



9 July 2019

PLANNING COMMITTEE - 17 JULY 2019

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 17 July 2019 in the Council Chamber at the Town Hall, Rugby.

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 19 June 2019.
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. Tree Preservation Order No. 410.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 15 May – 19 June 2019.
8. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraphs 1, 2 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. Enforcement Update.

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

The Reports of Officers (Ref. PLN 2019/20 – 4) are attached.

Membership of the Committee:

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

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

If you wish to attend the meeting and have any special requirements for access please contact the Democratic 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 – 17 July 2019

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R19/0259	Land at Streetfields Farm, Watling Street, Churchover, LE17 4HU Installation of a ground mounted solar farm comprising substations, transformers, electrical cabins, storage cabin, solar arrays, perimeter security fencing and gates, CCTV poles and cameras, internal access tracks and landscaping.	3
2	R18/1426	The Bakehouse, Main Street, Willoughby, CV23 8BH Outline planning permission for proposed new dwelling and garaging on land to the rear of The Bakehouse, all matters reserved apart from access.	17
3	R18/1941	Treetops, Shilton Lane, CV7 9LH Provision of 4 no. traveller pitches and amenity block.	27
4	R19/0073	Bell House, 320 Lawford Road, New Bilton, Rugby, CV21 2JQ Demolition of existing care home and erection of 18 flats.	39

Reference: R19/0259

Site Address: LAND AT STREETFIELDS FARM, WATLING STREET, CHURCHOVER, LE17 4HU

Description: Installation of a ground mounted solar farm comprising substations, transformers, electrical cabins, storage cabin, solar arrays, perimeter security fencing and gates, CCTV poles and cameras, internal access tracks and landscaping

Case Officer Name & Number: Erica Buchanan, 01788 533789

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development.

Description of Site

The site comprises four fields currently used for agricultural purposes with each being separated from the other by existing hedgerows.

To the north west of the site lies Streetfield Spinney, to the north east lies the A5, to the south east lies the Streetfields Farmhouse and associated farm buildings. To the south lies open fields and to the west are isolated dwellinghouses. These dwellinghouses are accessed by an unmade track off of Lutterworth Road.

Streetfields Farm dwelling is a Grade II Listed Building.

Magna Park Industrial Area lies approximately 620m to the north west. Churchover and the listed church lies approximately 1.3km to the south and the nearest village Pailton approximately 2.4km to the east.

The site is not crossed by any Public Rights of Way, however the unmade access track includes the Public Right of Way: R296

Description of Proposal

The proposal is for a large scale Solar Farm comprising of solar panels arranged into linear arrays facing to the south within an area of 34.14ha of farm land. The proposal includes associated infrastructure comprising five switchgear substations, five transformers, a DNO substation, a customer substation, an auxiliary transformer, a monitoring and communications building and a composite toilet.

There would be an internal access track and the works would include ground preparation for the construction of building foundations and provision of swales.

The site would be surrounded by a perimeter security fencing which is to form secure 'deer style' fencing in addition there would be CCTV and site security systems. Gates are included in the fencing for access to the site and to the field margins for maintenance access within each field;

The proposal is for a temporary period of 35 years

The solar PV panels would be fixed and arranged on a simple metal framework facing south with the height of the supporting framework of 2.9m above current ground level with the lower

part of the panel 1m from ground level. Between each line of solar panels there would be a gap of approximately 5.5m to avoid over shadowing from one solar panel to another. The solar panels would be tilted at 25 degrees from the horizontal axis and orientated south.

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

Due to the location of a major gas pipeline through part of the site the plans have been amended to provide an easement to this pipeline.

The application was submitted with the following documents:-

- Planning Statement
- Design and Access Statement
- Construction and Decommissioning Statement
- Transport Statement
- Statement of Community Involvement
- Landscape and Visual Impact Assessment
- Cumulative Impact Assessment
- Archaeology Report
- Flood Risk Assessment
- Ecology Report
- Biodiversity Management Plan
- Landscape Plan

Planning History

There is no relevant planning history

Relevant Planning Policies

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

Rugby Borough Local Plan 2011-2031:

GP2 (settlement hierarchy),

NE1 (Protecting Designated Biodiversity and Geodiversity Assets)

NE3 (landscape protection)

SDC2 (landscaping)

SDC3 (historic environment)

SDC8 (renewable energy).

National Guidance

NPPF

NPPG

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

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

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

Technical consultation responses

Environment Agency	No comments
Cadent	No objections to the amended plans.
Highways England	No objection following submission of amended details
WCC Ecology	Additional information required
RBC Landscape Officer	Additional boundary planting required
Environmental Health	No objection subject to conditions
WCC Highways	No objection subject to conditions
WCC Public Rights of Way	No objection subject to Informative
WCC Archaeology	No objection subject to conditions
WCC LLFA	No objection subject to conditions
Ramblers	No objection providing public right of way remains open.

Councillor Leigh Hunt I wish to make observations on this application. Even though the site is not actually within my ward, if granted permission it would have a massive impact on Churchover.

Churchover is set within the Swift Valley, which already has permission for one solar park. This latest installation would be highly visible from Churchover, and would have the effect of turning the area between the village and the A5 into 1 56 acre solar park.

Given that other applications in the area have been refused because of the impact on view from Churchover and its historic setting, this application must also be refused.

Parish Councils

Monks Kirby Parish Council	Support this application
Pailton Parish Council - Churchover Parish Council	No Objections has concerns over loss of agricultural land Objects to the application in its current form. Main area of concern is the impact on the rural setting of the Swift Valley as the setting of the Churchover Village conservation area and the grade 2 listed Holy Trinity church. It would not conserve or enhance remote rural character as set out in the management strategy of the Warwickshire Landscape Guidelines. Other areas of concern is cumulative impact for a second solar farm turning the area between the village and the A5 into a solar park landscape of over 56 hectares visible from parts of the village and from the footpaths and bridleways in the Swift Valley. A member of the Parish Council visited the proposed site with the applicants and members of Monks Kirby Parish Council. On that visit it was clear the two of the four fields have no impact on the Swift Valley and that the Northern half of a third field is not visible from Churchover. If the Southern half of the third field and all of the fourth field were moved North toward the A5 and Magna Park then the Parish Council would have less concerns about this application.

Neighbours

3 objections received from Churchover, Lutterworth and former resident of Churchover. and 1 letter of support

Objections on:-

Impact on the upper Swift valley,

Degree of harm to the landscape, visual amenity and heritage interests

solar arrays across four fields will be visible not just from the conservation area of Churchover but from Bridle and Footpaths and will negatively affect the visual amenity.

Loss of agricultural land

Cumulative impact

Impact on wildlife

The heritage asset of the grade two* listed Holy Trinity Church, the spire of which dominates the rolling fields around Churchover from 360 degrees, will be negatively affected.

Support on:-

The Paris Climate Accord was the most important international agreement signed in this century.

The proposal will help decarbonize the economy and help towards a greener environment.

Assessment of proposal

The NPPF states at paragraph 7 that the planning system is to contribute to sustainable development. Paragraph 8 (c) states that by moving to a low carbon economy is one of the ways the planning system can contribute towards sustainable development, this is reinforced in paragraph 148 which states amongst other things that renewable and low carbon energy and associated infrastructure should be supported. Paragraph 154 states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable.

Planning Practice Guidance states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors to be considered include:

encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;

the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;

the need for, and impact of, security measures such as lights and fencing;

great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The Local Plan for Rugby was adopted on the 4th June 2019. Policy SDC 8 explicitly deals with applications for renewable/low carbon technology and SDC 2 seeks to address issues around landscape.

SDC 2 on landscape calls for applications to protect features of significance and calls for new planting to add to ecological value and reduce any visual intrusion by the development.

SDC 8 contains a number of criteria seeking to address adverse impacts on different aspects of the environment.

The site is located more than a 1km from the nearest village, with a few isolated dwellings near the proposed site. The proposal would have some impact on these properties but not to such a degree as to justify a refusal.

The proposed planting will lead to a net gain for biodiversity and increase the screening of the site.

There will be an impact on heritage assets primarily the Grade II Listed farmhouse but not one that is so adverse that it cannot be overcome by mitigating measure of increased planting around the perimeter.

The site has been assessed as Grade 3B agricultural land so is not the best and most versatile land, in addition the proposed solar farm application is a temporary one.

The applicants carried out extensive engagement with local community and parish councils and the Statement of Community Involvement highlights community engagement in line with the last criteria.

Agricultural Land

The revised NPPF has removed guidance which previously made reference to the type of land on which such developments should take place. Paragraph 151 however does state that Local Planning Authorities should provide a positive strategy for such developments whilst ensuring adverse impacts are avoided and should consider identifying suitable areas for renewable and low carbon developments. Furthermore the adopted Local Plan makes reference to the best and most versatile land in relation to solar farms.

The accepted definition of what constitutes best and most versatile land is land graded 1, 2 and 3a. Land graded 3b, 4 and 5 should be seen as preferred categories for development subject to other policy considerations. It has been confirmed that should the application be recommended for approval the land which is currently in rotational agricultural use for cereals and grazing will be out of agricultural use, with the exception of low scale grazing between the arrays for 35 years and as such it can be reasoned that the loss of agricultural production from this area would be significant.

An Agricultural Land Classification (ALC) Assessment has been submitted with this application. The ALC submitted made references to the ALC Maps and meteorological evidence and soil categorisation. Whilst these are very broad in their designations a physical survey was undertaken of the site which included a total of 31 auger borings and one trial pit across the 34.14 ha site. The survey work undertaken identified the soil type as Beccles Series which characteristically have “composite fine loamy over clayey profiles” with usually a “lithological discontinuity between the fine loamy horizon and the clayey till below”. It has been confirmed that the soils are developed in thin fine loamy drift over chalky boulder clay and the upper drift may contain pebbles and flints. The soils have a tendency to be poorly drained, but this is not an impediment to the growing of cereals and roots, normally with some grassland in the rotation.

In common with many other soil types, this series of soil type can be under drained to improve porosity and thus improve use, but unless drainage is maintained there is a tendency for fields to revert to type. The documentation submitted concludes that the application site is Grade 3b.

The application proposes to allow for species rich grassland suitable for the established grass between the arrays to be grazed lightly by sheep by up to 60 kilos during a short grazing period from late August to September, or occasionally through to November. Confirmation has been received that the establishment of grassland allowing grazing for sheep or poultry between the panels would be feasible.

Therefore, whilst there is a loss of agricultural land it is to be continued in the use for grazing sheep and given its assessment as Grade 3B agricultural land and not the best and most versatile land the proposed solar farm does not conflict with policy SDC8 set out in the Local Plan.

In addition to the lower grade land the proposal is for a temporary period which would bring the site back into agricultural use at the end of the 35 year period.

Heritage Assets

Listed Buildings and Conservation Areas

The Council is required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area.

With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 193 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 195 states that where substantial harm to a designated heritage asset such cases should be weighed against the public benefit of the proposal.

The nearest heritage asset to the site is the Grade II Listed Farmhouse and as such consideration has been given to the impact of the proposal on the setting of this Listed Building. The field directly in line with the Listed Building which is included in the scheme would result in less than substantial harm to its setting and therefore consideration should be given to the benefit of the solar array to outweigh the harm.

It is proposed to increase the existing landscaping along the boundary to reduce the impact of the solar array on its setting and for a period of 3 to 5 years whilst this landscaping matures there would be some harm. However as stated previously this harm is less than substantial and consideration would need to be given to the public benefit to outweigh that harm. Given the requirements for renewable energy it is considered that this public benefit outweighs the harm.

Concerns have also been raised by Churchover Parish Council and residents of the impact on the Churchover Conservation Area and the Listed Church. The Church of the Holy Trinity is Grade II* and lies 1.5km to the south of the application site and is located within the Churchover conservation area. A key view noted in the conservation area appraisal is the view north from the churchyard towards the surrounding countryside. This view was assessed within the supporting LVIA document. It is considered that due to the position and location of the solar array it would only be possible to see the proposed development further to the east and north, once out of the conservation area. This viewpoint would be at a distance and would only be a partial view and therefore the experience within the Conservation Area, the Listed Church and of its key buildings would be unaffected. On this basis it is considered that the significance of either the church or the conservation area would be unaffected and due to the distance and land form it is not considered that the proposal would harm the setting of these heritage assets.

Archaeology

The proposed development lies within an area of significant archaeological potential. The application was submitted with an Archaeological Desk Based Assessment which included a summary of the results of geophysical survey undertaken across this site. This survey has identified an enclosure complex in close proximity to a potential double ditch feature interpreted as probable trackway and further anomalies of possible archaeological potential within the north eastern part of the site. Further zone of less defined anomalies of probable archaeological origin was also identified across the central part of the proposed development. A significant number of

strong discrete irregularly shaped anomalies have also been identified across other parts of the site.

It has been highlighted that there is clear evidence for buried archaeological deposits possibly of Roman date to survive across the proposed development site. There is also a potential for further archaeological deposits dating to the later prehistoric, Roman, early medieval and medieval periods to exist across this site which could also be impacted upon by the proposed development.

In view of the nature of the proposed development there is a potential for a level of flexibility within the scheme that means that a range of mitigation measures, including exclusion of areas from development, use of specialist foundations and archaeological fieldwork, could be accommodated were required.

It has been recommended that an archaeological evaluation by trial trenching should be undertaken in order to help to define the character, extent, state of preservation and importance of any archaeological remains present. This information would inform an assessment of the impacts that the development would have upon any archaeological features present, and the development of an appropriate strategy to mitigate any such impacts.

Renewable Energy

It is proposed that the solar farm would generate approximately 18.32MW of renewable energy. However due to advances in technology, higher wattage panels are now available, these advances mean that a more consistent flow of generation to the grid installations can be carried out. Notwithstanding the increase in MW there would be no physical difference in appearance of the panels whatever their output, it can therefore be considered that this is not a material planning consideration.

Cumulative impact

Consideration on renewable energies and cumulative impacts needs to be given to the scheme due to the appeal decision that allowed a large scale solar farm adjacent to Churchover Conservation Area and Listed Church and spread across 6 fields to the A5 and lies south east to the site.

However due to the location of the current proposal in its set back location, the proposed increase in boundary landscaping along with the land form it is considered that there would not be a cumulative impact with the two large scale solar farms.

Ecology

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

The application site is within 5km of two Sites of Special Scientific Interest (SSSI) Cave's Inn Pits and Miserton Marshes. Although the site is within the SSSI Impact Risk Zone (IRZ) it does not meet the threshold criteria and it is considered unlikely a statutory site would be impacted by the proposals.

Streetfield Spinney which is a wooded copse located to the north of the site is an undesignated Local Wildlife Site.

The submitted Biodiversity Management Plan which includes measures to protect birds, bats badgers and amphibians and reptiles during construction, and also includes a requirement for further site surveys, carrying out maintenance outside bird nesting season, sensitive locations of lighting and to minimize lighting to avoid spill.

It is proposed to provide bird boxes for additional bird nesting provision, in addition to the bird boxes it is proposed to include bat roost boxes. The habitat management for the site will be with the current or subsequent owners of the site for a 25 year period.

Biodiversity

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

The proposal includes the provisions of additional landscaping and mixed grassland it is proposed to use 'improved grassland' which is proposed between the arrays and the mix proposed would classify as improved grassland. However it is required that an offsetting scheme of rich grassland mix should be considered on site to avoid the net biodiversity loss.

The proposed development is likely to result in a net gain to biodiversity based on the proposed creation of species-rich grassland across the whole site and due to the existing site comprising arable land and improved grassland,

Highways and POW

The application was submitted with a construction and decommissioning plan and it is proposed that construction traffic would access the site from the unmade track off of Lutterworth Road and

Highways England have raised concerns regarding the use of the existing access from the A5 which is a high speed dual carriageway, rather than the more appropriate access of the local road network. Personal Injury Collision (PIC) data does not show a recorded PIC problem at this location, however any intensification of use will increase the risk of incidents occurring. In addition, this location has a low standard cross over facility for the side road and we would not want to encourage any intensification of use of the facility.

Highways England have noted that the construction traffic would use the access onto the B4027.

Whilst the Solar Farm proposes to take construction access off the B4027 Lutterworth Road, it is proposed that the operation/maintenance access would be from the existing access from the A5(T) for Streetfield Farm. The existing access, which is approximately 20m width at the carriageway edge of the A5(T), narrowing to a concrete access track of approximately 3.5m from approximately 10m back from the edge of the A5(T).

This access currently accommodates existing traffic for Streetfields Farm, including large HGV deliveries. As such it is considered that the access is capable of accommodating any vehicle accessing the Solar Farm for operational/maintenance purposes.

Paragraph 3.4 of the submitted Transport Statement sets out that operational traffic would “typically constitute only occasional visits by LGV or 4x4 vehicles”. Paragraph 4.13 goes on to say that “The frequency of vehicle trips associated with monitoring and upkeep of the site is typically expected to be about 10-20 times a year.” i.e. every 3-5 weeks, though actual movements may be even lower as some maintenance process are now able to be undertaken remotely.

HGV access during operation is only required if a large component such as an inverter requires replacing. This is not a frequent occurrence and may not even happen during the life (35 years) of the solar farm.

The decommission of the Solar Farm would takes access from the B4027 Lutterworth Road, as per construction.

The existing A5(T) access currently accommodates HGV’s and other farm related traffic on a daily basis, the operational traffic from the solar farm would be infrequent in the context of the existing use and it is therefore considered appropriate to use the A5(T) access for the infrequent maintenance purposes and would not have any further impact with the use of this access than currently exists.

In terms of the use of Lutterworth Road for the construction and decommissioning WCC Highways have raised no objections but have requested some pre-commencement conditions which includes additional survey works in relation to highway maintenance and a phasing plan for HGV’s. The applicants have agreed to the pre-commencement conditions.

In terms of the public right of way public footpath R296 which runs along the track off Lutterworth Road which is proposed to be used for access for construction traffic.

The Transport Statement proposes traffic management measures to ensure safe access for public footpath users, including a banksman at each end of the access track. Condition surveys and any necessary repair works are also proposed for the section of Lutterworth Road to be used for the access.

In addition the PROW team have requested a condition to be imposed to seek measures to ensure safe access and repairs to the public footpath to be included in a Construction Traffic Management Plan.

It is therefore considered that the proposal subject to the required conditions would not result in a detriment to highways safety.

Landscape Character and Visual Impact

The site lies in Open Countryside and within the High Cross Plateau- Open Plateau Landscape Character Type (LCT), as defined within the ‘Landscape Assessment of the Borough of Rugby – Sensitivity and Condition Study’ (published by Warwickshire County Council in 2006).

The key characteristics of this LCT include: remote, large-scale, open, rolling plateau dissected by broad valleys; wide views and a strong impression of emptiness and space; extensive areas

of largely inaccessible countryside; field pattern generally medium to large in scale; shelterbelts may form prominent features in an otherwise open and featureless landscape. This LCT is identified as having a medium sensitivity.

The LVIA of the development on the surrounding area should include the cumulative impact from the approved solar farm located south of the site and a particular viewpoint of the surrounding area would be from the northbound layby on the A5 north of the roundabout with the A462. In addition views of the site from the public Right Of Way.

Conclusion

Policy SDC8 relates to the provision of renewable energy and low carbon technology where it states that these proposals would be supported in principle subject to it being demonstrated that proposals have been designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity, and has been designed to minimise the adverse impacts (including any cumulative impacts) on the natural environment in terms of landscape, and ecology and visual impact; that there is no unacceptable impact on heritage assets and their setting; and that in respect of solar farms if they are proposed on the best and most versatile agricultural land a sequential test has to be undertaken as outlined in the supporting text to the policy.

Where it is proven that the use of the best and most versatile agricultural land is necessary, conditions may be applied to an approval to require the land to be restored to its previous greenfield use when the operation ceases; in addition it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

The supporting text referred to in the policy states that large scale solar farms should be focused on previously developed and non-agricultural land. Where green field sites are proposed it should be demonstrated that the use of any agricultural land is necessary and where applicable the proposal allows for continued agricultural use. The economic and other benefits of the best and most versatile agricultural land will be taken into account. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer agricultural land should be sought in preference to that of a higher quality.

Given that solar farms are temporary structures, it is proposed to apply planning conditions to ensure that the land is restored to its previous green field use in the event that the operation ceases. As previously stated the proposal includes mitigate landscape and visual impacts have been maximised for example through screening with native hedges.

It is considered that the location of the proposed solar farm has been carefully selected to ensure minimal impact and that within the documentation submitted includes the sequential test as set out in policy SDC8.

Recommendation

It is therefore considered that the proposal is in accordance with the approved local plan and the NPPF and that the proposed Solar farm should be approved.

DRAFT DECISION

REFERENCE NO:
R19/0259

DATE APPLICATION VALID:
07-Feb-2019

APPLICANT:
Ms Penny Laurenson, Lightsource SPV 112 Limited

AGENT:
Owen Horrell, Pegasus Group Pegasus House Querns Business Centre Cirencester GL7 1RT

ADDRESS OF DEVELOPMENT:
LAND AT STREETFIELDS FARM, WATLING STREET, CHURCHOVER, LE17 4HU

APPLICATION DESCRIPTION:
Installation of a ground mounted solar farm comprising substations, transformers, electrical cabins, storage cabin, solar arrays, perimeter security fencing and gates, CCTV poles and cameras, internal access tracks and landscaping (amended layout)

CONDITIONS, REASONS AND INFORMATIVES:
CONDITION: 1
The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

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

CONDITION: 2
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Plans and Elevations
- Documentations
- Biodiversity Management Plan (reference: Light-068-2259 Issue V2) dated 25th April 2019
- Biodiversity Impact Assessment Calculator dated 25th April 2019
- Flood Risk Assessment (reference: L454-DOC02 Issue 3) dated April 2019
- Written Scheme of Investigation (reference: PN2007) dated April 2019 (new detail)
- Arboricultural Impact Assessment dated April 2019;
- Arboricultural Method Statement dated April 2019;

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

CONDITION:3
Prior to commencement on site and post completion of the development, a joint survey shall be undertaken with the County's Area Surveyor/Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during

the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Area Surveyor/Locality Officer (Area Team – County Highways - telephone number 01926 412515).

2. No construction will be undertaken until a construction management plan which should contain a construction phasing plan and HGV routing plan is submitted and approved by the Local Planning Authority in consultation with the Highway Authority. The construction management plan must take into account the largest vehicle that will use the proposed access/egress during the construction period. The access/egress will need to be in a bound material, details of which must be submitted to the local authority and the distance from the edge of the public highway to be commensurate with the size of the largest vehicle using the access/egress. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site.

Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

3. The development shall not be commenced until a turning area has been provided within the site so as to enable construction vehicles to leave and reenter the public highway in a forward gear.

REASON:

In the interest of highway safety

CONDITION:4

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:5

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

REASON:

In the interest of highway safety.

CONDITION:6

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

REASON:

In the interests of public and highway safety.

CONDITION:7

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 non-material variations.

REASON:

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

CONDITION:8

The temporary Solar Farm hereby approved shall be removed from the site within 35 years of the first operation and the land reinstated to its former use.

REASON:

To ensure the proper development of the site.

Reference: R18/1426

Site Address: The Bakehouse, Main Street, Willoughby, CV23 8BH

Description: Outline planning permission for proposed new dwelling and garaging on land to the rear of The Bakehouse, all matters reserved apart from access.

Case Officer Name & Number: Lucy Davison, 01788 533696

Introduction

This application has been brought to the Committee as it was called for consideration by Cllr Emma Crane (on 4th September 2018) for the two reasons of principle of development and highway safety.

Since the submission of this application the Rugby Borough Local Plan 2011-2031 has been adopted in June 2019.

Description of Proposal

This application seeks outline planning permission for a proposed new dwelling and garaging. An illustrative site plan has been submitted, which provides guidance how the site could be developed to accommodate the dwelling and garage. The main consideration in respect of this proposal is the access with all other matters being considered at reserved matters stage.

Description of the Site

The site comprises the land to the rear of The Bakehouse. It is a grass lawn area surrounded by residential properties. The site is boarded by a mixture of fencing. The Bakehouse has a substantial residential curtilage to the rear. Main Street comprises of a mix of both two storey detached and semi-detached dwellings set back off the main road frontage with off street parking.

Planning History

R15/1700 Conversion of outbuildings into residential dwelling. Approved 15.02.2016

R16/0932 Prior notification for the erection of a single storey rear extension projecting 4 metres from the rear elevation of the original dwelling, 2 metres in height to the eaves and 2 metres in height to the highest point. NREQ 23.05.2016

R16/1117 Prior notification for the erection of a single storey rear extension projecting 4 metres from the rear elevation of the original dwelling, 2.7 metres in height to the eaves and 2.7 metres in height to the highest point of the extension. NREQ 16.06.2016

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP2: Settlement Hierarchy

Policy GP5: Neighbourhood Level Documents

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC5: Flood Risk Management

Policy D2: Parking Facilities

National Planning Policy Framework, 2019 (NPPF)

Other material considerations:

Willoughby Neighbourhood Development Plan (draft)
Willoughby Village Design Statement
Willoughby Parish Plan

Technical consultation responses

RBC Environmental Health- No objection
Health and Safety Executive- No objection
WCC Archaeology- No objection subject to conditions
WCC Ecology- No objection subject to conditions and informatives
Warwickshire Fire and Rescue Authority- No objection subject to informative
Environment Agency- No objection
RBC Work Services- No objection subject to informative
WCC Highways- No objection subject to condition
WCC Flood Risk Management- Not within their consultation requirements
RBC Tree Preservation Officer- No objection subject to condition

Third party comments

Willoughby Parish Council- Objection

Inadequate access, noise, overlooking existing properties, no requirement in local housing needs (Neighbourhood Development Plan)

Neighbours- Objections received from 8 address points raising the following:

- Flash flooding, surface water drainage and soakaway issues
- Lack of demand
- Precedent for similar development
- Access issues
- Noise disturbance
- Traffic generation and access issues
- Impact on green infrastructure
- Housing affordability
- Conflicting RBC Core Strategy
- Principle of development
- Impact on bats and hedgehogs

Determining Considerations

The main considerations in respect of this application are the principle of development; the impact the proposed development has on the character and appearance of the area; impact on neighbouring properties and highway safety.

Principle of development

Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located within the Rural Village of Willoughby as defined in Policy GP2 of the Local Plan; as such there is a principle that development will be permitted within existing boundaries where national policy permits.

The proposal would represent the redevelopment of the brownfield rear garden area of The Bakehouse. Since the submission of the application the Rugby Borough Council Local Plan 2011-2031 was adopted in June 2019 and following this adoption Willoughby is no longer a

local housing needs settlement removing this requirement to be met. Therefore, the application is deemed to accord with Policy GP2 of the Local Plan.

Policy GP5 states that the Council will support communities in the preparation of neighbourhood plans. Once made a neighbourhood plan forms part of the Development Plan for the Borough. At the time of writing this report and to the Committee date the Willoughby Neighbourhood Plan is undertaking a six-week public consultation ending 6th August 2019. Therefore, given the status of the document it can only be afforded limited weight in decision making.

Willoughby Parish Plan stated that new housing should only be in the village, with the comment included that further housing other than infill should be resisted. This proposal is developing part of the area to the rear of the Bakehouse and is within the village boundary.

Character and Design

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

Whilst the main consideration under this application is for access only, the indicative layout submitted with the proposal is considered acceptable in this instance.

Willoughby Village Design Statement guides that new buildings should be designed to fit in with the existing housing and not detract from it. Any new housing should incorporate sufficient off road parking and not increase the existing on-road parking, which creates problems. The design of the proposal is not being assessed as part of this application but it has been demonstrated that sufficient off road parking can be provided at the site. New developments should reflect the existing variation of local architecture which can be addressed at the reserved matters stage and a garden is included in the proposal.

Impact on Residential Amenity

Section 12 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SDC1 of the Local Plan states that proposals need to ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

As previously identified the main consideration under this application is for access only, as such design, scale and massing details would be reserved for full consideration at a later date. The indicative layout submitted has however identified that the site can accommodate the proposed dwelling subject to the impacts on the amenities of neighbouring properties being appropriately addressed at reserved matters stage should outline planning consent be granted.

Impact on Highway Safety

Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities, based on the Borough Council's Standards.

The preliminary proposal suggested includes provision of three car parking spaces and a garage. WCC Highways have no objection to the scheme. It is therefore considered that this proposal will not have an adverse impact on highway safety and complies with Policy D2.

Ecological Considerations

Section 15 of the NPPF states that the planning system

- should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

Policy NE1 of the Local Plan states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

Warwickshire County Council Ecological Services department recommend that a nesting bird timings condition and combined ecological and landscaping scheme condition. Notes suggested to be attached to any permission granted relate to mature tree felling or lopping work, bats and lighting and ground clearance.

It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 and Section 15 of the NPPF.

Landscaping

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

The proposed site layout plan indicatively shows the trees which would be proposed to be retained or removed. RBC Tree Preservation Officer identifies a number of trees which collectively form an effective backdrop to the site. A tree report would inform how these trees can be successfully incorporated by identifying key arboricultural constraints which then informs the final layout. Therefore, a suitably worded condition would be attached to the granting of any permission.

Flood Risk Management

Policy SDC5 of the Local Plan states that a sequential approach to the location of suitable development will be undertaken by the Council based on the Environment Agency's flood zones. This will steer new development to areas with the lowest probability of flooding, to minimise the flood risk to people and property and manage any residual risk.

The location of the proposed dwelling is within Flood Zone 1 however the access on Main Street is within Flood Zone 2 and 3. As the developable areas of the site are in Flood Zone 1, the sequential test is deemed to be addressed and the exception test need not be addressed.

The flood risk assessment submitted with the application included 3 recommendations:

- Finished floor levels to be set at a minimum of 86.13 m AOD
- Finished floor levels to be set 0.30 m above adjacent ground levels
- The detailed drainage design to be submitted to and approved by the local planning authority prior to the commencement of development

These recommendations could be conditioned subject to the granting of any approval. The Environment Agency following submission of the proposed flood risk mitigation measures in Section 5 of the assessment were content and offered no objection to the proposal. Therefore, the application is deemed to conform to Policy SDC5 of the Local Plan.

Planning Balance

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three objectives of sustainability. The NPPF at paragraph 8 identifies the three objectives to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

In terms of the economic objective, the NPPF places significant weight on the need to support economic growth through the planning system, and the government has made clear its view that house building plays an important role in promoting economic growth. The NPPF does not, however, identify a straightforward correlation between the construction of houses and ensuing economic growth. Rather, in describing the “economic role” that is to be played by the planning system, paragraph 8 identifies the need to identify and coordinate development requirements, including the provision of infrastructure. The economic benefit of an additional dwelling include jobs created in the construction phase and the new residents would make Council-tax contributions.

The social objective of sustainability includes supporting strong, vibrant and healthy communities. The proposed dwelling would be located within the village boundary and help to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

The environmental objective includes contributing to protecting and enhancing our natural, built and historic environment. The design of any proposed dwelling will reflect the surrounding built environment and will be dealt with more specifically at reserved matters stage if consent is granted. Proposed conditions relating to tree protection and planting will help to maintain and improve biodiversity.

Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay. In this case it has been found that the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal should be approved subject to conditions.

Recommendation

Approval subject to conditions and informatives.

DRAFT DECISION

REFERENCE NO:
R18/1426

DATE APPLICATION VALID:
06-Aug-2018

APPLICANT:
Mr & Mrs Vessey, Mr & Mrs Vessey C/O Berrys

AGENT:
Valerie Coleby, Berrys Berrys Kettering NN15 7HR

ADDRESS OF DEVELOPMENT:
The Bakehouse, Main Street, Willoughby, CV23 8BH

APPLICATION DESCRIPTION:
Outline planning permission for proposed new dwelling and garaging on land to the rear of The Bakehouse, all matters reserved apart from access.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON

To comply with Section 92 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 must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 92 of the Town & 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 - Layout,
- b - Scale,
- c - Appearance,
- d - Landscaping

REASON:

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

CONDITION 4:

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

- Application form
- Site location plan
- Indicative block plan and proposed access details Drg No. 0241/06 received by the Council on 6th August 2018
- Flood Risk Assessment November 2018 received by the Council on 10th December 2018

REASON:

For the avoidance of doubt.

CONDITION 5:

The details required to be submitted in accordance with Condition 3 above shall include 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. 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 6:

The plans and particulars submitted in accordance with condition 3 above shall include: A BS5837:2012 (Trees in relation to design, demolition and construction – recommendations) tree report including an arboricultural implications assessment and arboricultural method statement which provides an assessment of all trees on site and how retained trees will be successfully incorporated to the benefit of the site and to inform a final development layout.

REASON:

To ensure successful retention of all good quality trees on site.

CONDITION 7:

The dwelling shall not be occupied until Condition 7 of planning permission R15/1700 has been discharged and implemented.

REASON:

In the interest of highway safety.

CONDITION 8:

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 9:

The development hereby permitted shall either:

- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

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.

REASON:

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

CONDITION 10:

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects landscaping including details of proposed species and habitat creation including the location of bat and bird boxes, ponds or refugias for amphibians and reptiles. The agreed scheme will be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF.

CONDITION 11:

Finished floor levels to be set at a minimum of 86.13 m AOD.

REASON:

To reduce the risk of creating or exacerbating a flooding problem.

CONDITION 12:

Finished floor levels to be set 0.30 m above adjacent ground levels.

REASON:

To reduce the risk of creating or exacerbating a flooding problem.

CONDITION 13:

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.

INFORMATIVE 1:

If mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017, the latter of which deems them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. In considering planning applications that may affect European Protected Species, the Local Authority is bound by the Conservation of Habitats and Species Regulations 2017 to have regard to the Habitats Directive when exercising their functions.

INFORMATIVE 2:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), the latter of which deems them a European Protected Species. Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060.

INFORMATIVE 3:

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

INFORMATIVE 4:

Warwickshire Fire and Rescue advise that the development must comply with Building Regulations Approved Document B, Volume 2, Section B5-Access and Facilities for the Fire Service. In addition the access to the site, during construction and once completed, must be

maintained free from obstructions to allow access for emergency vehicles.

INFORMATIVE 5:

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

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

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

No work on Sundays & Bank Holidays.

INFORMATIVE 6:

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&categoryID=200295

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: R18/1941

Site Address: Treetops, Shilton Lane, CV7 9LH.

Description: Provision of 4 no. traveller pitches and amenity block.

Case Officer Name & Number: Chris Bates, 01788 533633

This application is being reported to Planning Committee, as any recommendation for approval, not detailed as an exception within the National Planning Policy Framework whether on a temporary or permanent basis, should be reported to Planning Committee and referral to the Planning Casework Unit.

Site Description

The application site is located outside of the defined settlement boundary of Shilton approximately 1.1km to the west of the village of Shilton within the West Midlands Green Belt. The application site forms part of the land adjacent to the paddock area for the property known as Treetops which extends to approximately 0.4ha. The host dwelling forms that of a dormer bungalow in an "L" shape and has since been extended sitting circa 30m back from the highway carriage edge on hard-standing which covers most of the site. This dwelling is the first plot in a ribbon of development that runs along Shilton Lane consisting of variety of householder sites including residential developments, other gypsy/traveller sites and a garden centre.

The siting of the four pitches is to cover the rear south western corner of the site which is presently partitioned with a 2m high close boarded fence. Two temporary pitches were previously sited in this area upon the hard-standing, however beyond this area to the rear the land surrounding the outbuilding is somewhat of a wasteland with overgrown vegetation and disused structures in dilapidated states. To the north west corner of the site adjacent to the highway is the paddock area, and whilst this is under the applicant's ownership, it does not form part of the residential curtilage.

Proposal Description

The application is seeking permission for the creation of four traveller pitches and associated amenity block. Previous permission was allowed for two traveller pitches and amenity block on a temporary basis subject to the signing of a Section 106 agreement. The applicants family have been living on site for approximately 9-10 years and now wishes to obtain permission for four pitches for use by their four daughters and their partners, more specifically:

1. Elizabeth and her husband George Varey.
2. Vienna and her partner Charles Lee.
3. Emily and her partner John Lee.
4. Sinead (twin to Vienna).

Each pitch is to comprise one static mobile home and one touring caravan with two parking spaces provided for each. Landscaping is also to be provided alongside each plot. The site is boarded by a 2m high close boarded fence along its front boundary which presently divides it from the remaining garden area of the dwelling. Access to the pitches is to be achieved via a driveway running past the western gable of the bungalow.

Planning History

Application Reference	Description	Decision
R10/1345	Approval of details: Alterations and extensions to dwelling to include extension to side and provision of living accommodation in roof space. Erection of detached garage to front and alterations to access.	Approved - 17.02.2011

R10/1345	Alterations and extensions to dwelling to include extension to side and provision of living accommodation in roof space. Erection of detached garage to front and alterations to access.	Approved - 11.11.2010
R14/1494	Creation of no. 2 travellers pitches and associated amenity block.	Approved - 20.03.2018 (Temporary)

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP2: Settlement Hierarchy.

Policy DS2: Sites for Gypsies, Travellers and Travelling Showpeople.

Policy SDC1: Sustainable Design.

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets.

Policy D2: Parking Facilities.

National Planning Policy Framework, 2019 (NPPF)

Section 11: Making Effective Use of Land.

Section 12: Achieving well-designed places.

Section 13 – Protecting Green Belt Land.

Other Documents

Planning Policy for Traveller Sites 2015.

Rugby Borough Council Gypsy and Traveller Accommodation Assessment 2017.

Rugby Borough Council Authority Monitoring Report – December 2015.

Technical consultation responses

RBC Development Strategy – No objections.

WCC Ecology - A preliminary ecological appraisal was requested and following its submission WCC Ecology are content with its findings subject to conditions and informatives.

WCC Highways Authority - No objections subject to conditions and informatives.

RBC Environmental Health – No objections subject to conditions and informatives.

Third party comments

Neighbours – No responses.

Councillors – Shilton and Barnacle Parish Council objects to the application on the following grounds:

- (a) it is further development in the Green Belt;
- (b) the development would have a detrimental impact on the open aspect of the area; and
- (c) the applicant has not provided any evidence of special need or circumstances which would warrant the approval of this application.

Determining Considerations

In the assessment of this application the determining factors are the principle of development, the impact of the proposed development on the openness and visual amenity of the Green Belt and the qualities, character and amenity of the area, amenity of neighbouring properties, impact on protected species, impact on highway safety and whether the proposal can be justified in the context of an identified need for Gypsy and Travellers within the Borough of Rugby.

Principle of Development

There is a clear statement within Policy GP2 of the Local Plan stating that only where national policy allows will development within the Green Belt be permitted. The development of gypsy and traveller sites is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt as stated in the National Planning Policy Framework. Planning Policy for Traveller Sites (PPTS) 2015, Policy E also states that the development of traveller sites in the Green Belt is inappropriate development. As the proposal constitutes inappropriate development, it is therefore harmful to the Green Belt by definition.

The NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development with be considered as part of the overall planning balance.

In assessing whether the site constitutes previously developed land is one for debate. As within the NPPF, it does state that it should not be assumed that the whole of the curtilage of a permanent structure should be developed. On one hand there is the re-development of the existing outbuilding into an amenity block, however on the other hand, the paddock area is not developed and in reference to paragraph 145 criterion g, it does state that exceptions to development in the Green Belt could result as limited infilling or the partial or complete redevelopment of previously developed land.

Need for sites

The latest Gypsy and Traveller Accommodation Assessment (GTAA) was produced in August 2017. This stated that in the five year period between 2018-19 and 2022-23 a total of 30.4 pitches were required. This rose to 32.4 when including undersupply from 2017-18. 17 pitches were approved in 2018-19 and therefore from the end of that year a further 15.4 pitches are required to meet the identified need by the end of 2022-23. A further three pitches have been approved so far in 2019-2020.

The GTAA provided information on the preferred locations of future Gypsy and Traveller sites stating in paragraph 7.33 that there is a preference for smaller sites and that there may be scope for expanding existing sites to meet some arising need. This could be used to support a case for very special circumstances and as this is both a small site and could be seen as an extension to an existing site. However, the fact this was a temporary permission needs to be considered as part of this assessment.

Linked to this is the fact that the survey carried out for the GTAA found that an issue raised by some household of family members having to move away due to a lack of pitches with over half of households saying their current site could be expanded to include more pitches. There is stated to be a cultural desire of Gypsies and Travellers to stay close to family.

Since the GTAA was carried out there has been further provision of gypsy and traveller sites approved within the borough. This has subsequently diminished the unmet need; one specific and overwhelming reason as cited by the agent as to why permanent permission should be granted. Under planning reference R18/1555 – Land West of Bryants in Brandon, 10 permanent pitches were approved incorporating a change of use in the

land. Also, in a recent appeal decision ref: APP/E3715/W/18/3217596 for land at The Paddocks, Top Road, Barnacle – the appeal was allowed for the permanent retention of two residential gypsy pitches with associated amenity blocks and access.

The planning statement submitted with the application raises the importance of personal circumstances and provides examples of successful court cases where personal circumstances had been taken into account to allow for extensions. Confidential information pertaining to the personal circumstances has been submitted alongside this application and provides the reasons as to why the pitches are needed together at this site and if appropriate evidence is provided to support the reasons this could contribute to the demonstration of very special circumstances for the siting of pitches in the Green Belt.

Alternative sites

Policy GP2 of the Local Plan expects that the most sustainable locations are considered for development ahead of those lower down a settlement hierarchy. This is further reaffirmed whereby preference is given to locate residential development in sustainable locations that are well served by services and facilities. The new Local Plan, however, does not set out a hierarchical preference for such sites.

The Local Plan does not allocate new sites for Gypsy and Traveller pitches but Policy DS2 does commit Rugby Borough Council to the production of a Gypsy and Traveller Site Allocations Development Plan Document to be produced following its adoption. The reason for this document being proposed is because very few sites were submitted through the call for sites process as part of the Local Plan and process. Of these sites none were deemed to be suitable.

It is considered that there are no suitable, available and affordable alternative sites for the proposed development within the borough. The lack of alternative sites subsequently attracts significant weight in favour of the proposal which would support a case for very special circumstances.

Five year supply of land for traveller sites

PPTS expects LPAs, in producing their Local Plans, to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of traveller sites against their locally set targets. It is considered that there is insufficient land to meet the Councils existing need for pitches. This carries significant weight in favour of the proposal.

Personal need and circumstances

The agent has confirmed that the intended occupiers of the caravans fall within the definition of "gypsy" as well as Annex 1 PPTS Travellers for the purposes of Planning Policy for Traveller Sites. The intended occupiers of the development continue to travel for work and/or community reasons.

With regards to the personal circumstances submitted as part of the application, the family have resided on the site for 9-10 years and due to the ages of their daughters (aged between 18-23 and one older) they have grown out of the family house and wish to remain close by, hence using the existing site to accommodate traveller pitches. The reason for four pitches is so that each daughter would have their own pitch (along with their partners), whilst being able to care for the father who has stated that daily care and assistance is needed. Other personal circumstances have also been passed onto the LPA at their discretion to further state the need for on site assistance.

It is customary for members of the extended traveller families to live together, and whilst the children are no longer in education they have been through the local education system, however limited weight is carried in respect of this.

On balance taking into consideration the evidence supported by the applicant there is limited justification through very special circumstances to demonstrate why four pitches should be granted on a permanent basis; and whilst the family have been connected to this site and the land encompassing it, the recommendation is to

grant temporary permission. This will aid in two ways, it will lessen any impact which constitutes inappropriate development within the Green Belt; and will also enable the council to demonstrate the provisions set out within the recently adopted Local Plan with regards to a separate Gypsy and Traveller Site Allocations DPD and by granting these four pitches on a permanent basis without underlying special circumstances, it could jeopardise the overall pitch allocation requirements which are to be updated on a regular basis.

Openness and Purposes of the Green Belt

The NPPF attaches great importance to designated Green Belt land with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts is their openness and their permanence and they serve five purposes overall with one to assist in safeguarding the countryside from encroachment.

The proposal would cause a net loss of openness within the Green Belt; and would also result in encroachment into the countryside. A recent judgement Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC March 2018, held that when assessing impact upon openness it's not purely on a spatial basis but needs to consider whether its visual impact is harmful to openness.

Given the site coverage of development to be contained with the south west of the site, along with the host dwelling to the north, it is considered that this overall impact would be significant. As set out within the NPPF substantial weight is given to any Green Belt harm.

Character and Design

Policy SDC1 of the Local Plan states that all development should 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. Section 12 of the NPPF and more specifically paragraph 127 are also relevant and set out the importance of good design in relation to new development.

The layout of the site has taken into consideration the overall plot size and has ensured there are very few vantage points of the development along the streetscene. The pitches will reside approximately 50m from Shilton Lane with the mobile homes sitting behind a large paddock area adjacent to the road frontage ensuring the proposal would not be unduly prominent along the public domain. It is therefore considered that the site will continue to maintain a fairly open appearance, particularly along this road frontage. With regards to the amenity block on the southern boundary of the site and its surrounding topography, this is a blot on the landscape due to its current rundown and decrepit state, and the improvements sought after will have a positive impact on the environment.

The siting of mobile homes upon the site would reflect the host dwelling through its overall scale and appearance and would not over dominate both this property or the landscape. It would also not be out of place within the immediate locality given neighbouring site High Tor has three pitches on a permanent basis.

It is considered that taking the above into consideration, the overall nature of the development would not have a severe adverse impact upon the visual amenity of the area in accordance with Policy SDC1 of the Local Plan.

Impact on Residential Amenity

Policy SDC1 also states that development should ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

The existing 2.1m high close boarded boundary fence along the western boundary of the site will safeguard neighbouring amenities and given the significant distance to the nearest residential High Tor there is to be no overlooking or loss of privacy from the proposed development and would therefore comply with Policy SDC1 of the Local Plan.

Biodiversity

Policy NE1 looks at protecting designated areas and species of international, national and local importance as development will be expected to deliver a net gain in biodiversity. Paragraph 118 of the NPPF requires local authorities to have regard to the conservation and preservation of protected species and their habitats

Following the submission of a preliminary ecological appraisal for the application site, WCC Ecology have identified that the proposals will represent a loss to the biodiversity through the removal of semi improved grassland, scattered scrub, tall ruderal vegetation and trees. However, this loss can be offset by additional planting and by retaining and enhancing the hedgerows to the south and by creating species specific opportunities for birds, bats, amphibians and hedgehogs. Some of these enhancements are to be incorporated within a combined ecological and landscaping scheme, attached to any permission granted.

WCC Ecology also highlight the importance of lighting within the proposals and it is recommended that lighting is kept to a minimum across the site and not directed towards vegetation, which may be used by bats for commuting and foraging. Moreover, whilst there are no specific records for birds within the site, it is recommended that two bird boxes are provided and the proposed locations can be given within the schemes submitted.

WCC Ecology, however disagree with the reports assertion that there is unlikely to be great crested newts on the site with three ponds south of Shilton Lane and within 450m of the site; the nearest being approximately 180m to the east. It is therefore recommended that a GCN method statement condition is attached to any permission granted to ensure that protected species are not harmed by the development.

Furthermore, a general trench note will be attached to give further advice on ground clearance and avoiding harm to mammals which may be within the site during construction. Enhancements for hedgehogs may be incorporated into the ecological and landscaping scheme also.

The above discussion details the confidence WCC Ecology have in the receipt of a preliminary ecological appraisal for the application site and how it will not impact on the various protected species subject to conditions and informatives. This therefore complies with Policy NE1 of the Local Plan.

Highway safety and parking facilities

Following consultation with WCC Highways they have implemented various conditions (along with informatives) to ensure there is to be no undermining highway safety issues through the provision of the additional traveller pitches.

Subject to the conditions relating to access to the site, WCC Highways have no objections to the scheme and the proposals therefore comply with Policy D2 of the Local Plan in which there is substantial parking on site and more importantly satisfactory visibility measures for all parties entering and exiting the site safely.

Sustainability

The NPPF has a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. Locating development in an accessible location, where it would minimise travelling and the associated carbon emissions, would contribute to both the social and environmental dimensions. The distance of the proposed site from local services and facilities and the necessary reliance on the use of the car would not support these aims.

The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Similarly, PPTS paragraph 23 advises that new traveller site development in open countryside that is away from existing settlements should be strictly limited.

For policy making PPTS Paragraph 13 sets out eight sustainability criteria. Many of these are achieved by any proposal which provides a settled base for a traveller family. Paragraph 13 states that Local Planning Authorities should ensure that:

a) Promote peaceful and integrated co-existence between the site and the local community;

The applicant's family have been living on site for a significant time and have close links with other gypsy and traveller sites within the locality of Shilton and Wolvey. In this period, there has been no suggestion that the existing gypsy and traveller site has not managed to operate in such a manner that would suggest a reasonable degree of harmony between such communities. High Tor gypsy and travelling site is circa 500m away from the site giving relevance of such communities present within the area.

b) Promote, in collaboration with commissioners of health services, access to appropriate health services;

The proposal would provide a settled base for members of the travelling community to access health service with Bulkington Surgery and University Hospital Coventry and Warwickshire in close proximity. It must also be noted that a fixed address is not needed in order to attend a doctors surgery.

c) Ensure that children can attend school on a regular basis;

There are no children on site who are of an age for full-time education. However, for future children it would provide a settled base for members of the travelling community to access education facilities with Wolvey Primary School approximately 4.5 miles from the site.

d) Provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;

The provision of a settled base which is in close proximity to Coventry where services and facilities are a short distance to the application site and reduced need to travel to work in these areas.

e) Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;

The location of the proposed pitches, further to consultation with relevant bodies, would not result in an adverse impact on the health and well-being of any travellers which may reside on this development. Furthermore, it would reduce the need to reside on unauthorised sites and/or encampments.

f) Avoid placing undue pressure on local infrastructure and services;

The small nature of this proposal would not put any undue pressure on services within the local community, and no evidence has been presented to the contrary.

g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;

The application site is outside of the floodplain.

h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability;

The site is located within close proximity to the highway network and the main major motorways within the area ensuring that are well connected to allow occupiers to travel in search of work and with the close proximity of main urban areas.

This proposal would therefore broadly comply with the criteria outlined within this paragraph of the PPTS. The proposal would therefore deliver economic, social and environmental benefits in accordance with PPTS paragraph 13.

Human Rights

Consideration has been given to the human rights of the intended occupants of the application site. If planning permission is refused, the applicants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights. However, this has been balanced and weighted against the alternative available to the applicant, wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance and refusal of permission is considered proportionate to the circumstances of this case.

Planning Balance

It is acknowledged that gypsy and traveller sites, whether temporary or permanent, are inappropriate development within the site. Policy E of the PPTS states that subject to the best interest of the child, personal circumstance and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstance. The inappropriateness of the development within the Green Belt weighs against the development.

The case of very special circumstances are as follows:

- The location of the proposed pitches will potentially only have a small additional impact upon the openness when compared to the location of the two pitches currently on the site which have previously had temporary permission. Albeit, this was only on a temporary basis.
- The 2017 GTAA stated that need could be met through small sites and the expansion of existing sites;
- Information has been provided setting out personal circumstances for needing additional pitches on this site. Whilst evidence has been provided it is not robust for the granting of four additional pitches.
- The latest position shows that a further 15.4 pitches are required before the end of 2022-23 in order to meet the need identified in the 2017 GTAA. However, unmet need alone is not likely to be enough to constitute very special circumstances;
- As well as being situated in the Green Belt the site is just over 1km from the south eastern edge of Coventry. It could be argued that this is a sustainable urban edge location. dependent on the availability of public transport along this route; and
- During the 'Call for Sites' process in the emerging Local Plan (currently undergoing examination) no suitable sites were submitted.
- No suitable, available or alternative sites.

The weighing of these matters is quintessentially a matter of judgement of the Local Planning Authority. On balance it is considered, whilst there is a lack of personal circumstance, given the need and lack of suitable and available, alternative sites within the borough, temporary planning permission is appropriate for the reasons set out above.

Recommendation – Approval subject to conditions for a temporary four-year period and referral to the Planning Casework Unit.

Report prepared by: Chris Bates

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

This permission shall be for a period expiring on 18th July 2023 on or before which date the traveller pitches and works hereby approved shall be removed and the land reinstated to enable its former use to be resumed unless the further written permission of the Local Planning Authority has been obtained to retain the building.

REASON:

Based on the specific circumstances of the applicant and to allow the Council to complete its Gypsy and Traveller Sites Allocations Development Plan Document.

CONDITION 2:

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

- Application Form
- Site location plan at a scale of 1:1250 Drg No. 01524/10A
- Existing block plan Drg No. 01524/1
- Proposed block plan Drg No. 01524/2A
- Site development scheme Drg No. 01524/3A
- Existing outbuilding plans Drg No. 01524/7
- Proposed outbuilding (amenity block) plans Drg No. 01524/8

All the above received by the Council on 24th October 2018.

-Design and access statement – Murdoch Planning Ltd (November 2018) received by the Council on 14th November 2018.

REASON:

For the avoidance of doubt.

CONDITION 3:

Notwithstanding the details on the submitted plans Drg No's 01524/2A and 01524/3A this temporary permission is for four pitches only.

REASON:

To limit the impact upon the Green Belt and visual amenities.

CONDITION 4:

There shall be no more than four touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, stationed on the site as defined on the plans Drg No. 01524/2A and 01524/3A received by the Local Planning Authority on 24th October 2018.

REASON:

To limit the impact upon the Green Belt and visual amenities.

CONDITION 5:

The pitches hereby permitted shall only be occupied by Mr and Mrs Forest's daughters - Elizabeth, Emily, Vienna and Sinead; and their partners and dependants. There should be no further sub division of the defined pitch to ensure the amenity facilities remain suitable and sufficient for the population of the pitch/site.

When the land ceases to be occupied by those named above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place within 28 days.

REASON:

To define the permission.

CONDITION 6:

The development shall not be occupied until the existing access to the site for vehicles has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 7:

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 215 metres to the west and 120 metres to the east, 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 8:

No burning or storage, transfer or disposal of trade waste shall be permitted.

REASON:

In the interests of health and safety and in the interest of amenities of neighbouring properties.

CONDITION 9:

The site shall be used for domestic purposes only. They shall not be used in part or whole for any commercial activities and no materials associated with such use shall be stored on site.

REASON:

In the interest of visual amenity and to protect to openness of the green belt.

CONDITION 10:

The development hereby permitted shall either:

- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

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.

REASON:

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

CONDITION 11:

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme drawing has been submitted in consultation with the the applicant's ecologist and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include aspects of additional native planting and include details of bird and bat box types and locations, log piles and any other habitat creation proposed. The agreed scheme will be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 12:

The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newt (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

INFORMATIVE 1:

Condition number 6 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

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

INFORMATIVE 2:

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

INFORMATIVE 3:

The siting of a caravan on this land would require to be licensed as required by the Caravan Site and Control of Development Act 1960. The conditions include distance between the caravan and adjoining structures/boundaries; Provision of amenities: electrical provision etc. Further details and an application form can be obtained off the councils website (www.rugby.gov.uk) or by contacting Residential regulation on 01788 533882.

INFORMATIVE 4:

The distance between the caravan and any boundary fence should be at least 3 metres and to any other unit 6 metres.

INFORMATIVE 5:

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.

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

INFORMATIVE 6:

Particular care should be taken when clearing ground prior to development, and if evidence of badgers or hedgehogs is found work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089.

INFORMATIVE 7:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), the latter of which deems them a European Protected Species. Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060.

Reference number: R19/0073

Site address: Bell House, 320 Lawford Road, New Bilton, Rugby, CV21 2JQ

Description: Demolition of existing care home and erection of 18 flats.

Case Officer Name & Number: Jo Orton – 01788 533549

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development and the application has been submitted on behalf of the Council.

Application Proposal

This application seeks full planning permission for the demolition of the existing care home and the erection of 18 flats consisting of 13 one bedroomed flat for two persons and 5 two bedroomed flats for three persons. The proposal also incorporates associated access; parking provision and amenity space.

The proposed new flats would have a maximum height of 12 metres with a height of 8.5 metres to the eaves; there would be a length of 19.5 metres and a width of 24 metres. All materials to be used for the construction of the apartments have been detailed within Drawing No. 201-(PL)-8386. All apartments incorporate an open plan kitchen/dining/lounge; bathroom and either one or two bedrooms.

During the course of the application officers raised concerns over potential overlooking at neighbouring properties. Amended plans have been received and this application will therefore be considered using these plans.

Site and Surrounding Area

The application site is located within the Urban Area of Rugby located along Lawford Road and provides a key focal point when travelling into the Centre of Rugby Town. The site is accessed from Bridle Road which leads off Jubilee Street. The application site is surrounded by residential properties to the North and East of the site with mature trees and vegetation to around the Southern boundary. The former care home and application site has fallen into a state of disrepair and in need of clear renovation.

Relevant Planning History

R90/0456	Development of land for residential purposes.	Approved	8 th August 1990
R92/0808	Erection of two storey building and use to provide accommodation for eight persons with learning difficulties.	Approved	5 th August 1992
R99/0188	Erection of a single storey extension for use as a day room.	Approved	11 th May 1999
R00/0032	Erection of a single storey side extension.	Approved	19 th June 2000
R04/1020	Erection of a part single storey part two storey extension to provide residential accommodation and office space.	Approved	26 th November 2004

Technical Responses

No objections have been received from:

Warwickshire County Council (Flood Risk Management)
Warwickshire County Council (Archaeology)
Warwickshire County Council (Highways)
Warwickshire County Council (Planning)
Warwickshire County Council (Ecology)
Rugby Borough Council (Environmental Services)
Rugby Borough Council (Arboriculture Officer)
Rugby Borough Council (Work Services)
Rugby Borough Council (Housing)
Warwickshire Fire and Rescue
Environment Agency
Warwickshire Police
Seven Trent Water
NHS

Third Party Responses

Neighbours notified and a site and press notice have been posted. Nine letters of objection has been received raising the following:

1. General access to Bridle Road from Jubilee St and exiting Bridle road onto Jubilee Street – cars park restricting access/exit;
2. Existing overflow parking in Bridle Road from Jubilee Street residents;
3. Bridle Road has two blind corners;
4. The new premises has allocated parking for only 14 vehicles but there are 18 new units;
5. Disruption to existing designated cycle route;
6. Extra pedestrians using Bridle Road;
7. No capacity for persons visiting the new apartments in terms of parking provision;
8. Concerns over the site construction and contractors vehicle movements;
9. Visiting site maintenance vehicles will add chaos to Bridle Road;
10. Bridle Road turning area may be used as an overspill parking area resulting in difficult manoeuvring;
11. Complaints often received from fire service; ambulance service and refuse collection service due to difficulties with parking;
12. Using this access road would be dangerous to pedestrians who use the footpath and cycle path;
13. Concerned that the proposal would result in the park being lost to allow for more parking to facilitate the development;
14. Noise will be hugely disruptive to the quiet residential area;
15. Bats are often seen flying in and out of the building from the corner of the property;
16. Personal driving manoeuvres will become more hazardous with the additional traffic on bridle road;
17. Access should be taken off of Lawford Road;
18. Site flooded badly in the year with current drainage being insufficient;
19. Existing buildings and Bell House are all two storey the proposal should be two storey to prevent loss of light;

20. Proposal will result in a security risk to residents in an area which is a quiet close knit community;
21. Drainage system is completely blocked and results in flash flooding;
22. Concern that the bin wagon lorries will cause damage to the property should the lorries mount the paved driveway when attending the site; and
23. The park in Bridle Road is a major attraction to residents of New Bilton should the proposal go ahead it will be too dangerous to use.

Relevant Planning Policies and Guidance

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development
 Section 5: Delivering a Sufficient Supply of Homes
 Section 8: Promoting a Healthy and Safe Communities
 Section 9: Promoting Sustainable Transport
 Section 11: Making Effective Use of Land
 Section 12: Achieving Well Designed Places
 Section 15: Conserving and Enhancing the Natural Environment

Rugby Borough Council Local Plan 2011 – 2031

Policy GP1: Securing Sustainable Development
 Policy GP2: Settlement Hierarchy
 Policy GP3: Previously Developed Land
 Policy H1: Informing Housing Mix
 Policy H2: Affordable Housing
 Policy HS1: Healthy, Safe and Inclusive Communities
 Policy HS4: Open Space, Sports Facilities and Recreation
 Policy HS5: Traffic Generation and Air Quality
 Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
 Policy SDC1: Sustainable Design
 Policy SDC2: Landscaping
 Policy SDC4: Sustainable Buildings
 Policy SDC5: Flood Risk Management
 Policy SDC6: Sustainable Drainage
 Policy D1: Transport
 Policy D2: Parking Facilities
 Policy D3: Infrastructure and Implementation
 Policy D4: Planning Obligations

Supplementary Planning Guidance – 2012

Planning Obligations
 Sustainable Design and Construction

Determining Considerations

The main considerations in respect of this application are the principle of development; the impact the proposed development has on the character and appearance of the area; impact on neighbouring properties; highway safety; impacts on ecology; flood risk; landscaping; air quality and planning obligations.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 1.2 Furthermore, Section 11 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. This approach is further supported by Policy GP3 of the Local Plan which states that the Council will support the redevelopment previously developed land where proposals are compliant with policy.
- 1.3 The application site is located within Rugby Urban Area as defined in Policy GP2 of the Local Plan. Likewise, the application seeks to redevelop the existing derelict care home which is falling into a state of disrepair to create 18 new residential apartments, the application site is therefore considered to be making the best use of brownfield land within the settlement boundary. As such it can be considered that there is a principle in favour of sustainable development, subject to all planning matters being appropriately addressed.
- 1.4 This application is therefore considered to be in accordance with Section 2, 5 and 11 of the NPPF; and Local Plan Policies GP1; GP2; and GP3.

2. Character and Design

- 2.1 Local Plan Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design with new development only supported where the proposals are of a scale, density and design that responds to the character of the area.
- 2.2 Section 12 of the National Planning Policy Framework (NPPF) states that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development whilst being visually attractive as a result of good architecture.
- 2.3 The street scene is predominantly characterised by rows of traditional two storey terraced houses with four storey residential apartments located on the corner of Lawford Road and Lawford Bridge Close. To the rear of the application site a further row of two storey terraced properties are sited with garages and other means of parking sited adjacent to the residential dwellings.
- 2.4 The proposal incorporates many features used with the apartments on Lawford Bridge Close along with the overall height. The "LHS Elevation" would be fronting on Lawford Road with the "RHS Elevation" fronting onto Bridle Road. With respect to the pattern of development the former building projected back into the site off Lawford

Road by at least 9.3 metres. The proposed new building would be sited at least 2.7 metres back off Lawford Road resulting in a proposal which would be more in keeping with the pattern of development within the surrounding area.

- 2.5 The scheme includes parking provision; refuse compound and a cycle/scooter store to the rear of the site with access coming from the existing one off Bridle Road. Shared amenity space surrounds the application site with a public footpath being taken from the existing point in Lawford Road which runs down to the parking area and main entrance to the building.
- 2.6 This application is therefore considered to be in accordance with Section 12 of the NPPF; and Local Plan Policy SDC1.

3. Impact on Neighbouring Properties

- 3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded with Section 12 of the NPPF stating that developments will provide a high standard of amenity for existing and future users.
- 3.2 No. 1 Bridle Road is located to the North of the application site and is an end terraced property. There are no windows which are located on the side elevation of the dwelling which may be impacted by the proposal. A separation distance of at least 22 metres exists between the "RHS Elevation" and the side elevation of the neighbouring property. It is therefore considered that there will be no materially adverse impacts in terms of overlooking; overbearing impact or loss of light on the occupiers of this property.
- 3.3 No. 318 Lawford Road is located to the South East of the application site and is an end terraced property. There are windows and doors located to the side and rear elevation of this property at both ground and first floor level. In terms of the 45 degree rule whilst the proposal would result in a maximum of a 4 metre breach with a separation distance of at least 4.2 metres it is not considered to materially worsen the situation in comparison to the location of the existing building.
- 3.4 Moving onto concerns with overlooking from the application site revisions have been received which sees the re-configuration of the insides of the properties ensuring that there are no habitable windows overlooking the occupiers of the neighbouring properties. Where a habitable window has been proposed these are now secondary in nature and as such can be obscure glazed and non-opening and as such will not result in any materially adverse impacts on the occupiers of No. 318 Lawford Road.
- 3.5 No. 26-43 Lawford Road is located to the West of the application site and are detached apartments. There are a significant amount of windows located on the neighbouring property located over four storeys which may be affected by the proposals. A separation distance exists between the proposal and the existing apartments of at least 17.5 metres as such it is not considered there would be any adverse impacts on the occupiers of the neighbouring property in terms of overlooking; overbearing impact or loss of light.

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

4. Highway Safety

4.1 Section 9 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development for its location ensuring that safe and suitable access to the site can be achieved for all users.

4.2 Local Plan Policy D1 is consistent with this and states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Appendix 5 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. Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within Appendix 5 of the Emerging Local Plan.

4.3 For dwellings consisting of 1 and 2 bedroom units, within the High Access Area of Rugby; require a maximum of 0.75 parking spaces per dwelling; as such this development would trigger the need for 13.5 parking spaces. The proposal indicates parking for 14 vehicles including 2 disabled spaces to be parked the proposal also has provision for a cycle/scooter store consisting of 36 spaces. The SPD on Planning Obligations states that at least one long-term (secure/undercover) cycle space per development is required, as such; it is therefore considered that the proposal is in accordance with local planning policies.

4.4 Warwickshire County Council (Highways) have advised that the following the submission of a Transport Statement in relation to road safety it has been confirmed that there have been no accidents recorded at the site during the period from 2012 to 2019, and concludes that “there are no highway safety issues that would need to be mitigated as part of the proposed development”. It is however noted that the application form states that the site has been vacant for 10 years, so the access would not have been in use during that period.

4.5 The Highway Authority has nevertheless considered the access visibility in conjunction with the additional information provided including visibility splays and trip generation. On balance, in light of the relatively small increase in vehicular movements expected and the improvements to visibility that can be achieved, the Highway Authority has no objection to this aspect of the proposal. The information submitted also shows a relatively small impact in relation to pedestrian and public transport trip generation at peak times, and the Highway Authority accordingly considers these aspects to be satisfactory as presented.

4.6 With regard to refuse collection, vehicle tracking is provided in drawing 004-(PL)-8386 rev B showing a refuse vehicle accessing and egressing the site. It has been noted by the Highways Authority that this movement appears to require the vehicle to manoeuvre on third-party land that is neither adopted highway nor within the application site, specifically the roadway to the front of 1-4 Bridle Road. Having discussed this matter confirmation has been received stating that this is not a new bin wagon route to Bell House down Bridle Road. It has been confirmed that the

wagon already drives this route to service the ten properties on the private stretch of road, the make, model and dimensions of the existing vehicle were obtained from our Works Services Unit.

- 4.7 The turning modelling has been completed to demonstrate that the wagon can safely access the site if required. Currently it continues (right) onto the private section of road, turns at the top of the road and collects the bins on its way out. Furthermore Rugby Borough Council (Work Services) were consulted on the application and had no comments to make in relation to the application. In summary it has been confirmed by Warwickshire County Council (Highways) that they have no objections to the proposal subject to appropriate conditions and informatives.
- 4.8 This application is therefore considered to be in accordance with Section 9 of the NPPF; Local Plan Policy D1; D2 and Appendix 5 along with the SPD on Planning Obligations.

5. Ecology

- 5.1 Policy NE1 of the Local Plan states that planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be avoided, mitigated or compensated against. These policies are consistent with one of the core planning principles outlined within 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 it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.
- 5.2 Warwickshire County Council (Ecology) have confirmed that the building is of brick built construction with three clay-tiled pitched roofs. A number of potential access points for bats are present within the building including missing flashing, a gap under ridge tile, and a gap in brickwork and in a damaged soffit box. The surveys have identified a moderate level of bat activity including passes of both the common and soprano pipistrelle.
- 5.3 It is noted that the proposed demolition works would destroy the common pipistrelle roost within the soffit on the South-Eastern elevation as such a licence from Natural England is required for the demolition works to be undertaken. Appropriate mitigation measures have been proposed including the provision of a tool box talk to contractors by a suitably licensed ecologist, supervision of destructive works to the soffit and careful removal of roofing material. As such it has therefore been confirmed that there are no objections to the scheme subject to appropriate conditions and informatives.
- 5.4 This application is therefore considered to be in accordance with Section 15 of the NPPF; and Local Plan Policy NE1.

6. Flood Risk

- 6.1 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.2 Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team and the Environment Agency have been consulted on the application.
- 6.3 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the applicants for the additional information to be submitted with the application. The information was received and a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to conditions.

7. Landscaping

- 7.1 Local Plan Policy SDC2 states that landscape aspects of a proposed development will be required to form an integral part of the overall design with a high standard of appropriate hard and soft landscaping being required.
- 7.2 Rugby Borough Council (Arboriculture Officer) initially objected to the application on the grounds of a number of issues contained within the initial tree report and the proximity of existing trees to the proposal. Following numerous revisions made to the submitted information there is no objection to the proposal amendments include three replacement trees to the site frontage along with new planting alongside the eastern boundary. As tree planting would not be advisable in close proximity to No. 318 combined with the potential for further tree planting within the site a condition has been imposed for a final landscaping scheme to be put forward.
- 7.3 This application is therefore considered to be in accordance with Local Plan Policy SDC2.

8. Air Quality

- 8.1 Local Plan Policy HS5 states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 8.2 Rugby Borough Council (Environmental Services) initially objected to the application on the grounds that insufficient information was supplied in relation to the impact of traffic from the development on existing flows. Furthermore consideration needed to be given to the impact upon traffic flows from vehicles turning into/out of the site. This is required given the current air quality concerns relating to the gyratory and Webb Ellis Pub, which is along the A428 to the east of the development site along with being in close proximity to the Lawford Road/Parkfield Road junction.
- 8.3 Following the submission of an updated report Rugby Borough Council (Environmental Services) confirmed that they have no objection to the report calculating limited impact to the more critical air monitoring points around the gyratory. It is also considered that the traffic lights/roundabout near the development on Lawford Road may assist with traffic turning into/out of the site.
- 8.4 It is therefore considered that the proposal is in accordance with Local Plan Policy HS5.

9. Developer Contributions

- 9.1 Local Plan Policy H1 states that a wide choice of high quality market housing must provide a mix of types and sizes with Policy H2 stating that affordable homes should be provided on all sites of at least 0.36 hectares or capable of accommodating 11 dwellings or more.
- 9.2 The SPD on Planning Obligations states that an off-site contribution is required towards Play and Open Space, subject to negotiation with the Council. It has been confirmed that there is no requirement for contributions for allotments, natural and semi natural along with outdoor sports in this location. In addition, there is no need for the children and young people's contribution due to other play areas being located within a 10 minute walk of the site.
- 9.3 The New Bilton Ward has a significant deficit in Parks and Gardens and amenity green spaces with the Local Authority are working with the New Bilton Community Association on improvements to Jubilee Street Recreation Ground. Exact details of what the improvements will be would be subject to a formal consultation with residents and users of the recreation ground.
- 9.4 In terms of affordable housing Rugby Borough Council (Housing) have confirmed that the scheme is welcomed and will help to create much needed affordable housing units to meet a housing need within the Borough. It has been confirmed that as of December 2018, there were over 1,100 qualifying applicants on the waiting list, with the regeneration of Biart Place in progress the ability to provide 1 and 2 bedroom flats is somewhat diminished at a time when the demand for supply is significant. It is also an opportunity to address issues of a derelict building which has attracted issues such as fly-tipping in the past.

- 9.5 The University Hospitals for Coventry and Warwickshire NHS Trust have been in contact advising that this development has an effect on health and wellbeing in particular in relation to the impact that the development has on the acute service provided by the Trust. Following there advise they have confirmed that they require a contribution which would be used directly to provide health care services to meet patient demand.
- 9.6 Warwickshire County Council (Traffic and Road Safety) have confirmed that a Sustainable Travel Packs Contribution is to be paid for the provision of information packs for owners and occupiers of the dwellings which include information on sustainable modes of transport and to help promote sustainable travel and road safety in the area.
- 9.7 This application is therefore considered to be in accordance with Local Plan Policy H1 and H2 along with the SPD on Planning Obligations.

10. Heads of Terms

- 10.1 In summary the contributions required for this proposal have been highlighted as per the table below:

<u>Contribution</u>	<u>Requirement</u>	<u>Trigger</u>
Play and Open Space	Improvements to Jubilee Street Recreational Ground.	Commencement of Development
Affordable Housing	18 Dwellings 100% rented housing in accordance with approved floor plans.	Not Applicable
NHS Trust	Meet patient demand for access to health care services.	To Be Confirmed
Warwickshire County Council (Traffic and Road Safety)	To help the promotion of sustainable travel and road safety.	Commencement of Development

- 10.2 In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.

11. Planning Balance

- 11.1 The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three objectives of sustainability. The NPPF at paragraph 7 identifies the three objectives to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are detailed below.
- 11.2 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 objective of sustainable development.

- 11.3 From a social perspective there is a significant need for new housing within the Borough in particular 1 and 2 bedroom flats. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed development would provide 100% rented affordable housing, which would consequently make a significant and positive contribution towards meeting this housing need within the Borough. The financial contributions towards health care provisions along with play and open space are also considered to be promoting positive social benefits. These matters consequently weigh in favour of the application. As such, the proposed development would satisfy the social objective of sustainable development.
- 11.4 From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, character and appearance, biodiversity; trees and hedgerows, heritage and archaeology, highway safety, traffic flows, public rights of way, flood risk, drainage, air quality, noise, contamination, visual amenity, residential amenity, water conservation and carbon emissions have all been considered and would not result in an adverse impact on the environmental aspects of the scheme.
- 11.5 Therefore, the development of the site would result in significant social and economic benefits as well as environmental benefits. Paragraph 8 of the NPPF is clear that the 3 roles should not be taken in isolation but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The identified benefits would mean, on balance, that the proposal would represent sustainable development in terms of the NPPF and is therefore considered to accord with the Development Plan and the NPPF.

12. Conclusion

- 12.1 The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety.
- 12.2 It is concluded that the proposal constitutes sustainable development. It complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is recommended that planning permission should be approved subject to the completion of a S106 Agreement broadly in accordance with the Heads of Terms set out in this report with delegated approval to the Head of Growth and Investment to negotiate and finalise the terms of the S106 Agreement.

13. Recommendation

13.1 (1) Planning application R19/0073 to be granted subject to:

- a. The conditions and informatives set out in the draft decision notice appended to this report; and
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
- (2) The Head of Growth and Investment be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.
- (3) The Legal, Democratic & Electoral Services Manager, in consultation with the Head of Growth and Investment and the Planning Committee Chairman be given delegated authority to complete the legal agreement.

DRAFT DECISION

REFERENCE NO:
R19/0073

DATE APPLICATION VALID:
09-Jan-2019

APPLICANT:
MR PAUL RIMEN, RUGBY BOROUGH COUNCIL TOWN HALL EVREUX WAY RUGBY
CV21 2RR

AGENT:
MISS CHLOE BRITTON, RUGBY BOROUGH COUNCIL TOWN HALL EVREUX WAY
RUGBY CV21 2RR

ADDRESS OF DEVELOPMENT:
BELL HOUSE, 320 LAWFORD ROAD, NEW BILTON, RUGBY, CV21 2JQ

APPLICATION DESCRIPTION:
Demolition of existing care home and erection of 18 flats.

CONDITIONS, REASONS AND INFORMATIVES:
CONDITION: 1

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

REASON: 1
To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 2

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

Document Title	Reference Number	Date Received
Submitted Plans		
Site Location Plan	001-(PL)-8386	10 th January 2019
Existing Site Plan	002-(PL)-8386 Rev B	13 th May 2019
Topographic Survey	7450-320LawfordRd	10 th January 2019
Proposed Site Plan	003-(PL)-8386 Rev D	13 th May 2019
Proposed Site Plan (Vehicle Tracking)	004-(PL)-8386 Rev B	13 th May 2019
Proposed Ground Floor Plan	101-(PL)-8386 Rev A	5 th March 2019
Proposed First Floor Plan	102-(PL)-8386 Rev A	5 th March 2019
Proposed Second Floor Plan	103-(PL)-8386 Rev A	5 th March 2019
Proposed Elevations	201-(PL)-8386 Rev A	5 th March 2019
Proposed Perspectives Sheet 1	401-(PL)-8386 Rev A	5 th March 2019
Proposed Perspectives Sheet 2	402-(PL)-8386 Rev A	5 th March 2019
Submitted Reports		
Air Quality Assessment	Not Applicable	February 2019
Arboricultural Report	CJ 2018 118	25 th February 2019
Appendix 1 – Tree Data Table	Not Applicable	10 th January 2019
Appendix 2 – Tree Protection Fencing	Not Applicable	10 th January 2019
Appendix 3 – Tree Protection Signage	Not Applicable	10 th January 2019
Appendix 4 – Bibliography	Not Applicable	10 th January 2019
Appendix 5 – Tree Constraints Plan	Not Applicable	10 th January 2019
Appendix 6 – Tree Protection Plan	Not Applicable	10 th January 2019
Asbestos Refurbishment Survey	P-272567	19 th February 2019
Bat and Ecological Impact Assessment	Not Applicable	10 th January 2019
Design and Access Statement	Revision C	13 th May 2019
Drainage Strategy	RBC-1412-01-DS-001	7 th March 2019
Transport Statement	J324223	19 th March 2019
Mitigation Plan for Bats	Not Applicable	1 st March 2019
Noise Assessment	A112478	25 th February 2019

REASON: 2

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

CONDITION: 3

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

REASON: 3

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

CONDITION: 4

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

REASON: 4

In the interest of visual and residential amenity.

CONDITION: 5

No above ground development shall commence unless and until details of all proposed walls, fences and gates, including elevations, 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: 5

In the interest of visual amenity.

CONDITION: 6

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved 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: 6

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

CONDITION: 7

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

- (i) Hours of demolition, construction and deliveries;
- (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
- (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
- (vi) Measures to prevent deleterious material being carried onto the highway network; &
- (vii) Heavy Goods Vehicle construction/demolition routing plan;

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON: 7

In the interests of the amenities of the area.

CONDITION: 8

The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document Mitigation Plan for Bats prepared by Ridgeway Ecology Ltd dated 28th February 2019, received by the Local Planning Authority on 1st March 2019

REASON: 8

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

CONDITION: 9

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 in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- i. Provide Ground Investigation details and infiltration testing in accordance with the BRE 365 guidance to establish the feasibility of using infiltration to manage the surface water runoff from the site. Where infiltration is feasible this should be used as a primary means of outfall from the development site.
- ii. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- iii. Your ref: R19/0073 Our ref: WCC001388 R2/FRM/DL/003 Your letter received: 07/03/2019
- iv. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a runoff rate of 6 l/s.
- v. Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- vi. Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation 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 and 1 in 100 year plus climate change return periods.
- vii. Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- viii. Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network (if applicable).

REASON: 9

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

CONDITION: 10

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

REASON: 10

To ensure the future maintenance of the sustainable drainage structures.

CONDITION: 11

The development shall not be occupied until the existing vehicular access to the site has been remodelled in general accordance with drawing number 004-(PL)-8386 rev B.

REASON: 11

In the interest of highway safety.

CONDITION: 12

The development shall not be occupied until visibility splays and pedestrian visibility splays have been provided to the vehicular access to the site in accordance with drawing number J32-4223-PS001 rev B in the approved Transport Statement. 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: 12

In the interest of highway safety.

CONDITION: 13

The development shall not be occupied until space has been provided and marked out within the site for the parking and manoeuvring of vehicles in accordance with drawing number 004-(PL)-8386 rev B.

REASON: 13

In the interest of highway safety.

CONDITION: 14

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

REASON: 14

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

CONDITION: 15

No works or development shall take place until a final 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. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/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/shrub/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: 15

To maintain and enhance continuity of tree and hedge cover.

CONDITION: 16

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

REASON: 16

In the interests of air quality.

INFORMATIVE: 1

Severn Trent Water advises 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: 2

Where any demolition, redevelopment or refurbishment is required or intended for the site it is required that an appropriate asbestos survey where applicable is undertaken for such work by an asbestos licensed/authorised company/person. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas, including those that are difficult to reach. There is a specific requirement in the Control of Asbestos Regulations 2012 for all asbestos containing materials (ACMs) to be removed as far as reasonably practicable before demolition.

The value and usefulness of the asbestos survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used by the surveyor. Information on the location of all ACMs, as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on survey scope will reduce extent to which ACMs are located and identified; incur

delays and consequently make managing asbestos more complicated, expensive and potentially less effective.

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

INFORMATIVE: 3

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

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

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

No work on Sundays & Bank Holidays.

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

INFORMATIVE: 4

The building is in a residential area and demolition and piling works may cause noise nuisance to local residents. Demolition and piling works should only be permitted between the hours: -

Monday – Friday 8.00 a.m. – 18.00 p.m.

Saturday 9.00 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

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

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

INFORMATIVE: 6

This development is subject to a s106 legal agreement.

INFORMATIVE: 7

In order to achieve air quality neutral standards the applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives may include the installation of an ultra-low emission boilers (<40mg/kWh); increased tree planting, green walls and roofs; the incorporation of electric

vehicle charging points on any car parking. Such measures contribute towards making new development air quality neutral.

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

Agenda No 5

AGENDA MANAGEMENT SHEET

Report Title: Tree Preservation Order No. 410

Name of Committee: Planning Committee

Date of Meeting: 17 July 2019

Report Director: Head of Environment and Public Realm

Portfolio: Environment and Public Realm

Ward Relevance: Bourton & Draycote

Prior Consultation: Public - Site Owner

Contact Officer: David Gower

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)
- This report does not specifically relate to any Council priorities but

Statutory/Policy Background: Town and Country Planning Act 1990
 Town and Country Planning (Tree Preservation) (England) Regulations 2012

Summary: A provisional Tree Preservation Order (TPO) (No.410) was made on the 5th February 2019 in respect of 8 trees located within the residential curtilage of Manor Cottage, Draycote Road, Draycote, CV23 9RB.

The TPO was served in response to the receipt of a planning application (ref R17/1326) for the demolition of the existing dwelling and the erection of three new dwellings at Manor Cottage which would have led to the loss of a significant number of trees within the site or would have resulted in new dwellings being too close to retained trees.

The trees were assessed as being in good condition and prominent visual amenity features as viewed from Draycote Road making a positive contribution to the character of the local area.

Objections were received on 18 February 2019 and 6 March 2019 in respect of the trees to be included within the Tree Preservation Order.

Financial Implications: N/A

Risk Management Implications: N/A

Environmental Implications: If the Tree Preservation Order is not confirmed the trees in question may be removed. These trees are a valuable landscape feature and their loss would also result in a loss of sustainable public amenity and wildlife habitats which would then have a subsequent detrimental impact on the surrounding environment and biodiversity.

Legal Implications: The confirmation of a Tree Preservation Order may be challenged in the High Court pursuant to

the provisions of the Town and Country Planning Act 1990. Any challenge must be brought within six weeks of the date of confirmation of the Tree Preservation Order.

Equality and Diversity:

N/A

Options:

1. To confirm the TPO without modification to the schedule (being the Tree Preservation Order Plan)
2. To confirm the TPO with modification to the schedule (being the Tree Preservation Order Plan)
3. To reject the TPO

Recommendation:

Tree Preservation Order No. 410 be confirmed without modification to the schedule (being the Tree Preservation Order Plan).

Reasons for Recommendation:

1. The trees included within Tree Preservation Order No. 410 display good form and vitality with no major external signs of disease, decay or structural defects.
2. The trees are highly visible to the general public as viewed from Draycote Road and form a prominent visual amenity feature and landscape feature within the local area.
3. Without a Tree Preservation Order in place, the trees could be removed which would have a detrimental impact upon the local landscape character of the area, public amenity, wildlife habitats and biodiversity.

Planning Committee - 17 July 2019

Tree Preservation Order No. 410

Public Report of the Head of Environment and Public Realm

Recommendation

Tree Preservation Order No. 410 be confirmed without modification to the schedule (being the Tree Preservation Order Plan).

1. Background

The Council's Arboricultural Officer is a formal consultee for planning applications within Rugby Borough Council's administrative area, advising on landscape, biodiversity and Arboricultural matters.

The Arboricultural Officer was consulted on a planning application at Manor Cottage, Draycote Road, Draycote, Rugby for the demolition of existing dwelling and the erection of three new dwellings (ref R17/1326).

Manor Cottage lies 90 metres to the north west of the village centre and is approximately 2000 square metres in size.

The property contains a number of trees of mixed age and species. There are a variety of species both within the property and around the property's perimeter e.g. Oak, Birch, Chestnut, Walnut, Ash, and Cherry.

Additionally, there is a wide raised verge to the property frontage (in Warwickshire County Council's ownership) which contains a further number of trees e.g. Willow, Alder and Chestnut.

Collectively the trees serve as an attractive visual amenity feature and also screen the property from the rural surrounds. On inspection, the trees were found to be in generally good order.

The proposal for three new dwellings (particularly their location which is tight against the perimeter boundary of the property) would mean that many of the trees at, and around, the property would need to be removed to implement the planning permission. This would be to the detriment of the local visual amenity and rural landscape character.

There is no existing protection in place with regard to trees at or around the property.

A pre-development tree survey was submitted by the applicant as part of the planning application (attached as Appendix 1 - Tree Constraints/Protection Plans). The purpose of the survey is to identify and categorise all trees on the application site and to address which trees will be retained and removed to facilitate the proposed development. The survey also examines how any retained trees can be retained successfully without the development and the retained trees having a negative impact on each other.

As part of this survey trees are put into one of four categories:

1. Category A – Trees of high quality (expected remaining life expectancy of at least 40 years). These are shown coloured green on the plan at Appendix 1.
2. Category B – Trees of moderate quality (expected remaining life expectancy of at least 20 years). These are shown coloured blue on the plan at Appendix 1.
3. Category C – Trees of low quality (expected remaining life expectancy of at least 10 years). These are shown coloured grey on the plan at Appendix 1.
4. Category U – Trees unsuitable for retention. These are shown coloured red on the plan at Appendix 1.

Where possible Category A and Category B trees should be retained due to their ability to make a positive contribution to the property in question and also to the wider landscape setting.

The pre-development tree survey submitted clarifies which trees are proposed to be removed or impacted as a result of the development proposal:

1. At the existing site entrance an early mature Oak (labelled as T1 on the Tree Preservation Order Plan attached at Appendix 2) would be lost. T1 is a Category B tree. It is in generally good condition and has a prominent visual amenity as viewed from the adjacent highway. It also has the potential to become much larger and more prominent in the future.
2. Two Ash trees (labelled as T2 and T4 on the Tree Preservation Order Plan attached at Appendix 2) would be lost. T2 and T4 are both Category B trees.
3. One Chestnut tree (labelled as T8 on the Tree Preservation Order Plan attached at Appendix 2) would be lost. T8 is a Category B tree.
4. Plot 2 of the proposed development is in very close proximity to a mature Willow (labelled as T5 on the Tree Preservation Order Plan attached at Appendix 2) which is located on the adjacent verge. T5 is a Category 'A' tree in good condition and is upwards of 20 metres in height. It has the potential to be very overbearing on a new property placed in very close proximity. The proposed development also has a small incursion into the root protection area of T5.
5. Plot 3 of the proposed development is in very close proximity to two early mature Walnut trees (labelled as T6 and T7 on the Tree Preservation Order Plan attached at Appendix 2) which would impede any future growth of T6 and T7. These are both Category B trees.

As a result of the proposed loss of or impact on the trees highlighted above, an objection to the planning application was lodged for reasons of loss of visual amenity. In addition, a provisional Tree Preservation Order was made in respect of eight trees on 5 February 2019 (as shown on the Tree Preservation Order Plan attached at Appendix 2) in order to protect certain trees of the Category A and Category B trees at, and around, the property. The trees are in generally good condition with no major defects/decay noted.

The trees included in the provisional Tree Preservation Order are primarily located around the boundary of the property and are those trees which collectively display the greatest amenity value in terms of their visibility from Draycote Road, which make a positive contribution to the character of the local area.

The planning application (ref: R17/1326) was refused on 6 February 2019. The reasons for refusal included the negative impact on the trees subject to the provisional Tree Preservation Order.

Objections to the provisional Tree Preservation Order were received on 18 February and 6 March 2019. As a result of these objections, the decision as to the confirmation of the provisional Tree Preservation Order is a matter for the Planning Committee in accordance with Part 2A, paragraph 16.1(ff)(ii) of the constitution

2. Government advice

Government advice is that tree preservation orders (**TPOs**) should be used to protect selected trees, if their removal would have a significant impact on the environment and its enjoyment by the public.

Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made and confirmed and therefore, the trees should be visible from a public place.

The benefits may be present or future, and the trees may be worthy of preservation for a number of reasons including their intrinsic beauty or their contribution to the surrounding area, or their contribution to the landscape or because they serve as a screen to an eyesore or future development.

The value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland or historical importance, may be taken into account, which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

It may be expedient to make a TPO if the local planning authority believes there is a risk of trees being cut down or pruned in ways that would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate.

In some cases the local planning authority may believe that certain trees are generally at risk from development pressures. The local planning authority may have some other reason to believe that the trees are at risk; changes in property ownership and intention to remove trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.

The Government further advises that TPOs should be administered positively and local planning authorities should consider their approach to applications for pruning and felling when making a TPO. They are also encouraged to offer advice on tree management and ensure that necessary tree work takes place in an orderly fashion so as to maintain the amenity of the tree(s) as long as possible.

3. The case for confirming the provisional Tree Preservation Order No. 410

The trees included within the provisional Tree Preservation Order display good form and vitality with no major external signs of disease, decay or structural defects (see Appendix 3 for photos of the trees to be included in the Tree Preservation Order). They form a significant visual amenity and contribute positively to the overall landscape character of the local area. Without a Tree Preservation Order in place, the trees could be removed which would have a detrimental impact upon the local landscape character of the area, public amenity, wildlife habitats and biodiversity.

4. Response to objections received

Objections have been received following the making of the provisional Tree Preservation Order from the applicant for the planning permission (ref R17/1326) which was refused on 6 February 2019.

Those objections and the Arboricultural Officer's response to those objections are set out below.

1. *"The Content of the TPO is I politely suggest legally flawed, being that the trees listed, their position and species are not as described."*

The eight trees included in the Tree Preservation Order are listed correctly and also as per the applicant's tree report and tree constraints plan. The only difference may be to a change in the numbering.

2. *"Of the trees listed in the TPO some being Cankorous, Dangerous, Diseased so bringing the need and integrity of the TPO's into question and dispute".*

"The inclusion of a poor quality Chestnut, two adjoining already having died with just stumps showing and with the adjacent one dying as is the one listed. I felt perhaps a mistake had been made especially when there are so many other wonderful trees in the parish..."

The eight trees included within the TPO were, at the time of inspection, in generally good condition with no major defects or decay identified.

Lesser quality trees contained within the property have not been included within the Tree Preservation Order. Similarly, all eight trees included within the Tree Preservation Order have been identified within the applicant's tree report and tree constraints plan as being Category A Trees or Category B trees.

On the south eastern boundary there are two chestnuts. The better quality of these two trees has been included within the Tree Preservation Order (labelled as T8 on the Tree Preservation Order Plan attached at Appendix 2). It was found to be in generally good condition and is highly visible from the highway. The applicant's tree report and tree constraints plan highlights the tree as a Category B tree in "good/fair" condition.

3. *"In March 2018, I had professionally removed several 100' + Leylandii which dominated the skyline, were unsafe and did engulf some trees making them unsafe. At the meeting in October Mr Gower did say that he was aware but no contact was made to me at that time".*

Prior to the provisional Tree Preservation Order being made Leylandii trees to the frontage of the property were removed by the applicant. These were located adjacently to a lesser quality Ash tree which has not been included in the Tree Preservation Order.

4. *"In mitigation I have planted 25+ trees in the Parish when I was the Chairman of Bourton and Bourton Parish Council. These trees being donated by WCC. I bought and planted most of the trees in the garden and on the bank. (Not Oak)."*
"There are more interesting and valued trees in the Parish that would be more suited to a TPO".

Other trees in the parish are not the subject of this report.

The potential for the property to be developed in the future and therefore the loss of, or impact on, the trees in and around the property would have a detrimental impact upon the visual amenity of the local area, as well as associated impacts on the landscape and biodiversity of the area.

Collectively the eight trees included within the Tree Preservation Order represent a varied range of trees of differing ages and categories, with the potential to be valued assets for many years to come.

5. *"The entrance to my property is used as an unofficial passing place for traffic. This is under the canopy of the Oak (TPO no. T1)".*

If low hanging branches are causing an interference to the passage of vehicles and pedestrians the local planning authority would look favourably on any tree works applications to "crown lift" the tree in question.

6. *"The Walnuts (again planted by myself) are only poor to medium quality, I was also leaving them en-situ until they could perhaps be replaced later with better quality trees (Crops have been poor over the last few years with what seems like airborne pollution)".*

The trees were found to be in generally good condition and are highly visible from the highway. The applicant's tree report and tree constraints plan highlights the trees as Category B trees in "good/fair" condition.

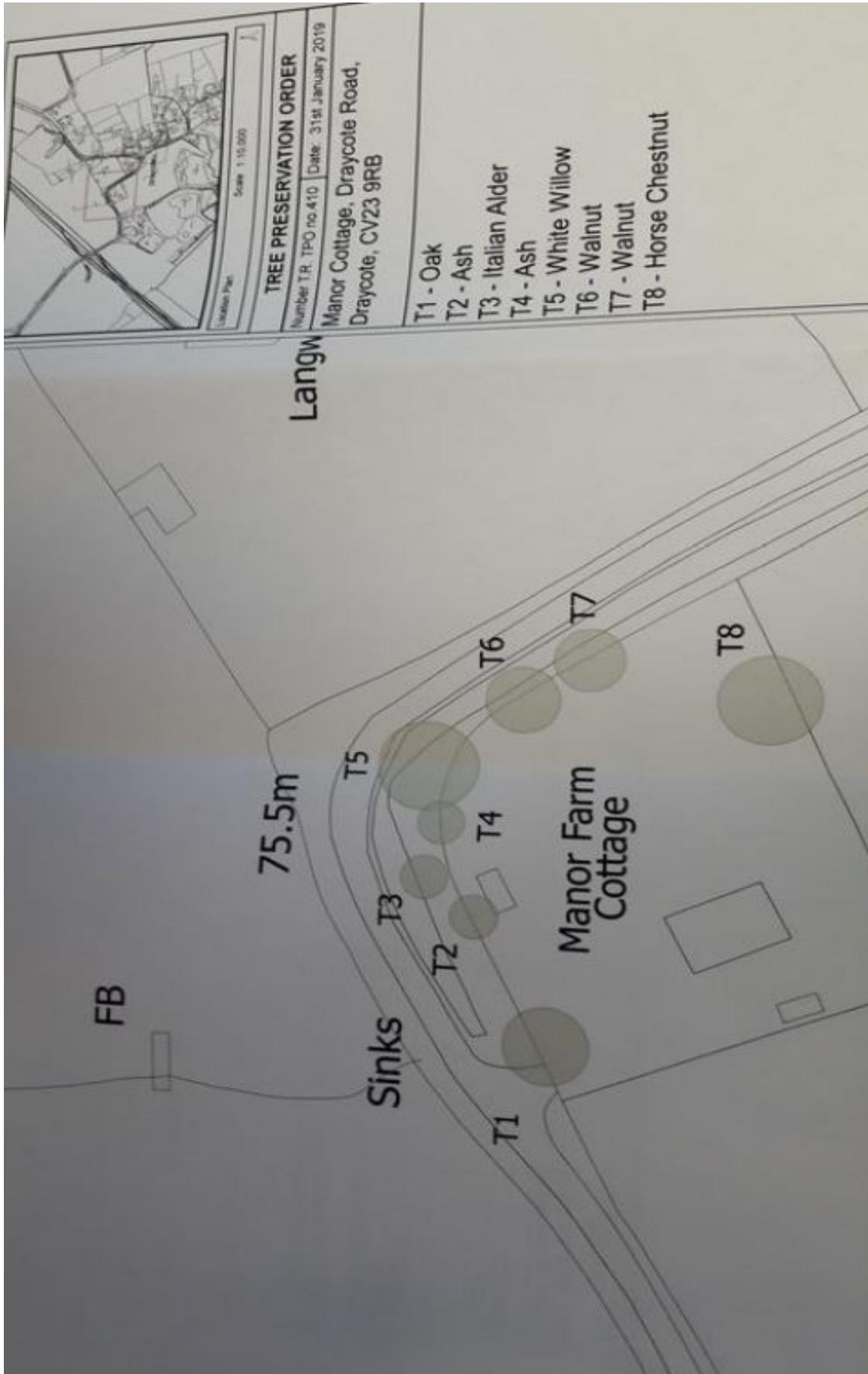
5. Conclusion

For the reasons set out in sections 1 and 3 above, and in the absence of any valid objections, it is recommended that provisional Tree Preservation Order No. 410 is confirmed without modification to the schedule (being the Tree Preservation Order Plan).

Appendix 1 Tree Constraints/Protection Plans



Appendix 2
Tree Preservation Order Plan



Appendix 3
Tree Pictures

T1 - Oak



T3 Alder

T2 Ash



T4 Ash

T3 Alder



T5 – Willow



T7 Walnut

T6 Walnut



T8 Horse Chestnut T7 Walnut T6 Walnut T5 Willow



Name of Meeting: Planning Committee
Date of Meeting: 17 July 2019
Subject Matter: Tree Preservation Order No. 410
Originating Department: Environment and Public Realm

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 15 May 2019 to 19 June 2019

Name of Committee: Planning Committee

Date of Meeting: 17 July 2019

Report Director: Head of Growth and Investment

Portfolio: Please select

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey 3774

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report
Legal Implications:	There are no legal implications for this report
Equality and Diversity:	There are no equality and diversity implications for this report
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Planning Committee - 17 July 2019

Delegated Decisions - 15 May 2019 to 19 June 2019

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 17 July 2019

Subject Matter: Delegated Decisions - 15 May 2019 to 19 June 2019

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 15.05.2019 TO 19.06.2019

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R19/0491 Refused 24.05.2019</i>	2 The Green The Cottage Rugby Road Brandon CV8 3HU	Demolition of existing outbuilding to be replaced by a single storey rear extension
<i>R19/0423 Refused 29.05.2019</i>	Land adjacent to 3 Tattlebank Cottages London Road Willoughby	Demolition of double garage and stable building, erection of 2 two-bedroom dwellinghouses, creation of new vehicular access and closing of existing vehicular access
<i>R18/1060 Refused 03.06.2019</i>	1 Caldecott Street Rugby CV21 3TH	Erection a new dwelling house
<i>R19/0449 Refused 04.06.2019</i>	27 Wesley Road Hillmorton Rugby CV21 4PG	Erection of two storey side extension with an increase of rear dormer and single storey rear extension.
<i>R19/0735 Refused 04.06.2019</i>	18 Lyttelton Close Brownsover Rugby CV21 1FN	Retrospective planning for the conversion of garage into living space
<i>R19/0411 Refused 13.06.2019</i>	82 Cymbeline Way Bilton Rugby CV22 6LA	Erection of two storey front and side extension
Applications Approved		
<i>R19/0585 Approved 15.05.2019</i>	34 Anderson Avenue Rugby CV22 5PE	Single storey side and rear extension to dwellinghouse
<i>R19/0641 Approved</i>	54 Lower Hillmorton Road	Loft conversion to create 1 dwelling (Part Retrospective)

15.05.2019	Rugby CV21 3TE	
<i>R19/0647 Approved 15.05.2019</i>	186 Hillmorton Road Rugby CV22 5AP	Demolition of existing rear single storey extension. Replacement extension to form kitchen area with roof lantern
<i>R19/0693 Approved 16.05.2019</i>	1 Fleet Crescent Rugby CV21 4BQ	Demolition of garage and erection of single storey front and side extension
<i>R19/0713 Approved 16.05.2019</i>	30 Viaduct Close Rugby CV21 3FD	Demolition of existing garage and erection of replacement garage / workshop
<i>R19/0727 Approved 16.05.2019</i>	Screening Consultancy and Supplies Limited Somers Road Industrial Estate 42 Somers Road Rugby CV22 7DH	Erection of pallasade fencing and replacement pallasade gates
<i>R19/0360 Approved 17.05.2019</i>	415 Newbold Road Rugby CV21 1EP	Single storey side extension
<i>R19/0431 Approved 17.05.2019</i>	Nettle Hill Cottage Ansty Lane Coombe Fields CV7 9J	Two-Storey Side Extension
<i>R19/0498 Approved 17.05.2019</i>	2 Kingsley Avenue Hillmorton Rugby CV21 4JT	Erection of single storey front extension and two storey side and rear extension including the provision of a Juliet Balcony (Resubmission of previously approved scheme under R19/0007 granted on 11/02/2019 for the erection of single storey front and rear extension and two storey side extension including the provision of a rear dormer)
<i>R19/0717 Approved 17.05.2019</i>	1 Church Close Ryton on Dunsmore Rugby CV8 3NH	Erection of a single storey rear extension
<i>R19/0719 Approved 17.05.2019</i>	16 Lower Street Hillmorton Rugby	Erection of a two storey side and rear extension

	CV21 4NR	
R19/0487 Approved 20.05.2019	The Chalet Hinckley Road Wolvey LE10 3HQ	Retrospective application for retention of new stables, including access road and hardstanding (Variation of Condition 1 of approved planning permission R16/1986 dated 11/11/2016 to substitute approved plan with amended plan to include amendments to the design of the stable roof)
R19/0332 Approved 21.05.2019	Rowangate Glebe Farm Road Draycote CV23 9RB	Erection of a second storey above existing ground floor; single storey rear extension; porch and a first floor terrace area.
R19/0642 Approved 22.05.2019	6 Lyndhurst Road Rugby CV21 4HL	Erection of a single-storey rear and side extension along with the demolition of garage.
R19/0644 Approved 22.05.2019	7 Kelseys Close Wolston CV8 3GS	Erection of two storey side and rear extension, part single storey rear extension and provision of dropped kerb and hardsurfacing to front driveway.
R19/0691 Approved 22.05.2019	54 Regent Street Rugby CV21 2PS	Proposed change of use of the ground floor, from a use class A2 Financial and professional services office, to a one bedroom residential apartment
R19/0704 Approved 23.05.2019	The Orchards Southam Road Kites Hardwick CV23 8AA	Erection of single storey rear extension and garage conversion to living accommodation
R19/0013 Approved 24.05.2019	10-11 High Street Rugby CV21 3BG	Proposed change of use of the first and second floor of the existing building to 2 flats plus, a first floor extension to the flat roof of the existing building to create an additional 2 flats
R19/0639 Approved 24.05.2019	Travis Perkins Trading Company Limited 2 Somers Road New Bilton Rugby CV22 7DD	Alteration to external appearance of commercial building
R19/0672 Approved 24.05.2019	Diamond House Hotel 30 Hillmorton Road Rugby	Variation of Condition 4 of the previously refused planning permission R82/0160/3623/P - allowed under appeal

	CV22 5AA	T/APP/5397/A/82/007813/03 - to amend the condition limiting the number of letting bedrooms to 10 (no.) allowing the total number of letting bedrooms to remain at 18 (no.) - (to include the 5 (no.) additional bedrooms approved under planning permission R84/0692/3623/P)
<i>R19/0746 Approved 24.05.2019</i>	4 Cawston Way Bilton Rugby CV22 7NR	Erection of two storey side extension
<i>R18/0827 Approved 24.05.2019</i>	Mill Road Car Park Mill Road Rugby CV21 1AA	Retention of the use of the land as a car park, provision of suitable surface on top of existing, marking out of spaces for vehicles including disabled and motorcycle spaces, provision of electric charging points, lighting, bins, internal signage, refurbishment of stairs and landscaping between parking decks
<i>R19/0639 Approved 29.05.2019</i>	Travis Perkins Trading Company Limited 2 Somers Road New Bilton Rugby CV22 7DD	Alteration to external appearance of commercial building
<i>R19/0497 Approved 30.05.2019</i>	Richard Utley Limited Unit 8 Europark Watling Street Newton CV23 0AL	Demolition of existing warehouse and offices and Erection of new warehouse building, ancillary offices and associated car parking (amendments to approved scheme ref R18/1331)
<i>R19/0632 Approved 30.05.2019</i>	Railway House Fosse Way Stretton under Fosse CV23 OPU	Removal of condition 5 to remove requirement for speed survey and variation of condition 2 of R18/1669 to allow erection of an outbuilding for ground source heat pump.
<i>R19/0112 Approved 31.05.2019</i>	Low Meadow Kings Newnham View Church Lawford CV23 9FA	Erection of a single storey side extension to existing garage incorporating the change of use to part of paddock to residential curtilage
<i>R19/0492 Approved 31.05.2019</i>	Oakwell Coventry Road Dunchurch CV22 6RE	Erection of a two storey front extension and a single storey side extension together with a front porch
<i>R19/0560</i>	14 Richmond Road	Erection of single storey rear and side

<i>Approved</i> 31.05.2019	Rugby CV21 3AB	extension
<i>R19/0582</i> <i>Approved</i> 31.05.2019	65 Lawrence Road Rugby CV21 3SA	Two storey side extension to dwellinghouse
<i>R19/0706</i> <i>Approved</i> 31.05.2019	12 Cox Crescent Dunchurch CV22 6QX	Erection of a first floor side extension, garage conversion and single storey rear extension with associated works
<i>R19/0750</i> <i>Approved</i> 31.05.2019	9 Hawthorn Terrace Rugby Road Harborough Magna CV23 0HL	Erection of two storey side extension
<i>R19/0751</i> <i>Approved</i> 31.05.2019	Clifton Court Nursing Home Lilbourne Road Clifton Upon Dunsmore CV23 0BB	Single storey rear extension to rear of nursing home
<i>R19/0729</i> <i>Approved</i> 03.06.2019	Axe And Compass Lutterworth Road Wolvey LE10 3HG	Provision of extended terrace area
<i>R18/1522</i> <i>Approved</i> 04.06.2019	Land South of Coventry Road and North East of Cawston Lane Coventry Road Cawston Rugby CV22 7SW	Erection of 26 dwellings with detached garages and parking bays (amendment to design, number of units and layout approved by R16/0984 & R11/1521 resulting in 7 additional dwellings.)
<i>R19/0757</i> <i>Approved</i> 07.06.2019	12 Clinton Crescent Churchover Rugby CV23 0FS	Proposed new patio area and glazed roof to open verandah
<i>R19/0321</i> <i>Approved</i> 10.06.2019	51 Falstaff Drive Rugby CV22 6LJ	Rear single storey extension and front enlargement of dormer.
<i>R19/0773</i> <i>Approved</i> 10.06.2019	15 Sheep Street Rugby CV21 3BU	Change of use from A1 (Shop) to B1 (Office)

<i>R19/0810 Approved 10.06.2019</i>	Long Lawford Methodist Church School Street Long Lawford CV23 9AT	Installation of disabled ramp to front access and replacement windows (resubmission of previously approved application R17/1825)
<i>R19/0676 Approved 11.06.2019</i>	3 Sorrel Drive Brownsover Rugby CV23 0TL	Erection of a low-rise wall at property's side and front boundary.
<i>R19/0743 Approved 11.06.2019</i>	25 Bilton Lane Dunchurch CV22 6PZ	Erection of double storey side extension, single storey front extension and provision of fencing along boundary.
<i>R19/0795 Approved 11.06.2019</i>	29 Wordsworth Road Rugby CV22 6HY	Erection of a two storey side extension; single storey rear extension, addition of a front canopy; dual pitch roof to existing garage; insertion of rooflights to the rear & other alterations
<i>R18/2129 Approved 12.06.2019</i>	5 Heather Road Binley Woods CV3 2DE	Demolition of existing bungalow and erection of a replacement two storey dwelling
<i>R19/0771 Approved 13.06.2019</i>	The Low House Hill Road Grandborough CV23 8DJ	Proposed single storey rear extension
<i>R18/2160 Approved 13.06.2019</i>	Land at Gypsy Lane Gypsy Lane Wolvey LE10 3HQ	New stables and menage (variation of conditions 2 and 4 of R16/0951 to increase the height of the roof to 4.4m)
<i>R19/0464 Approved 13.06.2019</i>	Land rear of 32 The Green Long Lawford Rugby CV23 9BL	Outline planning permission for 3 No. Dwellinghouses with all matters reserved with vehicular access
<i>R19/0769 Approved 13.06.2019</i>	19 Betony Road Rugby CV23 0FB	Formation of 3no. new windows at first floor level and two roof lights to dwellinghouse
<i>R18/0862 Approved 14.06.2019</i>	74 High Street Hillmorton Rugby CV21 4EE	Proposed change of use of garage to additional habitable rooms.

<i>R19/0463 Approved 14.06.2019</i>	87 Main Street Long Lawford CV23 9BB	Two storey side extension
<i>R19/0489 Approved 14.06.2019</i>	27 Arnold Street Rugby CV21 3HD	Retrospective application for erection of a dormer extension
<i>R19/0732 Approved 14.06.2019</i>	277 Rugby Road Binley Woods CV3 2BE	Erection of a single storey flat roof rear extension. Amendment to approved plans R13/0608.
<i>R19/0716 Approved 14.06.2019</i>	15 Haswell Close Rugby CV22 5LU	Erection of a single storey front and rear extension together with a rear dormer window and velux window to the front along with other alterations
<i>R19/0153 Approved 17.06.2019</i>	63 Cromwell Road Hillmorton Rugby CV22 5LZ	Demolition of garage to create a new two-bed bungalow
<i>R19/0811 Approved 17.06.2019</i>	17 Gentian Way Brownsover Rugby CV23 0XH	Erection of a two storey side extension and a single storey rear extension
<i>R19/0827 Approved 18.06.2019</i>	Newnham Hall Kings Newnham Lane Kings Newnham CV23 0JT	Removal of the existing rear porch, construction of a new porch and insertion of an extraction vent to the east elevation of the main dwelling
<i>R19/0212 Approved 19.06.2019</i>	Springfield Cawston Lane Dunchurch CV22 7RX	Demolition of existing structures and erection of 2 no. detached dwellings
<i>Certificate of Lawful Development</i>		
<i>R19/0346 Certificate of Lawful Development 16.05.2019</i>	27 Alicia Close Cawston Rugby CV22 7GT	Certificate of Lawful Development for hard surfacing to front lawn area and provision of dropped kerb
<i>R19/0692 Certificate of Lawful</i>	Woodside Rugby Road	Lawful Development Certificate (proposed), for the use of an existing outbuilding for purposes

<i>Development 29.05.2019</i>	Brandon CV8 3GJ	incidental to the main dwelling, in compliance with Condition 4 of the Planning Application R03/0609/15754/P: Erection of a new garage.
<i>R19/0671 Certificate of Lawful Development 11.06.2019</i>	2 Croft Avenue Rugby CV21 1AD	Certificate of Lawful Development for loft conversion to form habitable room and installation of rooflights upon front and rear elevation roof slopes.
Listed Building Consent		
<i>R19/0819 Listed Building Consent 18.06.2019</i>	Newnham Hall Kings Newnham Lane Kings Newnham CV23 0JT	Listed Building Consent for the removal of the existing rear porch, construction of a new porch and insertion of an extraction vent to the east elevation of the main dwelling.
Prior Approval Applications		
<i>R19/0511 Prior Approval required and approved 15.05.2019</i>	Fosse Farm Fosse Way Monks Kirby CV7 9LR	Prior Approval for Change of use of 2 No. Brick and Tiled Agricultural barns into 2 No. Dwellings, together with associated demolition of portal framed and pole barn buildings. (Class Qa Only)
<i>R19/0645 Prior Approval required and approved 16.05.2019</i>	Agricultural Building Land off Fosse Way Stretton on Dunsmore	Prior approval for change of use of an agricultural building to 1no. Dwellinghouse including building necessary to convert the building under Class Qb
<i>R19/0318 Prior Approval required and approved 20.05.2019</i>	Nethergreen Shilton Lane Shilton CV7 9LH	Prior Approval (Part Q) – Proposed change of use of agricultural buildings to 5no. dwelling houses
<i>R19/0745 Prior Approval required and approved 20.05.2019</i>	The Bungalow Fosse Way Princethorpe CV23 9PR	Prior Approval - Change of Use of Agricultural Building to 1 no. Dwellinghouse - Under Town & Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q
<i>R19/0781 Prior Approval not required 03.06.2019</i>	Shelford Farm Hinckley Road Burton Hastings CV11 6RD	Prior Approval – Agricultural storage barn – Town and Country Planning General Permitted Development Order 2015, Schedule 2, Part 6
<i>R19/0763 Prior Approval not required</i>	Havencroft Main Street Broadwell	Prior notification for the erection of a agricultural building for storage of farm machinery and straw.

04.06.2019	Rugby CV23 8HB	
<i>R19/0774 Prior Approval not required 05.06.2019</i>	297 Hillmorton Road Rugby CV22 5BN	Single storey rear extension
<i>R19/0725 Telecoms Prior Approval granted 07.06.2019</i>	Ariqiva Services Limited Crown Castle BT Reach 163920 on roof of Old Telephone Exchange Albert Street Rugby	Application for prior determination under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016 and notice in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003 for the installation of 3 no. antennas, 2 no. antenna 'yoke' brackets, 3 no. remote radio units (RRUs), 6 no. Junction boxes (BOBs boxes) together with associated feeder cables and ancillary development thereto
Approval of Details/ Materials		
<i>R19/0629 Approval of non- material changes 16.05.2019</i>	Webb Ellis Industrial Estate Woodside Park Rugby CV21 2NP	Non-material amendment to planning permission R16/0659 for the erection of 44 no. new build apartments comprising of 2 no. studios, 33 no. 1 bed and 9 no. 2 bed flats
<i>R19/0887 Approval of non- material changes 30.05.2019</i>	Agricultural Building (South Side) Flecknoe Road Broadwell Road Rugby	Non-Material Amendment to Prior Approval Ref: R18/0342
<i>R16/1910 Approval of Details 06.06.2019</i>	Land adj Cawston House Lime Tree Village Polo Field off Thurlaston Drive Cawston Lane Cawston Dunchurch CV22 7SE	Proposed construction of 25 extra care dwellings (Class C2) and the erection of ground mounted solar panels (partial revised scheme to application 665)
<i>R14/0011 Approval of Details 07.06.2019</i>	Warren Field Warren Close Ryton on Dunsmore	Erection of 29 affordable dwellings with access, landscaping and associated works.

	CV8 3JZ	
<i>R15/2009 Approval of Details 07.06.2019</i>	Buildings J & K Coton House Lutterworth Road Churchover Rugby CV23 0AA	Demolition of existing buildings J & K and erection of 2 dwellings with associated garaging and works
<i>R11/0114&R17/1895 Approval of Details 11.06.2019</i>	Southern Part of Cawston Extension Site Coventry Road Cawston Rugby	Erection of 214 dwellings and associated infrastructure: Approval of reserved matters related to 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).} Amended scheme for part of Linden Homes site following approval of R16/1780
<i>R17/1829 Approval of non-material changes 12.06.2019</i>	Rolls Royce Ansty Aerodrome Combe Fields Road CV7 9JR	Erection of building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended), including ancillary offices and storage space, primary vehicular access from Pilot Way (Ansty Park), secondary vehicular access from Combe Fields Road, car and cycle parking, service areas, reserve expansion land, external storage units, gatehouse, drainage, attenuation ponds, substation, foul pumping station, demolition of existing buildings, ground remodelling and associated works
Approval of reserved matters		
<i>R19/0371 Approval of reserved matters 03.06.2019</i>	Land South Of Coventry Road and North of Limetree Avenue Coventry Road Cawston Rugby CV22 7QT	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; c - Layout;
<i>R19/0093 Approval of reserved matters 07.06.2019</i>	Zone 3 and 4 Ansty Park Pilot Way Ansty CV7 9JU	Erection of a part-two/part three storey extension to an existing building for Class B1 use with associated research and development (application for approval of reserved matters relating to appearance, landscaping, layout and scale against outline planning permission R09/0035/MEIA dated 15th May 2009)

Withdrawn		
<i>R18/0816 Withdrawn 22.05.2019</i>	The Old Vicarage London Road Ryton on Dunsmore CV8 3ER	Proposed change of use of car park to storage of sand and aggregate and the erection of cement silo tank for sales/distribution.
<i>R19/0792 Withdrawn 23.05.2019</i>	16-20 Lawford Road New Bilton Rugby CV21 2DY	Demolition of derelict property due to redevelopment
<i>R19/0631 Withdrawn 31.05.2019</i>	2 Fair Close Frankton CV23 9PL	Erection of a single storey and first floor rear extension, new porch, bow window and canopy to front elevation
<i>R19/0789 Withdrawn 07.06.2019</i>	Junction One Leicester Road Rugby CV21 1RW	Installation of Automatic Number Plate Recognition (ANPR) columns and cameras and related signage within existing car park
<i>R19/0790 Advertisement Consent Withdrawn 07.06.2019</i>	Junction One Leicester Road Rugby CV21 1RW	Advertisement Consent for the installation of Automatic Number Plate Recognition (ANPR) columns and cameras and related signage within the existing car park