

5 March 2018

PLANNING COMMITTEE - 14 MARCH 2018

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 14 March 2018 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 21 February 2018.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Tree Preservation Order No 402.
7. Delegated Decisions – 24 January 2018 – 14 February 2018.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2017/18 – 14) are attached.

Membership of the Committee:

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

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

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

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

Planning Committee – 14 March 2018

Report of the Head of Growth and Investment

Applications for Consideration

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages)
- Applications recommended for approval with suggested conditions (yellow pages)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R17/2019	Former Peugeot Factory Site C, Oxford Road, Ryton on Dunsmore Application for Reserved Matters for Units DC8 & DC9 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, associated road infrastructure, sprinkler tanks and pump house, against outline planning permission R16/2561 (for the redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)).	3
2	R17/2078	Top Farm, Long Itchington Road, Birdingbury. CV23 8EQ Demolition of existing 2 no. agricultural buildings and construction of 1 no. single-storey agricultural building and ancillary structures including highway access.	14
3	R17/0877	Stables, Bungalow Farm, Smeaton Lane, Coombe Fields. CV23 0PS Erection of a new building for storage of poultry manure.	27

Reference number:

R17/2019

Site address:

Former Peugeot Factory Site C, Oxford Road, Ryton on Dunsmore

Description :

Application for Reserved Matters for Units DC8 & DC9 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, associated road infrastructure, sprinkler tanks and pump house, against outline planning permission R16/2561 (for the redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)).

Case Officer Name & Number:

Richard Holt 01788 533687

This is a reserved matters submission on an allocated strategic employment site with outline planning permission granted for industrial purposes which ordinarily would be considered under delegated powers. However, this application has been called to Planning Committee for determination by Cllr Simpson-Vince on the grounds of noise/acoustics and landscaping.

Description of Site:

The application site, known as Site C, lies within the designated West Midlands Green Belt and forms part of the former Peugeot Works complex and therefore the application site is allocated as a Strategically Significant Employment & Major Development Site in the Green Belt in the Rugby Borough Core Strategy 2011. To the north and north-east is Ryton on Dunsmore village whilst to the south is the A423, Oxford Road, with fields beyond. Immediately to the north-west is a public footpath (R147a) connecting Oxford Road to Ryton on Dunsmore village with the site of the former Peugeot Works now known as Site B beyond which has been developed for employment purposes. To the south-west is the A423, Oxford Road, with various properties and the industrial site of Stonemarket and Millboard (at Ryton Lodge). To the south-east is an area of woodland and shrubs known as The Dell, which is in the ownership of the applicant, with Ryton Nurseries beyond.

Site C was used in conjunction with the general industrial use of Sites A & B to manufacture cars and was primarily used to store cars. This use has ceased and the buildings associated with that use have been demolished. Site C has generally remained in the same state since the closure of the Peugeot factory, although some of the former vehicle parking areas are less well defined and part of the site has been used for Heavy Goods Vehicles (HGVs) and trailer storage on a short term basis.

The majority of the site is set below Oxford Road by approximately 3 metres. There is an existing access point located at the north-western corner of the site on to Oxford Road and there is a ramp that sweeps down into the site from this access. Part of the site is surfaced entirely in tarmac whilst another significant section is surfaced in a combination of gravel and tarmac. The edges of the site are surrounded by vegetation and there are several bodies of water predominately along the south-western portion. The site is surrounded by metal palisade fencing. Along the northern and western sides of the site are public rights of way.

A triangular area of densely vegetated land at the northern most corner of the site, adjoining the primary school, is also within the ownership of the applicant.

Description of Proposals:

This is a reserved matters application for the erection of two industrial units, Unit DC8 which will equate to 13,812 square metres in total and Unit DC9 which will equate to 30,989 square metres in total. The application includes matters relating to appearance, landscaping, layout and scale together with ancillary car parking, loading areas, gatehouse, associated road infrastructure, sprinklers tanks and pump house. Access was approved at the outline stage, together with the importation of approximately 88,000 cubic metres of material to raise ground levels and up to 48,750 square metres for Class B8 (storage & distribution uses) and Class B2 (general industry use).

This current scheme will provide 108 car parking spaces, including 7 disabled spaces, and 27 Heavy Goods Vehicle (HGV) tractor/trailer spaces with 21 additional HGV dock levellers and level access spaces for Unit DC8. 252 car parking space, including 7 disabled spaces, and 71 HGV tractor/trailer spaces with 36 additional HGV dock levellers and level access spaces for Unit DC9. The main building of Units DC8 will rise to approximately 11.5 metres to the underside of the eaves and 13 metres to the ridge whilst DC9 will rise to approximately 12.5 metres to the underside of the eaves and 15 metres to the ridge above ground level. Two round sprinkler tanks will rise to approximately 11 metres above ground level together with a pump house approximately 3.5 metres high within the grounds of Units DC8 & DC9. Both sprinkler tanks and pump house will be provided in the western corners of each plot. At the entrance to each service yard a stand alone gatehouse will be provided with a mono pitch roof rising to approximately 4 metres in height above ground level.

The elevation of both main buildings will be broken down into sections and coloured different shades of grey. A two storey office block will project from the northern corner of Unit DC8 rising to an overall height of approximately 10 metres. Some of the glazed windows of the office block section will be surrounded by aluminium brise soleil and horizontally laid timber cladding will also be included on a vertical section of the office building to add further interest to it. A two storey office block approximately 7.5 metres high will be incorporated into the façade of the north-eastern corner of Unit DC9. The windows serving this office block will also be surrounded by aluminium brise soleil flanked by horizontally laid timber cladding. A two storey flat roofed hub will also be built on the western elevation of Unit DC9 amongst the loading bays rising to approximately 10 metres.

An acoustic fence will run along the north-eastern/eastern boundary of the site along with additional landscaping to the northern, western and eastern edges of the site. Details of the footpath enhancements together with new barriers/gates to either end of footpath R147a which runs parallel to the north western boundary of the site have been provided.

Additional soft landscaping with some bunding will be provided around the periphery of the site including hedgerows, grass areas, woodland and thicket mix planting, ornamental shrub planting, and a range of extra heavy, heavy, feathered and coniferous trees. The existing surface water attenuation ponds will be retained.

The applicant's agent has also submitted an updated Ecological Management Plan, Noise Assessment with an additional Technical Note, Landscaping including Tree Retention, Protection & Removal Measures and Footpath Enhancement Measures. Some of these will be addressed separately under the appropriate conditions imposed by the outline planning permission.

Relevant Planning History:

The application site has an extensive planning history over many years with its origins in car manufacturing dating back to 1945. In 2007 the site was split into three separate areas known as A, B & C. The recent site history in relation to Site C is as follows:

Site C:

Use of land for the parking and storage of heavy goods vehicles and trailers with alterations to access and formation of access ramp into the site, plus ancillary development. Approved 16/11/2012

Retention of re-surfaced existing maintenance and emergency access route. Approved 07/03/2013

Outline planning application for redevelopment of 16.69ha of the southern part of the former Peugeot Works site for up to 40,000 square metres for Class B8 (storage & distribution) and B1c/B2 (light & general industry) with up to 20% B1c/B2, including vehicle parking and landscaping; vehicle access from the A423 Oxford Road; importation of c50,000 cubic metres of material to raise ground levels; retention of areas of nature conservation, biodiversity enhancements and improvements to public footpaths. Approved 18/12/2013

Outline planning application for redevelopment of 13.65ha of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, Approved 18/05/2016

gatehouses, car parking, associated road infrastructure (including access onto the A423 Oxford Road) and landscaping, including importation of material to raise ground levels.

Outline planning application for redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)

Approved 05/10/2017

Technical Consultations:

NATS (National Air Traffic)	No safeguarding objection
Coventry Airport	No objection, subject to an informative
Severn Trent Water	No objection, subject to a condition & informative
Natural England	No objection
Warwickshire Police	No comments
Warwickshire Fire & Rescue	No objection, subject to an informative
Highways England	No objection
Warwickshire County Council – Highways	No objection
Warwickshire County Council – Paths	No objection, subject to a condition & informatives
Warwickshire County Council – Flooding	No objection
The Ramblers	No objection, subject to an informative
Environment & Public Realm – RBC	No objection
Coventry City Council	No objection

Third Party Consultations:

Neighbour (1):

Comment Clarity sought re building heights above ground floor; & Has site been considered for housing instead of factory units?

Ryton on Dunsmore Parish Council:

Comment Users of the public rights of way network need to be protected at its junction with the A423 but welcome improvements to footpaths; & No lighting scheme been submitted for site and concerned about light spillage onto adjacent properties or highways.

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan, 2006 Saved Policies:

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking Facilities
T13	Complies	Airport Flight Paths
ED4	Conflicts	Major Developed Sites in the Green Belt
ED5	Complies	Retention of Existing Strategically Significant Employment Sites

Rugby Borough Core Strategy 2011:

CS1	Complies	Development Strategy
CS10	Complies	Developer Contributions
CS11	Complies	Transport & New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, but as the examination process has not been completed, this is very limited, and whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below.

National Planning Policy Framework, 2012
National Planning Practice Guidance, 2014

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012
Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Ryton on Dunsmore Parish Plan, 2012

Assessment of Proposals:

General Principles & Green Belt:

The previous buildings on the former Peugeot Works site had evolved over many years so there was a variety of heights, building materials and styles, but on average ranged between 10 to 12 metres to the eaves. The previous chimney stacks dominated the skyline and were visible from many public vantage points. However, very few structures and buildings occupied Site C and this area, subject to the current application, was mainly used for the parking/storage of cars associated with the car production plant.

The Peugeot buildings which occupied the site had a combined floorspace of approximately 143,064m² over both application sites A and B. The planning permissions in place for both Sites A & B currently permits buildings with a total floorspace of 172,630m², which equated to approximately a 20% increase in floorspace over the original buildings. However, planning permission has been subsequently granted to allow a further 48,750m² on Site C resulting in an approved total floorspace across Sites A, B & C of 221,380m², a 55% increase in floorspace over the original buildings. In both cases the Secretary of State for the Communities & Local Government considered that these increases were acceptable and did not call-in the applications for determination. Nevertheless, following the construction of Units DC1-DC7 across Sites A & B a floorspace of approximately 144,242m² has been formed which is c28,000m² less than that approved for Sites A & B and less than 1% more than the floorspace of the original buildings at the Former Peugeot Works.

Policy CS1 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. As the site lies within the Green Belt this is the least preferred location for new development and Policy CS1 states that new development will be resisted in such areas unless national policy on Green Belts would permit such development.

Saved Local Plan Policy ED4 refers to the site as a Major Developed Site in the Green Belt. It states that planning permission will only be granted for redevelopment if it does not result in built development occupying a larger area than was previously the case or the height of the existing buildings being exceeded, unless there would be an overall landscape benefit. The approach outlined within saved policy ED4 is linked to aspects of the previous Planning Policy Guidance Note 2: Green Belt which is no longer adopted national planning policy and this approach has not been included within the National Planning Policy Framework (NPPF). Although saved policy ED4 is part of the Development Plan, para 215 of the NPPF implies consideration of this policy should not have equal weight to consideration of the NPPF given the variances in approach.

It is clear that the cumulative impact of the proposed development when considered in relation to extant approvals for Sites A, B & C would occupy a larger area than those buildings that were previously across the site and certain sections would be greater than the height of the previous buildings. However, this current application relates to a reserved matters submission to an existing outline application where the parameters have already been established.

Units DC8 & DC9 will lie within the Core Development Zone as approved by the previous outline planning permission and will not exceed 15 metres in height and will total less than 48,750 square metres of floorspace collectively. Therefore this reserved matters submission will accord with the parameters plan.

As mentioned at the outline planning application stage, para 89 of the NPPF states that complete redevelopment of previously developed sites would not be inappropriate development provided that there would be no greater impact on the openness of the Green Belt. It is considered that the proposal will have a greater impact upon the openness of the Green Belt; however, based on the extant planning permissions now across the site this would technically equate to an increase of around 55% compared to the original floorspace of the previous Peugeot buildings, and therefore constitutes inappropriate development. As

required by paras 87 and 88 of the NPPF, very special circumstances will therefore be required in order to outweigh the potential harm by reason of inappropriateness. However, based on the floorspace of the Units now built out across Sites A & B, the total increase of new floorspace as proposed on Sites A, B & C combined would equate to an approximate 32% increase over the original buildings instead.

The proposal would lead to the more effective use of previously developed land which is allocated as a Strategically Significant Employment & Major Development Site in the Green Belt. Whilst the proposal will further increase the amount of built development on the former Peugeot site, it will not have a greater impact on the purposes of including land within the Green Belt as set out in para 80 of the NPPF, particularly owing to its designation.

Saved policy ED5 of the Local Plan, Strategically Significant Employment Sites, protects the site and seeks to ensure that the employment use of the site is retained to provide an overall range and mix of uses that maintain the local economy. Policy ED5 states that uses B1, B2 and B8 will be permitted but that development for other purposes will not be permitted. The supporting text to this policy emphasises that the retention of such sites is an essential complement to the allocation of new employment sites, and seeks to minimise development of Greenfield land for employment use. This application therefore complies with saved policy ED5.

Section D9 of the 2012 Parish Plan refers to 81% of respondents feeling there should be more encouragement for jobs and home based working. Therefore, it is considered that the proposal does not conflict with the Parish Plan and accords with Policy CS2.

The economic benefits of the application were detailed in the outline planning application assessment and how this was a significant factor that contributed to very special circumstances and weighed in favour of the proposal in terms of sustainable development.

Although the ground level is to be raised, the works will bring the finished floor level of the building/s to a height approximately 1 metre below the carriageway of the Oxford Road. The existing landscape buffer zone along Oxford Road will be retained at around 45 metres to 60 metres and the area of The Dell will act as a further landscaped zone resulting in the development being over 100 metres from Leamington Road. The retention of existing landscape features around the site, including their future management/maintenance is welcomed. Further landscape improvements are also proposed, particularly along the north eastern and north western boundaries as well as at the old Oxford Road access and this would address the principles of saved Policy GP2. However, it is acknowledged that such features would not be so significant to outweigh the conflict with saved Policy ED4 as stated above and within the original outline planning application assessment.

In conclusion the site will have an impact on the Green Belt through the introduction of new built development on the site. However, this is a reserved matters submission where the principle of redevelopment for employment purposes has been established. This point along with the significant economic benefits that will result should be given significant weight.

Highways:

Access to the site was considered at the outline planning stage. That permission was subject to a Section 106 legal agreement that included traffic management measures relating to the routing of HGVs and the submission of a Green Travel Plan. Therefore, this element has already been accepted.

Appendix 2 of the Planning Obligations Supplementary Planning Document (SPD) 2012 indicates that based on the floorspace of Unit DC8 a maximum of 229 car parking spaces for Class B8 use or a maximum of 305 car parking spaces for Class B2 use is stated. This current scheme will provide 108 car parking spaces, including 7 disabled spaces, and 27 Heavy Goods Vehicle (HGV) tractor/trailer spaces with 21 additional HGV dock levellers and level access spaces for Unit DC8. Based on the floorspace of Unit DC9 a maximum of 514 car parking spaces for Class B8 use or a maximum of 685 car parking spaces for Class B2 use is stated in the SPD. The current scheme will provide 252 car parking spaces, including 7 disabled spaces, and 71 HGV tractor/trailer spaces with 36 additional HGV dock levellers and level access spaces for Unit DC9. In both cases the intended car parking provision is significantly below the maximum guideline figures for car parking provision but they would still comply with the standards, as it is a maximum figure sought. There is no specific standard for the parking of commercial vehicles as these are considered on a case by case basis, but based on other operational parts of the Prologis Ryton site sufficient parking is judged to have been given.

Sustainable development underpins the core principles of planning and the need to encourage sustainable modes of transport is key in order to address the causes and potential impacts of climate change through reducing carbon emissions and reducing the dependence on the private car. The Section 106 legal agreement signed as part of the outline application incorporated the requirement for a Green Travel Plan for the site, which this proposal would have to adhere to.

Owing to the sizes of the buildings and depending on its end use (ie Class B2 or B8) between 27 to 39 & 62 to 88 cycle spaces would be required for Units DC8 and DC9 respectively. Despite an area of cycle parking provision being indicated on the submitted plans, Condition 21 of the outline application will require full details to be submitted to the Local Planning Authority for consideration prior to its first occupation. Therefore, it is considered that a satisfactory level of cycle parking can be accommodated on site based on the layout plan submitted as part of this reserved matters application.

The Parish Council whilst welcoming the improvements to the footpaths have reiterated their concerns about the safety of rights of way users crossing the Oxford Road. At the outline planning application stage the Highway Authority stipulated that such works were not necessary as part of the latest proposals and therefore whilst it may be desirable it would be unreasonable for the Local Planning Authority to insist upon its provision as part of the application. Nevertheless, the applicant's agent accepts the improvements to footpath R147a should extend up to the carriageway with Oxford Road as detailed on the submitted plans and would not object to the principle of installing a pedestrian safety barrier. However, between the edge of the site and the Oxford Road does not belong to the applicant and lies outside the application boundary. Therefore, these improvement works would need to be provided through highway legislation separate to the planning process.

The existing emergency access corridor which runs between Leamington Road and the site adjacent to The Dell will also act as a pedestrian and cycle access to and from the site in order to enhance linkages with the village of Ryton on Dunsmore. The principle of this was previously approved under past outline applications.

Both Highways England and the Highway Authority have raised no objections to the reserved matters proposal.

Based on the site's location to the strategic road network, proximity to the city of Coventry, adjacent to a relatively frequent bus route, past use of the wider former Peugeot site and planning policies affecting the site, the development is considered to be sustainable. Therefore, it is considered that the proposals would comply with saved policy T5, policies CS10 & CS11 and the NPPF.

Warwickshire County Council Rights of Way Team have mentioned that the alignment of footpath R147 adjacent to the school boundary is different on plan and on the ground when compared to the definitive map. This is a separate legal matter that would be addressed outside the planning process. They have raised no objection to the application and accept the specifications and installation of the proposed gates. Remarks relating to the obstruction of the footpaths and position of vegetation adjacent to the rights of way were addressed by Informative 15 on the outline planning permission and remain valid. The Ramblers have raised no objection to the development.

Design & Appearance

The removal of the vast mix of buildings, which formed a hotchpotch arrangement across Sites A & B of the Former Peugeot Works site, with the replacement of a series of modern buildings has been welcomed. Units DC8 & DC9 will continue with the same design parameters with panels of different shades of grey cladding along the elevations broken up by vertical sections with a high level dark blue band. This treatment together with an overhanging eaves and shallow pitched roofs will assist in creating relief to the bulk of the overall buildings and will be of similar appearance to the new industrial buildings recently erected on the Prologis Ryton site. Both Units DC8 & DC9 will be prominent and will be visible from various public vantage points, including both the surrounding highway network and public rights of way.

The principle of raising the ground levels by approximately 2 metres and having up to two industrial buildings with a maximum roof ridge height of 15 metres was agreed by the parameters plan approved at the outline planning application stage. The submitted reserved matters scheme accords with these limits.

Although Site C (the application site) historically had very few structures positioned on it, the provision of the modern streamlined buildings would continue the built form of development of the Prologis Park on Sites A & B. The principle of these buildings has been agreed at the outline stage and would result in two further buildings that would complement other buildings on the adjacent site in terms of their design and appearance and therefore the proposal would comply with policy CS16 and the NPPF.

Amenity:

At the time of consideration of the planning application for 29 dwellings at Warren Fields, R14/0011, Members of the Planning Committee were keen to ensure adequate acoustic mitigation measures were put in place by the developers of Site C.

Based on previous noise assessments for development on Site C, it has been accepted that an increase in ambient noise level was acceptable. However, based on those past assessments the majority of receptors analysed would have experienced an increase of less than 1 decibel. Accompanying this Reserved Matters submission were details pursuant to Condition 7 of the outline planning permission in relation to noise and acoustic mitigation measures. The latest noise report has shown that the impact of noise emissions from the site, with the proposed acoustic barrier in place, will be no worse than those previously accepted by Rugby Borough Council. This included an additional note with the technical calculations to demonstrate that an acoustic fence along the full north eastern boundary would previously result in reducing noise levels further.

Although the full technical noise details will be approved separately under Condition 7, these latest submissions have demonstrated that noise from the proposed scheme can be adequately mitigated. The Council's Environment & Public Realm Section have previously confirmed at the outline stage that subject to the installation of an acoustic barrier and the provision of mitigation measures being adhered to, including conditions relating to fixed plant, broadband reversing alarms, construction method/management statement and hours of construction, the relationship between existing/future residential receptors and the intended industrial development would be acceptable. The Environment & Public Realm Section have confirmed that they have no objection to the Reserved Matters submission. Ultimately the finer technical details of the design of the fence will be agreed under Condition 7 but what the plans show is that an acoustic fence will be provided along the entire north eastern boundary.

The most affected existing residential properties by the proposed development are those on Soden's Avenue, Warren Close, Ryton Lodge & Lodge Cottage on Oxford Road, Warren Farm and the proposed dwellings at Warren Fields. The closest existing residential properties to Unit DC8 will be Lodge Cottage on Oxford Road at approximately 106 metres away and 39 Soden's Avenue at approximately 108 metres away. The closest existing residential properties to Unit DC9 will be 10 Warren Close at approximately 105 metres away and Warren Farm at approximately 130 metres away.

However, following the granting of full planning permission at Warren Fields for 29 dwellings, the closest property to Unit DC9 will become Plot 12 at approximately 44 metres away. This potential relationship was known when the application for the 29 dwellings was considered and based on the exact position of Unit DC9 has resulted in a slight betterment as the separation distance has increased from approximately 32 to 44 metres. Plot 12 will run parallel to the site boundary between Site C and Warren Fields so Plot 12 does not directly face Unit DC9. Plots 21/22 will face the side elevation of Unit DC9 but at a distance of approximately 78 metres away.

The finished ground floor level for the intended buildings on Site C once the material has been imported into the site would be approximately 1 metre below those properties Soden's Avenue whilst being a similar level to those properties on Warren Close and approximately 1 metre above Ryton Lodge & Lodge Cottage. However, the finished floor level would be approximately 0.5 metres higher than Warren Farm and approximately 0.75 metre higher than the land known as Warren Fields.

The submitted landscape plans illustrate that along the majority of the north-eastern edge of the site a landscaped bund is to be provided with a woodland and thicket mix of planting, including oak, alder, birch, maple, hazel, hawthorn and scots pine, and a mix of extra heavy standard trees and coniferous trees. The landscape bunding will rise to a maximum of around 3 metres at its highest point above the finished floor level of the industrial units. Adjacent to Unit DC8 and the main route into Site C an acoustic fence of approximately 5.75 metres will be provided which will drop to approximately 4.5 metres high adjacent to

Unit DC9 and its associated car park. It is anticipated that the soft landscaping on the bunds and adjacent to them will have grown by 4 to 5 metres in height within 10 years of being planted.

However, owing to the aforementioned distances, together with the provision of comprehensive areas of soft and structural landscaping it is not considered that the proposed development would overshadow or have an overbearing impact upon those existing properties or those planned for Warren Fields.

A landscape belt already exists between Site C and Provost Williams C of E Primary School. The landscape plans show this existing belt being enhanced and expanded, with footpath R147 running through it, to between 25 to 55 metres in depth. The closest school building to Unit DC8 will lie approximately 105 metres away.

Based on the scale, appearance and layout of Units DC8 & DC9 the buildings would not over dominate or result in a significant loss of light to those neighbouring residential properties, including the adjacent school.

The Parish Council have raised concerns regarding potential light spillage from the site on to neighbouring properties and the highway network. This is a valid concern as there has previously been complaints following the installation of external lighting at other sites on Prologis Park. However, this matter will be addressed in detail as part of Condition 14 in due course.

Subject to a series of conditions and informatives imposed at the outline planning stage, the scheme is acceptable in amenity terms and therefore, the proposal is considered to accord with policy CS16 and the NPPF.

Landscaping & Ecology:

At the outline planning application stage the Landscape Visual Impact Assessment (LVIA) concluded that the effects of developing Site C were considered to be predominately localised and contained within a reasonably small area. It considered that the implementation and ongoing maintenance of the landscape proposals would ensure that they develop to provide an element of mitigation which will limit the residual effects and that there would be no significant residual landscape or visual effect. A substantial element of soft landscaping already surrounds the site with the The Dell EcoSite to the south east; a series of ponds and established vegetation to the south west and west, including a mature hedgerow running alongside the A423 Oxford Road; small woodland and scrub area to the east and north east with footpath R147 running through it; and existing scrub and thicket to the north west with footpath R147a running through it.

The submitted landscape plans will continue the extensive provision of soft landscaping around the site. As mentioned above under the Amenity section additional landscaped bunds and vegetation will be formed and planted along the eastern and north eastern edge. Large areas of woodland and thicket mix planting together with extra heavy standard, heavy standard, coniferous and feathered trees, hedging, ornamental shrub planting and grassland will also be provided adjacent to footpath R147a and at the existing access off Oxford Road which will be stopped up. Extra heavy standard trees will also be planted through the car park to Unit DC8 along with ornamental shrubs whilst the car park to Unit DC9 will have a smaller section of extra heavy standard trees adjacent to some thicket mix planting and meadow grass areas. A series of bat and bird boxes and various hibernaculums will also be provided around the edges of the site.

The site lies within the Princethorpe Woodland biodiversity opportunity area. Policy CS14 refers to enhancing the Green Infrastructure Network and where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local Green Infrastructure networks or assets, where present. The majority of the existing landscaping around the perimeter of the site will remain and will be strengthened by new planting, particularly around the edges of the site.

This Council is considering the potential for the Community Infrastructure Levy to create a fund for the enhancement of Strategic Green Infrastructure in the future. This matter is ongoing and to date nothing has been finalised. Therefore, it is considered that the degree of landscaping being retained and enhanced would accord with the principles of Policy CS14 and saved Policy GP2.

Natural England have confirmed that they are satisfied with the proposed development and that the Ryton Wood, Ryton & Brandon Gravel Pits & Brandon Marsh Sites of Special Scientific Interest (SSSIs) did not represent a constraint in determining the proposal and thereby raised no objection. Details of the

Woodland Management Plan for The Dell EcoSite and a Combined Ecological & Landscaping Scheme have also been submitted pursuant to Conditions 27 & 29 respectively. Whilst these will be considered separately to the reserved matters application, Warwickshire County Council (WCC) Ecology Unit have indicated their in principle acceptance to the details submitted. The Council's Arboricultural & Landscaping Officer has also raised no objection.

Overall the proposal is considered to also accord with saved Policy E6 and the NPPF.

Other Matters:

The site lies relatively close to the take-off/approach path at Coventry Airport. Coventry Airport and NATS/NERL Safeguarding have confirmed that they raise no objection to the application, subject to informatives particularly regarding cranes. Informative 3 of the outline planning permission refers the applicant/developer to aviation safeguarding guidance notes, and thus the proposal would accord with saved policy T13.

Warwickshire County Council Fire & Rescue Authority have referred to the proposal needing to comply with Building Regulations in relation to fire safety with particular reference to access road positions, turning circles and hammer heads etc. These regulations are addressed separately to the planning process but the submitted plans do not show that there would be inadequate access for fire vehicles and Warwickshire County Council as Highway Authority has not objected.

Matters regarding drainage; air quality; ground contamination; sustainable design & construction; and heritage, in particular archaeology; were addressed at the outline planning application stage and existing conditions remain in force and would need to be complied with in respect of the intended development of the site with Units DC8 & DC9.

As detailed at the outline planning stage an area of approximately 0.26 hectares (0.65 acres) currently in the ownership of the applicant is to be a potential school conservation area. It is understood that negotiations regarding the transfer of the triangular piece of land for use by the school between the applicant and Warwickshire County Council have stalled and cannot be progressed until the footpath has been diverted so it would not end up running through the school site. The provision of the school conservation area is not a fundamental requirement of the proposed development nor is it required to justify the development. Ultimately it will be a matter between the owner of the land and the school, however, owing to the topography of the site, its relation to Units DC8 & DC9, and the existing footpaths in the locality, it would be a logical use of this part of the site.

It is understood that the transfer of The Dell to Ryton on Dunsmore Parish is still the intention of the applicants. However, as this is a voluntary arrangement they do not wish to delay the processing of this application and wish to pursue this outside of the planning process. Ultimately this is a matter of land ownership and Condition 27 of the outline planning permission seeks the requirement for an updated Woodland Management Plan for The Dell which will be addressed separately.

On previous reserved matters applications for Site B reference was made to the erection of Unit DC2 (Network Rail) affecting the television reception of nearby dwellings. The NPPF states that Local Planning Authorities need to consider the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services. No further guidance is given on this matter, however, the superseded Planning Policy Guidance Note 8 on Telecommunications considered that digital television signals are far more robust than analogue and as viewers change to digital this should eliminate such problems of interference. The applicant in relation to Site C has previously indicated that they are prepared to work with local residents if such problems occur because of their development, but owing to the site's location in relation to signal direction from the Sutton Coldfield transmitter they do not envisage many issues this time.

Conclusion:

Overall the proposal is considered acceptable and subject to conditions and a legal agreement imposed at the outline stage, as well as an additional informative imposed on this decision, the proposal would not conflict with the Development Plan. In addition, it is considered that the aforementioned policies of the Core Strategy are in conformity with the NPPF and should be given their full weight.

Recommendation

Approval of reserved matters in relation to appearance, landscaping, layout, and scale, subject to additional informative.

DRAFT DECISION

Planning Permission Reference

R16/2561

Date of Permission

5th October 2017

Development

Application for Reserved Matters for Units DC8 & DC9 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, associated road infrastructure, sprinkler tanks and pump house, against outline planning permission R16/2561 (for the redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)).

Address of Development

FORMER PEUGEOT FACTORY SITE C (PROLOGIS PARK), OXFORD ROAD, RYTON-ON-DUNSMORE, CV8 3EA

Condition Number & Details

3a, 3b, 3c & 3d (Layout, Scale, Appearance & Landscaping)

Plans & Details Approved

Site Layout Plan ref 30714-PL-201 K;
Units DC9 Elevation ref 30714-PL-205 F;
Site Layout Plan ref 30714-PL-215 H;
Units DC9 Elevation ref 30714-PL-217 E;
all of the above received by the Local Planning Authority on 21st February 2018;

Unit DC8 Site Layout Plan ref 30714-PL-202 G;
Unit DC9 Site Layout Plan ref 30714-PL-203 G;
Units DC8 Elevations ref 30714-PL-204 F;
Unit DC8 Ground Floor Plan ref 30714-PL-206 D;
Unit DC9 Ground Floor Plan ref 30714-PL-208 D;
Units DC8 Elevations ref 30714-PL-216 D;
all of the above received by the Local Planning Authority on 22nd December 2017;

Landscape Concept Plan 26 B; &
Landscape Concept Sections 1 of 2 Plan ref 29 B;
Both of the above received by the Local Planning Authority on 20th December 2017;

Footpath Enhancement Plan ref 27 A;
Pedestrian Access Gate Detail Plan ref 28 A; &
Landscape Concept Sections 2 of 2 plan ref 30 A;
all of the above received by the Local Planning Authority on 18th December 2017;

Plot C Site Location Plan ref 30714-PL-110A;
Units DC8 Office Floor Plans ref 30714-PL-207A;
Unit DC9 Office Floor Plan ref 30714-PL-209A;
Unit DC9 Hub Office Floor Plan ref 30714-PL-210;
Unit DC8 – Gatehouse Plan ref 30714-PL-211;
Unit DC9 – Gatehouse Plan ref 30714-PL-212;
Unit DC8 – Sprinkler Tanks Plan ref 30714-PL-213; &
Unit DC9 – Sprinkler Tanks Plan ref 30714-PL-214;
all of the above received by the Local Planning Authority on 27th November 2017.

Informative:

The applicant/developer is advised that in accordance with Condition 30 of outline planning permission R16/2561 to which this Reserved Matters decision relates, a pedestrian safety barrier and footpath improvements to public right of way R147a between the application site boundary and the Oxford Road/A423, shall be installed/undertaken prior to the first occupation of any building on site.

Reference number: R17/2078

Site address: Top Farm, Long Itchington Road, Birdingbury. CV23 8EQ

Description: Demolition of existing 2 no. agricultural buildings and construction of 1 no. single-storey agricultural building and ancillary structures including highway access.

Case Officer Name & Number: Nigel Reeves 01788 533489

Introduction

This application is to be determined by members of the planning committee as it comprises major development, with a total floorspace exceeding 1,000 sq.m. This application was deferred from the previous meeting at the request of the applicants.

Description of Site

The application site comprises a small farm holding (Top Farm) containing a farm house and ancillary buildings plus 3 larger open barns immediately to the west, surrounded by a number of agricultural fields laid to grass. There is a planted mound around the SW and NW edges of the barns. It is located to the north of Long Itchington Road and is approximately 1.05 km from Birdingbury village to the north-east and approximately 1.5km from Marton village in a north-westerly direction.

The site is located within an area of countryside and extends to an area of approximately 0.23ha. The wider site comprising the surrounding fields measures approximately 21.5ha (53 acres).

A public bridleway (R216) runs through the site, following the farm track, linking Long Itchington Road to the surrounding countryside to the west.

The immediate context and surroundings of the site can be defined as open agricultural grassland. To the north of the site is the village of Birdingbury, which is classed as a Local Needs Settlement in the Core Strategy (2011). There are also other farms and agricultural small holdings located closer to the site – including New Farm 450m to the north-east, a smallholding 350m to the north-west and Davenport Farm on Long Itchington Rd 650m to the South-East.

Description of Proposal

The proposal has been submitted as a full planning application.

The proposal seeks approval for the following:

- Demolition of existing 2 no. agricultural buildings and
- The construction of 1 no. single-storey agricultural building and ancillary structures
- Improvements to the existing highway access onto Long Itchington Rd.

The application is supported by the following:

- Application Form
- Site Location Plan
- Site Layout Plan
- Plans and Elevations of the Proposed Building
- Design & Access Statement
- Environmental Statement
- Preliminary Ecological Appraisal
- Landscape Visual Study

Originally when this application was discussed at the pre-application stage, it was intended to retain all of the barns on the site and simply infill between or extend them to the north. The submission proposal has now been re-designed so that the two lower barns will be removed and a new slightly taller building sited on roughly the same site as the pre-application proposal is now proposed.

The separate farm house and ancillary buildings will remain un-changed, with the only incursion of development will be to the north-east of the new building into part of the open countryside.

The new building will have an overall footprint measuring 1,959 sq.m and the height to the ridges measuring 6.68m. It has two ridges and a central valley, which aligns with the ridge on the retained barn (which is slightly higher at 6.86m). At the front there will be two covered HGV loading bays. To the rear there will be a new sprinkler tank and the existing barn will be retained to provide space for other plant and materials storage. The new building and sprinkler tank will be constructed in box profile steel cladding/steel (both coloured – juniper green) and the roof will be of the same box profile steel cladding (colour – dark green). All doors will be coloured dark grey.

The farmyard is proposed to be extended in a north-easterly direction, to create an open area where the below ground waste water treatment facility will be sited as well as access roads and an area containing Calor LPG tanks with an exclusion zone. The existing bund will be extended in a NE direction and new planting/visual screening provided along the new boundaries.

A new parking area for 12 cars will be provided adjacent to the farm house and a one-way circulation introduced for HGVs to enter and leave the site. The existing farm access drive will contain a HGV passing place and the site entrance will be widened in a westerly direction to allow HGVs to enter and leave the site in the direction of the A423 via Long Itchington Rd only.

The purpose of the building is to hatch day old chicks. Eggs will be transferred to the site on HGVs from specialist farms in Scotland and then put into incubators within the new building and then hatched. When hatched they are then transported off-site to another facility. The proposed facility will employ 12 staff – 7 full-time and 5 part-time and a permanent manager will live on the site.

The hours of operation will be 06:00 to 14:00 and deliveries and collections will be limited to between 09:00 and 16:00, during weekday periods only. It is expected that 12 staff car movements to and from the site will occur daily but more intermittent visits by 16 tonne lorries and HGVs will occur with an average of 55 per month.

Relevant Planning History

None relevant

Third Party Comments

Neighbours 1 comment received raising the following concern:

- What provision has been made for the safety of horse riders along the track to the farm which is a public bridleway?

Marton Parish Council – no comments received.

Birdingbury Parish Council – Concerned that they have not been formally consulted.

(NB. Normal RBC planning protocol is to consult only the Parish in which the application site lies).

Birdingbury Parish Council have subsequently provided a formal response raising the following concerns:

- Most concerning issue relates to site access
- It is vital that no HGV's access the site from Long Itchington Rd via the village to the North-East
- A sign should be erected at the Birdingbury Rd junction with the A423 at Marton preventing HGVs accessing the village
- The majority of Long Itchington Rd is in poor condition and the Parish Council believes that significant improvements to the surface of the road are required to make it safe for increased use by HGVs.
- This route is also part of the R41 National Cycle Way and there may be danger with HGVs passing cyclists, especially where there is a lack of suitably surfaced and sized places along this section of road

- Any development with this road used by HGVs should be conditional on significant improvements to the road to make it suitable and safe to use and for it to be added to the road gritting schedules.
- Concern about safety at junction of Long Itchington Rd onto the A423, where large HGVs would have to turn either left or right.
- The site can be viewed more clearly from an alternative position on Stockton Rd (close to Glebe Farm) than the position chosen in the Landscape Visual Survey (View 3). However, we are please that an appropriate dark green colour blend is chosen to help the building blend into the landscape.
- View 2 Figure 5 is taken from a lower position on Marton Rd – properties in Birdingbury look across the valley towards Top Farm. The Landscape Visual Survey should also consider these views.
- Concern about noise across the valley from agricultural machinery, back-up generators, noise from beacons on reversing vehicles – the residents of Birdingbury and Lairhillock Park are not considered in the Environmental Statement.
- Poultry farming has a reputation for being smelly. We would seek assurances from the Environmental Health Officer at RBC that residents will not suffer from odours from either waste, plant cleaning and plant and machinery emissions.

Rugby Ramblers Association – no comments received

Technical Consultee Responses

WCC Highways

No objection subject to conditions.

WCC Right of Way Team

Object: Whilst application plans show the bridleway (R216) taking a straight course along the SW site boundary, the route shown on the definitive plan shows a dog leg and instead it runs through the site of one of the dutch barns and part of the embankment. The recorded alignment of the public bridleway must therefore remain open unless a diversion order is made or the site layout is adjusted so allow the current recoded alignment to remain open.

WCC Ecology Unit

No objection – the site has no specific nature conservation designation and there are no records of protected species within the application site. Recommend conditions.

RBC Environmental Protection

No objection subject to appropriate conditions and informatives.

Determining Considerations

The main considerations in respect of this application are the principle of development, design and appearance of the new building, landscape impact, impact on residential amenity and highway and parking standards. The impacts of each of these matters are then balanced in the conclusion.

Assessment of Proposal

1. Principle of development

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seek to locate development sustainably within this hierarchy based on a sequential preference. CS1 states “It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.” The site is located within an area of the Borough designed as countryside and Policy CS1 states that only where National Policy allows will development be permitted.

National Planning Policy pertaining to development in the countryside is contained within the NPPF in paragraph 28. This seeks to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In particular it seeks to promote the development and diversification of agricultural and other land-based rural businesses.

The proposal is on an existing farm unit and will result in a total of 7 full-time and 5 part-time jobs being created. It will involve an agricultural process (i.e. the rearing of chicken hatchlings) which is an appropriate use in a countryside location, and is thus in compliance with Policy CS1 and the NPPF.

2. Design and Appearance

The proposal involves the re-development of an existing farm complex and most of the built form is contained within the existing built footprint of the farmyard apart from a slight projection into the countryside in a NE direction.

The new building will not be taller than the existing open barn that is proposed to be retained and will be constructed in box profile steel cladding (colour – juniper green). This is an appropriate material and colour to be used in agricultural locations and will help the development to blend in to its surroundings.

The other parts of the farm complex will remain broadly the same as previous and the existing fields surrounding the farm will be rented out to tenant farmers so that it remains in viable agricultural use.

3. Landscape and Visual Impact Assessment

The site currently consists of the main farm house and adjoining dutch barn/ancillary farm buildings, plus a separate grouping of three larger barns. The proposed development will be sited on the position of the separate group of barns, which is screened to the south and west by substantial planted earth banks.

The wider site consists mainly of established managed hedgerows which form a network of agricultural fields, linking with the wider rural landscape.

A public bridleway runs across the site (R216).

The Warwickshire County Council's Landscape Assessment of the Borough of Rugby 2006 identified the site as falling within the Feldon Vale Farmlands (i.e. an area of broad flat clay vales with few roads or settlements). Extensive areas of permanent pasture still remain a feature of this landscape and tree cover is sparse.

A Landscape Visual Study has been prepared to support the application. Potential views of the new development were assessed from 3 viewpoints:

- View 1 – Long Itchington Rd (just past entrance to Sandpit Farm)
- View 2 – Marton Rd (adjacent to entrance to New farm)
- View 3 – A426 (looking westwards)

The site at Top Farm is not discernible or prominent when viewed from any of the above viewpoints, due to intermediate tree planting, hedgerows or landform. Views of the development will be visible from users of the public bridleway passing the site and partly visible from New Farm.

The Landscape Visual Study concludes that:

- there is little evidence of clear views of the development site from the above locations
- The significance of change in view as a result of the development is likely to be low
- Any possible distant views from the edge of Birdingbury and Marton Road (to the NE of the site) would be mitigated by the proposed planting on the site boundary.

It is therefore considered that the proposed development would not adversely impact upon the local landscape character and visual amenity of the area, and would thus be in accordance with policy CS16.

4. Biodiversity

Policy E6 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. This policy is

consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

WCC Ecologists have assessed the application and raised no objection subject to conditions relating to the protection of existing hedgerows if any new sewer pipes run close to existing hedgerows, to prevent the disturbance of protected species and hedgehogs which may be present.

The additional native planting along the NE site boundary is welcomed. An informative is recommended regarding proposed lighting to prevent light falling on potential roosting areas as well as foraging areas for bats.

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

One of the core principles outlined within paragraph 17 of the NPPF sets out the need for planning to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. This is then further expanded upon in section 4 of the NPPF which also sets out the need to consider the suitability and safety of accesses.

Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. The Planning Obligations SPD expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

5.1 Highway

The existing farm access drive will contain a HGV passing place and the site entrance will be widened in a westerly direction to allow HGVs to enter and leave the site in the direction of the A423 via Long Itchington Rd only. The plans also show road markings and signage to prevent HGVs turning left towards Birdingbury village. Visibility splays of 120m x 2.4m are also provided either side of the access point.

WCC Highways have assessed the application and raised no objection to the principle of an access point in this location, or the use of the surrounding highway network by this development.

5.2 Public Right of Way

WCC Rights of Way team have assessed the application and comments as follows.

As recognised in the application, public bridleway R216 crosses the application site and runs along the track used to access the site. The recorded alignment of this public footpath is shown on the attached extract of the Definitive Map, the legal record of public rights of way.

Unfortunately the public bridleway alignment shown on the application plans does not correctly reflect the legally recorded alignment shown on the Definitive Map. Whereas the application plans show the public bridleway taking a straight course along the south western site boundary, there is a dogleg in the route recorded on the Definitive Map which runs alongside the existing Dutch Barn and cuts further into the site. It appears that the recorded public bridleway route would pass through the proposed vehicle washing area and may in fact run over the existing embankment.

It is appreciated that the route shown on the application plans may reflect the route currently walked on the ground but it is the route recorded on the Definitive Map that is legally required to be open and available for public use.

The applicant may therefore wish to consider applying to legally divert the public bridleway onto the route shown on their plans which may also present an opportunity to take the public bridleway around the building complex and away from routes used by HGVs within the site, if this is considered desirable in terms of pedestrian safety.

A legal order would be required to divert the public footpath. As the diversion would be necessary to enable development the order would be made by Rugby District Council as Planning Authority but the alignment and specifications of the proposed route would need to be agreed with the Rights of Way team as Highway Authority.

The Rights of Way team must raise an objection to the current proposals given that the recorded alignment of public bridleway R216 could be affected by the proposed vehicle washing area. However, we would be willing to withdraw our objection if the application is revised to our satisfaction either to include a proposed public bridleway diversion or by revising the site layout to ensure that the current recorded alignment is open and suitable for public use.

It appears on the ground that the line of the bridleway was re-aligned a number of years ago to avoid the grouping of barns, although a formal diversion order was never made. The applicant proposes to make a legal order to divert the bridleway, as soon as a decision is made on this planning application, and this would thus overcome the above objection..

5.3 Parking provision.

It is considered that the proposed development would contain adequate parking spaces around the farm complex for the employees as well as visitors in accordance with policy T5.

6. Residential Amenity

The immediate context and surroundings of the site can be defined as rural with sporadic farm development in the immediate locality.

To the north-east of the site is the village of Birdingbury, which is positioned on raised ground approximately 1.05 km away. It is also approximately 1.5km from Marton village in a north-westerly direction. There are also other farms and agricultural small holdings located closer to the site – including New Farm 450m to the north-east, a smallholding 350m to the north-west (with Lairhillock Mobile Home Park beyond) and Davenport Farm on Long Itchington Rd 650m to the South-East.

As set out in the Landscape Visual Study, the site is fairly isolated and the general landform and existing bunding around the existing barns, will in the main screen the new building from direct views of it. Some distant views will be possible from the rear of a limited number of properties on the south side of Marton Rd in Birdingbury village, however, the buildings replace existing barns and there is a backdrop of planting on the bund to the rear. Additional planting will also help the buildings to be less prominent in the landscape.

The Environmental Statement submitted with the planning application details how environmental matters, such as noise, waste management, odours, air quality and hazardous substances are addressed and mitigated. Sources of noise include vehicle movements, boilers and heating plant, generators and refrigeration plant. Appropriate measures are included to mitigate these matters and it is not expected that these will lead to any discernible problems given the surrounding land form and distances from nearby receptors (i.e. farms).

The process will involve large volumes of water to wash down the equipment on a regular basis. As a result a waste water treatment plant is proposed to be constructed to deal with this given the likely inadequacy of the nearby sewers in this rural location. Other waste will be removed by specialist contractors.

Two potential sources of odour occur at this type of facility – waste water from the facility wash down and from the process waste. Odours will be contained within the waste water plant, apart from occasional routine maintenance when the system covers need to be opened. Any odour will be localised and will

quickly dissipate into the wind. Process waste will be collected by a vacuum system and contained within a closed storage area.

Given the rural location, the elevated situation of the site and location of the plant, it is not considered that any harmful concentrations of NO_x emissions would result. In addition the level of HGV traffic plus cars/vans visiting the site on a daily basis is low.

It is therefore not expected that the proposal will generate abnormal noise and odours, over and above those which would normally be expected in the countryside. No objections have been received from RBC Environmental Protection, subject to a number of advisory notes relating to animal welfare and waste treatment

A condition is recommended that the existing farmhouse at Top Farm is only occupied by either the Premises Manager or a direct employee working at the hatchery, to prevent any possible noise and disturbance complaints, if the property is sold or rented to third parties who are unconnected with the operation.

An 'hours of use' condition restricting delivery vehicles and employees to weekdays only is also included.

A further condition is also recommended to restrict the use of the building solely for the hatching of day old chicks and associated processes, so that it cannot be used for any other fowl or animal rearing or storage purposes, unless this is first agreed in writing by the Local Planning Authority. This is because certain animal rearing activities can result in odours being dissipated into the air over a wider area, and is required to allow the Local Planning Authority to consider the acceptability of any alternative uses including environmental protection measures

On the basis of the above, it is not considered that the proposed development would have an adverse impact upon the amenities of this neighbouring property in accordance with policy CS16.

7. Agricultural Land Designation and Use

The site edged red comprises part of a larger area of agricultural land within the overall the agricultural unit.

The proposal though involves the redevelopment of existing barns and yards, with only a small encroachment into the adjoining field (amounting to approximately 4,000 sq.m)

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

The application site has been assessed as being a combination of 3b and 5 agricultural land.

The NPPF makes reference to 'significant development of agricultural land'. There is no definition of what can be construed as 'significant', and there is no defined threshold for assessing the effects of non-agricultural development on agricultural land.

The site is not of a significant size and it is considered that the loss of 4,000 sq.m of Grade 3b and 5 moderate to poor agricultural land is therefore not significant in the context of paragraph 112 of the NPPF.

8. Conclusion

It is considered that the proposal would constitute appropriate development within the Countryside being an agricultural use.

In addition, it is also considered that the design of the proposed development would not adversely impact upon the local landscape character and visual amenity of the area, and would thus be in accordance with policy CS16, which should be given substantial weight.

Appropriate planning conditions and informatives are proposed to protect nearby residential amenity.

The arrangements for access/egrees from Long Itchington Rd are considered to be acceptable and will prevent HGVs turning towards Birdingbury village.

Although an objection has been raised as part of the line of Public Bridleway R216 is affected by the development, this can be overcome by a public bridleway diversion application to the Borough Council.

The application is therefore considered to be acceptable in all aspects.

Recommendation

APPROVE subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R17/2078

DATE VALID

20/11/2017

ADDRESS OF DEVELOPMENT

Top Farm
Long Itchington Road
BIRDINGBURY
CV23 8FQ

APPLICANT/AGENT

Mr J Lester

Aviagen Ltd
C/O Corstophine & Wright
The Old Library
Hagley Rd
Stourbridge
DY8 1QH

APPLICATION DESCRIPTION

Demolition of existing 2 no agricultural buildings and construction of 1 no. single-storey agricultural building with associated plant and ancillary structures including highway access works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1.

The development hereby permitted shall be commenced within 3 years of the date of this decision

CONDITION 2.

The development shall be built in accordance with the following plans submitted with this application:
- 0200 P-00 Site Location Plan

- 0203 P-00 Existing Farm Site Plan
- 0230 P-00 Existing GA Elevations
- 2001 P-00 Proposed Site Plan Sheet 1 of 2
- 2002 P-00 Proposed Site Plan Sheet 2 of 2
- 2003 P-00 Proposed farm Site Plan
- 2010 P-00 Proposed GA Plan Ground Floor
- 2012 P-00 Proposed Roof Plan
- 2030 P-00 Proposed GA Elevations
- 2035 P-00 Existing and Proposed Context Elevations
- 100 P1 Site Location Plan (Highways)
- 101 P1 Existing Access Road Adoptable Entrance Plan
- 102 P1 Existing Access Road Vehicle Tracking Plan
- 103 P1 Existing Access Road Passing Bay Plan
- 1727-PL1-02 Soft Landscaping Proposal
- SK01 Rev A Site Plan – External Lighting

Reason – for the avoidance of doubt

CONDITION 3

The proposed soft landscaping works indicated on Dwg No. 1727-PL1-02 (Soft landscaping Proposal) shall be provided before the development is first brought into use and shall be retained.

Reason – in the interest of visual amenity and to improve the ecology of the locality.

CONDITION 4

The existing residential accommodation at Top Farm shall be occupied only by the premises manager or another employee who is employed at the hatchery building and by no other third parties.

Reason – in the interests of residential amenity.

CONDITION 5

The existing fields surrounding Top Farm outlined in blue on the attached plans shall be managed and retained as grazing land and shall not be used for any other purpose.

CONDITION 6

Deliveries and access for employees to the premises (apart from the duty manager) shall only be between the hours of 06:00 -18:00 Monday to Friday, with the exception of emergency situations.

Reason – in the interests of the amenities of the surrounding area

CONDITION 7.

The development shall not be commenced until the existing vehicular access to the site has been remodelled as per drawing 101, issue P1, dated November 2017.

Reason – In the interests of highway safety

CONDITION 8.

The development shall not be first occupied until the signage and lining is carried out in accordance with drawing 101, issue P1, dated November 2017.

Reason – In the interests of highway safety

CONDITION 9.

The development shall not be first occupied until the access to the site for vehicles has been surfaced with a bound material for a distance of 25 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety

CONDITION 10.

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

Reason – In the interests of highway safety

CONDITION 11.

The development shall not be commenced 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 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

Reason – In the interests of highway safety

CONDITION 12.

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

Reason – In the interests of highway safety

CONDITION 13.

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

Reason – In the interests of highway safety

CONDITION 14.

The development shall not be first occupied until a passing bay has been provided, as shown on drawing 103, issue P1, dated November 2017.

Reason – In the interests of highway safety

CONDITION 15.

No part of the development hereby permitted shall be commenced in the vicinity of any trees or hedgerows shown to be retained and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on the wider site (indicated in red and blue on the site location plan) and particularly in relation to a proposed sewer pipe has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction.

CONDITION 16.

No development shall be commenced in the vicinity of any trees or hedges shown to be retained, unless it is either:

- a.) 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 17:

The premises shall be used solely for the hatching of day old chicks and associated processes, and shall not be used for any other fowl or animal rearing or storage purposes, unless this is first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to allow the Local Planning Authority to consider the acceptability of any alternative uses including environmental protection measures

CONDITION 18:

All new buildings and structures on the site shall be coloured Dark Green (apart from the building doors).

Reason: in the interests of visual amenity and for the avoidance of doubt.

INFORMATIVES:

INFORMATIVE 1 (Public Bridleway)

The applicant should also be aware of the following requirements which we request are carried as advisory notes on any consent, if granted:

- Public bridleway R216 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- The applicant must make good any damage to the surface of public bridleway R216 caused during works.
- If it is proposed to temporarily close public bridleway R216 during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
- The Highway Authority are required to maintain public bridleway R216 to a standard required for its public use by pedestrians and horse riders only and not to a standard required for private vehicular use.
- Any disturbance or alteration to the surface of public bridleway requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public bridleway.

INFORMATIVE 2 (Highways).

Condition numbers 1 and 7 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less

ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

INFORMATIVE 3

(Highways)

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

INFORMATIVE 4

(Ecology)

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 vegetation or possible access points or foraging corridor. Lighting should be timed to provide some dark periods

For further advice on this please contact the WCC Ecological Services on [01926 418060](tel:01926418060).

INFORMATIVE 5

(Environmental Services)

Department for Environment, Food & Rural Affairs

The applicant must have regard to Guidance from Department for Environment, Food & Rural Affairs (DEFRA) on Poultry: Welfare Recommendations (Updated 27 February 2017): The Guidance is available on the following Website address: <https://www.gov.uk/government/publications/poultry-on-farm-welfare>

Where 'Bird Flu' is confirmed DEFRA impose restrictions on movements of birds in the area around affected premises. 'Movement Controls and Licences' maybe in place, the <https://www.gov.uk/guidance/avian-influenza-bird-flu> website contains details where 'Control Zones' are located. Top Farm is within 4 miles of Draycotte Water therefore the farm maybe within a Control Zone. The gov.uk website *as detailed above) provides information on control zones and guidance. To reduce the risk of Bird Flu there are strict guidelines that must be adhered to, refer to the above website for information.

Environment Agency: Your farm's capacity and Environmental Permits

The applicant must have regard to the Environment Agency (EA) who regulate intensive poultry farms. If your farm goes over certain capacity levels, you'll need an environmental permit.

Contact the EA to determine the rules you need to follow:

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

Email: enquiries@environment-agency.gov.uk Telephone 03708 506 506

Waste Treatment Plants

As the property is not connected to the mains sewer and a waste water treatment plant is the chosen route (a part mechanical system that treats the liquid so it is clean enough to go into a river or stream) the applicant must adhere to the General Binding Rules for Septic Tanks and Treatment Plants.

You must contact the Environment Agency to find out if you need a permit.

Waste

Your site may require 'Site Approval' and Categorising. See Animal by-product categories, site approval, hygiene and disposal on Gov.Uk website.

Areas where animal by products waste are stored should be banded.

Health and Safety at Work etc Act 1974: Legionnaires

The Health and Safety Executive (HSE) are the Enforcing Authority for such activities concerning Health and Safety. A risk assessment should be undertaken as per L8 'Approved Code Of practice: Legionnaire's Disease, the control of legionella bacteria in water systems' as there are water tanks and a water sprinkler system on site. If there are to be any cooling towers or evaporative condensers, then their presence should be registered with the Local Authority (Rugby Borough Council) as per the Notification of Cooling towers and Evaporative condensers Regulations 1992.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R17/0877

Site address: Stables, Bungalow Farm, Smeaton Lane, Coombe Fields. CV23 0PS

Description: Erection of a New Building for Storage of Poultry Manure.

Case Officer Name & Number: Nigel Reeves 01788 533489

Introduction

This application is to be determined by members of the planning committee as it comprises major development, with a total floorspace exceeding 1,000 sq.m.

Background.

The application property comprises an existing large farm complex, on the north side of Brinklow village, which is located in the open countryside and is washed over by the Green Belt.

The farm complex comprises a large group of agricultural buildings served via an access off Smeaton Lane. Some of these buildings have been converted to equestrian usage, including an adjoining menage. Beyond this there is a new farm house and a two detached buildings containing hens for the production of eggs. The fields immediately around the sheds are used by the hens to range during the day time.

In the Summer of 2016 there was a serious fly infestation around Brinklow, which was suspected to be caused by chicken manure being stored in the open air. An Abatement Notice in respect of a Statutory Nuisance (ref: EPA 90s80/15.07.16) was issued, which required a chicken manure pile to be covered and to prohibit the storage of animal waste material or slurry at such locations and conditions that encourage fly breeding.

The current application seeks to provide a covered/sealed storage building to address any potential future fly breeding problems. Permission is now sought for the following:

- A new agricultural building for the storage of poultry manure
- It is proposed to be located in the SE corner of the southernmost field closest to Brinklow village
- The proposed building will have a floorspace measuring 61m x 24.4m with a height of 7m to the eaves and 10.3m to the ridge. It is proposed to be constructed in Juniper Green Plasticsol profiled metal wall cladding with a concrete base at the lower level. The proposed roof will be constructed in grey fibre cement boards.
- The building will be designed with the minimum number of openings and all joints will be sealed with mastic and/or profiled foam fillers and doors will have brush seals to prevent insect ingress.

No manure can be moved off the farm and the hen buildings are only cleared out once a year and thus a large amount of waste needs to be stored. It is then broken down naturally, before being spread onto the farm fields when safe to do so.

Although the chicken manure will sit at a height of 1.0m throughout the building, the eaves height of the building needs to be 7.0m in height to enable trailers to be able to tip the chicken manure inside the building from a raised position.

Further information was supplied to support the proposal at the request of the Council, which included calculations on the amount of waste produced per annum and thus the volume of waste product stored at a 1m height. These have been submitted to support the total floorspace of the building and thus its size.

Planning History

None relating to the specific field where the building is proposed to be positioned.

Representations:

Brinklow Parish Council – Object:

- Believe that chicken/egg production has ceased
- From Easter 2016 there was a severe fly infestation in Brinklow

- No special conditions have been imposed on the design of the building to ensure that it is sealed – what precautions will be taken to ensure that flies do not breed in the stored material.
- The building is very large and there is no specific landscape proposal to screen the new building
- No mention is made of any special drainage from the store – what features have been designed to cope with leakage/seepage of effluent?

Consultation Responses:

WCC Highways – no objections.

RBC Environmental Protection – No objections subject to recommended conditions relating to control of odour, pest control and drainage, plus advisory notes.

Policies:

Rugby Borough Core Strategy (2011)

Policies – CS1, CS11, CS16

Saved Policies – GP2 Landscaping, T5 Parking Facilities

NPPF

Assessment.

The issues to be assessed relate to; the size and location of the proposed building in the Green Belt, its design/appearance, impact on residential amenities and access

Green Belt.

Para 89 of the NPPF regards the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this relates to the buildings for agriculture and forestry, which this proposal is intended for.

The proposed building has a floorspace measuring 1,488 sq.m. The manure can only be stored up to a height of 1.0m due to its consistency. The chicken sheds are mucked out once a year, and therefore 12 months worth of manure would equate to around 1,500 cubic metres. As manure is not allowed to be moved from the farm, it has to be stored for a period until it has decayed to a level that is safe to be sprayed on the land at the farm

The proposed floorspace of the building and its height to allow tipping from a trailer is therefore justified. To prevent impact on openness, farm buildings are normally expected to be grouped together. In this instance, the proposed building needs to be far enough away from residential dwellings as well as the existing hen houses and the fields in which they range in, hence the proposed position in a more isolated part of the farm.

A condition is recommended restricting the use of this building to the storage of chicken manure or agricultural products which are produced on the farm, as the building is only allowed in this location due to the very special circumstances of the use of the building.

The proposal is therefore considered to be in compliance with para 89 of the NPPF.

Design.

The proposed building is of a traditional agricultural design and the main walls will be painted juniper green to blend into the surroundings. It is positioned on a low point on the site and is alongside an existing hedgerow.

It is also proposed to plant a tree screen around the building to complement the existing hedgerows in the vicinity of the proposed building.

The design of the proposal is therefore considered to be in compliance with Policy CS16.

Impact on Residential Amenity.

An important factor in the consideration of this proposal is to ensure the protection of nearby residential amenities, particularly given the previous fly infestation problems experienced in the locality. The closest residential dwellings to the proposed building are as follows:

- Houses in Coventry Rd, Brinklow – 375m to the SW
- Farmhouse at Brierley's Farm, Coventry Rd and neighbouring dwellings – 350m to the S
- End properties in Barr Ln and Hall Close, Brinklow – 375m to SE
- House on West side of B4029 close to junction with Coventry Rd – 450m to SW
- Farmhouse at Bungalow Farm - 500m to the NE

RBC Environmental Protection is satisfied with the proposed location, subject to the building being completely sealed to prevent fly ingress and they have recommended planning conditions to be applied to a planning permission relating to:

- The submission of an odour impact assessment including recommendations for any required odour mitigation and management measures
- The submission of a Pest Control Management Plan
- Details of the proposed Drainage System

In addition, informatives relating to the DEFRA code of practice relating to animal welfare and hours of use during construction.

Whilst the above measures should ensure that the storage of chicken waste can take place in the building without causing a nuisance to neighbouring dwellings, if problems do occur then this can be controlled via separate action under Environmental Health regulations.

The proposal is therefore considered to be in compliance with Policy CS16.

Access

The waste will be transferred by tractor and trailer along existing internal farm roads and will not need to access the public highway.

Conclusion.

On this basis the proposal complies with Policies CS1, CS11 and CS16 of the Rugby Borough Core Strategy (2011) and the NPPF, and is considered to be acceptable in terms of being an appropriate agricultural use in this Green Belt location, as well as its proposed design and location.

Appropriate measures will be incorporated, including suitable planning conditions, to protect residential amenity in the locality.

Recommendation

APPROVE subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R17/0877

DATE VALID

25/05/2017

ADDRESS OF DEVELOPMENT

Stables Bungalow Farm
Smeaton Lane
COOMBE FIELDS
CV23 0PS

APPLICANT/AGENT

Mrs Christina Haswell
Bowie Lockwood Structures Ltd
Coombe Abbey Farm
Coombe Fields Road
Coventry
CV2 2SX
On behalf of Mr Larry Milne

APPLICATION DESCRIPTION

Erection of a new building for storage of poultry manure.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Dwg No. 1727 101 Rev A - Plans and Elevations.

Dwg No. 1727 102 Rev B - Site Plan

REASON:

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

CONDITION 3:

The landscaping scheme, as detailed on the approved plans which shall comprise native tree species underplanted by a native hedgerow, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 4:

Unless otherwise agreed in writing by the Local Planning Authority the agricultural building hereby permitted shall only be used for the storage of chicken manure produced at the application site or any other agricultural products grown at the farm and for no other purpose.

REASON:

The development is sited within the Green Belt the isolated location away from the main farm buildings is only acceptable due to the applicants' circumstances.

CONDITION 5:

No development or building shall commence until a detailed Odour Impact Assessment from the proposed development based on principals set out in the EA Guidance H4: Odour Management) published in March 2011 has been submitted to and approved by the Local Planning Authority. The applicant should submit

their proposed odour dispersal modelling methodology to Environmental Health for prior consultation. The results of the assessment shall be provided in writing to the Local Planning Authority, and shall include recommendations for any required odour mitigation and management measures. Any odour mitigation and management measures shall be listed in detail, and shall include its design specification. The recommendations set out in the Odour Impact Assessment shall be implemented during the lifetime of the development.

Reason - In the interests of residential amenity

CONDITION 6:

No development or building shall commence until a Pest Control Management Plan is submitted to the Local Planning Authority for approval to demonstrate there will be sufficient control of insects within the building so that there is not an adverse effect on the amenity of the local community. The recommendations set out in the Pest Control Management Plan shall be implemented during the lifetime of the development.

Reason - In the interests of residential amenity

CONDITION 7:

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.

INFORMATIVES:

Advisory notes to applicant

Information contained in the Department of Environment, Food & Rural Affairs (DEFRA) Code of Practice should be followed

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

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

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

Monday to Friday: 7.30 a.m. to 18.00 p.m.

Saturday: 8.30 a.m. to 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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	14 th March 2018
Report Title	Tree Preservation Order No. 402
Portfolio	n/a
Ward Relevance	Bilton
Prior Consultation	None
Contact Officer	David Gower, Arboricultural Officer
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	This report relates to the following priorities: Environment
Statutory/Policy Background	Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012
Summary	<p>A provisional Tree Preservation Order (TPO) (No.396) was made on the 25th October 2017 in respect of 1 early mature Beech tree located at Gable House, Church Walk Rugby CV22 7NA.</p> <p>The TPO was served in response to a section 211 notice (for works to trees in a conservation area) being received to remove the subject tree</p>

(Ref:R17/1752). The reason for the notification was that the tree “has outgrown its location and cannot be reduced sufficiently”.

The tree was assessed using the “TEMPO” method (Tree Evaluation Method for Preservation Orders). The tree being an early mature specimen is upwards of 15 metres in height, is in good condition and is a prominent visual amenity feature as viewed from Gable Close making a positive contribution to the character of Bilton conservation area.

The main stem of the tree is located approximately 9m away from the property at its nearest point with approximately 2m crown clearance. The overall size of the rear garden is approximately 865 square metres and contains a mix of other trees of varying age classes and sizes.

One objection was made by Jacqui Mitchell (Totally Trees Ltd) on behalf of the tree owner on 17th November 2017.

Financial Implications

None

Environmental Implications

The potential removal of a valuable landscape feature with the associated loss of sustainable public amenity and wildlife habitat with a subsequent detrimental impact on the surrounding environment and biodiversity.

Legal Implications

There are no legal implications other than those associated with establishing and administering Tree Protection Orders under the Town and Country Planning Act 1990.

Options

1. To confirm the order without modification to the schedule
2. To confirm the order with modification to the schedule.
3. To reject the order.

Recommendation

Tree Preservation No.402 be confirmed without modification to the schedule.

***Reasons for
Recommendation***

1. The tree contained within the tree preservation order displays good form and vitality with no major external signs of disease, decay or structural defects.
2. The trees is highly visible to the general public as viewed from Gable Close and forms a prominent visual amenity feature in the local area.
3. Removal of the tree would have a detrimental impact upon the local landscape character of the conservation area.

Planning Committee – 14 March 2018

Report of the Head of Growth and Investment

Tree Preservation Order No. 402

Recommendation

Tree Preservation Order No.402 be confirmed without modification to the original schedule.

1. Background

On 22nd September 2017 the Council received a “Section 211” notice (Ref: R17/1752) (Appendix 1) for proposed works in a conservation area to remove an early mature Beech tree from the rear garden of Gable House, Church Walk, Bilton. The reason for this was that “it has outgrown its location and cannot be reduced sufficiently”.

On receipt of a section 211 notice the council have 6 weeks in which to decide whether to allow the works to proceed or to serve a Tree Preservation Order on the subject tree.

The tree was assessed using the “TEMPO” method (Tree Evaluation Method for Preservation Orders). This is a decision guide based on the condition, suitability, retention span, relative public visibility and threat level.

In this case the tree was found to be in good condition with no major defects/decay noted. The tree is early mature with many years still ahead of it. The tree is in relative close proximity to the dwelling with the main stem being offset 9m to the south west corner of the property. There is a 2m canopy clearance at the present moment which could be pruned in the future to maintain the clearance and without adversely affecting the overall form the tree. Similarly, the crown of the tree has been lifted so there is approximately 4 to 5m crown clearance from ground level to allow free access and also for light to permeate beneath the canopy.

The tree is approximately 15m in height and is highly visible from Gable Close and therefore does make a positive contribution to the character of the conservation area.

Therefore, it was considered that the tree should be protected by TPO no. 402 and this was served on 25th October 2017. (Appendix 2)

One objection was made by Jacqui Mitchell (Totally Trees Ltd) on behalf of the tree owner on 17th November 2017. (Appendix 3)

2. Government Advice

Government advice is that tree preservation orders 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 (LPA) should be able to show that a reasonable degree of public benefit would accrue before orders 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 LPA may believe that certain trees are generally at risk from development pressures. The LPA 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 tree preservation orders 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 order

The tree contained within the Tree Preservation Order forms a significant visual amenity, is in good condition and contribute positively to the overall landscape character of the conservation area.

4. Response to Objections - Objection received from Mr Crofts (For and behalf of Brindle & Green limited)

"The Beech tree T1 at the above property is an early mature specimen which has become too large for the garden for which it was planted. It would not be possible to prune the tree sufficiently to make it more a more suitable shape and size for its location, while adhering to BS3998:2010 Tree Work. Recommendations. The only

solution to allow more space and light into the garden is to remove the tree and replant with a more suitable species.”

The rear garden where the tree is located is relatively large being upwards of 865 sq metres in size so can accommodate mature tree stock. The subject tree whilst in relative close proximity the south-eastern corner of the property only still has 2 metres canopy clearance from the corner of the house (Appendix 4). Because the tree is off set to the south west there is no impact upon the property. If in the future years this needs to be pruned back at this point then it could be without affecting the overall shape of the tree. The objection does not state why it would not be possible to prune the tree. Historically the lower branches of the tree have been pruned (crown lifted) to give 4 to 5 metres clearance from ground level thus allowing light to permeate underneath the canopy (Appendix 5). Given the existing and expected future dimensions it is of my opinion that this tree can be retained successfully to the benefit of the amenity of the property and local conservation area.

“While we agree that the tree is in good health and has not reached maturity, it is surrounded by other trees that also have good amenity value. We would suggest that it was not a good choice for its location because beech trees have very dense foliage”.

There are many examples of Beech trees located within the gardens of properties throughout the town which have been successfully retained and which play an important contribution to the character and amenity of local areas.

There are other trees in the garden which collectively do constitute a valued amenity in the local conservation area. For example, there is a mature Pine located to the north west of the subject tree. However, as it is mature its expected lifespan is not as long as the subject Beech tree and you would expect the Beech to eventually take over as the dominant feature in the garden

“Although it has a level of public amenity, in reality there are only 3 households that regularly view the tree due to the nature of the road from which the tree can be seen”.

There 4 properties in Gable Close and the tree is highly visible from Gable Close and even though it is a cul-de-sac with limited traffic it still makes a positive contribution to the character of the local conservation area. Appendix 6 a and b shows the view from Gable Close.

The tree was assessed for its suitability for TPO using the “TEMPO” (Tree Evaluation Method for Preservation Orders). It scored 19 “Definitely merits TPO”. (Appendix 7)

Name of Meeting: Planning Committee

Date of Meeting: 14th March 2018

Subject Matter: Environment

Originating Department: Technical Services/Planning

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)



Appendix 1 Section 211

rbc.planning@rugby.gov.uk
Rugby Borough Council
Planning & Culture Services
Town Hall
Evreux Way
Rugby
CV21 2RR
Tel: 01788 533759

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

Country:

Postcode:

Telephone number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

Country:

Postcode:

Telephone number:

Mobile number:

Fax number:

Email address:

3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	<input type="text" value="Gable House"/>		
Street address:	<input type="text" value="Church Walk"/>		
	<input type="text" value="Bilton"/>		
	<input type="text"/>		
Town/City:	<input type="text" value="RUGBY"/>		
Postcode:	<input type="text" value="CV22 7NA"/>		

Description:

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Easting:	<input type="text" value="448575"/>
Northing:	<input type="text" value="273870"/>

4. Trees Ownership

Is the applicant the owner of the tree(s)?

Yes No

5. What Are You Applying For?

Are you seeking consent for works to a tree(s) subject to a TPO?

Yes No

Are you wishing to carry out works to tree(s) in a conservation area?

Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s) enter its title or number below

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

Beech T1 - to remove as it has outgrown its location and cannot be reduced sufficiently.

8. Trees - Additional Information

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

8. Trees - Additional Information

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:

If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Yes No

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.

If YES, you are required to provide for:

Yes No

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing additional information in support of your application?

Yes No

9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

10. Trees - Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

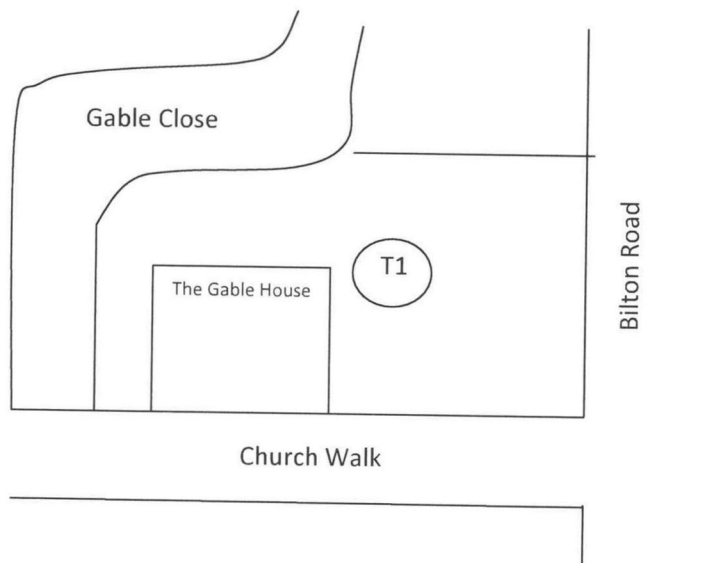


Date

22/09/2017

Application for Tree Work (Ref Mander-7062):

Mrs C Mander
The Gable House
Church Walk
Bilton
Rugby
CV22 7NA



Note: Not to scale

Reason for application

- Beech T1 - to remove as it has outgrown its location and cannot be reduced sufficiently.

Evidence to verify application

- Visual inspection

20/09/17

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
AS AMENDED BY THE TOWN AND COUNTRY PLANNING (TREE
PRESERVATION) (ENGLAND) REGULATIONS 2012**

TREE PRESERVATION ORDER NO. [402]

**Town and Country Planning Act 1990
The land at Gable House, Church Walk, Bilton, Rugby
[2017]**

The Rugby Borough Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order.

Citation

1. This Order may be cited as Gable House, Church Walk, CV22 7NA [2017].

Interpretation

- 2.1 In this Order "the authority" means the Rugby Borough Council
- 2.2 In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

- 3.1 Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- 3.2 Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of;

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 25th day of October 2017.

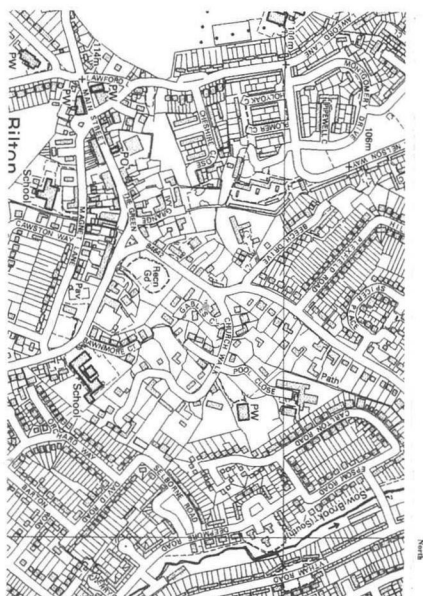
The Common Seal of the Rugby Borough Council
was hereunto affixed in the presence of

M. Howell

Legal Services Manager

110/17

Location Plan



TREE PRESERVATION ORDER

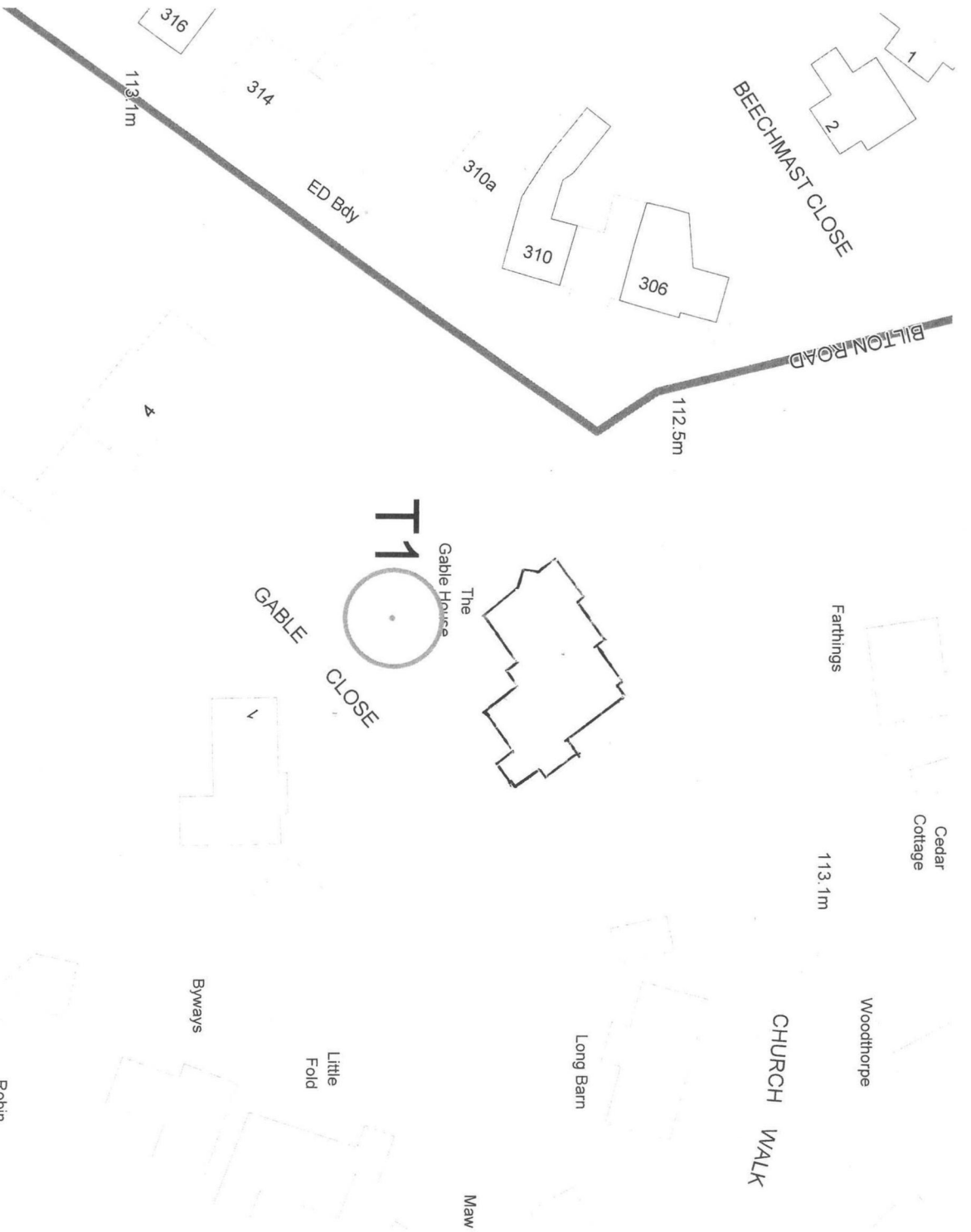
Number T. R. **TR4.402** Date **20/10/2017**

Location **Gable House**

Church Walk

Bilton, Rugby CV22 7NA

T1 - Beech



Scale **1:500**

PLANNING AND CULTURE SERVICES

Town Hall, Rugby, CV21 2RR
Tel. No. (01788) 533759 Fax.No. (01788) 533778
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Ordnance Survey 100019417.



**SCHEDULE
SPECIFICATION OF TREES**

Article 3

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	Rear garden of Gable House, Church Walk, CV22 7NA

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
None	None	None
None	None	None

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
None	None	None

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
None	None	None

Dated 25th October 2017

**RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

**TREE PRESERVATION ORDER
No. [402]**

**relating to Land at Gable House, Church
Walk, Rugby, CV22 7NA**

Appendix 3



Totally Trees Ltd



Sarah McGuire
Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

17/11/17

Dear Sarah

Re: Objection to Tree Preservation Order 402

Thank you for the notification of Tree Preservation Order 402: Land at Gable House, Church Walk, Bilton, Rugby, CV22 7NA under section 198 of the Town and Country Planning Act 1990.

We are writing to appeal against the Order. The beech tree T1 at the above property is an early mature specimen which has become too large for the garden in which it was planted. It would not be possible to prune the tree sufficiently to make it a more suitable shape and size for its location, while adhering to BS 3998:2010 Tree work. Recommendations. The only solution to allow more space and light into the garden is to remove the tree and replant with a more suitable species.

While we agree that the tree is in good health and has not yet reached maturity, it is surrounded by other trees that also have good amenity value. We would suggest that it was not a good choice for its location because beech trees have very dense foliage.

Although it has a level of public amenity value, in reality there are only 3 households that regularly view the tree due to the nature of the road from which the tree can be seen.

We would be grateful if you could take this objection into consideration.

With kind regards,

J.A. Mitchell

Jacqui Mitchell

Director, Totally Trees Ltd.
01455 554182
jacqui@totallytrees.co.uk

Totally Trees Limited
17 Spring Close • Lutterworth • Leics • LE17 4DD
telephone 01455 554182 web www.totallytrees.co.uk email info@totallytrees.co.uk

Company registration number 4628122 • VAT number 874 1658 94
Company Registered in England

T1 - Beech

Appendix 4







Appendix 6b



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 19-10-17 Surveyor: D Gower

Tree details
 TPO Ref (if applicable): 402 Tree/Group No: Species: Beech
 Owner (if known): Location: Church Walk Gable house

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
 5 - Good condition - No defects
 Been lifted 4/5m some poor
 lower pruning cuts

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
 4 - Early mature tree
 approx 9m from property
 (south west corner)

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

large garden offset
 to south west
 could be pruned back

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 4 - medium tree
 clearly visible
 from Gable close

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 5 s211 notice to fell

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 19

Decision:
 TPO

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 24 th January 2018 to 14 th February 2018
Name of Committee:	Planning Committee
Date:	14 th March 2018
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	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 – 14th March 2018

Delegated Decisions – 24th January 2018 to 14th February 2018

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

Decisions taken by the Head of Growth and Investment in exercise of powers delegated to him during the above period are set out in the Appendix attached.

Name of Meeting:
Planning Committee

Date of Meeting:
14th March 2018

Subject Matter:
Delegated Decisions – 24th January 2018 to 14th February 2018

Originating Department:

List of Background Papers

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

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

* Exempt information is contained in the following documents:

Document No.	Relevant Paragraph of Schedule 12A
--------------	------------------------------------

* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 24.01.2018 TO 14.02.2018

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R17/1856 Refused 29.12.2017</i>	154 Dunchurch Road Rugby CV22 6DR	Provision of New Dropped Kerb to 154 Dunchurch Road.
<i>R17/1636 Refused 02.11.2017</i>	1 Rainsbrook Avenue Rugby CV22 5HB	Erection of two storey side extension and single storey rear extension.
<i>R17/1891 Refused 24.01.2018</i>	23 Barby Lane Hillmorton Rugby CV22 5QJ	Erection of 2 no. bungalows with associated double garages and a new access off Barby Lane (resubmission of previously refused planning application ref: R17/0431).
<i>R17/2103 Refused 29.01.2018</i>	67 Cymbeline Way Bilton Rugby CV22 6JZ	Erection of single storey front extension.
<i>R17/2068 Refused 08.02.2018</i>	2 Penny Lane Hillmorton Rugby CV22 5EN	Retention of rear dormer window.
Applications Approved		
<i>R17/0494 Approved 02.10.2017</i>	50A Adkinson Avenue Rugby CV22 6RQ	Erection of part two storey and part single storey rear extension.
<i>R17/1478 Approved 24.01.2018</i>	Kingfishers Rest Draycote Water Kites Hardwick Rugby CV23 8AB	Erection of a porch.
<i>R17/1984 Approved 25.01.2018</i>	262 Rugby Road Binley Woods CV3 2BD	Erection of two storey side extension and a part two storey part single storey rear extension.

<i>R17/2049 Approved 25.01.2018</i>	65 Lawrence Road Rugby CV21 3SA	Erection of a two storey front/side extension (resubmission of a previously withdrawn scheme under R17/0721).
<i>R17/1849 Approved 26.01.2018</i>	Stretton Fields Cottage Fosse Way Princethorpe Rugby CV23 9PG	Use of first floor and part of existing ground floor of existing triple garage to provide granny annexe, retention of double garage and elevation changes including roof lights and a new entrance door.
<i>R17/2101 Approved 29.01.2018</i>	10 Birch Drive Bilton Rugby CV22 7TQ	Erection of a porch and side extension.
<i>R17/1921 Approved 30.01.2018</i>	Barn Farm Bow Lane Withybrook CV7 9LQ	Conversion of barns to 5 residential units.
<i>R18/0007 Approved 30.01.2018</i>	106 Tennyson Avenue Rugby CV22 6JF	Demolition of existing attached outbuilding and erection of a single storey rear and front extension , partial conversion of existing garage and loft conversion with installation of rear dormer and front and rear rooflights.
<i>R15/1816 Approved 30.01.2018</i>	Land South of Coventry Road and North of Lime Tree Avenue Coventry Road Cawston Rugby	Residential development of up to 150 dwellings including vehicular access from Coventry Road, open space, landscaping, surface water attenuation ponds, footpaths, cycleways and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved).
<i>R18/0015 Approved 31.01.2018</i>	36 Alwyn Road Bilton Rugby CV22 7QX	Erection of single storey side/rear extension.
<i>R18/0031 Approved 05.02.2018</i>	7 Orchard Way Stretton on Dunsmore Rugby CV23 9HP	Erection of a single storey rear extension.
<i>R17/1933 Approved 05.02.2018</i>	Fanuc UK LTD Unit 2 Sapphire Way Ansty CV7 9DR	Erection of an extension to the existing FANUC facility.

<i>R17/2121 Approved 05.02.2018</i>	Warwickshire Nursing Home Main Street Thurlaston CV23 9JS	Proposed replacement single storey extension to create a new orangery.
<i>R18/0044 Approved 06.02.2018</i>	Meadow Site Bretford Road Brandon CV8 3GE	Erection of a porch, single storey rear extension and alterations to include the conversion of the garage to residential use.
<i>R17/1971 Approved 06.02.2018</i>	69A Temple Street Rugby CV21 3TB	Variation of Condition 2 of approval R15/0091 (Erection of 4 No. three bed townhouses and 3 No. two bed flats with associated parking and amenity mews courtyard) dated 17th March 2015 to add a dormer window in the east elevation of flat 3 in place of a velux window and change the oriel windows with flat windows to the houses, replacement of brickwork effect buff stone effect to arched windows, window cills and over french doors and change zinc cladding to dormers with lead cladding. Additionally, to allow the proposed flats to be set 100mm away from the side elevation of No.59 Temple Street.
<i>R17/1958 Approved 06.02.2018</i>	4 Manns Close Ryton on Dunsmore CV8 3FP	Erection of a two storey side and single storey rear extension and an enclosed front porch.
<i>R18/0036 Approved 07.02.2018</i>	8 Dalton Close Church Lawford Rugby CV23 9EY	Erection of a single storey rear extension.
<i>R17/2066 Approved 07.02.2018</i>	42A Stephen Street New Bilton Rugby CV21 2ES	Erection of a replacement double garage.
<i>R17/2094 Approved 07.02.2018</i>	Lion Farm 48 Rugby Road Dunchurch CV22 6PW	Variation of condition 12 (energy efficiency and renewable energy) and condition 13 (building regulations) of planning approval R16/1663 (erection of one detached dwelling including new vehicular access to Rugby Road).
<i>R17/1945 Approved 07.02.2018</i>	8 Charter Road Rugby CV22 5HX	Erection of a part two storey part single storey rear extension.

<i>R18/0030 Approved 07.02.2018</i>	Meadfoot 28 Birdingbury Road Marton CV23 9RY	Erection of a first-floor side and a single storey rear extension including a bay window to the front elevation and other external alterations to the dwelling.
<i>R17/2058 Approved 07.02.2018</i>	2A Earl Street Rugby CV21 3SS	Conversion of the existing multiple occupation occupancy building to two separate dwellings.
<i>R17/1679 Approved 08.02.2018</i>	63 Cromwell Road Hillmorton Rugby CV22 5LZ	Two-bedroom detached dwelling (amendment to Planning Permission R17/0468).
<i>R17/2084 Approved 09.02.2018</i>	Grange Farm Coventry Road Church Lawford CV23 9HB	Amendment to proposed grain store (R17/0631 approved 26th May 2017) and proposed extra bay (R17/1409 approved 4th September 2017). Amendment is an extension to the proposed building to provide housing for a grain dryer and the tipping of wet grain.
<i>R18/0077 Approved 09.02.2018</i>	Thistle Farm 280 London Road Stretton on Dunsmore Rugby CV23 9HX	Variation of Condition 1 of Planning Permission reference R15/0183 (Continuation of use of existing outbuilding as primary living accommodation whilst construction of the dwelling permitted under planning permission reference R12/1852 is completed, dated 27 February 2015) to extend the date when the existing outbuilding should revert back to ancillary accommodation.
<i>R17/2060 Approved 09.02.2018</i>	Top House Farm Broadwell Road Grandborough Rugby CV23 8BA	Alterations to existing private way.
<i>R18/0100 Approved 12.02.2018</i>	Ivor Preece Field Broad Street RFC 105 Rugby Road Binley Woods CV3 2AY	Erection of a temporary structure for use by Wasps Rugby Club as interim training facility, together with a temporary change of use of part of the existing building currently used as a residential flat to uses associated with the Wasps training facility, and the provision of an artificial running track (Variation of condition 1 of approved planning permission ref: R16/0074 dated 20/04/16 to extend the time limited period until 20th October 2019).
<i>R18/0083 Approved</i>	Richard Utley LTD Phase 2 Europark	Installation of a new electrical sub-station.

12.02.2018	Watling Street Rugby CV23 0AL	
<i>R17/1995 Approved 13.02.2018</i>	The Bungalow Oxford Road Princethorpe Princethorpe CV23 9PT	Installation of a dropped kerb.
<i>R18/0105 Approved 13.02.2018</i>	3 Duncan Drive Bilton Rugby CV22 7RS	Erection of a two storey front extension and a single storey rear extension, and alterations to the roof structure.
<i>R18/0019 Approved 14.02.2018</i>	26 Lawford Lane Bilton Rugby CV22 7JP	Variation of condition 2 of R17/1514 to amend the roof height (previously approved under R15/1448 and R17/1514).
<i>R17/2027 Approved 14.02.2018</i>	21 Fawsley Leys Rugby CV22 5QZ	Erection of a proposed single storey side extension and conservatory to rear.
<i>R17/0174 Approved 14.02.2018</i>	The United Pentecostal Church Windsor Street Rugby CV21 3NZ	Erection of 3 dwelling houses.
<i>R18/0029 Approved 14.02.2018</i>	2 Finmere Brownsover Rugby CV21 1RT	Demolition to part of the existing side boundary wall and provision of an access gate.
<i>Prior Approval applications</i>		
<i>R17/1748 Prior Approval required and granted 01.02.2018</i>	162 Murray Road Rugby CV21 3JU	Prior approval for the change of use of an A1 (retail unit) to 1 (no) residential dwelling (Part 3, Class M).
<i>R18/0008 Prior notification of proposed demolition 02.02.2018</i>	Ansty Aerodrome Combe Fields Road Coombe Fields CV7 9JR	Prior Notification for Demolition Works {Town & Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 31}.
<i>R18/0035</i>	Hill Farm	Prior approval for the change of use of an

<i>Prior Approval required and granted</i> 05.02.2018	Draycote Road Bourton on Dunsmore Rugby CV23 9RD	agricultural building to residential dwelling house (Part Class Qb only – in association with previously approved PACU R17/1364 – Part Qa).
<i>R18/0045</i> <i>Prior Approval not required</i> 13.02.2018	1 Brindley Road Hillmorton Rugby CV21 4BH	Prior approval for the erection of a 3.6 metre extension from the rear wall of the original dwelling and 2.25 m to eaves and 3.6 metres to highest point.
<i>R18/0043</i> <i>Prior Approval not required</i> 13.02.2018	5 Speedway Lane Brandon CV8 3GL	Prior approval for the erection of a 5.0 m in depth extension from the rear wall of a previous extension and 2.25 metres to eaves and 4.0 metres to highest point.
<i>R18/0012</i> <i>Prior Approval required and granted</i> 13.02.2018	Valley Fields Farm Hill Road Grandborough Rugby CV23 8DL	Prior notification application for the change of use of an agricultural building to 2no. Residential dwellings (use class C3) with associated building operations.
<i>R18/0130</i> <i>Prior Approval not required</i> 14.02.2018	15 Studland Avenue Rugby CV21 4HW	Prior approval for a rear extension measuring 3.6 metres in depth; 3.75 metres in height to the ridge; and 3.0 metres in height to the eaves.
<i>Certificate of Lawful Use or Development</i>		
<i>R17/2085</i> <i>Certificate of Lawful Use or Development</i> 26.01.2018	Hill Farm Draycote Road Bourton on Dunsmore Rugby CV23 9RD	Certificate of Lawful Existing Use or Development for confirmation that development commenced in relation to Planning Permission R14/1985, for the conversion of a barn to 1no.dwellingshouse, demolition of existing farmhouse and erection of replacement dwelling before the expiration of 3 years from the date of the Planning Permission.
<i>R17/0670</i> <i>Certificate of Lawful Use or Development</i> 29.01.2018	Land adjacent to 11 Watling Street Newton	Certificate of existing lawful use for the use of land for the stationing of a mobile home edged in green on the site location plan and its occupation during May to September between Friday to Sunday.
<i>Approval of Details/ Materials</i>		
<i>R17/1460</i> <i>Approval of Details</i> 25.01.2018	2 Oatland Drive Cawston Rugby CV22 7UN	Rebuild of an existing property that has been fire damaged.

<i>R17/1447 Approval of Details 25.01.2018</i>	4 Oatland Drive Cawston Rugby CV22 7UN	Rebuild of a fire damaged property with the conservatory being replaced with an extension.
<i>R12/1353 Approval of Details 25.01.2018</i>	Coton House Lutterworth Road Churchover Rugby CV23 0AA	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<i>R13/2102 Approval of Details 26.01.2018</i>	Land North of Ashlawn Road Rugby CV22 5SL	Outline application for the demolition of existing buildings, erection of up to 860 dwellings, land for a potential primary school, two vehicular accesses from Ashlawn Road and the provision of a bus link control feature to Norton Leys, open space, green infrastructure, landscaping and associated infrastructure, including sustainable urban drainage features. All matters to be reserved except access points into the site.
<i>R15/1890 Approval of Details 26.01.2018</i>	Land adjacent to and including Moat House Coton House Lutterworth Road Churchover Rugby CV23 0AA	Demolition of existing dwelling and erection of 6 dwellings (including substitution of 4 dwellings) with garaging and associated works.
<i>R15/1892 Approval of Details 26.01.2018</i>	Land at Coton House Lutterworth Road Churchover Rugby CV23 0AA	Substitution of two houses and erection of further 6 dwellings with associated garaging, works and formation of an acoustic bund.
<i>R12/1353</i>	Coton House	A Hybrid Planning Application seeking Full

<p><i>Approval of Details</i> 29.01.2018</p>	<p>Lutterworth Road Churchover Rugby CV23 0AA</p>	<p>Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R16/0489</i> <i>Approval of Details</i> 30.01.2018</p>	<p>New Barn Stables Burnthurst Lane Rugby CV23 9QA</p>	<p>Demolition of existing barn and erection of one new dwelling with associated stables.</p>
<p><i>R16/1723</i> <i>Approval of Details</i> 01.02.2018</p>	<p>Brickhill Farm Birdingbury Road Leamington Hastings Rugby CV23 8DY</p>	<p>Conversion of brick built stables to residential dwelling including new pitched roof and single storey extension.</p>
<p><i>R17/1627</i> <i>Approval of Details</i> 01.02.2018</p>	<p>Temple Reading Rooms Barby Road Rugby CV22 5DW</p>	<p>The proposed demolition of: a later addition three storey side extension; to include minor alterations to block any external openings; and the change of use of a C3 residential dwelling to an administrative office.</p>
<p><i>R14/1658 & R17/0841</i> <i>Approval of Details</i> 07.02.2018</p>	<p>Land East of Newton Lane Newton Rugby CV23 0EA</p>	<p>R14/1658: Outline planning permission for up to 40 dwelling house, together with the creation of a new vehicular access, and provision of play area and amenity space together with associated works (all matters with the exception of access reserved) R17/0841: Erection of 40 dwelling houses, together with the creation of a new vehicular access, and provision of play area and amenity space together with associated works (Approval of Reserved Matters pursuant of outline planning permission ref: R14/1658 dated 02/02/2017) together with the submission to discharge conditions 4 (programme of archaeological works), 7 (proposed materials), 25 (Bat Survey) and 26 (Great Crested Newt Survey).</p>

<p><i>R12/1353</i> <i>Approval of Details</i> <i>09.02.2018</i></p>	<p>Coton House Lutterworth Road Churchover Rugby CV23 0AA</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R12/1353</i> <i>Approval of Details</i> <i>13.02.2018</i></p>	<p>Coton House Lutterworth Road Churchover Rugby CV23 0AA</p>	<p>A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p><i>R17/1818</i> <i>Approval of Details</i> <i>14.02.2018</i></p>	<p>3 Newall Close Clifton upon Dunsmore Rugby CV23 0DF</p>	<p>Erection of a two-storey side and single-storey rear extension.</p>
<p><i>R16/1933</i> <i>Approval of Details</i> <i>14.02.2018</i></p>	<p>Land South of Back Lane Back Lane Long Lawford (Western part of site)</p>	<p>Variation of condition 2 of R12/1188 (Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings.) to make amendments to approved housetypes and garages and repositioning of plots 16-24.</p>

Approval of Non Material Changes		
<i>R17/1909 Approval of non-material changes 29.01.2018</i>	54 Ashlawn Road Rugby CV22 5ES	Erection of a studio annexe.
<i>R17/0936 Approval of non-material changes 31.01.2018</i>	9 Southam Road Dunchurch Rugby CV22 6NW	Erection of proposed single storey front and side extension and external alterations.
<i>R15/0984 Approval of non-material changes 09.02.2018</i>	Britvic Soft Drinks Britvic Soft Drinks LTD Aventine Way Rugby CV21 1HA	Erection of an industrial/distribution facility (Use Class B8) with underground tunnel link to existing building, to include first floor accommodation, gatehouse and associated access, car parking and landscaping.
Withdrawn		
<i>R18/0191 Withdrawn 01.02.2018</i>	Conifers Main Street Brandon CV8 3HW	Certificate of Lawfulness for a proposed single storey rear extension.
<i>R17/1314 Withdrawn 14.02.2018</i>	150 Railway Terrace Rugby CV21 3HN	Change of use from B1 (offices) to C3 (1 flat) on the first floor and, change of use from D1 (education and training) to B1 (offices) on the ground floor.