

Planning Committee – 8 November 2023

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R21/1234	Land Adjacent to Tree Tops, Shilton Lane, Shilton Retrospective application for the Change of use of land from a paddock to provide two residential gypsy pitches including two amenity blocks with associated parking, access and entrance gates.	3
2	R23/0794	62, Lawford Road, Rugby, CV21 2ED Proposed conversion of existing shop and dwelling to a 13 bed house of multiple occupation, with associated bin and cycle store, rear extension, dormers, and new wall to the front boundary.	23

Reference: R21/1234

Site Address: Land Adjacent To Tree Tops, Shilton Lane, Shilton

Description: Retrospective application for the Change of use of land from a paddock to provide two residential gypsy pitches including two amenity blocks with associated parking, access and entrance gates.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/33932>

Recommendation

1. Planning application R21/1234 be approved subject to:
 - b. the conditions and informatives set out in the draft decision notice appended to this report;
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1. Introduction

1.1. This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application has been called in by Councillor Becky Maoudis, within the 21-day consultation period, for the application to be determined by Planning Committee on the grounds that:

1. The application would result in inappropriate development in the Green Belt; and
2. Due to public concerns surrounding the application.

2. Description of site

2.1. The application site is located outside of the defined settlement boundary of Shilton, approximately 1.1 km to the west of the village of Shilton, sited within the West Midlands Green Belt. The application is retrospective with the applicants moving onto the land without permission. The site is currently occupied by a static caravan, a tourer caravan and has been hard surfaced with construction started on a brick boundary wall.

2.2. Prior to this the site was an area of land which contained rubble and satellite imagery shows this was cleared in the period between Nov 2020 and April 2021. Prior to this the land was overgrown and further than this potentially used as a paddock in older records.

2.3. Access to the site would be served by a new access which has been taken from Shilton Road. The application site is surrounded by fields of mixed farmland, residential dwellings, gypsy and traveller sites and a garden centre.

3. Description of proposals

- 3.1. This application seeks full retrospective planning permission for the change of use of land from a paddock to provide two residential gypsy pitches including two amenity blocks with associated access and entrance gates.
- 3.2. Each pitch is comprised of one static mobile home and one touring caravan with two parking spaces provided for each pitch with one space being set up for electric vehicle charging. The site proposal would be boarded by a 2-metre-high close boarded fence along its front boundary, with steel gates set back from the main road frontage, for access to the site. The proposal is separated from the Treetops which has seen the owners, due to unforeseen circumstances, leave the residential dwelling and take up residence on the adjoining parcel of land.

4. Planning History

Application No	Description	Decision	Date
R18/1941	Provision of 4 no. traveller pitches and amenity block.	Refusal	19/07/2019

5. Relevant Planning Policies

- 5.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.
- 5.3. Rugby Borough Local Plan 2011-2031, June 2019
GP1: Securing Sustainable Development
GP2: Settlement Hierarchy
DS2: Sites for Gypsy, Travellers and Travelling Showpeople
HS5: Traffic Generation and Air Quality, Noise and Vibration
NE1: Protecting Designated Biodiversity and Geodiversity Assets
SDC1: Sustainable Design
SDC4: Sustainable Buildings
D2: Parking Facilities
- 5.4. Supplementary Planning Documents
Climate Change & Sustainable Design and Construction SPD (2023)
- 5.5. Material Considerations
National Planning Policy Framework, 2021 (NPPF)
The Planning Policy for Traveller Site 2015
Policy B: Planning for traveller sites
Policy C: Sites in rural areas and the countryside
Policy E: Traveller sites in Green Belt

6. Technical consultation responses

RBC Environmental Health	No Objection, Subject to conditions
RBC Ecology	No Objection, Subject to conditions
WCC Highways	No Objection, Subject to conditions
Severn Trent	No Response

7. Third party comments

7.1. Shilton and Barnacle Parish Council have objected to the application on the following grounds:

- 1.This proposal is inappropriate development in the Green Belt;
- 2.There is an over concentration of development with no local need identified;
- 3.The site is along a very busy, fast road without any footpaths making it unsuitable and dangerous for pedestrians; and
- 4.There are no sustainable transport links, and the development of this site does not meet or satisfy the criteria within the Local Plan

7.2. Neighbours notified and a site notice has been displayed with no letters of representation being received.

8. Assessment of proposals

Section 9	Principle of Development
Section 10	Openness and Purposes of the Green Belt
Section 11	Intentional Unauthorised Development
Section 12	Local Plan Policy – Sites for Gypsy, Travellers and Travelling Showpeople
Section 13	Need Assessment
Section 14	Character & Design
Section 15	Impact on Residential Amenity
Section 16	Highway Safety
Section 17	Ecology
Section 18	Noise, Air Quality and Contamination
Section 19	Others Matters
Section 20	Planning Balance and Conclusion
Section 21	Reccomendation

8.1. The key issues to assess in the determination of this application are:

9. Principle of development

9.1. Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

- 9.2. This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 9.3. Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 9.4. The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 9.5. A key issue to assess in relation to this application is whether the principle of the development is acceptable in this Green Belt location.
- 9.6. Policy GP2 sets out the development hierarchy for the borough and state that in Green Belt locations, New development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 9.7. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.8. In relation to new buildings paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. This then sets out a range of exceptions to this:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 9.9. The proposal does not comply with any of the exceptions detailed within the NPPF. This therefore constitutes inappropriate development which should not be approved except in very special circumstances (referred to as VSC for the rest of this report). This is further confirmed in paragraph 16 of the PPTS which states that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.”
- 9.10. The applicant has provided information regarding VSC which has been considered by the LPA. The considerations being the presence on site of individuals with complex medical needs. To evidence this the applicant has provided medical letters which are deemed sufficient by the LPA to support the applicants claims and provides basis for the establishing of VSC.
- 9.11. The LPA has been advised that there are three children residing on the site, but no details of their ages or educational and medical needs has been provided at the time of writing. However, will also form basis of establishing VSC in the bests interest of the child.
- 9.12. Section 5 of the NPPF looks at the provision of homes including those in rural locations. As Gypsy and Traveller accommodation is also considered to come under the umbrella of rural housing provision, this section is relevant to this development. Paragraph 80 of Section 5 of the NPPF sets out criteria for consideration when assessing provision of homes in isolated locations. This application does not meet any of these tests specifically, which is one of the reasons why the LPA must decide whether or not the development amounts to VSC based on the case put forward by the applicants as required by Paragraphs 149 and 150 of Section 13 of the NPPF
- 9.13. In order to establish a suitable principle in relation to inappropriateness within the greenbelt an assessment within the planning balance will be made in order to establish if VSC are evident and therefore outweigh the identified harm to the greenbelt.

10. Openness and Purposes of the Green Belt

- 10.1. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belts are their openness and their permanence. It is important to note that openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
- 10.2. The application site extends to about 0.2 hectares in area (in accordance with the application form) with the proposed site layout plan showing that this would contain 2 touring

caravans and 2 static caravans. In addition, there would be related operational development, including 2 amenity blocks, retention of the existing outbuilding, hardstanding and fencing.

- 10.3. When considered in the context of the lands previous use, the proposed development would constitute an intrusion into previously undeveloped countryside. However, the application site would be considered an improvement than the prior state of the site when occupied by large amounts of rubble. However, any amount of development would clearly affect the spatial aspect of the openness of the Green Belt and reducing the amount of greenbelt land in net terms. The development is screened at most public vantage points however does offer views into the site through the access. The application site also infills a gap between an existing site and a residential dwelling and is sited within a row of built form on Shilton Lane including the large-scale garden centre which all exist within the greenbelt. The LPA accept any harm to the greenbelt is considered substantial in accordance with National Policy. However, considering the above the affect and visual impact to the openness of the Green Belt is not considered to be significant.
- 10.4. Aside from the impact on openness, paragraph 138 of the Framework sets out that the Green Belt serves five purposes:
- 10.5. (a) to check the unrestricted sprawl of large built up areas;
- 10.6. (b) to prevent neighbouring towns merging into one another;
- 10.7. (c) to assist in safeguarding the countryside from encroachment;
- 10.8. (d) to preserve the setting and special character of historic towns; and
- 10.9. (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.10. In this case, the nature of the proposed development, as described above, is such that it would result in encroachment into the countryside. The built form as stated does infill a piece of land within an existing area of development of the greenbelt. The LPA consider that if the site were to be reinstated to open countryside due to the built form around the site would be unlikely to be experienced physically or visually as the open countryside. However, the LPA does accept that by nature of the development there is encroachment to the countryside and this harm must be weighed against the VSC in the planning balance. In relation to the other four purposes of including land within the Green Belt it is considered that no harm would arise.

11. Intentional Unauthorised Development

- 11.1. A Written Ministerial Statement (WMS) dated 31st August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The applicants have moved onto the site

without permission thus resulting in the retrospective nature of the permission. The ministerial statement also confirms that subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the greenbelt. The LPA has been advised that there are three children on the site. This therefore will be weighed within the planning balance and form basis for the case for VSC outweighing the harm.

12. Local Plan Policy – Sites for Gypsy, Travellers and Travelling Showpeople

12.1. Policy DS2 of Local Plan states that in assessing the suitability of sites for allocation for residential and mixed use occupation by Gypsies, Travellers and Travelling Showpeople, and for the purposes of considering planning applications for such sites, proposals will be supported where the following criteria are met:

The site affords good access to local services such as schools and health facilities;

12.2. The site is located in the greenbelt with majority of the main nearest facilities available within Coventry or the settlement boundaries of Bulkington, Barnacle and further away Wolvey and Ansty. There is a GP located in Barnacle which may also be available for occupiers of such a site as well as The George Eliot Hospital in Nuneaton, the University Hospitals Coventry and Warwickshire's site in Coventry and further away the St Cross Hospital in Rugby. In terms of schools there are schools within the surrounding local areas including St James CofE Academy, Arden Forest Infant School in Bulkington and within Coventry on the Southwestern side of the M5 Potters Green Primary School and Grace Academy Coventry.

12.3. In consideration of the above it is considered that due to the personal medical circumstances there would likely be reliance on the private motor car. Therefore, although it could not be considered that there is good access to local services without the reliance on the private motor car, on balance due to the individual and personal circumstance it is considered that a reliance on the motor vehicle is necessary. Overall, there are a number of occupied dwellings which are also afforded the same level of access.

The site satisfies the sequential and exception tests for flood risk and is not adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land;

12.4. The application site is located in flood zone which has the lowest probability for flooding and is not located near to a sewage treatment works or refuse tip. In relation to contaminated land Environmental Health have estimated the risk for the land use is likely to be relatively low. However, the LPA and RBC Environmental Health required **CONDITION 8** to be completed prior to commencement. However, the applicants have now moved on site without permission thus not allowing the Council to safeguard against this aspect. Therefore, the LPA have no option other than to recommend that a contaminated land assessment be carried out within 3 months of any decision under **CONDITION 8**.

The development is appropriate in scale compared with the size of the existing settlement or nearby settlements.

12.5. The proposal is of an appropriate scale and is of a similar scale to the neighbouring site in proximity. Overall, the density is considered acceptable in relation to the dwellings in the locality on the southern side of Shilton Lane.

The development will be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby;

12.6. The development is set back from the highway and is screened to the highway by vegetation including a larger tree and lower-level vegetation. There is boundary fencing to the eastern and western boundaries and vegetation to the south of the site as well as vegetation within the neighbouring property of Tree Tops which also screens the site.

The development has appropriate vehicular access;

9.18. The development currently uses an access through wooden gates. The proposed site plan shows the access would use a bound surface with steel gates set within the site. WCC highways have been consulted in order to assess the vehicular access and take a stance of No objection subject to **CONDITION 10** which would now be required to be implemented within 3 months.

The development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents;

9.19. This will be assessed under section 10 of this report.

The development will be well-laid out to provide adequate space and privacy for residents;

9.20. The site would be laid out to allow for adequate space and does allow privacy for the occupiers of the site.

The development will include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences;

9.21. The site plan shows that vegetation will be retained to the site boundaries which the LPA deem to be an appropriate level of landscaping.

The development should not accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents;

9.22. The proposal would not accommodate non residential uses and therefore would not be considered to have significant adverse impact on neighbouring business or residents safeguarded under **CONDITION 4.**

Adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities

12.7. In discussions with the applicant, it was concluded that the site benefits from a mains water supply, sewage septic tank, drainage soakaway and mains electric.

12.8. In assessment of the above it would be considered that the application is in accordance with Local Plan Policy DS2 subject to conditions.

13. Need Assessment

13.1. The requirements identified in the Gypsy and Traveller Accommodation Assessment GTAA 2017 are as follows:

Phase	Timeframe	Total Pitches (Minimum)	Annualised
1	2017 to 2022	35	7
2	2022 to 2027	12	2.4
3	2027 to 2032	14	2.8
4	2032 to 2037	15	3
	Total	76	3.8

13.2. Within phase 1 there was an identified need of 35 pitches. A total of 20 pitches were granted permission to contribute towards the requirement. As such, at the end of Phase 1 there is an undersupply of 15 pitches for this period.

13.3. 2022/23 is the first year of the Phase 2 timeframe. There is an identified need of 12 pitches for this period, however accounting the undersupply carried forward from Phase 1, this is increased to 27 pitches.

13.4. Pitches were approved during the 2022-2023 monitoring period. As such since 1st April 2017, a total of 23 pitches have been granted permission to contribute towards the requirement. At the end of this monitoring year there is a total undersupply of 26.4 pitches.

13.5. Further from this the latest Local Development Scheme sets out a programme for delivery of the Gypsy and Traveller DPD. In line with that programme, an Issues and Options consultation and call for sites was undertaken in autumn 2022 in which no site submissions were received in response.

13.6. The LPA therefore does not currently have sufficient allocated sites to meet the requirements for Gypsy and Traveller provision within the Borough. Therefore, the requirements of Policy B of the PPTS 2015 cannot currently be met.

13.7. Considering the current evidence base it is determined that there is a significant need for suitable Gypsy and traveller sites within the borough. The lack of sufficient provision for Gypsy and Traveller sites is a key consideration in favour of this development and carries significant weight in planning terms in the determination for VCS.

13.8. In consideration, if the application were to be refused and the applicant evicted, due to the lack of formal provision in the Borough, it is likely that they would have to resort to an unauthorised encampment elsewhere in the Borough, which would then face the same considerations as this one has.

13.9. As well as being far from ideal in terms of planning, this would also effectively result in a person of specific medical needs being made homeless. As well as potentially having serious

repercussions for the health and wellbeing of these individuals (and those who care for them), it could also jeopardise the children's access to ongoing primary education provision and the family's access to necessary ongoing medical treatments and support services. These factors attract significant positive weight in favour of this development on the grounds of very special circumstances and shall be weighed within the planning balance.

13.10. Levels of existing provision (and the lack thereof) are also a key consideration within Policy H of the PPTS 2015, being identified as a specific consideration in Paragraph 24 alongside the availability or lack of alternative sites and the personal circumstances of the applicants. Policy H also encourages the use of planning conditions as a means of overcoming concerns and objections regarding such developments, which the LPA confirm would be their intention through identification of recommended conditions throughout this report.

13.11. For the reasons set out above, a determination of whether this proposal constitutes VSC shall be made within the Planning Balance of this report which in turn will determine whether the principle of the development is considered in accordance with Local and National Policy and acceptable in terms of compliance with the Planning Policy for Traveller Sites 2015.

14. Character & Design

14.1. Local Plan Policy SDC1 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated.

14.2. Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Likewise, paragraph 130 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

14.3. The proposal been designed to focus development along the southwestern boundary with the rear of the site retaining the existing outbuilding and mature planting. The amenity blocks would be sited in close proximity to the static caravans and would be constructed from rendered blocks with cement fibre slate roofs. Both pitches benefit from a parking areas and grassed amenity spaces.

14.4. The proposals benefit from entrance gates screening the site from the main road keeping the development in a restricted area ensuring that there is no further sprawl into the Green Belt. In addition, the two family pitches would be sited in close proximity to another site and as such would not look out of keeping with the surrounding area.

14.5. Taking into consideration the compact nature of the area to be developed it is therefore considered that this application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF

15. Impact on Residential Amenity

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

- 15.2. The proposal would be sited next to an existing site on its southern western boundary. There is boundary fencing in place and therefore on balance it is considered that the site and its associated use is in character with its surroundings and would not be deemed to significantly impact privacy or loss of light.
- 15.3. The residential dwelling of treetops is located over 20 metres away from the proposed sites boundary. There is also tall vegetation and close boarded fence used at the boundary. It is considered therefore that the application would not be deemed to significantly impact privacy or loss of light.
- 15.4. The application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

16. Highway Safety

- 16.1. Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated as well as Safe and suitable access to the site.
- 16.2. Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 16.3. As the application is for a Gypsy and Traveller site there are no parking standards contained within Appendix 5 of the Local Plan or the Planning Obligations SPD for this type of development. The proposal indicates sufficient parking areas within the hardstanding for each pitch whilst also providing an electric vehicle charging point. It is therefore considered that in this instance an appropriate allocation of parking has been provided within the site.
- 16.4. Warwickshire County Council (Highways) have confirmed that following an assessment and appraisal of the application site, that they have no objection to the proposal, subject to the inclusion of appropriate **Condition 10**.
- 16.5. This application is therefore considered to be in accordance with Local Plan Policy D1; D2 and Appendix 5.

17. Ecology

- 17.1. Paragraphs 174 and 180 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.
- 17.2. RBC Ecology were consulted on this application, the technical consultee comments;
- 17.3. A Preliminary Ecological Appraisal (PEA) Survey by Arbtech 26/01/2019 was submitted for a previous application, R18/1941. The survey is considered to be out of date by the

technical consultee (CIEEM Advice Note April 2019. The technical consultee comments that from aerial photography Google Earth June 2021 the site appears to have been cleared and might not now be described accurately as a paddock. Further from the submission of the consultees comments the applicants have now moved onto site.

Biodiversity Loss

- 17.4. The technical consultee notes that the proposal represents a loss to biodiversity based on the removal of some of the previous habitat; semi-improved grassland, scattered scrub, tall ruderal vegetation and trees. The loss should be offset by additional planting, by continuing retention and enhancement the hedgerow to the south and by creating species specific opportunities for birds, bats, amphibians and hedgehogs. This is to be secured under **CONDITION 9**.

Bats

- 17.5. The previous survey confirmed that the building and trees on site had negligible bat roosting potential. We noted that there were no photographs of the building and that the description given in the report is very basic. The report recommends that two bat boxes are provided, and we agree that the boxes suggested are appropriate.
- 17.6. Also mentioned in the report is the importance of lighting within the proposals. We recommend that lighting is kept to a minimum across the site and not directed towards vegetation, which may be used by bats for commuting and foraging.

Birds

- 17.7. There are no records for birds held at the WBRC within the site, nor species-specific evidence given in the report. Instead, only general evidence of nesting birds was reported.
- 17.8. The report recommends that two bird boxes are provided, and we agree that the boxes suggested are appropriate. The proposed locations can be given on the enhancements drawing.

Amphibians and Reptiles

- 17.9. WCC Ecology did not agree with the report's assertion that there is unlikely to be great crested newts on the site. The WBRC holds records for GCN in the surrounding area. OS mapping and aerial photography appear to show three ponds south of Shilton Lane and within 450m of the site, the nearest being approximately 180m to the east. The ponds do appear to have connecting hedgerows according to the Habitat Biodiversity Audit (HBA), except the nearest pond which is unconnected except by a sporadic tree line.
- 17.10. Because it is not possible to now demonstrate that GCN were using the paddock, nor that an offence may have been committed, we would recommend that enhancements for amphibians such as refugia at boundary edges, are incorporated into the scheme.

18. Noise, Air Quality and Contamination

Noise

18.1. Paragraph 174, 185 and 187 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise.

18.2. RBC Environmental Health did not raise any further concern in regard to noise on the site.

Air Quality

18.3. Paragraph 186 and 187 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposal on air quality. Further detailed guidance is outlined in the Air Quality SPD.

18.4. The application is not in the air quality management zone and Environmental Health did not raise any further concern in regard to air quality.

Contamination

18.5. Paragraphs 174, 183 and 184 of the Framework set out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.

18.6. RBC Environmental Health state that according to historic maps available to the council, the history of the site was as fields between 1883 to 1952. From 1962 unidentified structures appeared and the site is currently in use as a paddock. Although the risk is likely to be relatively low, it is a change of land use and will be introducing new, more sensitive receptors. As the applicant moved onto the site without permission thus making the application retrospective **CONDITION 8** has been tailored from prior to commencement (which is no longer possible) to within 3 months of any decision. If contamination is identified the subsequent mitigation would need to be carried out.

18.7. The technical therefore takes a stance of no objection on these matters subject to **CONDITION 8** the application can be considered acceptable.

19. Other Matters

19.1. The Town and Country Planning (Consultation) Direction 2021 came into force as of 21 April 2021.

19.2. This Direction shall apply in relation to any application for planning permission which;

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development, flood risk area development or commemorative object development;

19.3. For the purposes of this Direction, "Green Belt development" means development which consists of or includes inappropriate development on land allocated as GreenBelt in the development plan and which consists of or includes-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt

19.4. The LPA accepts the application does constitute inappropriate development however does not trigger point (a). In terms of point (b) the application by reason of its scale, nature, or location would not be deemed to have a significant impact specifically on the openness of the greenbelt although the LPA does accept harm which is substantial.

20. Planning Balance and Conclusion

20.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

20.2. The proposal scheme is considered inappropriate development within the Green Belt and as such is not acceptable unless there are very special circumstances. Further assessment has identified the harm to the openness of the greenbelt as less than significant due to the existing built form and the infilling nature of the proposal site within an area of existing development within the greenbelt.

20.3. It is determined that the LPA currently have a shortfall in Gypsy and Traveller Site provision within the borough and there are no allocated locations within the borough that the applicant and their family could lawfully move to. Therefore, if the application were to be refused there is a likelihood of the creation of a further unauthorised site within the borough. The need is determined as significant and carries significant weight in favour of VSC.

20.4. There are significant and unique medical needs for two of the occupants of the site which have been appropriately evidenced to the Local Planning Authority. Due to this the permission is to be conditioned to be a personal one under **Condition 5** as the VSC would apply to the current occupants with the unique medical needs and their family. Overall, it is considered that the unique and significant medical needs of the applicant is determined to carry significant weight in favour of VSC.

20.5. The ministerial statement 2015 does state that personal circumstance and unmet need are unlikely to clearly outweigh harm to the Greenbelt subject to the best interests of the child. The LPA has been advised that there are three children residing on the site. No evidence of their ages or educational and medical needs has been provided at the time of writing however, the LPA do deem this to carry significant weight in favour of VSC when balanced against the Ministerial Statement.

20.6. Overall, it is considered that the unique and significant VSC outlined above clearly outweigh the harm to the Green Belt that has been caused by the inappropriate nature of the development. The development is therefore considered to be acceptable on the grounds of the very special circumstances associated with the application and will be conditioned to be a personal permission due to these matters.

20.7. The principle of this development is therefore considered acceptable. No technical consultee takes a final stance of objection to the proposal subject to conditions which have been tailored in relation to the retrospective nature of the application. The scheme is acceptable in terms of scale, character and appearance and would not be considered to significantly detrimentally impact on the surrounding residential amenity. Conditions have also been added which safeguard and prevent commercial use, ensure the permission is personal to the applicants and safeguard against further homes being put onto the site.

20.8. In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives

21. Recommendation

21.1. Planning application R21/1234 be approved subject to:

- b. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R21/1234

DATE APPLICATION VALID:
07-Feb-2022

APPLICANT:

Mr Andrew Forrest Land adjacent to Treetops, Shilton Lane, Shilton, Coventry, CV7 1LH

AGENT:

Dr Angus Murdoch PO Box: 71, Ilminster, Somerset, TA19 0WF

ADDRESS OF DEVELOPMENT:

Land Adjacent To Tree Tops, Shilton Lane, Shilton

APPLICATION DESCRIPTION:

Retrospective application for the Change of use of land from a paddock to provide two residential gypsy pitches including two amenity blocks with associated parking, access and entrance gates.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

This permission shall be deemed to have taken effect on 9-Nov-2023.

REASON:

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

CONDITION 2:

The development shall be carried out in accordance with the plans and documents detailed below:

Site Location Plan	Dated 04.11.21 Drawing No SD0163/10	Rev 1
Site Plan	Dated 14.06.18 Drawing No SD0163/2	Rev 1
Amenity Block	Dated 11.11.21 Drawing No SD0163/4	Rev 1
Static Van	Dated 11.11.21 Drawing No SD0163/3	Rev 1

REASON:

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

CONDITION 3:

The development hereby permitted shall only be occupied and used for the purposes of being a Gypsy and Traveller site and for no other purpose.

REASON:

As the development is only acceptable due to the applicant's circumstances, and to ensure the proper operational use of the site.

CONDITION 4:

No commercial activities shall take place on the land, including the storage of plant, machinery and materials and the transfer or burning of materials.

REASON:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 5:

The development hereby permitted shall be personal to Mr Andrew Forrest, and the site shall only be used by Mr Forrest his spouse and his children.

REASON:

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

CONDITION 6:

Other than those hereby approved, no additional caravans shall be brought onto the site without the prior written approval of the Local Planning Authority. No replacement caravan shall be brought onto site unless and until the caravan being replaced has already been removed from the site.

REASON:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 7

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

REASON:

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

CONDITION 8:

Within three months of the decision date, condition (a) to (d) below must be complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,

groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

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

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

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

REASON :

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

CONDITION 9:

Within 3 months of the decision, a detailed schedule of enhancement measures (to include all aspects of landscaping including native species planting and details of any habitat creation such as ponds and species-specific enhancements such as hedgehog gaps in fencing, bird and bat boxes provided) has been submitted to and approved in writing by the Local Planning Authority. Such approved enhancement measures shall thereafter be implemented in full.

REASON:

In accordance with NPPF, ODPM Circular 06/2005.

CONDITION 10:

Within 3 months of the decision, the access for the site shall be surfaced with a bound macadam material for a distance of 10 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interests of highway safety

INFORMATIVE:

A. Condition number 10 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

INFORMATIVE:

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

INFORMATIVE:

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

INFORMATIVE:

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

INFORMATIVE:

The development is within farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest.

DRAFT

Reference: R23/0794

Site Address: 62, Lawford Road, Rugby, CV21 2ED

Description: PROPOSED CONVERSION OF EXISTING SHOP AND DWELLING TO A 13 BED HOUSE OF MULTIPLE OCCUPATION, WITH ASSOCIATED BIN AND CYCLE STORE, REAR EXTENSION, DORMERS, AND NEW WALL TO THE FRONT BOUNDARY

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38520>

Recommendation

1. Planning application R23/0794 be approved subject to:

the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the application has been called to Committee by Councillors Ish Mistry, Barbara Brown, and John Slinger.

2.0 Description of site

2.1 The application site comprises of two separate units, one residential and one vacant commercial unit at ground with residential above. The units are located at the junction of Lawford Road and Round Street. It is a mainly residential area with commercial development to the east, towards the Town Centre.

3.0 Description of proposals

3.1 This application seeks full planning permission for the change of use of the premises into a 13 person House in Multiple Occupation (HMO). Works would include a two-storey rear extension to No.62 and a first-floor extension over the wing at No.62a, the erection of a new front boundary wall, dormer windows in the rear roof slope of No.62 and alterations to the façade.

Planning History

R22/0807			Proposed Conversion of Existing Premises into 4 No.		
Residential	Flats	and	1	No.	Bedsit
Approval			26/10/2022		

Relevant Planning Policies

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

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

HS5: Traffic Generation and Air Quality

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC4: Sustainable Buildings

SDC9: Broadband and Mobile Internet

D2: Parking Facilities

National Planning Policy Framework, 2023 (NPPF)

Supplementary Planning Documents and other reports

Climate Change and Sustainable Design and Construction, 2023

Air Quality, 2021

National Design Guide, 2019

Technical consultation responses

No objections, some subject to conditions/informatives, received from:

- WCC Ecology
- RBC Work Services
- RBC Environmental Health
- WCC Highways
- NHS UH – request for contributions

Third party comments

5 objections from nearby residential have been received and a 43-person petition has been received from residents in the area, concerned with:

- Impact on the limited on-street parking spaces.
- Lack of consideration for the residents of the sheltered accommodations with Mobility scooters.
- Late night on-street parking will generate noise nuisance for the residents of the side streets.
- Anti-Social Behaviour.
- There is no permit base parking scheme in place in New Bilton Ward for the residents.

Councillors Mistry, Brown and Slinger have commented, concerned with:

- Impact on the limited on-street parking spaces.
- No provision of off-street parking spaces.
- Lack of consideration for the residents of the shelter accommodations because of increase noise and disturbance.
- Late night parking on the on-streets will generate noise nuisance for the residents of side streets.
- It is not a sustainable development

- Environmental impact because of insufficient bins space and recycling facilities.

4.0 Assessment of proposals

4.1 The key issues to assess in the determination of this application are:

- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety
- Ecology
- Air quality
- Other matters

5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

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

5.3 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

5.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy with Rugby town being the main priority of development within the borough.

5.6 The application site is located within the Rugby Town as defined in Policy GP2 of the Local Plan as such there is a principle in favour of development within existing boundaries.

5.7 This application is therefore considered to comply with Policy GP2 of the Local Plan. The principle of development is therefore considered to be acceptable subject to the detailed assessments below and all other material planning considerations.

6.0 Impact upon character of the area

6.1 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are

situated, and developments should aim to add to the overall quality of the areas in which they are situated.

6.2. Section 12 of the National Planning Policy Framework states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 127 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 127 (b) states that buildings are visually attractive as a result of good architecture and layout.

6.3 There would be limited external alterations to the premises. The ground floor window of the commercial unit would be replaced with brick and fenestration of proportions to match the adjacent property and others in the area. A brick built boundary wall to the front of the corner property would also be erected to create a more residential character. This would be in keeping with the existing street scene and character of the area and would enhance the existing premises as there is no boundary treatment at present.

6.4 The dormer windows would be well designed and in keeping with the character of the property and the area.

6.5 The extended wing would enhance the property due to its pitched, tiled roof, replacing the flat roof and the additional windows which provide architectural interest within the street scene.

6.6 Overall, it is considered that the proposed works would complement the character of the existing dwelling and the wider street scene and area. The proposals therefore comply with policy SDC1 of the Local Plan and Section 12 of the NPPF.

7.0 Impact upon residential amenity

7.1. Policy SC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.2. The application provides an external amenity space for the future occupiers to the rear of the property for the hanging of washing, storing bicycles and would provide the space for the bin store and there are other green spaces within walking distance of the site for amenity purposes.

7.3 There has been concern raised over the storage of bins and general waste management at the site, as with HMOs the management of waste can detrimentally affect the amenity of nearby residents, the street scene and character of the area. The Climate Change and Sustainable Design SPD 2023 states that sufficient space for the different bin types must be considered as inadequate collection areas can result in bins strewn across public areas which is a safety risk to pedestrians and vehicles and visually unappealing. The SPD recommends communal storage within shared grounds by way of open storage for a number of bins. The rear yard has easy access for residents and also to the road, for collections by the private waste services team which would be employed to collect the waste weekly. The area designated is therefore considered compliant with policy.

7.4 The two-storey rear extension at No.62 would sit in between a two-storey extension at No.64 and the proposed two storey wing at No.62a. No 45-degree sightlines would therefore be infringed from windows at No.64, maintaining their light and outlook compliant with policy.

7.4 The proposed room sizes comply with national space standards for this type of accommodation. The proposal therefore complies with Section 12 of the National Planning Policy Framework and Policy SDC1 of the Local Plan, which requires high quality design and the paragraph 123 of the National Design Guide which seeks the provision of good quality internal and external environments for users of buildings.

8.0 Impact upon highway safety

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

8.2 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.3 Objections have been received in relation to the impact this proposal would have on the amount of traffic and parking availability. Particularly as there are a number of elderly residents' accommodation in the surrounding streets.

8.4 The applicants have undertaken a parking beat survey and WCC Highways have been consulted and have undertaken a full assessment of the application. The parking beat survey indicated the availability of sufficient on-street, non-resident parking zone (RPZ), parking capacity to meet the shortfall of on-site parking spaces required by the Council's parking standards SPD.

8.5. Parking standards outlined in the Local Plan states that Houses of Multiple Occupancy will each be considered on its own merits. Given the location in the Council's 'high access zone', accessibility to public transport, the close proximity to the town centre, and also the proposed provision for safe and secure cycle parking which will be secured by condition, this is considered acceptable and complies with policy D2 of the Local plan and paragraph 111 of the NPPF.

9.0 Ecology & Biodiversity

9.1. Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

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

9.3. Warwickshire County Council Ecology requested a bat survey which was undertaken by Bodinar Ecology. The conclusion was that the roof spaces impacted were of negligible bat roost potential. The survey determined that the building is conclusively not being used as a bat roost site. Officers are waiting on the formal consultation response and will any recommended conditions will be reported in the late representations.

10.0 Traffic Generation and Air Quality, Noise and Vibration

10.1 Policy HS5 requires that development within the Air Quality Management Area as defined in Appendix 8 of the Local Plan that would generate 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.

10.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” The premises’ sustainable location where the use of public transport, walking and cycling can be optimised, means it is likely to promote the use of sustainable transport as is required by policy HS5.

10.3 Environmental Health were consulted on the application and had no objections subject to an air quality mitigation condition being imposed on any permission.

10.5 As the proposal does not involve a significant increase in emissions that materially affects the AQMA compared with the existing use, the proposal is considered to achieve or exceed air quality neutral standards. As a result mitigation as detailed in points 2 to 4 of the policy are not required.

10.6 This application therefore complies with Policy HS5 of the Local Plan.

11.0 Climate Change and Sustainable Design

The Council has declared a ‘Climate Emergency’ pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.

11.1 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.

11.2 The application is sustainably located to maximise the use of modes of sustainable transport. Cycle storage will also be provided by condition to promote this sustainable mode of transport. A water limiting condition will also be imposed on any permission. Therefore, subject to these conditions, the proposals comply with Policy SDC4.

12.0 Other matters

12.1 Planning Obligations

Paragraphs 54, 56 and 57 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

12.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. Each is considered below if these requests meet the necessary tests and are therefore CIL compliant.

12.3 NHS Trust - University Hospitals Coventry and Warwickshire (UHCW) have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by

way of a monetary contribution towards the funding gap in respect of A&E and acute care at University Hospitals Coventry and Warwickshire. However, the request does not appear to relate to the development proposed, in accordance with Regulation 122 (b), therefore this is being confirmed with UHCW and the conclusion will be reported in late representations.

12.0 Planning Balance and Conclusion

12.1 The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not have a detrimental impact upon highway safety. It would also not have a detrimental impact upon air quality or ecology.

12.2 On balance, it is concluded that the proposal complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material Considerations including the Framework, it is considered that planning permission should be approved subject to conditions and informatives.

13.0 Recommendation

1. Planning application R23/0794 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R23/0794

DATE APPLICATION VALID:
25-Jul-2023

APPLICANT:

INVESTMENT STREET Unit A, Ibex House, 7 Keller Close, Kiln Farm,, Milton Keynes, MK11 3LL

AGENT:

REBECCA WALKER, Chapman Design LLP, Lelleford house, Coventry Road, Rugby, CV23 9DT

ADDRESS OF DEVELOPMENT:

62, Lawford Road, Rugby, CV21 2ED

APPLICATION DESCRIPTION:

PROPOSED CONVERSION OF EXISTING SHOP AND DWELLING TO A 13 BED HOUSE OF MULTIPLE OCCUPATION, WITH ASSOCIATED BIN AND CYCLE STORE, REAR EXTENSIONS, NEW WALL TO THE FRONT BOUNDARY AND DORMER WINDOWS TO REAR ROOF SLOPE

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

The development shall be carried out in accordance with the plans and documents detailed below:

Application Form; Site Location Plan; 4108-01; 4108-02; 4108-03; 4108-04 Ground Floor Plan; 4108-04 Proposed First Floor Plan; 4108-04 Proposed Second Floor Plan; 4108-05; 4108-06; 4108-07; 4108-08; 4108-09; Footmark Surveys Parking Survey September 2023; Internal/External Bat Survey 22nd September 2023; Parking Provision letter received 24.10.23.

REASON:

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall be as specified on the application form, and submitted plans received 25th July 2023.

REASON:

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

CONDITION 4:

The development shall not be occupied until secure cycle storage meeting, in full, Rugby Borough Council SPD standards in respect of quantum and design are provided at the site with details to be agreed in writing by the Local Planning Authority.

REASON:

In the interest of sustainability.

CONDITION 5:

Other than those shown on the approved plans no new windows/rooflights shall be formed at first floor in the west facing elevation/roof slope of the proposed extensions, unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 6:

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

REASON:

To provide broadband connectivity for future occupiers.

CONDITION 7:

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

REASON:

In the interests of sustainability and water efficiency.

INFORMATIVE:

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

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

Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal

offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0208 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season, lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

Nutrients and watercourses note:

In view of the nearby watercourse, care should be taken to over the management of waste on the site in order to prevent nutrient build up and run off into the watercourse. Nitrate and phosphate pollution can impact on fish and other aquatic life. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

Environment Agency nitrogen info link: <http://apps.environment-agency.gov.uk/wiyby/141443.aspx>

The applicant is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. This document can be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>