point (half way down the site) measures approximately 16m and the widest point (fronting the highway) measures approximately 26m. In consideration of this, it is clear that the site is more than capable in its width to accommodate a single dwelling. This addresses one of the concerns raised from neighbouring residents.

Within the village confines, there are three main types of roof materials: thatch, slate and tiles. There are also particular styles of windows which reoccur: light casements in a farmhouse style and heavily mullioned three bay windows. Other distinctive features on surrounding houses include Polychrome red and blue brick with stone dressing and steeply pitched patent tiled roofs with elaborate arch based bargeboards on brackets with pierced spandrels. The distinctive chimneys, with contrasting brick work corbelled out with a vertical brick strap along the front, are unusual and also appear throughout the village. In general, properties within the village are set back from the road with boundary treatment mainly of low hedging, namely Yew, Holly and Hawthorn. This domestic landscaping softens the appearance of the buildings and adds to the rustic character.

The detail within the proposed dwelling has been meticulously designed to incorporate many of the distinctive features listed above and seen within the village. This includes a ground floor square bay window with mullion-transom windows and low level plinth with blue brick weathering. A projecting gable has also been introduced with arch-based bargeboards with pierced spandrels and scissor bracing above with twin pointed arch first floor windows with stone hoodmoulds beneath.

It is noted however, that the proposal includes an integrated garage, which serves as 1 of the 3 parking spaces required to comply with the Rugby Borough Council adopted parking standards. An integrated garage is unusual when considering the style and character of the surrounding estate cottages, however not uncommon when considering the more recent additions to the village to the left of the site on Main Street. Consideration is therefore given to the addition of the integrated garage as part of this proposal. Factors such as the style of the roof to the garage replicating the porch canopies of the existing cottages, and the garage door featuring mock iron studs (complementing the gothic style of the surrounding cottages), serve to favour the addition of the garage. In addition, the Easenhall Conservation Area Appraisal highlights that the visual impact of vehicles should be reduced. The provision of a garage, along with the additional planting to the front boundary of the site, will ensure this is achieved. The proposal for the integrated garage is therefore considered acceptable.

Detail regarding the proposed materials has been briefly provided within the application form; red and blue masonry bricks will be used for the external walls and clay tiles will be used for the roof to match Welkin Cottage. It has already been detailed that the doors and windows will be timber. Notwithstanding this detail provided, it is considered necessary to

condition any permission granted with a condition to provide samples of the proposed materials prior to the commencement of any development.

In consideration of the above, it is considered that the design and appearance of the proposed dwelling is acceptable and would not unduly harm the quality, character or amenity of the area. However, owing to the position of the proposed dwelling in the centre of the village, it is considered that alterations to the property in the future could harm the visual amenity of the area. Conditions are therefore proposed removing some permitted development rights from the property. Therefore, the proposal is considered to comply with policy CS16 and the NPPF.

3. The Amenity of Neighbouring Properties

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

Consideration is given to whether the proposal would result in a detrimental impact on the amenity of neighbouring properties, namely Robin Down to the left and Welkin Cottage to the right.

Robin Down is a large two storey dwelling located on average 5.9m from the proposed dwelling. The positioning of the proposed dwelling towards the left of the site results in this property being within the closest proximity to the proposed dwelling. The side elevation of the proposed dwelling features a side door and two obscure glazed windows with restrictors fitted to limit opening range. No other openings are proposed for the side elevation facing Robin Down.

Robin Down itself has openings on the side elevation facing the proposed dwelling. These include two obscure glazed windows and two windows to a room that is also served by a large bay window. When measuring the distance from the proposed dwelling to these two windows, approximately 6.8m is achieved, which is considered an acceptable distance to ensure negligible loss of light to the residents of that property will be received.

Welkin Cottage is a semi-detached Grade II listed estate cottage located on average 16m from the proposed dwelling. The property has undergone a large extension to the rear, and is well sheltered by a large Yew tree between the dwelling and the application site. There is one window on the side elevation of the proposed dwelling facing Welkin Cottage, which serves a snug. This window has been carefully positioned in line with the large Yew tree and Welkin Cottage. It is therefore considered that the amenity of the residents of Welkin Cottage will be maintained.

Notwithstanding the above, it is considered necessary to apply a condition relating to restrict the addition of new windows on the dwelling to ensure the amenity of neighbouring residents is maintained.

It is noted that the parking arrangement to the front offers a shared driveway for the residents of the proposed dwelling and Welkin Cottage. Although this is clearly not considered an ideal solution, it is clear that it ensures the parked vehicles are away from the listed building and confined to the allocated parking spaces. A vehicle manoeuvre plan has been submitted demonstrating how each of the 6 vehicles with allocated parking spaces can manoeuvre in and out of the driveway. It is important that this plan is adhered to so to ensure the amenity of residents is maintained,

In consideration of the above, it is considered that the amenity of neighbouring residents is maintained and therefore the proposal complies with Core Strategy policy CS16 and the NPPF.

4. The Impact of the Proposal on the Setting of the Listed Building

Policy CS16 states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. The NPPF states that 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm this harm should be weighed against the public benefits or the proposal securing its optimum use. Historic England's guidance on decision taking makes reference to understanding the significance of the heritage asset. It acknowledges change to heritage assets is inevitable but is only harmful when significance is damaged.

In assessing the nature of significance of the heritage asset of the Grade II listed Welkin Cottage, it is clear that the dwelling adopts the distinctive features of the workers dwellings seen most significantly along Main Street, Easenhall. Along with the adjoining Four Winds, constructed circa 1871 by Joseph Goddard of Leicester and then extended in the late 20th Century, the T-shaped pair of houses presents a high Victorian gothic style.

Whilst acknowledging all heritage assets have significance, the contribution they make, including their setting, varies. The application site lies adjacent to a row of houses developed since 1950's, which, by its very nature, have inevitably altered the intrinsic setting of the listed building. In addition, Welkin Cottage itself has been subject to a single storey flat roof rear extension, which offers no attempt to respect or enhance the existing listed dwelling. It is therefore considered that the character and setting of Welkin Cottage has already been subject to some compromise.

The proposed dwelling house, at the closest point, will be positioned approximately 16m from Welkin Cottage. Between the two dwellings is an existing Yew Tree, a new Holly hedge and to the rear garden a 1.8m high timber fence. In an attempt to respect the character and style of the Grade II listed buildings within the village, the proposed new dwelling offers features taken from Welkin Cottage itself. This provides continuity and unity between the existing and proposed dwellings. Whilst the new dwelling will clearly be seen from Welkin Cottage, and in consideration of the test of significance, as discussed earlier, it is not considered that the erection of one dwelling would harm its setting.

In the light of the above it is judged that the proposed development results in less than substantial harm to the setting of the listed building. In consideration of the public benefit that the proposal will generate, the dwelling will serve to meet a local housing need, as identified within the Easenhall Housing Needs Survey, and will also provide an economic role during the construction period of the build. When balancing the less than substantial harm to the listed building against the public benefit, it is concluded that this proposal is acceptable and therefore complies with guidance outlined by Historic England, and also policy CS16 and the NPPF.

5. Landscape Character, Trees and Hedgerows

A Tree Survey & Arboricultural Impact Report and a Tree Protection Plan have been submitted as part of this planning application. These documents detail the Constraints posed by existing trees, an Arboricultural Impact Assessment, the relocation of the Holly hedge to the front boundary, and the addition of new planting.

Throughout this application process, extensive consultation has been undertaken with the RBC Arboricultural Officer. No objection has been received to removal and replacement of the hedge (with a Holly hedge) to the front boundary as indicated on the updated plans.

Comments from the Arboricultural Officer acknowledge that some trees to the frontage have been removed, most notably an early mature Hornbeam. There is history of previous damage to this tree as a utility company undertook some inappropriate works to it to obtain the statutory clearance. The Arboricultural Officer commented that ultimately it was unsuitable for the location given the presence of power lines and it would not have been viable to retain it in the long run.

Further comments from the Arboricultural Officer identify that the most significant tree on site is a mature Yew (T4) located adjacently to Welkin Cottage. It is in good condition and displays high visual amenity. The proposed dwelling has an adequate set back from this tree and there will be no impact upon it in terms of interference with its “root protection area” and canopy spread. There is also a mature Silver Birch (T3) in good condition to the frontage of Welkin Cottage which is unaffected by the proposal. To ensure their long term retention, it is recommended that T3 and T4 are protected with a TPO.

Two further trees/shrubs will be removed from within the site (small Silver Birch –T2- and Photinia – T1). The Arboricultural Officer has no objection to the removal of these, commenting that they are relatively insignificant in the wider landscape setting.

The plans indicate replacement tree planting at the site frontage with 5 “dwarf” maple trees to mitigate, maintain and enhance the tree cover to the site frontage. More specifically these trees should be “*Acer campestre nanum*” planted at standard size (2-3 metres in height 8-10 cm circumference) staked and tied as appropriate.

Final comments from the Arboricultural Officer highlight that hedgerows can however make an important contribution the historical character of an area and it has been noted that holly hedges form the bulk of property frontages within the village. The Holly hedge at the application site is in reasonable condition but there does appear to have been some inappropriate management which has effectively thinned it out somewhat. It has been agreed that the removal of this hedgerow can be mitigated for with the replacement of a new Holly hedge which can be secured by condition, therefore will be no loss of hedging in the long run and green character of the area will be maintained. Replacement tree planting will also enhance the frontage and mitigate for tree losses. The tree report submitted includes a “Tree protection plan” which highlights how all retained trees will be protected from damage during the development phase. This can be controlled by a condition.

In consideration of the above, this proposal is acceptable in relation to the impact on the landscape character, trees and hedgerows, and therefore complies with Saved Local Plan policy GP2 and the NPPF. The application should therefore be approved subject to the conditions as outlined in the draft decision notice.

6. Highway Safety and Parking Provision

Throughout this application process, extensive consultation has been undertaken with WCC Highways. A total of three responses have been received as a result of the submission of amended plans.

Initial comments acknowledged that the existing access measures 5.2 metres wide, with gates set back 2 metres from the edge of the carriageway, surfaced with a loose stone material. The existing access shall be relocated approximately 3 metres to the left. At the access, Main Street is subject to a 30mph speed limit requiring visibility splays of 43 metres in both directions, when measured 2.4 metres back from the edge of the carriageway.

Subject to the removal of the hedgerow to the right across the access, WCC Highways were initially satisfied that full visibility could be achieved however had concerns that visibility splays to the left were obstructed by the front boundary hedgerow. It was commented that this could be overcome by the cutting back or removal of the hedgerow, which could be controlled by a condition.

Comments from neighbouring residents objected to the safety of the access on the basis that the speed survey submitted as part of the planning application was not reliable. As a result the residents commissioned their own speed survey. The result of this survey demonstrated that the 85 percentile figures were in some instances up to and over 4 miles per hour faster than what was demonstrated in the original speed survey. These results were sent to WCC Highways. In response, WCC Highways commented that even though the results of the speed survey demonstrated a slightly higher speed, the visibility splays for that speed were still acceptable. It was also commented that when visiting the site during the time the second speed survey was being carried out, the loops were positioned approximately 30 metres away from the access, at the end of the bend. This means that vehicles will have completed the manoeuvre around the bend and began to accelerate up the hill. The loops should have been positioned at the extents of the visibility splay (37 metres away from the access) to establish the speed of vehicles travelling around the bend. WCC Highways commented that although it is appreciated that this may not have been possible, this is where the speeds should have been recorded, as if the speed survey was carried out at the extents of the visibility splay, it is likely that the vehicle speeds would have been slightly slower.

Notwithstanding the above, prior to the submission of the second speed survey the agent submitted a revised block plan which altered the visibility splays by slightly changing the position of the replanted hedgerow. This resulted in visibility splays of 40 metres being achieved, potentially extending up to 53 metres. Again, WCC Highways had no objection to this submission.

Following this, further clarification was required from the residents as to the reasoning behind the second "no objection" response. It was therefore agreed that a meeting would take place on site with the residents, RBC and WCC Highways. During this meeting, it was reiterated that the required visibility splays were achievable and that WCC Highways did not object to the proposal subject to a condition requiring the hedge to be set back and limited to a height of 600mm. Further discussions led to a suggestion that the visibility splay could be positioned in front of the hedgerow, which would mean that the hedgerow would not need a height limit. WCC Highways agreed with this and the plan was amended accordingly. In response to the amended plan, WCC Highways submitted a third response of no objection.

In addition to this, a tracking drawing was submitted demonstrating that all six parked vehicles will be able to manoeuvre into/out of each of the parking spaces provided. Again,

WCC Highways were satisfied that this met with the requirements for all vehicles to enter and exit the site in a forward gear.

In relation to parking provision, a total of 6 parking spaces are proposed to be provided within the site. This will serve both the existing dwelling and the proposed dwelling. The proposed dwelling has been allocated 2 parking spaces and an integral garage, which is in accordance with Rugby Borough Councils parking standards. The Highway Authority requires the garage to have minimum internal dimensions of 3 metres wide by 6 metres long, to accommodate a vehicle. This proposal satisfies these requirements.

Concerns from neighbours have been raised about the development potentially leading to additional on-street parking, which could in turn obstruct visibility splays of existing accesses. Whilst undertaking an initial site inspection, WCC Highways commented that no on-street parking was evident. Whilst re-visiting the site to attend a meeting, there were approximately 4 vehicles parked on-street in close proximity to the site, which did not appear to create a highway safety problem or obstruct the flow of traffic. There are no parking restrictions in place (double-yellow lines) to prevent on-street parking. Also, according to section 7.8.5 of Manual for Streets, parking in visibility splays is quite common and does not appear to create significant problems in practice.

In consideration of the above, it is considered that the proposed development is acceptable and it is unlikely that the development will have a detrimental impact on public highway safety. It is also likely that the existing highway network can accommodate the slight increase in traffic (approximately 6 vehicular trips per day) generated by the development. The proposal therefore complies with Saved Local Plan policy T5 and the NPPF and should be approved subject to the conditions and informatives outlined in the draft decision notice.

7. Archaeology

Given the potential archaeological significance of the site, WCC Archaeology was consulted to provide technical advice. In response to the consultation, WCC Archaeology commented that the proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Easenhall (Warwickshire Historic Environment Record MWA 9513). There is the potential for the proposed groundworks to disturb archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the use of this area during the medieval and later periods.

WCC Archaeology had no objection to the proposal subject to conditions that relating to archaeological work that should be carried out prior to the commencement of any development. Such work should include:

- A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work
- An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed)

Subject to the above conditions being complied with, it is considered that this application will not have an adverse impact on archaeology and therefore complies with the NPPF.

8. Ecology and Biodiversity

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. In addition, Part 11 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.

WCC Ecology has no objection to the proposal subject to informatives. It is therefore considered that this proposal will not have an adverse impact on biodiversity and complies with policy E6 of the Saved Local Plan and the NPPF.

Conclusion

With regard to the above, it is considered that the overall proposal will comply with the sections 7, 11 and 12 of the NPPF, policies CS1, CS16 and CS20 of the Rugby Borough Core Strategy, policies E6, T5 and GP2 of the Rugby Borough Saved Local Plan, the Easenhall Conservation Area Appraisal, the Housing Needs SPD and the Sustainable Design and Construction SPD.

Recommendation:

Approve subject to appropriate conditions and informatives.

Report prepared by: Lizzie Beresford

DRAFT DECISION

APPLICATION NUMBER

R16/0933

DATE VALID

27/04/2016

ADDRESS OF DEVELOPMENT

Welkin Cottage
Main Street
Easenhall
Rugby
CV23 0JA

APPLICANT/AGENT

Dill Sidhu
Bilton Architectural Services Ltd
The Coach House
Merttens Drive
Rugby
CV22 7AE
On behalf of Ms Lynda Naul

APPLICATION DESCRIPTION

Erection of detached dwelling and formation of new site access.

CONDITIONS AND REASONS

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

- Application form
- EWFC 01 Location Plan
- EWFC 02 Proposed Floor Plans
- EWFC 03 Proposed Elevations
- EWFC 04 rev F Site Block Roof Plan
- EWFC05 Design and Access Statement
- EWFC 06 Tree Survey and Method Statement
- EWFC 07 Housing Survey
- EWFC 08 Vehicle Manoeuvre Plan
- BS5837 Welkin Farm Cottage Tree Protection Plan
- Free Flow Speed Report dated 21.03.16
- Free Flow Speed Report dated 24.03.16
- Letter from Lynda Naul confirming change to deeds dated 18.07.16
- Letter from Steven and Anne Gleed confirming visibility splay across land dated 18.07.16

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 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:

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows (including the reveal depths) and external doors shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not

thereafter be maintained or replaced other than with identical materials and finishes 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 5:

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

REASON:

In the interest of residential amenity.

CONDITION 6:

The windows to be formed in the west elevation of the proposed development shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 7:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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 dwelling without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 8:

The garage hereby approved shall not be used for any purpose other than ancillary to the residential use of the permitted dwelling.

REASON:

In the interest of residential amenity.

CONDITION 9:

Prior to commencement, the properties of the proposed dwelling; Welkin Cottage; and Four Winds shall enter into a legal agreement, whereby the required visibility splays shall be maintained at all times.

REASON:

In the interest of highway safety.

CONDITION 10:

The proposed access arrangements and site layout shall be constructed in general accordance with drawing no. EWFC/04 Rev.F.

REASON:

In the interest of highway safety.

CONDITION 11:

The 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.

REASON

In the interest of highway safety.

CONDITION 12:

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

REASON

In the interest of highway safety.

CONDITION 13:

The development shall not be occupied 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 43 metres to the right (east) and 40 metres to the left (west) (in accordance with drawing no. EWFC/04 Rev.F), measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 14:

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.

REASON:

In the interest of archaeology.

CONDITION 15:

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 16:

All tree protection measures identified within the arboricultural report and tree protection plan (rev: 05/09/2016) relating to the approved design details (including the erection of protective fencing to create construction exclusion zones) must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. Construction exclusion zones should be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

REASON:

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

CONDITION 17:

All tree and hedge planting detailed within drawing EWFC/04 rev F must be planted in the 1st planting season following completion of development. If within a period of 10 years from the date of planting of any tree/hedge that tree, or any tree/hedge 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 of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

To maintain and enhance continuity of tree/hedge cover in the conservation area.

CONDITION 18:

The dwelling hereby permitted shall only be occupied by an "Approved Person". In this condition an "Approved Person" shall be deemed to be a person who can demonstrate an established local connection to the Parish of Easenhall. This can include:

- A person or persons and their dependants residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years;
- A person or persons required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care due to age, ill health and/or infirmity;
- A person or persons required to live close to their place of work in the parish or an adjoining parish.

The dwelling as approved will remain available for the purpose of meeting a housing need in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that the property is retained for the occupation by a person who has genuine local need to live in the locality.

CONDITION 19:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A-G of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

INFORMATIVES**INFORMATIVE 1:**

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.

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

INFORMATIVE 2:

Condition numbers 10-12 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28

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

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

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

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

INFORMATIVE 3:

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.

INFORMATIVE 4:

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 5:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R15/2240

Site address: Land at Evreux Way and North Street, Rugby, CV21 2DT

Description: Change of use to temporary car park (for a period of 5 years).

Case Officer Name & Number: Lizzie Beresford 01788 533762

This proposal is being presented to the Planning Committee due to an objection from the County Highway Authority, which is contrary to the recommendation of this application.

Description of site

This application relates to the former Gala Bingo site on the corner of Evreux Way and North Street. The building was demolished in 2011. The site is located within the Rugby Town Centre and in close proximity to the Primary Shopping Area.

The site is currently in use as a temporary car park which was permitted in July 2012 for a period of 3 years. The entrance to the site is from North Street and the exit is onto Evreux Way.

Description of proposal

The application has been submitted as the existing temporary permission for the use of the land as a car park expired in July 2015. As the use of the car park has continued to operate since this time, this application is retrospective. The application is being assessed alongside an application for advertisement consent to retain the existing signage. The existing car park is open 24 hours a day, 7 days a week. It is the applicant's intention that this will continue for an additional 5 year period from the date of any permission granted.

Relevant Planning History

R11/2172 NREQ 18/11/11	Prior Notification of Demolition of the former Gala Bingo Building
R12/0473	Change of use to temporary car park with associated works (Retrospective) Approved 25/07/12
R12/0529	Retention of 2 no. free standing non-illuminated signs Approved 25/07/12
R13/1916	Outline application for erection of building for retail (Class A1), office (Class B1) and leisure (Classes D2, A3, A4 and A5) uses, with associated works including demolition of existing buildings. All matters reserved except for access. Approved 29/01/14
R10/1860	Outline planning application for redevelopment of site comprising demolition of existing buildings and erection of a retail foodstore (Class A1– max floorspace 6255m ² Gross External Area (GEA)) and additional retail units (Classes A1, A2, A3, A4 & A5– max floorspace 785m ² GEA), the provision of new access arrangements together with associated parking and servicing with all matters reserved for future determination except for access. Approved 06/07/16

R14/1582 Outline application for erection of buildings for retail (Class A1) and leisure (Classes D2 and A3) uses, with associated works including demolition of existing buildings. All matters reserved except for access. Approved 07/01/15

Technical Consultation Responses

WCC Highways	Objection
RBC Environmental Services	No objection subject to conditions

Third Party Responses

Cllr	No comments
Neighbours	No comments

Third Party Comments

Neighbours	No comments
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Relevant planning policy/guidance

Rugby Borough Council LDF Core Strategy

Policy CS1	Complies	Development Strategy
Policy CS6	Complies	Development in Rugby Town Centre
Policy CS8	Complies	Town Centre Allocations
Policy CS16	Complies	Sustainable Design

National Planning Policy Guidance

National Planning Policy Framework 2012

Assessment of application

The key issues to assess in relation to this application are:

- The principle of retaining the use
- Visual Amenity
- Environmental Health
- Highway Safety

An assessment must also be made as to whether the proposed 5 year temporary use is acceptable.

The principle of retaining the use

The use of the site as a temporary car park is considered a form of economic development. Located within the Town Centre it is in the most sustainable location within the settlement hierarchy as set out within Policy CS1 of the Core Strategy 2011. As such, the retention of this use is considered to comply with this policy.

The Council's Strategy for the Rugby town centre is an integral part of the Core Strategy's Vision and Objectives. The Core Strategy therefore sets out the key development allocations, parameters and vision for the town centre. The Evreux Way Development site as shown on the Town Centre Insert Map and identified within Policy CS8 of the Core Strategy is allocated for a retail led scheme.

Three outline applications for the redevelopment of this site have been approved by the LPA; however timescales have not been confirmed for the delivery of these permissions. In light of this, whilst the use of the site as a car park does not conform to the long-term key development allocations, parameters and vision for the town centre as set out with CS8, the continuation of the car park use for a temporary period would not be considered prejudicial to the longer term objectives of the site. Whilst the site remains vacant, it is therefore considered efficient and effective to utilise the vacant site. In addition to this, whilst the use of the site as a car park is for a temporary period, it is not considered that retaining this use for a prescribed period would prevent the development of the site for retail use in the future.

Given that this use is for car parking and is not car parking to be ancillary to another use, parking standards as set out within the Rugby Borough Council Local Development Framework Planning Obligation Supplementary Planning Document March 2012 are not applicable.

In consideration of the above, the retention of this use complies with Core Strategy policies CS1, CS6 and CS8 and is therefore considered acceptable.

Visual Amenity

The application site is in a prime location within the town centre and is very prominent; development therefore needs to be of a high quality. The existing boundary treatment comprises 1m green wooden panels along the North, East and West boundaries, with 2m green wooden panels along the Southern boundary. At the time of the previous application for the temporary permission for the use of the site as a car park, this boundary treatment was considered acceptable; the Officer quoted "If the site was not used for car parking purposes then a 1m high panel fence could be retained without planning consent. Whilst the temporary fencing is not judged to particularly enhance the appearance of the town centre it is not considered to harm it to such an extent to warrant refusal." However, since the time of that application the condition of the boundary treatment has significantly deteriorated, which has resulted in a detrimental impact on the visual amenity of the area.

Given that this application is to extend the existing temporary permission for an additional 5 years, there is potential that the car park will be operating for a total of 10 years (which includes the period prior to the original permission that it was in operation). At the time of submission, it was not proposed that any alterations would be made to the boundary treatment. However, given the current condition of the green panels, and the time period of the proposed temporary permission, it was considered reasonable to request improvements to the boundary treatment. Subsequently, and following negotiations between the agent/applicant and the LPA, it was agreed that all of the 1m green panels would be replaced with gloss black Trafford Guardrail panels. This would significantly enhance the quality and visual appearance of the site and is therefore considered acceptable.

The surface treatment to the site is not of a high quality and, over previous years, has also deteriorated to the point where the surface is now uneven and inadequate for the intended use. The material in place originates from compressed rubble (produced during the demolition of the building that previously stood on the site), and in the long term is not a suitable surface for the extended use of the car park. The surface treatment features large pot holes, a mix of materials and protruding items including bricks and large stones. This is not considered to be acceptable visually, and could also impact upon the amenity of the site,

whereby the uneven surface could result in potential health and safety hazards. In light of this, the LPA requested that an improved surface treatment was proposed for the site. Issues relating to viability of this request were raised, and it was therefore agreed that partial resurfacing would be considered sufficient. This would result in the parking bays being compressed and flattened, whilst the circulation area would be tarmacked. Visually, this is considered to be an improvement to the present appearance of the site, and is an acceptable solution given the temporary nature of the use. It is also considered to be beneficial in preventing the dust migration from the site, which will be discussed in more detail later in this report.

In consideration of the improvements to the boundary treatment and the surface treatment, this proposal complies with Core Strategy policy CS16 and is therefore considered acceptable subject to a condition that ensured the proposed amendments are implemented within 3 months from the date of any permission granted.

Environmental Health

The application site is within a designated Air Quality Management Area (AQMA). The Rugby Borough Council Planning Obligation Supplementary Planning Document March 2012 states that within this area an Air Quality Assessment will be required where the development is anticipated to give rise to significant changes in air quality. Paragraph 24 of The National Planning Policy Framework (the NPPF) states that planning decisions should ensure that any development in Air Quality Management Areas is consistent with the local air quality action plan. As part of the previous application for the temporary use as a car park, an Air Quality Assessment was submitted by the applicant which identified that whilst the temporary car park is predicted to result in some exceedances of the air quality objective, no new exceedances are predicted as a result of its operation. Therefore following consultation with the Council's Environmental Services it was established that the use of the site for car parking purposes would not have a cumulative impact on air quality and complies with the RBC Planning Obligations SPD March 2012 and the NPPF.

Environmental Services considered that the previous submission of the Air Quality Assessment remained applicable to this application, and therefore had no objection on the grounds of air quality.

However, Environmental Services did raise concerns relating to the proposed development on the grounds of poor drainage and dust. Environmental Services commented that the loose and fine material used for the car park surface has brought about dust issues during dry and windy days. In addition drainage management on the site is poor, which is particularly evident during wet weather when it results in significant surface water run-off to the public walkway, Evreux Way and North Street. This has caused flooding or pooling of water on aforementioned roads, particularly near the Evreux Way crossing. This represents a traffic hazard and therefore a public health and safety concern. Sediment is also left behind that requires cleaning from the walkway and roads. Environmental Services also argued that the car park surface for the site is not suitable for the intended continued use.

As previously mentioned, improvements to the surface treatment have been proposed in the form of resurfacing with tarmac to the circulation routes and compressed hardcore to the parking bays. Although this is considered a compromise to what was originally requested from Environmental Services, the temporary nature of the site was taken into account and the proposal was considered acceptable subject to a condition that ensured the proposed surface treatment was implemented within 3 months from the date of any permission granted.

Concerns regarding drainage will be discussed in more detail in the Highway Safety section of this report.

Highway Safety

The current access arrangement proposed has not changed from what was considered acceptable in the previous application. In light of this, WCC Highways commented that despite the access being in close proximity to the mini-roundabout, there is sufficient width for a vehicle to pass another vehicle waiting to turn right into the site. In addition, according to accident data, there has been a single 'slight' accident reported in August 2012, associated to the site. The access arrangements in and out of the site are therefore considered acceptable.

However, WCC Highways raised concerns regarding the surface treatment to the site, commenting that the mud/stone/gravel material that the car park is currently surfaced with is being passed onto the limits of the public highway. WCC Highways suggested that to prevent this, the car park should be surfaced with a bound material. WCC Highways also commented that suitable drainage measures are also required to be installed.

As previously discussed, proposed amendments to the surface treatment are considered acceptable from both a visual perspective and also health and safety. WCC Highways have been consulted on the proposed amendments to the surface treatment and are also satisfied that the amendments address the concerns raised.

However, it has been more difficult to agree improvements to the drainage. The agent argues that the viability of the site will be severely compromised if requests for improvements to the boundary treatment, surface treatment and drainage are all implemented to meet the requirements for a temporary permission. The agent also commented that the pooling of water on the public highway seems to point to inadequate drainage on the public highway, and that drainage issues are the result of a combination of problems derived from both the car park and the drainage on Evreux Way. The agent suggested that this proposal should not be reasonably expected to resolve a historic issue associated with poor drainage on the public highway.

In consideration of the above, it is clear that in order to move forward with the determination of this application, some compromise has to be made. Requests for improved boundary treatment and surface treatment have been fulfilled in the form of amended proposals, which the LPA and all of the statutory consultees are happy with. However, whilst it is acknowledged that the site does not provide adequate drainage measures, it is appreciated that the drainage provided within the public highway may also need improvements that are not the responsibility of the applicant. Environmental Services noted that "consideration also needs to be given to the poor topographical road and pavement profiling of the southern section of the Evreux Way pelican crossing that arguably reduces drainage and promoting pooling of water." This suggests that drainage issues onto Evreux Way are not entirely related to the use of the site as a temporary car park and therefore the applicant should not be given sole responsibility to address the issue.

Although it is not common practice for an LPA to recommend approval for an application that has been subject to an objection from the County Highways Authority, it is considered that on balance, significant improvements will be made to the site that will visually enhance a prime and prominent site within the town centre, whilst a solution to drainage concerns could still be met by the County Highways Authority without a contribution from this application.

It should also be noted that if permission is refused for this application, the site will remain vacant, and the boundary treatment and surface treatment, which has been acknowledged as being of detrimental impact to the visual amenity of the area, will remain unchanged.

Conclusion

In conclusion, this application complies with Core Strategy policies CS1, CS6, CS8 and CS16 and the NPPF and should therefore be approved subject to the necessary conditions as outlined within the draft decision notice.

Recommendation

Approve subject to conditions.

Report prepared by: Lizzie Beresford

DRAFT DECISION

APPLICATION NUMBER

R15/2240

DATE VALID

29/10/2015

ADDRESS OF DEVELOPMENT

Land at Evreux Way and North Street
Rugby
CV21 2DT

APPLICANT/AGENT

Mairead Kiely
Planning Prospects Ltd
4 Mill Pool
Nash Lane
Belbroughton
Worcestershire
DY9 9AF
On behalf of , Gallan Parking Ltd

APPLICATION DESCRIPTION

Change of use to temporary car park (for a period of 5 years).

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

The planning permission hereby granted shall be for a temporary period of five years from the date of this decision on or before which date the use hereby permitted shall be discontinued, unless the further permission of the Local Planning Authority has been obtained to continue the use.

REASON

The ensure the proper development of the site

CONDITION 2:

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

- Application form
- PPL-001 Site location plan
- PPL-002
- 10144/SK42 rev B
- Trafford Guardrail Panel Specification
- R12/0473 Air Quality Assessment

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 proposed boundary treatment, as detailed on plan no. 10144/SK42 rev B and in accordance with the Trafford Guardrail Panel Specification, shall be implemented no later than three calendar months from the date of this permission.

REASON:

In the interest of visual amenity.

CONDITION 4:

The proposed surface treatment, as detailed on plan no. 10144/SK42 rev B, shall be implemented no later than three calendar months from the date of this permission.

REASON:

In the interest of health and safety and highway safety.

CONDITION 5:

Development shall not be carried out other than in accordance with the approved surface treatment detailed on drawing 10144/SK42 rev B and once installed shall be maintained to an "acceptable standard" for the duration of the temporary panning permission.

By definition, an "acceptable standard" would result in the surface treatment being compressed, levelled and uniformed in its entirety.

REASON

In the interest of highway safety and health and safety.

CONDITION 6:

The development shall operate with the permitted means of access only from North Street and exiting only onto Evreux Way.

REASON

In the interest of Highway Safety

CONDITION 7:

No hand car washing operations or car valeting shall take place on the land.

REASON

To ensure that such operations are not undertaken on site that may impact upon existing site drainage and Highway Safety.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R16/1701

Site address: Site of the Old Bull and Butcher, Oxford Road, Ryton on Dunsmore

Description: Demolition of existing public house buildings and the erection of part one and a half storey and two and a half storey building to provide a 50 bedroom care home together with car parking and landscaping.

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to the planning committee due to its status as a major application.

Site Description

The application site is located on the north eastern side of Oxford Road (A423) approximately 1 mile to the south of Ryton on Dunsmore, a Main Rural Settlement. The Old Bull & Butcher is a former Public House/restaurant which comprises a traditional two storey building constructed of brick together with a series of additions and buildings which have been erected over time. The overall site is approximately 1 ha; however, the application site is 0.45 ha.

All sections of the building are damaged and heavily vandalised. The site has been and remains the subject of excessive vandalism and illegal trespassing. The level of damage to the building(s) is clearly visible and has left the buildings structurally unsound.

To the northwest of the main buildings is the extensive gravel surfaced car park (approximately 0.3ha). The former public house garden is directly to the southeast of the main buildings and beyond this is a paddock field.

The site is currently served by two access points serving from Oxford Road. Oxford Road (A423) is subject to the national speed limit of 60mph. The site accesses are currently blocked with heavy duty fencing and earth mounds to deter trespassing onto the site.

The application site is predominantly surrounded by fields of mixed farmland, predominantly pasture used as horse paddocks associated with the Sport Horse Centre located on Freeboard Lane. Opposite to the application site is the Woodside Caravan Park.

Proposal Description

The proposal is for the demolition of existing buildings to provide a 50 bedroom residential care home, car parking and landscaping.

The new building will be sited on the footprint of the existing building however due to the significant increase in size would extend further across the site forming an 'L' shape. The development will comprise a 1 ½ part 2 ½ building which will have gable ended features to the front elevation.

The building has been designed so that the general roof mass has been broken down into a series of smaller forms. The palette of materials including brick, glass and render also assist in the breakup of the building.

The rooms will be spread across the ground (12), first (25) and second (13) floors and all rooms will be single occupancy and will provide en-suite facilities. On the ground floor communal facilities will also be provided for the proposed occupiers including an activity room, lounge and separate dining room.

As part of this proposal, on the ground floor a locum/consulting room will be provided to facilitate visiting medical practitioners including GP, chiropodist, dentist and other support services. This facility will be operable no more than four/five days a week on an appointment basis only.

In terms of the proposed access to serve this development, it is proposed to close the more southern single existing access point and retain the northern access point. The existing access has been widened and a security gate will be set back from the highway.

A total of 22 parking spaces are to be provided at the front of the building. The development will be serviced by a dedicated service road to the south of the site. In regard to refuse arrangements, refuse will be collected at the front of the building from a designated refuse area.

The proposed boundary treatment for the site is post and rail fencing with native hedging which would form part of the landscaping scheme which also involves tree planting around the perimeter of the site.

Relevant Planning History

Proposed rebuilding of bottle store – Approved 15/10/56

Front porch – Approved 14/2/72

Use of land as a Sunday market for 45 days of the year – Refused 27/1/84

Erection of single storey extension to rear – Approved 25/6/88

Erection of single storey front, rear and first floor level extensions – Approved 4/4/96

Erection of conservatory and revision to car park – Approved 22/4/98

Erection of single storey extensions to provide conservatory, bottle store, porch, additions to kitchen area and additional car parking – Approved 18/08/98

Demolition of the existing side conservatory and replacement with a side extension – Approved 06/02/06

Demolition of existing public house buildings and the erection of part one and a half storey and two and a half storey building to provide a 51 bedroom care home together with car parking and landscaping – Refused 29/07/2015

Technical Consultation Responses

Environmental Services – No objections subject to conditions

Landscape Officer – No objections

WCC Ecology – No objections subject to conditions

WCC Highways – No objections subject to conditions

WCC Flood Risk Management – No objections subject to conditions

Severn Trent – No objections subject to conditions

Police Architectural Liaison Officer – No objections

Third Party Responses

Neighbours – No comments received

Parish Council – No objections and comments

- Despite the proposed development being in the green belt, the Parish Council believe that this is an amenity that is needed for the village and surrounding area. It meets a need identified in the Parish Plan and makes productive use of a currently derelict site.

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy

CS2 – Parish Plans

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

Saved Local Plan Policies

GP2 – Landscaping

E6 – Biodiversity

T5 – Parking Facilities

Supplementary Planning Documents

Rugby Borough Sustainable Design and Construction SPD

Rugby Borough Planning Obligations SPD

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Assessment of Proposals

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

Principle of Development

The assessment to be undertaken to establish the principle of development would have to be a considered approach taking into account both the National and Local Policies with both the positives and negatives balanced out to form an overall decision.

The proposed development sits within a Green Belt location. The NPPF highlights that the Government attaches great importance to Green Belts and that the fundamental aim of

Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It states that the essential characteristics of Green Belts are their openness and permanence.

NPPF paragraph 87 states that as with previous Green Belt policy, inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF continues to clarify this point further by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph continues to highlight exceptions to the case such as buildings for agriculture and forestry and provision of appropriate facilities for outdoor sport. The relevant exception in this case is for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Policy CS1, Development Strategy, reinforces the advice contained in the NPPF by stating that within the Green Belt development will only be permitted if allowed by National Policy.

The original floor space within the existing building was 850 square metres and was situated central to the site. A temporary bund has been placed to the front of the site to help secure the site whilst not in use. The rest of the site is very open with little or no landscaping to the front and sides allowing views across the site to the fields and open countryside beyond. The previous proposal for this site which was subsequently refused for its impact upon the Green Belt looked to increase the floor space of the building by approximately 100% whilst covering a large element of the site with a long projecting west wing to the building.

The new proposal whilst still larger than the existing floor space has consolidated its new bulk more within the footprint of the original building and has significantly reduced the footprint of the proposal by reducing the length of the west projecting wing by 22 metres. By doing this views across the site to the open countryside beyond are still retained. The height of the building is still to remain similar to that previously proposed with the 2 ½ storey section of the new building located in a similar location on site than the existing building albeit set further back from the highway with the 1 ½ section element expanding across the site towards the north west boundary.

The extensive landscaping previously proposed and the 2.4 metre high security fencing added to the loss of openness of the Green Belt however the landscaping now proposed has been simplified and the 2.4 metre high fence has been removed relying on hedgerows to provide the screening and security required. By simplifying the landscaping it would appear more natural within its setting rather than being planted to obscure views which would still allow the vistas through the site to the open countryside beyond to be retained. The loss of the security fencing would only be a plus to the visual appearance of the site and again allow the proposal to be more in keeping with its countryside setting.

Taking into account the above it is acknowledged that improvements have been made to the proposal to further reduce the impact upon the Green Belt by reducing the massing of the building and simplifying the landscaping and boundary treatment. It still remains however that the new proposal is a significant increase on that which existed and the main consideration would now be whether the alterations made to the proposal taking into account the special circumstances put forward by the agent are enough to weigh in favour of the development.

The special circumstances that have been highlighted by the agent are as follows:

- Benefit to the local economy both through direct and indirect economic and social benefits in particular the creation of employment opportunities. (28 Full Time Jobs)
- Identified commercial interest in the site.
- Look to support local businesses in regard to in regard to the running of the care home in the provision of supplies.
- The development would improve the visual appearance of the site
- The development would meet an identified need

As part of the agent's argument they have highlighted that economic development is a material and important planning consideration which is reflected within the NPPF and also the written ministerial statement 'planning for growth' which emphasises the importance of development as a driver of economic growth. They continued to say that the Ministerial Statement states that benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Statement goes to add that in accordance with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. The other aspect of the NPPF that was brought to the fore within the agent's statement was that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan making and decision taking.

The Coventry and Warwickshire Strategic Housing Market Assessment (SHMA) was completed in November 2013 and represents the most up to date evidence in respect of older persons housing needs. The SHMA identifies a key driver of change in the housing market over the next 20 years is the expected growth in the population of older persons. The SHMA provides indicative figures of need per annum and by tenure for older persons housing needs at table 89 of the SHMA. It can therefore be established here there is a clear need for this type of provision which is also highlighted within the Ryton on Dunsmore Parish Plan.

This need has been highlighted in the Parish Plan and the Parish Council are supporting the proposal as it would in their opinion "make productive use of a derelict site".

The agent specifies that the development will look to support local businesses in regard to the running of the care home in the provision of supplies. This would be a positive for the local economy although a question could be raised to the scale of the development to whether it would make a substantial and sustained impact to the local economy to add sufficient weight to the argument for the development.

The re-development of the site would improve the visual appearance of the site as it would involve the removal of the derelict building on site that has been heavily vandalised over time and would be of a significant benefit to the appearance of the area. However it is important to ensure that the redevelopment of the site is sympathetic of its location within the Green Belt especially in relation to openness which the applicant has demonstrated in reducing the footprint from the previous proposal to allow views across the site to the countryside beyond. The applicants and agents have stated that the development of this scale needs to be of this scale i.e. 50+ rooms otherwise it would not be commercially viable.

The weighting of these factors is quintessentially a matter of judgement and taking into account the above special circumstances, to which the Council are in agreeance with, along with the lengths that the applicant has gone to try and address the previous reason for

refusal by reducing the footprint of the building, the Council is of the opinion that the balance has tipped towards a favourable outcome, and would therefore be enough to outweigh the significant impact and harm that would be had upon the openness of the Green Belt.

It is therefore considered that the proposed development would be acceptable in compliance with policy CS1 of the Core Strategy and the guidance within the NPPF.

Character and Appearance

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The design and appearance of the new development when viewed in isolation to its surroundings does take on board aspects of good design with elements of different heights, feature elevations and good use of different materials to break up the bulk and scale of the development to make a visually interesting building. As the proposed building has now been reduced in size it would have less impact upon the surrounding area and with the landscaping being more natural than just being planted for screening purposes with a softer boundary treatment the proposal would appear more in keeping with the area.

The development would replace the existing building which has been an eyesore for several years and seeing its removal would be of a benefit for the visual aspects of the site and surrounding area.

Taking into account the above it is considered that the proposed development would result in a visual improvement to the site and surrounding area complying with policy CS16 of the Core Strategy.

Biodiversity

Saved policy E6 of the Rugby Borough Local Plan 2006 states that the Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. Where necessary the Borough Council will seek long term management plans, which will be secured by planning conditions or obligations.

As part of the submission the ecology report produced in 2014 for the previous application has been submitted. The ecology team at the County Council have acknowledged that the report is nearly two years old however they have indicated that from aerial photography the existing site does not appear to have changed significantly in the interim period and still appears to comprise of the existing derelict building, semi-improved grassland, scattered young birch and young trees, scattered scrub and hardstanding. These are suitable habitats to support protected species in particular reptiles such as grass snake and slow worm but specified that reptiles are protected against killing and injury under the Wildlife and Countryside Act (1981).

The great crested newt survey also submitted as part of the application was undertaken in May 2015 and is still up to date and no further surveys for great crested newts will be required to support the current application. However there are known records of great

crested newts within 1km of the application site and therefore precautionary measures relating to site clearance and great crested newts are recommended. The bramble and scrub are also likely to be used by nesting birds. To take into consideration the suitability of the existing habitat for reptiles and nesting birds in particular, and also great crested newts as there are records within approx. 1km of the site boundary, the ecology team have recommended that site clearance works are undertaken in line with the details contained within 'Recommendations and Mitigation' section of the report to ensure that protected species are safeguarded.

The other recommendation given by the ecology team was regarding the potential of the existing building to support roosting bats, and that appropriate activity surveys will be required to be completed prior to demolition of the existing building.

Taking into account the comments from the ecology team and conditions to be added requiring further information the proposal would be in compliance with saved policy E6.

Highway Safety

Paragraph 32 of the NPPF states that all development that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. The highway officer has assessed the site, the surrounding road network including road traffic speeds and considers that the visibility splays contained within the Design Manual for Roads and Bridges should be used in respect of the proposals

There are two existing accesses into the site, which are both considered to be below standard, as the required visibility splays commensurate with the National Speed Limit (60mph) cannot be achieved in both directions. As part of the development proposals, drawing no. L061-14.01 Rev. A indicates that the existing south-eastern access will be closed, and the existing north-western access will be relocated to the southeast slightly.

As the required visibility splays and forward visibility splay cannot be achieved at the proposed access, a TRICS assessment has been undertaken to establish the number of vehicular trips that the permitted and proposed developments could generate. The results of the TRICS assessment (provided within the Traffic Assessment) indicate that the proposed development will generate a significantly lower number of vehicular trips throughout the day, compared to the existing permitted use. It has been acknowledged by the highway authority that the site has not been in operation for approximately 5 years however, the site still has permission for use as a public house and such use could be recommenced at any point, without the need for planning permission.

The highway comments provided state that the proposed development would be acceptable as long as the clinic/medical services provided within the nursing home are used only by the residents of the home and do not attract members of the public from the neighbouring village. A condition has been proposed by the highway officer to control this and the agent of the application has been happy to accept this. If the services were extended to members of the public not only would it affect the highway safety aspect of the site the access but it would also bring into question the sustainability of the site as these services are always best positioned in areas to which are readily accessible by a means of transport to which this site would not be.

The highway authority concluded that although the proposed access is considered to be below standard, as the required visibility splays cannot be achieved to the left (southeast) of the access, the development could generate a significantly lower number of vehicular trips

than the existing permitted use. The reduction in vehicular trips could be considered a betterment to public highway safety therefore have no objections subject to conditions.

Other Considerations

There are no residential properties immediately adjacent to the site so the proposed development would not result in an impact upon any neighbouring amenities.

The drainage strategy submitted concludes that surface water runoff will be discharged to the drainage ditch located along the south-western boundary of the site. It continues to state that treatment of runoff from parking areas and the access road will be provided by an oil interceptor. In the event that pumped discharge is required, additional storage will be provided to ensure no flooding during plant or power failure. The conclusion closes by stating that foul flows from the development should be discharged to a package sewage treatment plant with treated effluent discharged to watercourse (drainage ditch). The chosen package sewage treatment plant should offer a high level of pollution removal. The drainage strategy has been assessed by the Flood Risk Management Team at the County Council who have deemed it acceptable subject to conditions that can be attached to a decision notice.

The agent has stated within the supporting information that the applicants are committed to ensuring that sustainable methods are reflected within the design and build of the development. This can be confirmed by the addition of a standard condition ensuring that the development achieves a minimum water efficiency standard equivalent to the BREEAM 'very good' standard' and that carbon emission are reduced by 10% in accordance with policy CS17 of the Core Strategy 2011.

Conclusion

The proposed development upon this previously developed site within the Green Belt would in principle be acceptable, as whilst it would have a greater impact upon the openness of the Green Belt than the existing buildings and use, there are special circumstances which would be of benefit which when taken into account and balanced would outweigh the harm to the Green Belt complying with policy CS1 of the Core Strategy 2011 and the NPPF. The appearance of the development is seen as a vast improvement to the site and would be acceptable within its setting and surroundings complying with policy CS16 of the Core Strategy 2011. All other matters relating to biodiversity, highway safety and drainage have been deemed acceptable by technical consultees subject to conditions.

Recommendation

The recommendation is for approval subject to the referral of the application to the National Planning Casework Unit, as the proposal by reason of its scale and location, would have a significant impact upon the openness of the Green Belt, the Head of Growth and Investment be granted delegated powers to grant planning permission subject to conditions and informatives

DRAFT DECISION

APPLICATION NUMBER

R16/1701

DATE VALID

20/07/2016

ADDRESS OF DEVELOPMENT

SITE OF OLD BULL AND BUTCHER
OXFORD ROAD
RYTON-ON-DUNSMORE

APPLICANT/AGENT

Mrs Rebecca Walker
Chapman Design
Lelleford House
Coventry Road
Long Lawford
Rugby
Warwickshire
CV23 9DT
On behalf of , Pinhole Developments

APPLICATION DESCRIPTION

Demolition of existing public house buildings and the erection of part one and a half storey and two and a half storey building to provide a 50 bedroom care home together with car parking and landscaping

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

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

Drawing Nos. 2680-01; 2680-02; 2680-03; 2680-04; 2680-05; 2680-06; 2680-LP and 61-140-GHA-01A received by the Local Planning Authority on the 20th July 2016

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 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

The proposed access arrangements, alterations/closure of the existing accesses, and layout of the site shall be constructed in general accordance with drawing no. L061-14.01 Rev. A.

REASON:

In the interests of highway safety

CONDITION: 5

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

REASON:

In the interests of highway

CONDITION: 6

The consulting room/clinic shall be for the exclusive use of the residents of the site, and shall not be used for the treatment of the general public.

REASON:

In the interests of highway safety

CONDITION: 7

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

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

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

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining

land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;

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

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

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

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

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

REASON:

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

CONDITION: 8

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

REASON:

In the interest of health and safety.

CONDITION: 9

Prior to any development commencing, a full noise survey and assessment by a competent noise consultant must be prepared and submitted, with any proposed works, to the local planning authority for approval. The assessment must take into account road traffic on the (A423) Oxford Road and any proposed plant.

REASON:

To safeguard the amenities of future occupiers

CONDITION: 10

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: 11

Full details of any refrigeration or air handling 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:

To ensure satisfactory appearance of the development and safeguard neighbouring amenities

CONDITION: 12

The development hereby permitted (including site clearance works) shall proceed in accordance with the detailed mitigation measures for amphibians, reptiles and nesting birds as set out in the document 'Ecological Survey of Former Old Bull and Butcher, Ryton on Dunsmore' prepared by Philip Irving dated October 2014 and received by the Local Planning Authority on '20th July 2016'. The approved mitigation measures shall be implemented in full.

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 13

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

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 14

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

REASON:

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters

CONDITION: 15

The development hereby permitted shall only be carried out in accordance with the approved Drainage Strategy prepared by Waterco Consultants ref: W1857-150602-Drainage Strategy dated June 2015 and shall works shall only commence when the following information is submitted and agreed in writing by the Local Planning Authority.

- limiting the rate of surface water run-off generated by the site to discharge at no more than existing Greenfield rate.
- attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS.
- a fully labelled network drawing showing all dimensions of all elements of the proposed drainage system including any on/offline control devices and structures.
- detailed network calculations that correspond to the above drawing.
- modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations. A submerged outfall should be used for the modelling.
- an electronic copy of the model must be submitted to WCC Flood Risk Management Team.
- detailed drawings showing plan and sections of the proposed SuDs features, together with inlet and outlet headwalls.
- the applicant should also include evidence of overland flood flow routing in case of system failure or overtopping. This should include the hydraulic modelled flow routes with depths/velocities of the flow.
- no works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the LPA. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.
- developer shall provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the duration of the life of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.

REASON:

To ensure satisfactory drainage and safeguard the development from flooding.

CONDITION: 16

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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 within the site without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Condition number 4 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an 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: 2

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

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

INFORMATIVE: 3

The building is in a residential area and demolition may cause noise nuisance to local residents. Demolition should only be permitted between the hours 0800 - 1800 Monday-Friday, Saturday 0900 - 1600. If work at other times is required permission should be obtained from the local planning authority.

INFORMATIVE: 4

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.

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

INFORMATIVE: 5

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. Registration forms can be downloaded directly from the Council's website at:

http://www.rugby.gov.uk/site/scripts/download_info.php?fileID=2446

or via contacting the team directly on (01788) 533882.

INFORMATIVE: 6

The applicant should take care to minimise the potential of noise impact from the external noise environment on future occupiers via careful design of the site/building layout. Consideration should be given to the appropriate positioning of living rooms, bedrooms and gardens with respect to Oxford Road. Living rooms and bedrooms should be ideally located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suites, utility rooms, window-less gable ends and kitchens should ideally be located on the road facing façade of residential care home.

INFORMATIVE: 7

If it is essential to fell or lop any trees or part of the hedgerows, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March to September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act.

INFORMATIVE: 8

In view of the existing habitat, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

INFORMATIVE: 9

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. 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, in particular regarding which type of boxes to use.

AGENDA MANAGEMENT SHEET

Report Title:	Amended Procedure for Members' Requests for Site Visits by Planning Committee
Name of Committee:	Planning Committee
Date:	28 th September 2016
Report Director:	Head of Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	
Contact Officer:	Nick Freer
Public or Private:	Public
Report subject to Call-In:	N/A
Report En-Bloc:	N/A
Forward Plan:	N/A
Corporate Priorities:	Council: Improve Service Delivery
Statutory / Policy Background:	N/A
Summary:	
Financial Implications:	None
Risk Management Implications:	None
Environmental Implications:	None
Legal Implications:	There are no legal implications for this report

Equality and Diversity:

There are no equality and diversity implications for this report

Options:

1. Continue with the current practice and procedure of Members being able to request a site visit for a planning application at any time prior to its determination.

2. Limit the time Members have to request a site visit to within the 21 day consultation period for that application or, in exceptional circumstances, at the Chair's discretion.

Recommendation:

(1) The time Members have to request a site visit on any planning application be limited to within the 21 day consultation period for that particular application or, in exceptional circumstances, at the Chair's discretion; and

(2) IT BE RECOMMENDED TO COUNCIL THAT the Council's Constitution be amended accordingly.

Reasons for Recommendation:

To reduce delay in the determination of planning applications, improve service delivery and provide greater certainty to the customer.

Planning Committee – 28th September 2016

**Amended Procedure for Members' Requests for Site Visits by
Planning Committee**

Report of the Head of Growth and Investment

Recommendation:

- (1) The time Members have to request a site visit on any planning application be limited to within the 21 day consultation period for that particular application or, in exceptional circumstances, at the Chair's discretion; be approved; and
- (2) IT BE RECOMMENDED TO COUNCIL THAT the Council's Constitution be amended accordingly.

1.1 Introduction

There have been a number of occasions recently where requests for Planning Committee to visit a particular site have been received late on in the processing of the application. This has led to delays in the processing and determination of applications as well as frustration to applicants and agents. In order to avoid such delays and improve the certainty of the service the Council delivers it is proposed to establish a time limit by which Members can request such site visits that mirrors the time already allowed to Members under the Council's delegation arrangement to call in applications in for determination by Planning Committee.

1.2 Background

The Council's delegation agreement allows Members a minimum of 21 days during the consultation period to request that a planning application be decided by Planning Committee rather than by officers under delegated powers. Whilst this 21 day time frame is adhered to in respect of the delegation agreement, it has been custom and practice for a considerable number of years for Members to be able to request Planning Committee to visit a particular planning application site at any time prior to the application being decided.

Once such a request is received by officers a decision on that particular application is suspended whilst the request is brought before the next available Planning Committee for it to consider whether or not it wishes to undertake such a visit. If the Committee decides to visit the site the decision on the application automatically becomes a Committee matter and goes before them for a decision after the site visit has taken place. If it decides not to visit a site the decision will be either delegated to officers or decided by Committee depending on the circumstances of each individual

case. Inevitably this leads to delays in the processing of the application and the issuing of any decision as well as uncertainty and frustration to customers.

1.3 Proposal

To overcome these concerns and improve the delivery of decisions it is proposed that Members' requests for an application to be the subject of a Committee site visit must be received within the 21 day consultation period. Such a time limit would mirror the time already allowed to Members to call an application before Committee for a decision. It is considered that such a limit would allow Members sufficient opportunity to identify complex or contentious applications in their ward and request a site visit whilst at the same time offering a degree of certainty to the customer.

Once such a request is received it will either be placed on the standing report for site visit requests or verbally reported to the next available Planning Committee. Once the 21 day consultation period has expired officers would not be in a position to report any late requests, however, the Planning Chair would have the discretion to allow late requests in exceptional cases only.

1.4 Conclusion

It is recommended that where any Borough Councillor requests a site visit by Planning Committee on any planning application, such a request must be made in writing or by e-mail to the case officer within the 21 day consultation period for that particular application stating the material planning reasons for such a request, any requests that do not accord with these procedures will only be considered in exceptional circumstances at the Planning Chair's discretion: be approved by Planning Committee and put before Council for approval.

Name of Meeting:
Planning Committee

Date of Meeting:
28th September 2016

Subject Matter:
Amended Procedure for Member's Requests for Site Visits by Planning Committee

Originating Department: Growth and Investment (Development and Enforcement)

List of Background Papers

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

AGENDA MANAGEMENT SHEET

Report Title:	Amendment to the Scheme of Delegation - Variation and Removal of Planning Conditions Attached to Major Applications and Revocation of Hazardous Substance Consents
Name of Committee:	Planning Committee
Date:	28 th September 2016
Report Director:	Head of Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chris Kingham
Public or Private:	Public
Report subject to Call-In:	N/A
Report En-Bloc:	N/A
Forward Plan:	N/A
Corporate Priorities:	N/A
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	Applications to vary or remove conditions attached to major planning applications and the revocation of hazardous substance consents currently have to be determined by Planning Committee. The report therefore details the reasons why delegated authority is sought for Officers to determine such applications under delegated powers.

Financial Implications:	N/A
Risk Management Implications:	N/A
Environmental Implications:	N/A
Legal Implications:	N/A
Equality and Diversity:	N/A

- Options:**
1. To refer to Full Council that the Head of Growth and Investment should be given delegated authority to:
 - Determine applications for the variation and removal of planning conditions attached to major applications; and
 - Revoke hazardous substance consents.
 And for:
 - Part 2B (section 5.2.3.C) of the Council's Constitution be amended, as detailed in section 4.1 of the report.
 - Part 2B (section 5.2.2.H) of the Council's Constitution be amended, as detailed in section 4.2 of the report.

 2. To not agree for the Head of Growth and Investment to be given delegated authority to determine applications for the variation and removal of planning conditions attached to major applications and revoke hazardous substance consents.

Recommendation:

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Head of Growth and Investment be given delegated authority to:
 - (a) determine applications for the variation and removal of planning conditions attached to major applications;
 - (b) revoke hazardous substance consents;
- (2) Part 2B (section 5.2.3.C) of the Council's Constitution be amended, as detailed in section 4.1 of the report; and
- (3) Part 2B (section 5.2.2.H) of the Council's Constitution be amended, as detailed in section 4.2 of the report.

Reasons for Recommendation:

To increase the speed of determining applications, to save the time and cost of taking applications to Planning Committee and to reduce the number of applications being presented to Planning Committee.

Planning Committee – 28th September 2016

Amendment to the Scheme of Delegation - Variation and Removal of Planning Conditions Attached to Major Applications and Revocation of Hazardous Substance Consents

Report of the Head of Growth and Investment

Recommendation

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Head of Growth and Investment be given delegated authority to:
 - (a) determine applications for the variation and removal of planning conditions attached to major applications;
 - (b) revoke hazardous substance consents;
- (2) Part 2B (section 5.2.3.C) of the Council's Constitution be amended, as detailed in section 4.1 of the report; and
- (3) Part 2B (section 5.2.2.H) of the Council's Constitution be amended, as detailed in section 4.2 of the report.

1. Background for Determining Applications to Vary or Remove Conditions Attached to Major Applications

- 1.1. When granting planning permission for major applications it is normally the case that this is subject to planning conditions. Such conditions are used to enhance the quality of development. They also enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 1.2. Planning legislation allows for a developer to apply to the Council to vary or remove any conditions which they do not wish to comply with. This often arises because of a change of circumstances (e.g. the timing of certain works) or because the developer wants to change part of the scheme (e.g. to alter the appearance of a dwelling).
- 1.3. The Council can only consider the conditions that are the subject of the application – it is not an opportunity to completely re-consider the original application. Where such an application is approved it results in a new planning permission being granted. The original planning permission continues to exist whatever the outcome of the application.
- 1.4. The Scheme of Delegation currently allows the Head of Growth and Investment to determine applications to vary or remove conditions relating to all applications. However, exceptions to this include major applications. In this respect applications to vary or remove conditions relating to major

applications are classified by the Government as major applications in their own rights. The Head of Growth and Investment consequently cannot determine these applications under delegated powers.

2. Issues With Current Process for Determining Applications to Vary or Remove Conditions Attached to Major Applications

2.1. The Government is keen to ensure that Council's improve the speed in which they determine applications. In this respect the current process leads to delays in the time in which the Council can issue decision notices for applications to vary or remove conditions attached to a major application. This is because such applications have to be presented to the next Planning Committee once the Officer Report is completed. Owing to the agenda print deadlines this can delay an application being determined by over 4 weeks following completion of the Officer Report. If Officers were given delegated powers to determine such applications the Council could therefore determine them within a much quicker time. In doing this it would also reduce the risk of the Council failing to determine such applications within the statutory 13 week timeframe.

2.2. Although classified as major applications, proposals to vary or remove conditions attached to major applications are typically of a minor, straightforward and simple nature. The following two applications which were determined by Planning Committee help to illustrate this:

a. Application R16/0480: The original major application was for the "Erection of an indoor menage to replace the approved stable block and exercise paddock". Following the grant of planning permission the applicant wanted to make some minor changes to the scheme. They consequently applied to vary a condition relating to the approved plans to show changes which increased the size of the building by 1.50 metres to the front and 1 metre to the side. This resulted in an approximately 6% increase in the size of the building with some associated changes to the design of the ménage. The application was reported to Planning Committee where a decision was made to approve the proposed variation of condition in accordance with the Officer recommendation.

b. Application R15/1503: The original major application was for the "Extension to Lime Tree Village to form 30 bed care home, 47 extra care cottages, 12 extra care apartments with associated communal facilities, open space & car parking". Following the grant of planning permission the applicant wanted to make one of the approved extra care cottages on one plot slightly larger. They consequently applied to vary a condition relating to the approved plans to show changes which increased the size of the building by 32m² and raised the ridge height by 0.55 metres with associated changes to the design of the building. The application was reported to Planning Committee where a decision was made to approve the proposed variation of condition in accordance with the Officer recommendation.

- 2.3. The current process consequently results in Planning Committee having to deliberate over whether to approve or refuse applications which are typically of a minor, straightforward and simple nature. This takes up the Committee's time which is principally intended to consider matters of a major and/or contentious nature. If Officers were given delegated powers to determine such applications the Planning Committee would therefore not need to consider minor variations to schemes which they have already determined.
- 2.4. The current process results in Officer time and therefore costs being spent on dealing with the extra work which is generated by taking applications to Planning Committee. Such work includes the production of an electronic presentation and preparation of a verbal presentation. The Case Officer also attends the Planning Committee to deliver a presentation, answer queries and offer advice. The current process can consequently result in Officers spending one day of extra work on dealing with this. This time and associated costs of this would therefore be saved if Officers had delegated powers to determine such applications.

3. Revocation of Hazardous Substance Consents

- 3.1. The hazardous substances consent process ensures that hazardous substances can only be kept or used in significant amounts after an assessment of the risk to people and the environment in the surrounding area. It regulates the storage and use of hazardous substances and enables breaches of control, which may present serious risks, to be dealt with quickly and effectively. It particularly ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity.
- 3.2. The Health and Safety Executive advises the Council on the nature and severity of the risk to persons in the vicinity arising from the presence of a hazardous substance. The Environment Agency also advises on the risk to the environment, including if an environmental permit is needed.
- 3.3. The Head of Growth and Investment currently has delegated powers to determine applications for hazardous substance consents in consultation with the Head of Environmental Services. However, the Scheme of Delegation remains silent in respect of who has authority to revoke existing hazardous substance consents. The revocation of existing hazardous substance consents consequently needs to be determined by Planning Committee.
- 3.4. The above situation can lead to similar issues arising as described in section 3 above. It can also create problems and delays when dealing with applications for new hazardous substance consents.
- 3.5. By way of example, Officers are currently dealing with two applications for new hazardous substance consents (refs: R16/0922 and R16/0930). The Health and Safety Executive has raised no objection to these proposed applications subject to the existing consents on the land being revoked. This

wouldn't restrict the applicants but would remove the potential overlapping of consents which may otherwise enable them to store more hazardous materials than they are indicating. The new hazardous substance consent applications can therefore be determined by Officers under delegated powers but the revocation of the existing hazardous substance consents would need to be determined by Planning Committee.

4. Proposed Process for Determining Applications to Vary or Remove Conditions Attached to Major Applications and Revoke Hazardous Substance Consents

4.1. It is proposed that the following wording of the Scheme of Delegation (Part 2B) under section 5.2.3.C) is changed from:

“Full or outline applications (but not applications for the approval of reserved matters) included within the definition of “major developments” as set out in the General Development Control Return, produced by the Department for Communities and Local Government or any such relevant body”.

To:

“Full or outline applications (but not applications for: the approval of reserved matters; variation of conditions; or removal of conditions) included within the definition of “major developments” as set out in the General Development Control Return, produced by the Department for Communities and Local Government or any such relevant body”.

4.2. It is proposed that the following wording of the Scheme of Delegation (Part 2B) under section 5.2.2.H) is changed from:

“In consultation with the Head of Environmental Services, applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990”.

To:

“In consultation with the Head of Environmental Services, applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and the revocation of any existing hazardous substances consent”.

4.3. In delegating the decision the Council would no longer be subject to the Planning Committee cycle and decisions would be made in a prompt and timely manner. This would also reduce the burden upon Planning Committee to determine applications which are typically of a minor, straightforward and simple nature. Furthermore, it would save the extra Officer time and therefore costs involved in taking such applications to Planning Committee.

4.4. The proposed amendment would not alter the ability of Councillors to request that applications to vary or remove conditions attached to major applications be determined by Planning Committee. It would also not alter the need for

such applications to be determined by the Planning Committee if 15 or more households submit objections to the proposal or if the application is recommended for approval against the advice of the Highway Authority. These safeguards would consequently ensure that any significant and/or contentious proposals to vary or remove conditions attached to major applications could still be determined by Committee.

Name of Meeting: Planning Committee

Date of Meeting: 28th September 2016

Subject Matter: Amendment to the Scheme of Delegation - Variation and Removal of Planning Conditions Attached to Major Applications and Revocation of Hazardous Substance Consents

Originating Department: Planning and Enforcement

List of Background Papers

There are no background papers relating to this item.

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 11th August 2016 to 31st August 2016
Name of Committee:	Planning Committee
Date:	28th September 2016
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	Not applicable
Report En-Bloc:	Not applicable
Forward Plan:	Not applicable
Corporate Priorities:	
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:	N/A
Risk Management Implications:	N/A
Environmental Implications:	N/A
Legal Implications:	N/A

Equality and Diversity:

N/A

Options:

N/A

Recommendation:

The report be noted.

Reasons for Recommendation:

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

Planning Committee - 28th September 2016

Delegated Decisions - 11th August 2016 to 31st August 2016

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1. BACKGROUND

Decisions taken by the Head of Growth and Investment in exercise of powers delegated to him during the above period are set out in the Appendix attached.

Name of Meeting:
Planning Committee

Date of Meeting:
28th September 2016

Subject Matter:
Delegated Decisions - 11th August 2016 to 31st August 2016

Originating Department:

List of Background Papers

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 11.08.2016 TO 31.08.2016

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R16/1677 Refused 26.08.2016</i>	Glebe Farm Barn Birdingbury Road Bourton on Dunsmore Rugby	Removal of Condition 3 of planning permission E2E 878 relating to the removal of permitted development rights.
<i>R16/1478 Refused 31.08.2016</i>	Cottage Farm Cicey Lane Burton Hastings	Use of land for the storage of caravans, erection of security fence (part retrospective).
Applications Approved		
<i>R16/0994 Approved 12.08.2016</i>	The Nook on The Square The Square Rugby	Change of use of existing building from a mix use of C3 (residential) at first floor and A3 (team room/café) to a single dwelling house.
<i>R16/1514 Approved 12.08.2016</i>	Princethorpe College Leamington Road Princethorpe	Retention of two temporary storage containers (previously approved as part of planning permission reference R12/0950 dated 25/06/2012)
<i>R16/1470 Approved 12.08.2016</i>	Rowngate Glebe Farm Road Draycote Rugby	Demolition of existing carport and erection of detached garage
<i>R16/0332 Approved 12.08.2016</i>	11 Bell Lane Monks Kirby Rugby	Replacement of a rooflight with a dormer window, insertion of an additional patio window at first floor level, and extension of the existing front balcony.
<i>R16/1037 Approved 12.08.2016</i>	29 Dunsmore Avenue Rugby	Erection of a side and rear extension including the raising of the existing roof to create a loft conversion.
<i>R16/0466 Approved 12.08.2016</i>	4 Brandon Road Bretford Rugby	Erection of a two storey side extension.

<i>R16/1461 Approved 15.08.2016</i>	44 Leamington Road Ryton on Dunsmore Coventry	Material alteration to Planning Permission Reference R16/0649 (erection of a single storey rear extension, dated 12 April 2016) to replace the approved door and ground floor window in the rear elevation with bi-folding doors.
<i>R16/1575 Approved 15.08.2016</i>	9 Vale Close Hillmorton Rugby	Erection of a single storey rear extension
<i>R15/1754 Approved 15.08.2016</i>	33 Livingstone Avenue Long Lawford Rugby	Demolition of existing dwelling and outbuildings and erection of four dwellings.
<i>R16/1462 Approved 15.08.2016</i>	3 Arderne De Gray Road Wolston Rugby	Retention of summer house
<i>R16/1388 Approved 15.08.2016</i>	1 Southview Cottages Sawbridge Road Grandborough Rugby	Replacement single storey rear extension (material alterations to planning permission reference R14/1538, dated 12 September 2014). Partially retrospective.
<i>R16/1582 Approved 16.08.2016</i>	Bulls Head Church Hill Wolvey	Erection of a smoking shelter and garden features (retrospective)
<i>R16/1312 Approved 16.08.2016</i>	10 Yates Avenue Newbold Rugby	Demolition of existing side lean-to, and erection of a one and a half storey side extension.
<i>R16/1501 Approved 16.08.2016</i>	Temple Buildings 1 Railway Terrace Rugby	Change of use of existing building from D1 (Place of Worship) to Class A1 (Retail) and Class B1 (Offices) of the Town and Country Planning (Use Classes) Order 1987
<i>R16/1397 Approved 16.08.2016</i>	2 Campion Way Brownsover Rugby	Proposed addition of render and wooden cladding
<i>R16/1562 Approved 17.08.2016</i>	McDonalds Unit 11 Junction One Leicester Road Rugby	Extensions and refurbishment to the restaurant including alterations to the car park.
<i>R16/1588</i>	72 Lennon Close	Erection of a two storey side extension

<i>Approved</i> 17.08.2016	Hillmorton Rugby	
<i>R16/1498</i> <i>Approved</i> 17.08.2016	13 Squires Road Stretton on Dunsmore Rugby	Erection of a part two storey and part first floor front extension incorporating extension to existing porch
<i>R15/1885</i> <i>Approved</i> 17.08.2016	Impact Dance Mill Road Rugby	Variation of condition 1 of planning permission R13/1547 (for retrospective permission for the change of use of part of building from a warehouse (Use Class B8) to a dance studio, fitness studio, hairdressers and beauticians with 2 associated offices and WCs (sui generis)) to allow the use to continue until 31st December 2017
<i>R16/1497</i> <i>Approved</i> 17.08.2016	Rawburn Grounds Farm Sawbridge Road Sawbridge Rugby	Erection of an agricultural building.
<i>R16/1502</i> <i>Approved</i> 17.08.2016	Rawburn Grounds Farm Sawbridge Road Sawbridge Rugby	Construction of an agricultural building.
<i>R16/1503</i> <i>Approved</i> 17.08.2016	Rawburn Grounds Farm Sawbridge Road Sawbridge Rugby	Construction of an agricultural building.
<i>R16/1504</i> <i>Approved</i> 17.08.2016	Rawburn Grounds Farm Sawbridge Road Sawbridge Rugby	Construction of an agricultural building.
<i>R16/1614</i> <i>Approved</i> 18.08.2016	The Stables Lilbourne Road Clifton Upon Dunsmore	Erection of an attached garage.
<i>R16/1594</i> <i>Approved</i> 18.08.2016	Unit 7 Elliotts Field Shopping Park Leicester Road Rugby	Installation of a mechanical services plant compound to include barriers to the rear of the unit.
<i>R16/1623</i> <i>Approved</i> 18.08.2016	45 Overslade Lane Rugby	Provision of a front pitched roof dormer window and Velux roof windows to side elevations.

<i>R16/1191 Approved 19.08.2016</i>	The Christian Bookshop 7 Castle Street Rugby	Proposed erection of a rear external staircase to provide external access to the first floor, insertion of a first floor door, together with change of use of first floor to a mixed sui generis use for office (B1 use class), and functions for community/charity use (sui generis).
<i>R16/1176 Approved 19.08.2016</i>	Warren Farm House High Street Ryton-on-Dunsmore Coventry	Demolition and rebuild of the existing barn into a residential dwelling.
<i>R16/1488 Approved 22.08.2016</i>	2 Main Street Clifton Upon Dunsmore Rugby	Replacement Single Residential Dwelling in lieu of extant approval to extend and remodel bungalow to form a two storey dwelling (ref R15/1915)
<i>R16/0092 Approved 22.08.2016</i>	Warwickshire Wildlife Trust Brandon Mars Nature Centre Brandon Lane Brandon Coventry	Erection of a timber bird hide and the formation of a new access path
<i>R16/1293 Approved 22.08.2016</i>	63 Albert Street Rugby	Change of use from D1 (doctor's surgery) to Sui Generis (large house of multiple occupation).
<i>R16/1571 Approved 23.08.2016</i>	75 Townsend Lane Long Lawford Rugby	Erection of a part two storey part single storey rear extension, and a single storey front extension to form a porch.
<i>R16/1554 Approved 23.08.2016</i>	55 Main Street Rugby	Erection of single storey rear extension and front porch.
<i>R16/1352 Approved 23.08.2016</i>	Nethergreen Shilton Lane Shilton Rugby	Erection of an a bungalow for agricultural workers (removal of Condition 3 of planning approval 1340/15 dated 13th November 1972)(re-submission of R16/0228 refused on 24th May 2016)
<i>R16/1380 Approved 23.08.2016</i>	97 Bilton Road Bilton Rugby	Erection of a single storey side and rear extension.

<i>R15/2277 Approved 23.08.2016</i>	Radea Club 6 Castle Street Rugby	Change of use from an ex- serviceman's club to Use Class A3 (restaurant) with extension to roof space to provide 4 apartments at first and second floor level
<i>R16/0959 Approved 24.08.2016</i>	13 Woodlands Road Binley Woods Coventry	Conversion of the loft to living accommodation, and erection of single storey side and rear extensions.
<i>R16/1645 Approved 25.08.2016</i>	Ashurst Farm Wood Lane Shilton Coventry	Removal of Condition 3 of planning permission R02/0253/19895/P for the occupational workers dwelling tie to be removed.
<i>R16/1637 Approved 26.08.2016</i>	5 Brookside Stretton on Dunsmore Rugby	Demolition of existing porch. Construction of new porch
<i>R16/1555 Approved 26.08.2016</i>	12 Briars Close Long Lawford Rugby	Erection of a first floor rear and side extension.
<i>R16/1609 Approved 26.08.2016</i>	20 Waring Way Dunchurch	Erection of a single storey front and side extension and replacement of existing flat roofs to front and rear with pitched roofs.
<i>R16/1696 Approved 26.08.2016</i>	48 Main Street Rugby	Erection of two storey side extension and porch to the front elevation.
<i>R16/0784 Approved 30.08.2016</i>	Twiggetts Lodge Farm Twiggetts Lodge Farm Buildings Lilbourne Road Rugby	Replacement of compacted earth with stone/chippings
<i>R16/1490 Approved 30.08.2016</i>	Guests Cars and Commercials 352 London Road Stretton on Dunsmore Rugby	Use of existing premises and site for the repair, refurbishment and sale of motor vehicles
<i>R16/0186 Approved 30.08.2016</i>	60 Grosvenor Road Rugby	Erection of single storey rear extension and first floor rear extension and new pitched roof
<i>R16/1464 Approved</i>	5 Montrose Road Rugby	Erection of single storey side and rear extension and proposed conversion of garage

31.08.2016		to form garden room
<i>R16/1550 Approved 31.08.2016</i>	The Manor House Anns Lane Stretton Under Fosse Rugby	Erection of an extension to existing building to form a domestic garage
<i>R16/1549 Approved 31.08.2016</i>	The Manor House Anns Lane Stretton Under Fosse Rugby	Erection of a barn /horticultural machine store
Prior Approval Applications		
<i>R16/1642 Prior Approval Not Required 23.08.2016</i>	45 Round Avenue Long Lawford Rugby	Prior approval for the erection of a single storey rear extension.
<i>R16/1494 Prior Approval Not Required 25.08.2016</i>	Land South West of Smeaton Lane Coombe Fields	Prior notification for the change of use of a redundant farm building to a residential dwelling.
Prior Notification		
<i>R16/1595 Prior Notification of agriculture or forestry development 17.08.2016</i>	Malt Kiln Farm Shop J V & S M Lea & Sons 61 Main Street Rugby	Prior notification for the erection of a lean-to agricultural building.
Listed Building Consents		
<i>R16/1483 Listed Building Consent 19.08.2016</i>	Percival Guild Percival Guildhouse Social Club 9 St Matthews Street Rugby	Listed building consent to cut out spalled and perished bricks to be replaced and re-pointed phase one and two only.
Advertisement Consents		
<i>R16/1327 Advertisement Consent 12.08.2016</i>	Unit 2 140 Wood Street Rugby	Advertisement consent for the erection of 2 fascia signs and 1 directional sign

<i>R16/1568 Advertisement Consent 17.08.2016</i>	McDonalds Unit 11 Junction One Leicester Road Rugby	Relocation of existing fascia signage.
<i>R16/1560 Advertisement Consent 17.08.2016</i>	McDonalds Unit 11 Junction One Leicester Road Rugby	Erection of 6 illuminated and 1 non illuminated advertisement.
<i>R16/1593 Advertisement Consent 19.08.2016</i>	Unit 7 Elliotts Field Shopping Park Leicester Road Rugby	Advertisement consent for 2 fascia signs
<i>R16/1621 Advertisement Consent 30.08.2016</i>	Coventry and Rugby NHS Rugby Health and Wellbeing Centre Drover Close Rugby	Advertisement consent for the erection of one freestanding non-illuminated panel sign
<i>Certificate of Lawful Use or Development</i>		
<i>R16/1740 Certificate of Lawful Use or Development 24.08.2016</i>	Foxstones Cottage 1 The Ryelands Rugby	Certificate of Lawful Development for a proposed development. Proposed single storey home workshop building.
<i>Approval of Details/ Materials</i>		
<i>R10/1272 & R15/1453 Approval of Details 11.08.2016</i>	Unit 1 (Plot 5) Rugby Gateway Employment Over View Way Rugby CV23 0XF	Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.
<i>R11/0476 & R14/1641 Approval of Details 12.08.2016</i>	Former Ballast Pits and Railway Sidings Lower Street Hillmorton Rugby	Outline planning application for up to 76 dwellings together with associated access, roads and infrastructure.

<i>R14/0407 & R15/2239 Approval of Details 12.08.2016</i>	Land adj Ridgeway Farm Ashlawn Road Hillmorton Rugby	Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access.
<i>R15/2452 Approval of Details 12.08.2016</i>	Coop Late Shop Townsend Lane Long Lawford Rugby	Proposed new local convenience store, ancillary customer parking with associated external works, together with the demolition of the existing store and adjacent dwelling
<i>R15/1236 Approval of Details 18.08.2016</i>	Five Ways Lakes Coventry Road Wolvey	Conversion and extension of existing stable building to form a new dwelling house to support the existing business at Five Ways Lakes, together with the continued siting of a temporary log cabin for a further temporary period of three years.
<i>R16/0285 Approval of Details 22.08.2016</i>	7 Hightown Princethorpe	Erection of a two storey rear extension.
<i>R15/2002 Approval of Details 24.08.2016</i>	Britvic Soft Drinks Britvic Soft Drinks Ltd Aventine Way Brownsover Rugby	Extensions to existing building, together with new effluent treatment plant area and high-level pedestrian link bridge.
<i>R11/0114 & R16/0266 Approval of Details 24.08.2016</i>	Cawston Extension Site Coventry Road Cawston Rugby	Spine road and strategic landscaping (Phases 1a and 2a) only, Approval of Reserved Matters in relation to outline planning permission R11/0114.
<i>R11/0114 & R16/0266 Approval of Details 30.08.2016</i>	Cawston Extension Site Coventry Road Cawston Rugby	Spine road and strategic landscaping (Phases 1a and 2a) only, Approval of Reserved Matters in relation to outline planning permission R11/0114.
<i>R16/0480 Approval of Details 30.08.2016</i>	Pioneer Farm Stockton Road Birdingbury Rugby	Variation of Condition 2 of approval R15/1896 (Erection of an indoor menage to replace the approved stable block and exercise paddock) to allow minor modifications to the design and size of the building
<i>R12/1456 Approval of Details 31.08.2016</i>	Land at Gate Farm Main Street Bourton on Dunsmore Rugby	Erection of a new dwelling

Approval of non-Material Changes		
<i>R13/1514 Approval of Non-Material Changes 15.08.2016</i>	Former Sutton Park Motors 26-42 Railway Terrace Rugby	Erection of a single storey side extension to create a food bank store, the erection of a single storey extension to the auditorium, the erection of a first floor extension to create a link between the two existing mezzanine floors, provision of access ramps to external doors, boundary fence and gate treatment and material change to the external façade to include render and timber cladding.
<i>R15/2074 Approval of Non-Material Changes 18.08.2016</i>	Land South of Technology Drive Technology Drive Rugby	Erection of 230 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works.
Withdrawn/ De-registered		
R16/1558 Withdrawn 11.08.2016	McDonald's Restaurant Unit 11 Junction One Leicester Road	Installation of existing advertisement on a new 6 metre pole within the current location.
R16/1021 Withdrawn 23.08.2016	109 Crick Road Hillmorton Rugby	Proposed two storey front and rear extension and porch
R16/1528 Withdrawn 30.08.2016	6 Vicarage Road New Bilton Rugby	Erection of a single storey rear extension.
R16/1429 Withdrawn 31.08.2016	23 Main Street Wolston Coventry	Installation of 2 No. Air Source Heat Pumps to Approved Scheme R11/1725