

11th April 2014

PLANNING COMMITTEE - 23RD APRIL 2014

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 23rd April 2014 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas
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 2nd April 2014.
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. Urgent Decision under Delegated Powers - Amendment to the Rugby Radio Station Draft Heads of Terms.
7. Delegated Decisions – 14th March 2014 – 3rd April 2014.

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 2013/14 – 18) are attached.

Membership of the Committee:-

Councillors Ms Robbins (Chairman), Mrs Avis, Butlin, Cranham, G Francis, M Francis, Mrs New, Pacey-Day, Sandison, Srivastava, Helen Walton and M Walton.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Senior Democratic and Scrutiny 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 and Scrutiny 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 – 23rd April 2014

Report of the Head of Planning and Culture

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

Item	Application Ref Number	Location site and description	Page number
1	R12/2009	Land at Cestersover Farm, Lutterworth Road, Churchover, Rugby (Swift Wind Farm) A wind farm comprising 4 no. wind turbines of up to 126.5m tip height. The proposed development also includes a single, permanent free-standing meteorological mast (80m), a temporary communications mast (10m), a sub-station compound containing a control building, electricity transformers, underground cabling, drainage improvements, channel crossings associated with a series of on-site tracks and turning heads, two site entrances with site access upgrades, 2 no. temporary construction compound, assist crane hard standings, and two temporary guyed meteorological/power performance masts (80m), with each wind turbine having a micro-siting tolerance of up to 50m.	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R14/0600	43 Macaulay Road, Rugby Erection of a single storey rear extension.	41

Reference number: R12/2009

Site address: Land at Cestersover Farm, Lutterworth Road, Churchover, Rugby (Swift Wind Farm)

Description: A wind farm comprising 4 no. wind turbines of up to 126.5m tip height. The proposed development also includes a single, permanent free-standing meteorological mast (80m), a temporary communications mast (10m), a sub-station compound containing a control building, electricity transformers, underground cabling, drainage improvements, channel crossings associated with a series of on-site tracks and turning heads, two site entrances with site access upgrades, 2 no. temporary construction compound, assist crane hard standings, and two temporary guyed meteorological/power performance masts (80m), with each wind turbine having a micro-siting tolerance of up to 50m.

Case Officer Name & Number: Nathan Lowde 01788 533725

The Proposal.

Planning permission is sought for the construction of a wind farm on land to the west and north of Churchover village and to the south of the A5. The scheme comprises the following:

- Four (4); three bladed horizontal axis wind turbines of up to 126.5m tip height with associated low to medium voltage transformers and related switch gear;
- Turbine foundations;
- Hard standing areas at each turbine location for use by the cranes erecting and maintaining the turbine;
- A single permanent, free standing meteorological mast;
- Two (2) upgraded site access points;
- On site access tracks and turning heads;
- Drainage improvements / channel crossings associated with the onsite access tracks (where required);
- A control building and sub-station compound;
- An onsite electrical and control network of underground (buried) cables;
- Two (2) construction compounds;
- Temporary 10m communication mast;
- Two (2) temporary guyed meteorological / power performance masts;
- Associated ancillary works; and
- Engineering operations.

Permission is also sought for each wind turbine to have a micro-siting tolerance of up to 50m around the position shown on the ground on the submitted site layout plan. This is claimed by the applicants to be required to allow the possibility of re-positioning the turbines as detailed ground condition and geotechnical surveys have yet to be carried out, which may lead to a necessity to marginally change the location of wind farm infrastructure.

The site is located in the countryside, south-west of the A5 and to the north-west of the village of Churchover, near Rugby, Warwickshire. The submitted site layout plan shows two points of access via two existing field accesses located on the A5 Watling Street between its junctions with the A426 and the A4303. One of the accesses would be gained from an existing field access close to the Bransford Bridge Crossing of River Swift, and this will provide access to Turbines T3 and T4 as well as the control building and substation compound. A further access would be gained from an existing field access close to Bransford Spinney, and this will provide access to Turbines T1 and T2. The main purposes of two accesses as oppose to one access it to avoid the need of a river crossing over the River Swift.

The turbines themselves are constructed in grey powder coated steel and measure a maximum height of 126.5m to the blade tip (80m hub height and 93m rotor diameter). Each turbine will have three blades, with a slightly curved profile. The turbine blades are also able to turn to face the prevailing wind direction. All four turbines are positioned at altitudes between 101-110m AOD. Crane hard-standing areas (measuring 40m x 30m) are proposed to be installed next to the site of each turbine. A 80m high meteorological mast is also proposed to be installed between Turbines T3 and T4 which comprises a metal lattice tower, with wind and meteorological measuring equipment attached. Two temporary Site Calibration Masts are proposed one being where turbine T4 is to be sited, and a further one to the South-east of turbine T4. A small transformer housing (measuring 4m x 3m x 2m) is proposed to be located close to each of the turbines.

A temporary site compound is proposed to be located adjacent to both site entrances, which will be removed once the windfarm is operational. A control building measuring 21m x 13m and having a dual pitched roof with a maximum height of 5.8m is proposed to be located close to the access which serves turbines T3 and T4.

The construction compound area has been reduced in size following initial comments from County Ecologists.

The proposals are EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The application has been accompanied with an Environmental Statement.

Site History:

R10/1613	Erection of an 80m high meteorological mast for a temporary period of up to 36 months to measure wind speeds	Approved 03.11.10
R10/2303	A wind farm comprising 9 wind turbines of up to 126.5m tip height, a single, permanent meteorological mast with a maximum height of 80m, a sub-station compound containing a control building, underground cabling, a new on-site track including a river crossing and drainage, a site entrance, and a temporary construction compound; and at each turbine location a permanent crane hardstanding area for the erection of each turbine, with each wind turbine having a micro-siting tolerance of up to 50m	Refused 12.11.11

R13/1269 Erection of an 80m high meteorological mast for a temporary period of up to 24 months to measure wind speeds (renewal of planning permission R10/1613 dated 3rd November 2010).
Approved 16.10.13

Technical Consultations:

National Grid no objection

WCC Rights of Way Team no objection

Whilst the Rights of Way team has no objection in principle to the proposals, they do consider the placing of turbines within fall over distance of the public footpath and Unclassified Road to be undesirable in terms of the potential impact on the perceived safety and amenity of these public highways from a user's point of view. Users may find turbines in such close proximity to be intrusive, intimidating or may even consider them a potential safety risk, which could impact on their enjoyment of the public footpaths or even deter them from using the public rights of way across the site. Concerns among the local community in this respect have been expressed.

Rugby Ramblers objection

There are numerous footpaths close to the site and the enjoyment of our members would be destroyed by this monstrous development.

The Ramblers Association objection

The Ramblers recognise the threat posed to our countryside by climate change, which could alter many of our cherished landscapes, and we support reasonable measures to mitigate this threat such as energy efficiency and energy conservation. However, this does not mean that we support inappropriate renewable energy developments that would be damaging to the landscape.

Should this particular planning application be allowed, four, 126.5 metre tip height, solidly intrusive industrial turbines, are going to impinge permanently on the view from seven public rights of way within the designated site boundary alone, yet alone from further afield. We would therefore strongly contend that the scale of this particular development would be nothing but detrimental to the beauty of, or to anyones enjoyment of, the surrounding countryside. Therefore, for the protection of the landscape, and countryside-users enjoyment of the landscape, Warwickshire Ramblers wish strongly to oppose this development.

Also, from a safety point of view, we consider that the siting of turbines T1 and T2 (both within 100 metres of Byway E2052 and Public Footpath R63 respectively) has failed to take into consideration the risk to footpath users in being placed in such close proximity to (126.5 metre tip height) externally rotating turbine machinery, and for this reason too we object to this application.

WCC Access and Bridleways Officer and The British Horse Society objection

A concern is being raised with the Wind Turbines being too close with the one Bridle path by 41 Metres approx. and in another instance the closeness to the E road / Bridleway is only 150 metres away, this being far too close and not following the guidelines laid down for Wind Turbines by Paths / Bridleways/ Roads this should be 3 1/2 times the height of the Wind Turbine Structure.

Coventry Airport no objection subject to conditions relating to Radar Mitigation Solution

National Air Traffic Services (NATS) objection

It is considered that the proposed application would have an unacceptable impact on the performance of its Pailton Air-Ground-Air Voice Communications systems which could in turn jeopardise aviation safety and efficiency.

Ministry of Defence no objection

In the interests of air safety, the MOD requests that all turbines are fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Environment Agency no objections in principle, to the proposed development but recommends that if planning permission is granted planning conditions are imposed relating to the development being undertaken in accordance with the Flood Risk Assessment, the submission of a surface water drainage scheme, contamination, the submission of an ecological and landscape management plan, the submission of a scheme for the provision and management of an 8 metre wide buffer zone along the watercourse., the submission of a method statement/construction environmental management plan.

WCC Highways no objection subject to informative

As the proposed access track to Turbines 1 & 2 crosses a public footpath (R63) ~ and the location of Tower T2 is nearby this right of way, the LPA is advised to consult separately with the County Councils Countryside Section.

The proposed site accesses will be off the A5, and are therefore the concern of the Highways Agency not Warwickshire County Council.

However, the proposed location for Turbine T1 is of concern, being located approximately 70 metres away from the public highway (E2052); Paragraph 57 of the Companion Guide for PPS22 'Planning for Renewable Energy' states that whilst there is no statutory separation between a wind turbine and a public right of way, fall over distance is often considered an acceptable separation. Fall over distance is considered to be the height of the wind turbine to the tip of the blade plus 10%. The Guide also states that the minimum separation distance is often taken to be that the turbine blades should not be permitted to oversail a public right of way.

Development Strategy comments

The principle of wind energy development at the location of the proposed wind farm is acceptable. When determining the planning application, the recommendations made within the Landscape Capacity Study should be taken into consideration, such as the need for a Landscape and Visual Impact Assessment (LVIA) to be carried out. Further guidance that could be considered is National Policy Statement EN-3. This will ensure that the impact of the proposal upon the surrounding landscape, including cumulative impact of this and other wind farms in the area, and the impact of the proposal upon the village of Churchover, the setting of the listed buildings, the Church and the Churchover Conservation Area is taken into consideration. The decision should therefore be based on an assessment between the visual impact of the proposal and the environmental benefits produced from the development.

Environmental Service no objection

Do not object to the application subject to the recommended conditions being attached and further clarification/assessment being made where stated below.

RBC Landscape Officer comments

Having studied the Viewpoint details submitted by the Applicant, it would appear that this greatly reduced number of proposed turbines (from the previous application) will not have such significant consequences on the surrounding landscape and settlements. In terms of what has been submitted I am therefore happy with its contents.

Leicestershire County Council (LCC) comments

LCC at its meeting in December 2012 noted with concern the potential damage to the rural landscape of Leicestershire which could arise from a proliferation of wind turbines, and the unrest in rural communities who perceive themselves threatened by turbines, especially the very large ones. For the purposes of this application technical comments have been made in this context relevant to Leicestershire.

Harborough District Council objection

This application has raised a number of concerns from consultees relating to the proposal's impact on the District's landscape and the villages that lie close to the site of the proposed turbines. The LPA would wish to raise objections with regard to the proposal's very significant impact on the landscape of the area, and on the setting of the villages of Cotesbach and Shawell, as well as Churchover in your district, and on the setting of the Grade II* listed parish churches at Cotesbach and Shawell, and would also raise concerns with regard to the proposal's impact on the setting of numerous Grade II listed buildings and other heritage assets in and around those villages.

The proposal's public impacts on landscape, local residents' amenity, heritage assets, wildlife, noise, highway safety and rights of way users, will need to be balanced against its public benefits in terms of renewable energy generation.

English Heritage objection

The site consists of farmland to the north-east of the village of Churchover. The assets which appear to receive the most significant impacts are the parish church and the Conservation Area around it. The installation of four large turbines will cause sufficient harm to merit this scheme being refused. The level of harm would not be substantial but towards the upper limits of less than substantial.

WCC Archaeology no objection

No objections subject to conditions

Highway Agency no objection

No objections subject to conditions

No construction of the wind turbine facility or transportation of wind turbine components (via abnormal load movements) shall be carried out until all accommodation works as identified on both Renewable Energy Systems drawings Fig 4.11 & Fig 4.12 Northern & Southern Site Entrance numbered 03010D2403-03 have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.

Each turbine shall be located by micro-siting no closer than 176.5m to the A5 Highway Agency boundary.

CPRE

Objection

The application should be firmly refused on grounds of harm to the landscape and the setting of the Churchover Conservation Area, and the conflict with the Warwickshire Landscape Guidelines.

RSPB

no objection

We are satisfied with the ornithological assessment methodology and have no comments on the results or conclusions. We believe the impact on birds from this proposal will not be significant and we raise no objection to this application.

Natural England

no objection

Unlikely to affect statutory protected sites or landscapes.

WCC Ecology

no objection

Propose conditions together with informatives to be attached to include a detailed Ecological Management Plan, Bat Survey and detailed Mitigation Plan, external lighting, post construction monitoring of any impact of the proposals on birds, decommissioning and site restoration details.

Third Party Consultations:

Parish Councils.

Churchover objection

Visual Impact

The proposed development would have an unacceptable visual impact upon residents, walkers and other users of the village and rural environment. The turbines would be as little as 960m from individual village dwellings, and the whole of the village lies within 1260m. Houses at Greens Close (8 dwellings in total) would be especially badly affected although the village as a whole, and its context, would be harmed. The visual amenity of dwellings beyond the village and parish boundaries would also be severely damaged, including the closest dwelling, Streetfield Cottage at 657m distance. The visual impacts of the turbines would be unavoidable and unpleasantly overwhelming, aggravated by their eye-catching rotation. They would occupy a substantial proportion of the main outward field of view of numerous of properties and most of the best walking and recreational areas of the village. Essentially the whole of this small community would be dominated by their unavoidable presence, whether seen as a complete cluster, individually or just in glimpses of moving blades. Many views into the village would combine the proposed new turbines with the existing highly visible turbines at Shawell and Gilmorton (15 turbines in all). Some views, for example looking southeast along the northern parish boundary (the A5), would also include the Yelvertoft wind farm (an extra 8 turbines) in a single view. This cumulative impact is unacceptable. Overall, these tall, rotating structures would be overwhelming, obtrusive and unavoidable to the residents of many properties such that their amenities would be unacceptably impaired and taken as a whole the settlement would become a less satisfactory place in which to live than it is now, contrary to policy. So too would be several individual dwellings.

As such the development would fail to comply with NPPF, Saved Rugby Borough Local Plan saved policies GP2 and GP5 and Rugby Core Strategy 2011, Spatial Vision, Spatial Vision 11 and policy CS14.

Heritage Assets

The proposed development would fail to protect and enhance the historic environment or the countryside, destroying the setting of listed buildings and in particular Holy Trinity, by dwarfing its 25m spire with 126.5m turbines within 1100m. A unique and particularly compelling importance attaches to maintaining the peace and tranquillity of the surroundings and the quality of views to, from and of churches that are religiously, socially, architecturally, historically or visually important to the community. The vertical scale and blade sweep would have a harmful impact on, and fail to preserve the setting of the church, and the conservation area. It would also damage important archaeological features.

As such, it would fail to comply with the Planning (Listed Buildings & Conservation Areas) Act 1990 s.66 and ss.69-73; NPPF; PPS5 Planning for the Historic Environment 2010 (Practice Guide); Saved Rugby Borough Local Plan policies GP2 and GP5; and Rugby Core Strategy 2011 Spatial Vision, Chapter 6 and policy CS14. It is also noted that English Heritage rejects completely the development, on these grounds.

Landscape

The development would produce an unacceptable change in the landscape, and far exceed the landscape capacity of the area as assessed independently by the White report (adopted by the Borough Council as material to planning decisions) of 2010 and its review in 2013. In cumulation with three other windfarm developments, totalling 23 turbines and all easily visible from Churchover, there would be a domination of 1500 of landscape around the village by turbines, destroying landscape character, quality and the amenity of daily life. It would also conflict with Green Belt policy and no very special circumstances have been shown.

As such, the development would be contrary to NPPF; Saved Rugby Borough Local Plan policies GP2 and GP5; and Rugby Core Strategy 2011 Spatial Vision, Spatial Vision 11 and policy CS14.

It is also noted that Leicestershire County Council rejects the development on landscape grounds.

Other environmental impacts

The impacts on public rights of way will be unacceptable, turbines being as close as 30m from PROWs and oversailing them. Other peaceful enjoyment of the countryside will be interfered with or prevented, including equestrianism and angling. The “temporary” nature of the development, 25 years, is illusory, cannot be ensured and is therefore not a material planning consideration. Indeed, RES admit as much saying that after 25 years they will consider removing, but also replacing or refurbishing the turbines. The worst-case development is therefore permanent.

There are significant risks of damage to another heritage asset, mediaeval ridge-and-furrow land. The ecological data are unreliable and Natural England has expressly failed to consider it. No “green light” on ecology can be given.

The planning balance

Overall, and in the light of recent Ministerial guidance and appeal decisions regarding the balance and weight to be afforded to local and cumulative impacts, Churchover Parish Council concludes that the need for the development is minimal to non-existent and is clearly outweighed by its major adverse environmental impacts identified both by the Parish Council and by Statutory Consultees, notably English Heritage. As such, planning permission should be refused.

Pailton objection

Overbearing presence on Pailton village, and cumulative impact of the wind farm sites already in the Rugby rural area. Whilst under construction damage to important natural sites and potential risk of pollution of the river swift. Will affect the peaceful environment for walkers, visitors and wildlife and the amenity value of the rights of way across the beautiful upper swift valley could be spoilt. It will dominant views of the ancient Holy Trinity Church and destroy and overpower the beautiful views of an ancient settlement with its listed buildings. After decommissioning tons of concrete will remain reducing this from a Greenfield to Brownfield site. Will cause noise and health concerns to nearby residents.

Monks Kirby objection

This application will seriously spoil the character of the area, increase noise and disturbance and have a detrimental effect on landscape.

Cotesbach objection

Not opposed to windfarms in principle but are concerned about the village being surrounded with windfarms (visual impact of 3 already built) along with associated traffic, plus nearby land fill site, mineral extraction site, recycling digester, Catthorpe interchange

Bitterswell objection

These Objections include:

- (1) the quantity of energy produced by the proposed installation would be almost negligible and, therefore, the contribution to the aggregate UK generation of electricity would be immaterial;
- (2) from an examination of the benefits and penalties of the proposed development, it is plain that the ever-present eyesore that would be inflicted on the communities in the vicinity of the installation would not, by any measure, be compensated by the absurdly small value of electrical energy estimated to be produced by the proposed wind farm;
- (3) the realization of the proposed development would have profound adverse consequences for residents within and beyond the settlements nearby to Cestersover Farm;
- (4) It is essential that this country secures independence in the means by which it generates electricity. Of the available technologies that may contribute to the achievement of this goal it is unlikely that onshore wind will have a significant role to play. Indeed, it is highly probable that, as the means of generation that have historically produced electricity in this country are further developed and refined, and maritime wind farms begin to make a useful contribution, onshore wind farms will be little more than an ugly reminder of a method of generating electricity that had its foundation in medieval technology.

Representations:

172 objections have been received. The comments have been summarised and relate to the following issues:

- The proposal will completely dominate the Churchover village conservation area and its listed buildings especially Holy Trinity church, and do untold damage to the living conditions of those nearby and the peaceful and unspoilt rural valley
- Affect protected and priority species and habitats. Biodiversity features and designated sites.

- Not efficient, unsustainable and uneconomical, economic scam
- Will impact upon the character of the area, Churchover is not, as yet, a characterless suburb of Rugby or is it an industrial park
- Out of scale with the scale of other features of this rural landscape
- Will generate increased noise and disturbance in-emitting a low-frequency and Amplitude Modulation noise
- Rotating blades will cause a visual distraction for traffic on the A5
- Turbine noise is not a natural rural noise, creating an unpleasant living environment particularly at night when background noise is at its lowest
- The noise will be a distress to residents, users of the Right of ways and motorists alike.
- Impact upon the rural landscape
- This development would encourage further development
- Churchover will lose its identity as a discrete location and community
- English Heritage are of the opinion that the effect on the heritage would be unacceptable and the application should be refused
- The steeple of the church which currently dominates the landscape will be insignificant if permission is granted
- Blot our landscape
- Don't work is there is too much wind and don't work is there is no wind
- Largely subsidised
- Loss of valuable agricultural land
- Swift Valley is a heritage beauty spot in Warwickshire
- Privacy would be lost by the invasion of wind turbines, obtrusiveness from gardens and through windows of habitable rooms.
- The damage caused to the local environment would far outweigh any wider environmental benefits
- Enjoyments of the public right of ways would be diminished by the presence of the turbines
- Will be visually dominating especially for those visiting the graves of loved ones in the churchyard, preclude quiet churchyard meditation
- Cause light flicker
- What guarantees are there that the turbines will be removed at the expiry of approval
- Homes will be affected by shadow flicker
- Safety risk to horse riders
- Cause interference with TV signal and WIFI
- Landscape change from rural to industrial
- From the east the turbines would alter the appearance of the village, dominating the outlook, detracting from the character and appearance of the CA (Conservation Area) and church. From the west the village would be seen dwarfed by the turbines. Further views would be harmed by the turbines
- Fails to preserve or enhance the character and appearance of the conservation area
- Conflict with the NPPF and saved policy GP5
- A number of houses within the village have principle windows serving habitat rooms looking out towards the turbine site and as such the outlook from these properties would be compromised. The worst affected being those at Green Close and the neighbouring properties of Adelante and the Old Rectory. Properties along Church Street will also be affected including Ivy House, Long Acre and Field View, and outlying properties including Farndale at The Gibbet.
- Cumulative impact with nearby wind farms of Gilmorton, Swinford and Yelvertoft
- Flood risk, the concrete bases with roads and associated building will increase run-off from the surrounding land and reduce the amount of land that sops up the water.
- Harm to archaeology in particular the mediaeval ridge – and – furrow landscape.

- The right to preserve the landscape is more than the government's renewable energy targets
- Reduced property value
- Disrupt public footpaths, and loss of walking amenity
- An alternative to this type of development is an anaerobic digestive plant
- The church is located 615m and 920m away from the nearest turbine.
- Churches are the main spiritual and pastoral focus of community activity and local people identify strongly with them to establish, individually and collectively, their own distinctive sense of place, purpose and history. The quality of the buildings themselves and of their surroundings also often represent the pinnacle of a settlement's architectural achievement and they are widely recognised and appreciated as a showcase of the environmental quality of a settlement and the social well-being of its people. For all of these reasons, it seems to me that a unique and particularly compelling importance attaches to maintaining the peace and tranquillity of their surrounds and the quality of views to, from and of them that are religiously, socially, architecturally, historically or visually important to the community. In an economic sense, these functions in turn contribute to ongoing preservation and enhancement of the buildings themselves.
- Health issues
- Profound visual impact to the village of Cotesbach
- Turbines are monstrous and ugly
- Ice throw
- Bridlepath R62 is 350metres from planned turbine 4 and track road E2052 is incredibly close to turbine 1. The developer has also asked for 50metres extra movement in where he can site the turbines so they might be even closer and turbine 1 will certainly oversail E2052. The BHS advise turbines should be at least 3 times the tip height i.e. 380meters from bridleways.2) turbine 2 will also be within fall-over distance of a RoW.

ASWAR (Against Subsidised Windfarms Around Rugby) objection

Landscape and Visual intrusion.

We support English Heritage, CPRE, Leicestershire CC, Harborough district, David Hall (the UK's historian expert on Ridge and Furrow) objections on heritage and landscape/visual impacts, believing the simplicity that the community are defending can be summarised:-

- The important relationship between the grade II* listed Church and Conservation Village to the surrounding historic landscape represented partly by the medieval landscape of the finest Ridge and Furrow.
- The wide views into the village are dominated by the Church that has a strong communal value as the centre of village life throughout its 1000 year history
- The church's prominent setting offers a vital contribution to its significance which would be harmed by the intrusion of four large turbines.

The unity of the whole – farmland, river and settlement – is remarkably pure, especially so close to sprawling Rugby.”

A Churchover resident, Mr John Washington expressed what is obvious to all: “You don't need to be a regular church goer to recognise the importance of the setting of Holy Trinity church to the peacefulness of the surrounding landscape”.

The villages of Churchover and Cotesbach are already surrounded by other major windfarms and to add to this would be cumulatively oppressive.

Impact on amenity.

The gigantic wind turbines would oppressively dominate the views of homeowners, walkers, riders and fishers and interfere with people's enjoyment of public rights of way with a real risk from 2 turbines being within topple distance and one even oversailing the E-road. Fishing will become a less attractive sport. (The Upper River Swift (Churchover to A5) is one of only two stocked trout streams in Warwickshire)

Impacts on wildlife.

Turbines will kill the birds, bats and raptors which live in the valley and use it as a migration route. Warwickshire Wildlife Trust and other wildlife experts consider the valley has potential of county status importance as a wildlife site. Expert opinion considers the wildlife surveys McAlpine/RES have conducted to be of less than robust accuracy.

Noise and Health impacts

ASWAR believes that the next major public health scandal to break will be that associated with wind turbines and recommends RBC to implement the Den Brook AM condition.

In planning, residential amenity is protected from wind turbine noise nuisance by use of a defined assessment process called ETSU-R-97. Judged against this standard, the noise assessment presented is deficient in at least two respects.

First, as pointed out by the case officer, it relies upon charts and analyses conducted for a nine-turbine proposal determined locally in 2010 and whose appropriateness for the current application is moot.

Second, all parties agree that the noise climate in this area is dominated by road traffic, yet the analysis simply ignores the contamination of the required data from this source. The impact of this error on the setting of limits relative to the predicted turbine mechanical noise is not assessed.

It follows that there can be no confidence that, were the application to be allowed, the resulting wind farm would not present a serious noise nuisance. The detail of these arguments is presented in *R12/2009: Some Concerns about the Noise Assessment for Land at Cestersover Farm, Lutterworth Road, Churchover: a rejoinder to comments made by Mr David Burrows* and the correct analytical method, called directional filtering, is outlined in the DECC approved Institute of Acoustics *Good Practice Guide, Supplementary Guidance Note 2*.

Housing blight and the impact on property values.

McAlpine/RES claim there will be no impact on property prices. They are wrong. LSE's recently published report on research conducted over the past 20 years concludes that values of houses within 1.2kms of large wind turbines are slashed by 11%.

The Economic and Social Research Council has suggested after a 10 year study on the affects of wind turbines on property prices "The figures suggest that the developer of a typical wind farm would need to pay around £10 million to compensate local home owners for the impact on the landscape".

Wider Economic impacts.

Intermittent renewables are a disaster and an economic scam. Costs added to electricity bills are much higher than the industry admits and will escalate further to 2020/30 if no change in Govt policy, increasing fuel poverty, driving energy-intensive manufacturing jobs offshore, while the expected claimed reductions in emissions are not delivered. Papers below give further detail:

Lack of democratic support.

Every measure of local objection among residents for the last four years done by Churchover Parish Council and ASWAR has repeatedly come out at over 90%. The government ministers and the local MP have trumpeted localism. Every local Parish Council has objected, as has Lutterworth Town, Harborough District and Leicestershire County. Rugby Borough Council needs to join-in and help defend the community with a robust rejection of R12/2009.

A letter has been received from Mark Pawsey MP raising the following concerns:

- The concerns outlined by ASWAR are given full consideration when this matter is considered as this is a great matter of distress for many of my constituents

Lutterworth Town Council Objection

There is a concern as to the lack of any strategic planning within Warwickshire and Leicestershire for wind farms.

13 individual letters of support/observation have been submitted. The comments have been summarised and relate to the following issues:

- It is important that there is appropriate landscaping and planting around the supporting buildings and infrastructure
- Misinformation about harms, there are no ill effects, no noise problems and visually beneficial, with proven records of safety with little impact upon the environment.
- Without sustainable sources of electricity we would not be able to keep up with not only the power required, but also will impact the environment.
- UK below the target for the proportion of electricity being produce form a renewable source. We need electricity produced from decentralised generation thus reducing inefficiencies within the National Grid. This small windfarm will fulfil both of these.
- Will be an enhancement to the local landscape
- Producing energy by using renewable forms, such as windpower, is an extremely way of tackling climate change, contributing to reduction of pollution and climate change.
- Visual impact is positive, aesthetically pleasing, elegant structures, symbols of a new age of enlightenment.
- Will not be very visible form the village of Churchover or from windows that view out NW and SE.
- Existing landscaping will screen the proposed development
- Every part of the country needs to play a part in fighting climate change.

Relevant Policies:

National planning policies:

- National Planning Policy Framework (NPPF) (2012)
- National Policy Statement for Energy (EN-1) (2011)
- National Policy Statement for Energy (EN-3) (2011)
- Planning practice guidance for renewable and low carbon energy (2013) (now cancelled and replaced with Planning Practice Guidance – Renewable and low Carbon Energy 2014)

Relevant local planning policy:

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

CS1 Development Strategy

CS16 Sustainable Design

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

GP5 Renewable Energy

T13 Airport Flight Paths

Supplementary Planning Guidance.

- Churchover Conservation Area Appraisal
- Rugby Borough Landscape Capacity Study for Wind Energy Developments (White Associates 2011) together with its update of 2013.
- Warwickshire Renewable and Low Carbon Energy Resource and Feasibility Assessment *Warwickshire CC Landscape Assessment*

Consideration:

1. Policy Background

National Policy

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

The National Planning Policy Framework (NPPF) of 2012 replaced the previous Planning Policy Statements (PPSs) and Planning Policy Guidance Notes, though the PPS22 *Planning for Renewable Energy Practice Guide* (PPS22CG) and PPS5 *Planning for the Historic Environment Practice Guide* (PPS5CG) remain extant. Paragraph 17 of the NPPF outlines 12 core planning principles that underpin both plan-making and decision-taking. One of these principles identifies that planning should support the transition to a low carbon future in

a changing climate and encourage the use of renewable resources. The NPPF says at paragraph 98 that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable. The NPPF advises that local authorities (or decision makers) should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS for Energy (EN-1), both dated 2011.

The advice needs to be read as a whole. Particularly relevant to this application is paragraph 5.9.18 of EN-1 which advises that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed areas and that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project. EN-3 states at paragraph 2.7.6 that appropriate distances should be maintained between wind turbines and sensitive receptors to protect amenity, the two main impact issues being visual amenity and noise. Paragraphs 2.7.48/49 say that commercial wind farms are large structures and that there will always be significant landscape and visual effects for a number of kilometres around a site; the arrangement of turbines should be carefully designed to minimise effects on the landscape and visual amenity whilst meeting technical and operational siting requirements and other constraints. Paragraphs 2.7.52-2.7.62 concern noise impacts and indicate that ETSU should be used to assess and rate noise from wind energy development, taking account of the latest industry good practice. The PPS22CG also recommends its use.

In addition to the NPPF and NPS EN-1 and EN-3, the Planning Practice Guidance for Renewable and Low Carbon Energy (PPGRLCE) provides specific guidance on the planning issues associated with the development of renewable energy. It can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to. Paragraphs 29-44 of the PPGRLCE outline specific planning considerations that relate to wind turbines. Particularly relevant to this application is paragraph 34 which addresses how heritage should be taken into account when assessing wind turbine applications. Furthermore, paragraphs 39 and 40 address how cumulative landscape and visual impacts from wind turbines should be assessed. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point.

Rugby Borough Core Strategy (2011)

The Rugby Borough Core Strategy was adopted in June 2011. Although there are no policies within the Development Plan that identify sites that are suitable for renewable energy, Policies CS1 (sustainable development) and CS16 (sustainable design) illustrate support for environmentally sustainable development.

Policy CS14 (enhancing the Strategic Green Infrastructure Network) advocates the protection, restoration and enhancement of existing GI assets within the network as shown on the Rugby Borough Green Infrastructure Proposals Map. The proposed site lies with the indicative GI network, therefore, where appropriate, any opportunities to enhance, protect or restore the GI network should be taken.

Rugby Borough Local Plan (2006)

The Rugby Borough Local Plan was adopted in July 2006. Although this has predominantly been superseded by the Core Strategy, some policies have been saved. The relevant saved policy that applies to this wind farm proposal is policy GP5 (renewable energy).

Policy GP5 encourages the provision of renewable energy schemes where careful consideration has been given to design, layout and siting in the landscape. The policy advocates that planning permission will be granted where no material harm would result in relation to residential amenity and the environment. All applications will require a thorough understanding of the character of the landscape within which they are proposed. Information submitted to support the planning application for this proposed development should demonstrate that consideration has been given to mitigating adverse impacts through the careful location, siting, design and layout.

Local Evidence Base

- **Warwickshire and Solihull Renewable and Low Carbon Energy Resource Assessment and Feasibility Study (2010)**
- **Landscape Capacity Study (2010)**
- **Landscape Capacity Study Update (2013)**

In the absence of a specific local policy relating to the location of a renewable energy site, the Warwickshire and Solihull Renewable and Low Carbon Energy Resource Assessment and Feasibility Study (2010) (“Renewable Energy Study”) was published, which aimed to inform the Partner Authorities about the potential viability and deliverability of various renewable and low carbon options in order to provide an evidence base document for subsequent documents.

The study examines the potential for local renewable energy, by looking at decentralised generation together with opportunities in future new development and retrofit within existing buildings. A large number of sites were identified through GIS analysis as being suitable for wind development. It is stated within the report that Rugby Borough has potential for between 25 and 48 turbines, subject to landscape capacity work being undertaken. The study maps wind speeds across the Borough and demonstrates that the broad location at which this development is proposed has an approximate wind speed of between 6-7 metres per second (see figure 24). Further to this, the Renewable Energy Study maps zones of varying constraint to wind energy development; the broad location in which the proposed wind farm is situated is shown as a less constrained area (see figure 25, see table 9 for a list of considered constraints).

The authors of the Renewable Energy study recommended that Rugby Borough Council conduct a “Landscape Impact Study” to critically appraise landscape development constraints to wind energy development. As a result, the Landscape Capacity Study (LCS) for wind energy development was commissioned in October 2010. It provides useful evidence that can inform the consideration of this application and the possible impacts this development may have upon the surrounding settlements and landscape. The study concluded that board location at which this development is proposed was one of three potential sites that had capacity for wind turbine development. This conclusion was based on landscape capacity, the number of sensitive receptors in and around the area and the presence of existing wind farms which potentially have a cumulative effect on receptors. The study describes four scenarios that explore the capacity of the area; one scenario outlines a small cluster of 1-4 turbines the east of the site. If this scenario was taken forward, it’s siting and design needs to ensure that effects are minimised on Churchover and its spire and other settlement as well as on Newnham Paddox and the landscape character of the Swift valley. The commissioning of the Landscape Capacity Study also fulfils the requirement for a Cumulative Impact Study to be carried out, as set out in paragraphs 41-44 of the PPGRLE.

An update to the 2010 Landscape Capacity Study was carried out in September 2013, which takes account of any circumstances that may have changed since the previous study. The updated study identifies that the character of the area itself has not changed significantly since 2011, and therefore the outcomes of the four scenarios that were previously explored are still applicable. The study examines this application and concludes that a landscape and visual impact assessment (LVIA) should be produced to verify whether the turbines are appropriately sited and this should itself be reviewed for reasonableness of conclusions. The key issue is the effect on Churchover and its residents.

Conclusion – The principle of development:

As stated above, the NPPF advises that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy (par 98). However, the Council's own evidence base supports the principle of wind energy development at this broad location. The Renewable Energy Study confirms that wind energy development is technically feasible upon this site both because the wind speed is sufficient and also because other constraints to development do not affect this general location.

It is therefore considered that the principle of wind energy development at the location of the proposed wind farm is acceptable.

Although on solely policy grounds, the proposal can be judged to be acceptable, it also needs to be considered on its impact on the prevailing landscape character of the area, identified heritage assets of significance surrounding the site and on the amenities of adjoining residents as well as other matters such as access, flood risk, impact on aviation and impact on wildlife.

2. Landscape Character and Visual Impact.

Wind turbines such as those proposed are prominent structures by their very nature. The question is whether the effect of the proposed turbines together with the associated structures are such that the nature and appearance of the area would be so adversely affected that its particular characteristics would be harmed to an unacceptable degree.

The Environmental Statement (ES) submitted by the applicant assesses this impact in the form of a Landscape & Visual Assessment. This assessment contains the following:

- It identifies a study area of 25km
- Representative viewpoints around the study area have been selected
- The Landscape & Visual Assessment then considers the effects of the proposed turbines on the existing landscape using three categories – effects on landscape character, effects on views and cumulative effects
- A Zone of Theoretical Visibility diagram (ZTV) is also defined on a plan showing the number of blade tips that are visible around the study area

In total, 19 viewpoints were identified during consultation before preparation of the ES (and in conjunction with Leicestershire County Council), around the proposal, incorporating both medium to longer distance viewpoints and those closer to the proposal including 7 from within and around Churchover village. A number of selected viewpoints are in Leicestershire due to the location of the application site close to the administrative boundary and due to the fact that the prevailing landform will result in views from many locations to the north. These viewpoints are as follows:

1. A5 – Lay-by on northbound carriageway
2. Churchover – PRow to north-east of village
3. Churchover - Churchyard

4. Cotesbach – Bridleway to the west
5. Churchover – Coton Road/Lutterworth Road junction
6. PRow to west of Churchover
7. A426 – Lay-by on northbound carriageway
8. Minor Road to south-west of Churchover
9. Lutterworth – Coventry Road
10. Pailton – PRow to south of village
11. Harborough Magna PRow on northern edge of village
12. Gilmorton, Lutterworth Road (south)
13. A5 – Fosse Way near Claybrooke Magna
14. PRow at Rugby Radio Station
15. Ansty – Centenary Way PRow
16. Napton on the Hill
17. Bridleway to east of Newnham Paddox Registered Park
18. Churchover – Church Street (south)
19. Churchover – Farm track to north of village

It is considered that the proposed windfarm will be particularly visible in the landscape when viewed from many public viewpoints around this proposal. The Environmental Statement has outlined that the proposed turbines would be very prominent from the following viewpoints:

A5 – Lay-by on northbound carriageway (viewpoint 1)

Churchover – PRow to north-east of village (viewpoint 2)

Cotesbach – Bridleway to the west (viewpoint 4)

Churchover – Coton Road/Lutterworth Road junction (viewpoint 5)

PRow to west of Churchover (viewpoint 6)

Churchover – Church Street (south) (viewpoint 18)

Churchover – Farm track to north of village (viewpoint 19)

(a) *Landscape Character*

Government advice in EN-1 is that landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of evaluating landscape impacts. The Landscape Assessment of the Borough of Rugby identifies the application site as lying within the High Cross Plateau, Open Plateau Landscape Character Type. (LCT)

Within the wider LCT, which covers a significant area to the south of the A5, the LCT is subdivided into Landscape Description Units (LDU). The LDU that covers the application site is 106. The main landscape feature identified in this LDU (and describer in the Borough Council's Landscape Capacity Study worksheet assessment) is:

'... one of a broad valley focussing on the course of the River Swift on the flat valley floor with gentle slopes to the west and steeper slopes to the east especially around the settlement of Churchover, which lies on the upper slopes. Other settlement is sparse with occasional rural farmsteads and dwellings although there are two small gas transmission complexes and a power line crosses the area to the west. The A5 lies to the north and the M6 to the south although access to the area is generally limited to a few minor roads and footpaths. The land use is predominantly arable farmland associated with large scale

rectilinear and sub regular field pattern especially to the west and pastoral on the steeper slopes, valley floor and ridge and furrow to the east. The field pattern has been rationalised to the west and is rectilinear to the east with small fields in places associated with Churchover. Hedgerows are low cut and gappy in places. There is limited tree cover with a few copses of deciduous trees and occasional hedge trees. The small church spire at Churchover is the main landmark in the area. Overall the area is fairly open with views to the north towards Magna Park and Lutterworth and to the south there are views of Rugby...'

Whilst the applicant's ES does not directly refer to the LDU 106, the Landscape and Visual Impact Assessment undertaken by the applicant does describe the landscape character (paragraphs 6.6.8, 6.6.9, 6.6.17, 6.6.21) consistent with the LDU for this site.

(b) *Landscape Capacity*

The authors of the Renewable Energy study (mentioned earlier in this report) recommended that Rugby Borough Council conduct a "Landscape Impact Study" to critically appraise landscape development constraints to wind energy development. As a result, the Landscape Capacity Study (LCS) for wind energy development was commissioned in October 2010. It provides useful evidence that can inform the consideration of this application and the possible impacts this development may have upon the surrounding settlements and landscape.

Study finding

The Rugby Borough Landscape Character Assessment (LCA, 2006) divided the Borough into ten Landscape Character Types (LCTs) and these have been used as the basis for the sensitivity and capacity assessments in the Landscape Capacity Study (see LCS figure 5). The application site is located within the High Cross Open Plateau (HCOP). The LCA describes the High Cross Open Plateau as: "a remote, large-scale, open, rolling plateau dissected by broad valleys, characterised, by the most part, by wide views and a strong impression of emptiness and space."

The sensitivity assessment, undertaken as part of the LCS, concludes that the HCOP has a medium sensitivity to wind energy development:

"the area can potentially accommodate development in the category of 6-12 turbines but it would be highly desirable for clusters to be in the lower end of the range so as not to over dominate their environs (e.g. up to 7 turbines) dependent on local constraints and technically feasible areas. Larger developments would tend to dominate the landscape, exceed the grain of landscape pattern (e.g. maintaining an acceptable separation from settlements) and start to intrude towards the edges of the plateau which tend to be more sensitive." (HCOP sensitivity assessment sheet, Appendix A).

For each LCT that was found to have low or medium sensitivity to wind energy development, a number of scenarios were used to explore the maximum capacity. The scenario clusters used do not infer preferred locations but are used to explore overall area capacity. The study outlines that the preferable location for a cluster in the HCOP is to the north of the area because this minimises potential cumulative effects with turbines already located at Swinford and Low Spinney.

The scenarios within the HCOP included a collection of turbines in a similar location to the application, this is often referred to in the study report as the 'eastern cluster' (see figure 8 of the report). It is explained that the approximate location of the application site has potential for development if appropriately sited:

“One further small cluster (preferably 1-4 turbines) may be able to be accommodated further east [at approximate application site] but its siting and design needs to ensure that effects are minimised on Churchover and its spire and other settlements as well as on Newnham Paddock and the landscape character of the Swift Valley. (Para 7.3).

An update to the 2010 Landscape Capacity Study was carried out in September 2013, which takes account of any circumstances that may have changed since the previous study. The updated study identifies that the character of the area itself has not changed significantly since 2011, and therefore the outcomes of the four scenarios that were previously explored are still applicable. The study examines this application and concludes:

*'One wind turbine cluster of 1-7 turbines can be accommodated in this landscape in the middle of the higher plateau [LDU 73] **with an additional smaller cluster being potentially acceptable to the east if appropriately sited. This should not be 7 turbines in size because of potential effects on landscape scale of the Swift valley and potential effects on Churchover and its spire. Possibly between 1-4 turbines may be appropriate.** There are also potential effects on Newnham Paddock as well as potential cumulative effects with Swinford which may limit acceptability. **Siting and design would require very careful consideration.**' [bold text taken from report]*

Landscape and Visual Impact

It is acknowledged that wind turbines are likely to have a significant visual and landscape impact but that in assessing planning applications it should be recognised that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved. These impacts are of a temporary nature, should conditions be imposed to require a further decommissioning of turbines. In addition to the wind turbines there is ancillary development which in the respect to this application includes metrological masts, access tracks, hardstanding, control buildings, sub-stations which all contribute to the built form and therefore altering the character of the landscape.

The wind turbines proposed, and to a lesser extent the metrological mast and the communication mast would have a height much greater than anything else in the immediate vicinity, and they would be clearly visible from a significant distance. All operational development is visible to some degree and as such it is not simply a matter of whether a development can be seen that is the key issue, it is whether or not the development will have an adverse impact on the character of the landscape to such an extent that the landscape will be harmed to an unacceptable level. National guidance/policy acknowledges that there will always be significant landscape and visual impacts for several kilometres around a site. Thus, the fact that the visual effects would be significant does not necessarily equate to unacceptable harm.

The application site does not lie within any nationally, regionally or locally designated landscape. The Landscape Character Type (LCT) does have 'local' value and the applicant's within their landscape character assessment also reach this conclusion. However, within this particular area where the turbines are proposed its value is limited as there are no local landscape features which could be described as being of outstanding interest. The turbines generally avoid well defined landform and complex landcover. However, it should be noted that for the local community this landscape is valued, particularly for its ridge and furrow.

The applicants have undertaken a Landscape and Visual Impact Assessment which identifies that within a 1km radius it is anticipated that the proposed development would have a large scale visual effect. In this area the proposed development would be a dominant feature. It is considered that the key impacts on the immediate landscape would be felt most in views obtained by drivers on the A5 and walkers on the public rights of way that run close

to the proposed development. Thus, given their height, the turbines and the rotating blades would have a significant impact on the immediate landscape, where they would become a major component of that landscape and have a significant public visual impact. Within a 1 to 2.5km radius the applicants have identified that the proposed development would have a medium scale visual effect. The applicant's assert that within these areas there would commonly be views of other wind farms to the east together with glimpses of development of Magna Park and traffic movement along the main transport corridors. Small-scale effects would be experienced within an area to the west and north-west of the site up to a distance of 4km. In this area the proposed development would be visible, often only above tree lines.

The findings of the Landscape and Visual Impact Assessment indicate that there would be significant landscape effects on the High Cross Plateau LCA, though limited to an area within a radius of approximately 2.5km from the proposed development.

Significant visual effects would arise as follows

- 1) in a limited number of views from the settlement edge of Churchover;
- 2) in views from the closest roads,
- 3) in views from public footpaths and bridlepaths within approximately a 2.5km radius of the proposed development.

It is clear from the conclusions reached from the White Consultants Report: Rugby Borough Landscape Capacity Study for Wind Energy Review, that the local landscape, in topographical terms, would be capable of accommodating a small cluster of up to 4 wind turbines satisfactorily. The landscape provides a sense of openness and the relatively expansiveness of the general landscape, with an open character and an extensive skyscape, allows for long-distance views to a wide horizon and a sense of space. It is therefore not an intimate landscape. The influence of humankind on the landscape is prevalent within it, with the influence of agriculture in cultivation, with agricultural silos associated with Cestersover Farm visible within the landscape, the presence of pylons/electricity cables within the landscape, the presence of the A5 to the north and M6 to the south, the A426 to the east and views of Magna Park to the north. The warehouses at Magna Park to the north are large scale prominent features in the landscape with horizontal emphasis, but widely visible. Also within the landscape when viewed from the south-west of Churchover is Churchover Compressor Station which is predominant within the foreground. Further afield but visible within the landscape are wind turbines from operational sites, notably Gilmorton, Swinford and Yelvertoft. The degree of legibility of these other sites varies within the landscape. These factors begin to inform a perception of a more developed landscape. From a number of viewpoints the proposed wind farm would be viewed in the context of these aforementioned developments (existing wind farm/transport infrastructure/commercial development etc.). The degree of legibility of these aforementioned developments varies within the landscape. On the approach to Churchover along public Rights of Way R66 and R98, the M6, Churchover Compressor Station, the A426 and all of the aforementioned operational wind farms are legible within the site. Within the site edged red the A5, A426, Magna Park and the operational wind farms of Gilmorton and Swinford are legible within the site. The presence of other wind farms and infrastructure establishes a strong development context and as such it is considered in this context that very tall man-made objects like wind turbines would not appear wholly incongruous. Humankind's existing influence within landscape is significant and the magnitude of change, brought about by the proposed development would be medium.

Within the previous 2010 planning application for 9 turbines, it was considered that the 9 turbines proposed spread over a large area within the River Swift Valley would cause demonstrable harm to the landscape character of the Swift Valley, resulting in significant visual intrusion into the landscape and as such would not have the ability to accommodate the amount or scale of the development proposed. The proposed development now being considered as part of this application has significantly reduced the impact previously identified through its location, layout and scale. The location of the proposed turbines away from the main settlement towards the A5 ensures that views of the River Swift landscape is not dominated by the proposed development and in most views the development would be viewed in association with traffic movement and modern development such as Magna Park and other operational wind farms.

One of the key views across the River Swift towards the village of Churchover is on the approach from the west along the footpath that leads from Montillo Lane towards the village. From this footpath, given the wider panoramic views, the proposed turbines by virtue of the positioning and scale would not dominate this view. Another key view across the River Swift is from the Churchyard of the Holy Trinity Church, Churchover. This viewpoint gives the impression of a less developed landscape and from this viewpoint the proposed turbines would not be readily visible. The location of the proposed turbines towards the east and towards the A5 which is arguably a more developed landscape helps to mitigate against the harmful impact of the proposed development upon the landscape character and visual amenity.

Design is as an important factor too in reducing the degree of harm. The proposed layout of the wind turbines gives a reasonable spread between the turbines. This relatively wide spacing between the turbines would also act as a dilutor of impact. The number of turbines proposed, assuages the dominance of the turbines and their impact upon the landscape. The colouration of the turbines would also give them a recessive quality. In addition to this the slender design of the turbines and the wide spacing between them, allows for views of the countryside to remain in front of, between and beyond the turbines.

There will be places where 'stacking' occurs which is when turbines overlap in a view. Examples of where these occur are from viewpoint 5 and 7 of the applicant's viewpoints. However, with almost any layout of turbines 'stacking' will occur in areas. Where it does occur it does not create any particular harm to the overall landscape.

Concerns have been expressed about the proposed development when viewed along the public right of way from Cotesbach towards the A5. Within the wider panoramic views along this right of way, Magna Park is a significant feature within it, together with moving traffic along the A5. Other features within this landscape include the Lutterworth Sewage Treatment Works, and the wind turbines at other operational sites nearby set within the background of Lutterworth Church of St Mary (grade I listed building). The turbines should be considered in the context of these existing modern features within this landscape. As such when the proposed development is viewed from this public right of way it would not appear incongruous within the landscape, and the harm caused would not be unacceptable.

CPRE have commented that an indication of the impact can be gained from the way in which existing turbines harm the landscape east of rugby. The comments from CPRE further assert that "*the Swinford turbines three miles away are at a lower altitude (105-110m) but can be seen from a number of viewpoints, and intrude in valuable views in some directions. The proposed Churchover turbines would be at a higher altitude would be more intrusive.*" However, this is not correct as shown in figure 6.05 and 6.10 of the applicants Environmental Statement. This shows the proposed turbines are at an altitude of 100m-125m whereas the Swinford turbines are at an altitude of 125m-150m, Gilmorton turbines are also at the same altitude of 125-150m with the Yelvertoft turbines at the altitude of 100m-125m.

Conclusion on Landscape and Visual Impact

The sensitivity of the landscape to a wind farm development is medium with the potential to accommodate a small cluster (preferably between 1-4 turbines) to the east. The proposed development would cause harm to the landscape, however, the location of the development towards the east together with its design, layout and scale help to mitigate against the harmful impact of the proposed development upon the landscape character and visual amenity. Nevertheless, any harmful impact on the landscape and visual amenity renders the proposal contrary to policy CS16.

Cumulative Impact

The matter of cumulative impact focuses on four main operational wind farm these are: 1) Low Spinney at Gilmorton (4 turbines, size to tip 125.0m, 8.1km north-east); 2) Yelvertoft Wind Farm (8 turbines, size to tip 125.0m, 8.0km south-east); 3) Swinford Farm (11 turbines size to tip 125.0m, 4.9km east); 4) Lilbourne Fields (not operational but consent for 5 turbine, size to tip 125.0m, 6.5km south-east). The cumulative impact study contained within the ES also focuses on an application submitted to Harborough District at Redland Roof Tile Ltd for 1 turbine, size to tip 119m, 1.8km south-east. This application was withdrawn on October 2013.

Within the Rugby Borough Landscape Capacity Study for Wind Energy Developments (White Associates 2011) final report 2013 found that a cluster of 4 turbines covers a 45 degree angle when viewed from the settlement. Low Spinney lies beyond and Swinford lies around 5.5km away covering less than 10 degrees in angle of view. The three windfarms are located within a sweep of around 45 degrees. Lilbourne Fields and Yelvertoft are not as readily apparent due to trees and landform, although the Redland Tiles turbine would slightly extend the angle of view obtained. This would not result in a feeling of wind farms surrounding Churchover.

Whites Consultants who are the author of this report, visited the site and environs and from these observations found that overall, the scale and effects of the various existing/consented windfarms are consistent to that expected in the report. The report findings therefore remain valid in context. Whilst the windfarms have a substantial effect on the M1 corridor, arguably creating a windfarm landscape, their effects reduce to the west such as around Churchover. The intervening topography and trees help to mitigate effects to an extent. However, they are still apparent and noticeable in some locations especially Swinford.

It is considered having regard to the Whites Report together with the various existing/consented that there is capacity within the landscape for 4 turbines as proposed without having a significant cumulative impact.

Impact on Heritage Assets

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 129 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; substantial harm to or loss of a Grade II listed building should be exceptional; and substantial harm to or loss of designated heritage assets of the highest significance, notably SAMs, and Grade I and II* listed buildings should be wholly exceptional.

Paragraph 133 goes on to note, of relevance, that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 says that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the NPPF does not define what constitutes substantial, recent decisions by Inspectors and court would suggest that substantial harm means that the scheme would have removed a very substantial part of the significance of the asset(s) before that could be considered the case. But the judgement to be made when the harm is less than substantial becomes more nuanced.

The proposed development would have no direct impact on the fabric of any designated heritage asset but issues have been raised about their impact on the setting of a number of heritage assets, notably, but not exclusively, The Holy Trinity Church in Churchover and the Conservation Area of Churchover. Within the response received by English Heritage and third party comments, within the realm particular concern is expressed about these two heritage assets for which it is considered the proposed development would have the most significant impact upon. As such the impact upon heritage assets is primarily concentrated in much the same way.

The adopted Rugby Borough SPD 'Churchover Conservation Area Appraisal' (June 2010) recognises the following features that contribute to the character of the village and its conservation area designation:

- Location and Context – Churchover is a relatively small conservation area covering the majority of buildings within the village. The designation is surrounded by countryside.
- General Character and Form – buildings are sited close to the road providing a strong sense of enclosure, consequently only a few glimpses of the countryside are obtained from the street
- Landscape Setting – Landscaping and green open spaces are an important characteristic of the Conservation Area. The approach from the east is through countryside. The approach into the village from the south-west has a more countryside character with a gradual transition from a natural landscape to a more building-dominated one. The church is also set in extensive open grounds and views of the surrounding countryside open up the village to the west. The countryside provides a well landscaped termination at the end of Church Street.
- Detailed Architectural Assessment (Area 3: Church Street) – Holy Trinity Church dominates the streetscene. There is a mass of trees to the rear of the site directly behind the church preventing views of the countryside beyond. To the north of the building the boundary is not landscaped and clear views into the countryside are provided. Such views of the countryside from the highway are rare in Churchover (This view is identified in Map 5 Key Views and Vistas). The church is the most dominant building in the village, its spire visible from a number of locations. Ivy house on the eastern side of Church Street terminates the built development. A grass verge, hedge and trees complete the view and prevent clear views into the countryside on the northern end of Church Street; views are open to the west.

The Churchover Conservation Area Appraisal identifies the key components of the landscape and townscape which constitute the area's special historic/architectural interest which justifies the designation of the Churchover Conservation Area. It is intended to assist in informing the planning process in design considerations and in determining planning applications.

As stated earlier, it is considered that there is a strong relationship between the setting of the village of Churchover and the wider landscape setting. Churchover village sits close to the top of the eastern slope of the River Swift Valley. The village itself contains Holy Trinity Church (Grade 2*), whose spire is visible from a number of viewpoints, as well as other listed buildings. Churchover village is also designated as a conservation area. The conservation area boundary is more extensive than the settlement boundary, and this also incorporates more open land on the slopes running down to the River Swift, recognising the importance that the landscaped setting around the village makes. The connection between the significance of the setting of the heritage assets around Churchover village and the surrounding landscape character of this part of the River Swift Valley are also considered to be strongly inter-connected, adding to the importance and need to preserve this asset.

It is considered that these features are heritage assets of significant importance, which need to be fully addressed and considered in the current proposal.

The spire of the Holy Trinity Church is the most dominant feature within the surrounding landscape. The proposed development would be sited to the east of the church and the distances of each of the turbines to the church spire are as follows:

T1 to Churchover Church (Spire)	1088m
T2 to Churchover Church (Spire)	1373m
T3 to Churchover Church (Spire)	1413m
T4 to Churchover Church (Spire)	1159m

From a number of public vantage points, any reasonable onlooker would recognise the church and its spire as features of historic, architectural, and cultural significance and the proposed turbines as a modern addition to the historical landscape. Although the proposed turbines would self-evidently have a very different form and function to the church and its spire, this is not considered to render the effect of their appearance any more comparable.

Approaching Churchover from the west and north-west along the public rights of ways, views towards fields deriving from medieval and later piecemeal enclosure are considered to make a positive contribution to the overall value of the church and the setting of the village. Within these views (viewpoint 6 of the applicant's viewpoints), the Holy Trinity Church and the Conservation Area appear to be set to one side of, the proposed wind turbines. The juxtaposition between the turbines and these heritage assets would not unduly affect the setting of these heritage assets or diminish the significant of these heritage assets within the wider landscape.

When approaching the village from the east along the Lutterworth Road, again the Holy Trinity Church and the Conservation Area appear to be set to one side of, the proposed wind turbines. The juxtaposition between the turbines and these heritage assets would again not unduly affect the setting of these heritage assets or diminish the significant of these heritage assets within the wider landscape.

There are very few vantage points where the Holy Trinity Church and Conservation Area would be seen directly in front of the proposed wind turbines. One of the key vantage points where the church and conservation area is seen directly in front of the proposed wind turbines is along the minor road entering the village to the south (applicant's viewpoint 18). As existing the church and its spire is a dominant focal point within this view, nestled within the heavily treed landscape with wraps around the village. On the approach to the village from this direction a small gas transmission is visible within the foreground. This gas

transmission is also a prominent feature within this view and its stark appearance including the high metal fences that surrounds with limited landscaping is arguably harmful to the setting of the church and the Conservation Area. From this vantage point the turbines would be visible although screened to some degree by the heavily tree landscape with wraps around the village. However, when viewed from this vantage point the dominance of the church spire is reduced significantly. The applicants acknowledge that from this view point the scale of effect is considered to be large, leading to a major alteration to the character and composition of the view, such that it would result in a fundamental change. It is from this viewpoint that the turbines would cause harm to the setting of the church and the Conservation Area.

Within the village itself the density of the built form close together to the road, gives a sense of enclosure and as a consequence only a few glimpses of the countryside are obtained from the street. Given the distance of the turbines to the village, their positioning to the east, and the density of buildings, views of the proposed turbines within the Conservation Area would be screened by intervening buildings, although the tops of the turbines would be visible from discrete viewpoints and the upper stories of buildings. Similarly the proposed positioning of the turbines means that views from out of the village towards the proposed development would be curtailed to views from the north of the village at the end of Church Street as shown within the applicant's viewpoint 2. The applicants acknowledge that from this view point the proposed development would have a strong presence and become a main focus point.

In comparison to the 2010 planning application for 9 turbines, the proposed scheme located towards the east of the village removes turbines from the immediate setting of the village, and as such the impact of the proposed development upon the setting of the church and the Conservation Area has been reduced by virtue of its location and scale in comparison to the previous application.

The proposal would clearly not result in the total loss of the asset, but nor would it result in substantial harm. There would be a harmful effect, although, in the words of paragraph 134 of the Framework, the scheme would result in less than substantial harm to its significance. This is acknowledged by English Heritage that the harm arising from the development to the setting of the Holy Trinity Church is less than substantial (albeit that EH state that it is at the upper limits of less than substantial). This also applies to the harm to the Conservation Area. It should be noted that the conclusion reached by English Heritage in their initial comments that permission should be refused, does not seem to conform to paragraph 134 of the Framework that requires a balancing exercise to be undertaken.

It is considered that harm is a product of impact and duration and the fact that the proposal is intended to endure for 25 years would lessen its impact. The degree of harm caused by proposals designed to endure for twenty five years must be less than if the same proposals were intended to endure for longer than twenty-five years. The applicant might seek to renew the planning permission after this period, and this would need to be judged, on its merits, at the appropriate time. As far as the proposal in question is concerned, once the 25 year period has elapsed, the wind turbines and ancillary infrastructure would be removed, and the harmful impact on the settings of the designated heritage assets would be gone.

It is correct to acknowledge that 25 years is a long time in relation to the human lifespan, but in terms of the age of the designated heritage assets affected and, more importantly, the period that they can reasonably be expected to endure, it is a relatively insignificant period. The degree of harm that would be caused to the setting of the designated heritage assets identified is a function not only of the impact of the proposals, but also of the time that impact would persist.

To summarise, for the reasons set out, the proposal would cause harm to the settings of the Holy Trinity Church and the Churchover Conservation Area. The degree of harm would vary, but in no case would it reach the level of substantial. From a number of viewpoints the juxtaposition between the turbines and the heritage assets it such that the not unduly affect the setting of these heritage assets or diminish the significant of these heritage assets within the wider landscape. It is only from one key view point where the turbines would be viewed behind these heritage assets that harm would be caused to the setting of these heritage assets. The overall degree of harm would be reduced by the transient nature of the proposal and their reversibility. Nevertheless, as there would be some harm means that the proposal would not accord with policy CS16. Notwithstanding this, and balancing exercise implicated in NPPF at paragraph 134, means that the harm has to be balanced against other considerations.

3. Impact on Residential Amenities and Visual impact.

In terms of the potential impact of the proposed turbines on nearby residential properties, there are two issues that need to be considered:

- (a) Noise and Disturbance.
- (b) Visual Impact

In terms of their relationship, an important factor to be included in the consideration is the applicants request for a micro-siting tolerance of up to 50m. This request is dealt with in more detail below, but has potential implications on the amenities of nearby residential properties as turbine locations could be up to 50m closer than shown on the submitted site layout plans.

In terms of the relationship between individual turbines and adjacent residential properties Table 7.8 as contained within the Environmental Statement Vol II sets out the distances from each house to the nearest turbine.

Properties that are financially involve include:

- Cestersover Farm
- Foxholes Cottage
- Godfreys Hill Cottage
- Home Close
- Spinney Close
- Streetfields Farm Cottage
- Streetfields Farm

In terms of financially involved properties ETSU states that “*consideration should be given to increasing the permissible margin above background where the occupier of the property has some financial involvement in the wind farm*” (Pg. 66). This is important, as if this is the case a higher background noise threshold at these properties, can be accepted when the turbines are in operation, using ETSU guidance as well as considering visual impact issues. Although financially involved properties have been identified as part of the early constraints work (i.e. Figure 2.1 in the ES), no financially involved properties have been included within the detailed noise assessment. This is because the proposed development meets all of the day/night time limits recommended within ETSU-97 for all properties.

As such there is no required to ensure through s106 agreement that all of the 'financially involved' properties remain as such during the lifetime of the development.

a) Noise and disturbance

Guidance and Legislation

The NPPF states that when assessing the likely impacts of wind energy developments, and in determining planning applications for such developments, the approach set out in the National Policy Statement for Renewable Energy Infrastructure (DECC, 2011) should be followed.

Further advice on the planning issues associated with the development of renewable energy for local planning authorities is provided in Planning Practice Guidance for Renewable and Low Carbon Energy (DCLG, 2013) now replaced by the Planning Practice Guidance Renewable and Low Carbon Energy 2014.

Both the National Policy Statement and Planning Practice Guidance state that the Department of Trade and Industry's 'The Assessment and Rating of Noise from Wind Farms', hereafter referred to as 'ETSU-R-97', should be used to assess the impact of noise from a wind farm on nearby residents. It is therefore considered that the use of ETSUR- 97, as a criterion for assessment of wind farm noise, fulfils the requirements of NPPF.

Conclusion

The acoustic impact for the operation of the proposed Swift Wind Farm on nearby neighbours has been assessed in accordance with the guidance on wind farm noise as issued in the DTI publication 'The Assessment and Rating of Noise from Wind Farms' (ETSU, 1996), otherwise known as "ETSU-R-97", as recommended for use by relevant planning policy.

To establish baseline conditions, background noise surveys were carried out at ten nearby properties and the measured background noise levels used to determine appropriate noise limits. Operational noise levels were predicted using a noise propagation model, the proposed wind farm layout, terrain data and turbine emission data for a candidate machine.

The assessment concludes that predicted typical turbine noise levels when compared with noise limits specified in ETSU-R-97 under all conditions for both daytime and night time periods are met at all residential locations.

The report further concludes that the assessment has established that the permissible noise threshold under ETSU-R-97, the guiding methodology for operational assessment noise from wind farms will not be exceeded and as such the effects are deemed not to be significant noise should not be considered a determining factor in not granting planning permission. The proposal therefore accords with policy CS16 with respect to the impact upon residential amenity.

Environmental Services has raised no objections on the ground of noise and disturbance subject to conditions.

The proposed conditions would seek to include the following matters:

- Submission of full details of the turbines including their make, model, design, hub height, blade measurements, power rating and tonal assessment.
- If the chosen wind turbine deviates significantly from the chosen candidate wind turbine, (2 MW Vesta V90 wind turbine with hub height of 80 metres), that forms the basis of noise predictions within the ETSU-R-97 assessment (Section 7, Volume 2 of

the ES) prior to commencement of works an additional full acoustic report shall be submitted to and approved by the Local Planning Authority for approval.

- The details of the micro siting shall be submitted to and agreed in writing by the Local Planning Authority prior to the works being carried out and the revised siting's carried out in accordance with the agreed details.
- Operating noise condition
- Within 28 days of the receipt of a noise complaint or complaint on amplitude modulation, the applicants shall employ an independent noise consultant approved by the LPA to assess the level of noise emissions and whether there has been a breach of noise limits
- Wind speed, wind direction and power generation data shall be continuously logged and provided to the Local Planning Authority at its request

b) Construction Noise

Guidance and Legislation

Relevant guidance on appropriate methods for minimising noise from construction activities is BS 5228-1:2009 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (BSI, 2009), has been adopted herein. In conjunction with the legislation Control of Pollution Act 1974 provides information on the need for ensuring that the best practicable means are employed to minimise noise (CoPA, 1974).

Conclusion

A construction noise assessment has been carried out in accordance with BS 5228-1:2009 'Noise control on construction and open sites' Part 1 – Noise, and, with due regard to mitigation outlined, indicates that predicted noise levels likely to be experienced at all representative critical properties are below relevant construction noise criteria.

Environmental Services has raised no objections on the ground of construction noise subject to conditions.

The proposed conditions would seek to include the following matters:

- Construction works and traffic restricted to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturday only
- Submission of a Construction Method Statement

c) Visual impact (outlook)

As discussed earlier the size and scale of the proposed turbines will have a significant visual impact, particularly when located close to residential properties. Whilst planning legislation does not give rights to or protect views across private land, it does seek to ensure that the outlook from properties is not harmed to such a degree that it would harm the enjoyment of people living in affected properties. It is not considered that simply being able to see a turbine or turbines from a particular window or part of the garden of a house is sufficient reason to find the visual impact unacceptable. When assessing the effect on visual outlook, it is helpful to pose the question '*would the proposal affect the outlook of these residents to such an extent, i.e. be so unpleasant, overwhelming and oppressive that thus would become an unattractive place to live?*'

The closest properties to the proposed turbines are those which are financially involved and the distance varies from with the lowest being Streetfields Farm Cottage (633m without micrositing). On this basis, although closely located, it is considered that as the occupants will gain to benefit from this proposal, the impact on outlook in these instances should not be given as much weight as privately owned/occupied properties.

Within the Environmental Impact Assessment a residential amenity assessment has been undertaken on a number of properties within a 1km distance of the proposed turbines. There are 23 dwelling houses within this distance that have been included within the applicant's survey. The applicants consider that the turbines would not be sufficiently "oppressive" or "overbearing" to render the properties as unattractive places in which to live.

The Parish Council of Churchover has highlighted a number of properties as having their outlook affected by the proposed turbines. These include four properties to the north of Church Street, properties along Lutterworth Road, those being Adelante, 6-1 Green Close and the Old Rectory, and 1-12 Trusteel Houses and 1 – 15 Coton Road. AWAR have also raised concerns with properties along Montillo Lane.

The proposed turbines are to be sited to the north-east of Churchover. For a large proportion of properties along Church Street the primary orientation of the houses and its gardens are east-west and as such do not face directly towards the position of the turbines, as such the visual impact of the turbines would not be dominant or oppressive. As part of the assessment of this application a number of properties were visited to assess the impact of the proposed development upon the outlook of these properties. It is considered that where the turbines would be viewed from habitat rooms and garden areas from properties to the north of Churchover and along Lutterworth Road and Montillo Lane, the degree of separation and intervening landscape, and the orientation of some of these properties would mean that there would be no material impact on the living conditions of residents in terms of the turbines appearing dominant or overbearing.

Adelante, Lutterworth Road and properties 6-1 Green Close and the Old Rectory were not included within the applicant's assessment, but were highlight within the response of Churchover Parish Council. The nearest turbine (T1) would be approximately over 1km north-east of these properties. Turbines would be viewed within the garden areas that serve these properties and windows facing north at first floor level. Ryehill Spinney would partially screen Turbine T4 and Turbine T3 from these properties (although T3 would be screen to a lesser extent in respect of the Old Rectory). Given the distances of the turbines to these properties, they would not appear overwhelming, and would have a limited effect on the overall panoramic scene, and as such the turbines would not render the properties an unattractive place to live.

Properties along Montillo Lane were also not included within the applicants assessment but highlighted by ASWAR. Running parallel with Montillo Lane close to the road are electrical pylons. Given the distance of proposed development to Montillo Lane, these electrical pylons would be more prominent within the landscape then the proposed turbines, and as such the turbines would not render properties along Montillo Lane an unattractive place to live.

Cotesbach is a village within Leicestershire that is situated over 1km from the application site (approximately 1.5km). The village itself is set at a lower level to the surround land towards the A5. Taking this into consideration together with intervening landscape, the proposed turbines would not be seriously harmful to the living conditions of these neighbouring properties with reference to visual outlook.

Concerns have been raised in relation to the effect of the proposal on the churchyard, in terms of tranquillity. The proposed turbines will be visible from the northern part of the churchyard, although these views are restricted and intermittent due to intervening trees and buildings. As such it is not considered that the proposed turbines would impact upon the tranquillity of the churchyard.

4. Archaeology

LP Policy ENV14 indicates that developments affecting nationally important archaeological and historical remains will not be permitted unless there would be no significant damage to, or adverse effect on, a site or its setting. In terms of archaeological remains, as set out in the Environmental Statement which accompanied this application, the proposed development lies within an area of significant archaeological potential. The A5 to the east of the site follows the Roman Watling Street (Warwickshire Historic Environment Record MWA 420), and an Anglo-Saxon cemetery has been identified to the east (MWA2785). A geophysical survey recently undertaken across the application site has also identified a complex of anomalies which may represent a later prehistoric/Roman site and a number of other anomalies of possible archaeological origin.

A programme of archaeological trial trenching has recently been undertaken across this site by the applicant in accordance with fieldwork agreed by county Archaeology. The evaluation identified a number of archaeological features, including a pit/ditch which may be associated with a curvilinear enclosure previously identified by the geophysical survey and two ditches. It has been suggested that these ditches may flank a trackway associated with a series of enclosures identified to the west by the geophysical survey.

Given the results of the archaeological work to date, it is considered that the scheme would not have an adverse physical impact on archaeological remains, save for some disturbance of ridge and furrow fields. It is considered that the disturbance to the ridge and furrow is not considered significant to the point that it will adversely affect the ridge and furrow. In addition to these conditions can be imposed, should permission be granted, to ensure that photographic records of the ridge and furrow are recorded and any site restoration includes the reinstatement of the ridge and furrow.

5. Ecology & Wildlife Issues.

Designated habitats

There are no internationally or nationally designed sites within the application site or surrounding area. The river Swift itself is designated by Warwickshire County Council as a Potential Local Wildlife Site (pLWS). However, given that the applicants are proposing two accesses as opposed to one to avoid a river crossing, the proposed development would not impact upon the river and its banks. Works will be undertaken 10m from the river bank for cabling installation works, the details and methods of such works will be required as part of a Construction and Environmental Management Plan (CEMP), this will also include updated surveys for water voles and otters.

The temporary construction compound and other infrastructure are expected to impact upon a small proportion (0.29ha) of grassland within the Churchover Meadow pLWS. The grassland where the southern temporary compound is to be located is understood to be botanically rich. Due to constraints on site it is not possible to relocate the compound but the applicants have amended the compound area and reduced its overall size. Further details will be required as part of the CEMP to include working methods and grassland restoration.

Birds

Extensive ornithological surveys have been undertaken on site which found generally low levels of bird activity at the site. It was concluded that the proposed development would have no significant negative effects on valued ornithological receptors. WCC Ecology and the RSPB have raised no objections on ornithological grounds.

Badgers

A confidential report was submitted as part of the applicants Environmental Statement and the applicant's undertook further survey work on the 28th January 2014. Due to the presence of a sett within the surrounding area of the site, WCC Ecology have recommended pre-construction checks for badgers is undertaken prior to works commencing.

Bats

In addition to the initial information submitted as part of the applicants Environmental Statement, further information has also been supplied relating to Bats which has been analysed by WCC Ecologists.

There is a high level of common pipistrelle species across the site. This species is common and widespread and use boundary features to commute and forage. Taking into consideration the distance of Turbine (T1) to the nearest boundary feature 50m away the proposed development would not impact upon this species. A condition relating to micro-siting will be attached to any approval to ensure that the turbines are not micro-siting closer to boundary features.

Barbastelle have been recorded on site and are considered rare nationally and locally. However, the site is not regularly used and is not a key foraging site for this species. The species is considered to be medium risk, and will generally commute and feed along boundary features. As such it is not considered that the proposed development would not impact upon this species.

To species that are of concern and to be of high risk from the turbines are Nyctalus and Nathusius pipistrelles.

The presence of Nathusius pipistrelle bats is of concern and given the records at the application site, the application site has potential to up to county importance for the species as a migratory route.

The presences of Nyctalus/Noctules bats have been recorded regularly using the site in low numbers. This species is to be a high risk species, as they fly at height across open areas. This species is uncommon nationally, but common in Warwickshire.

The Environmental Statement submitted concludes that there will be no significant impact upon bat species, and a 50m buffer zone on linear features will be maintained together with replacement of hedgerows and habitat improvement along the river corridor. However, WCC consider that the impact upon Nyctalus/Noctules bats is higher than that presented within the ES. For both these species WCC Ecology have requested further pre and post construction monitoring to inform the level of mitigation required which may include curtailing the turbines at particular times and or setting limits on cut-in windspeeds. Such mitigation as that proposed is not uncommon in wind farm developments.

Whilst the applicants do not support the position of WCC Ecology and the need for further survey work (pre-construction), it is considered given the outstanding concerns from WCC Ecology relating to the potential impact on *Nyctalus/Noctules*, *Nathusium pipistrelle*, the LPA agree that further pre-construction survey works are undertaken.

It is therefore considered subject to conditions that the proposed development would not have an adverse impact upon protected habitats and species subject to conditions in accordance with policy E6.

6. Access

Site Access

Access to the site is proposed via two existing field accesses located on the A5 Watling Street between its junctions with the A426 and the A4303. Each access will be upgraded to operate as a left in left out arrangement and will be capable of accommodating all anticipated vehicles dimensions.

Internal Access Tracks

Internal access tracks will be formed running between each of the turbines. These tracks with a width of 5.5m will be un-metalled and constructed wherever possible from stone imported from local quarries. Three watercourse crossings will be formed to across existing drainage channels to ensure that vehicle can cross over. Watercrossings will be formed to access over minor crossings (i.e. narrow drainage channels) which will be crossed via culverts (formed from pre-cast concrete material).

Assessment

Following consultation with the Highways Agency, it is considered subject to conditions that the proposed development would not have an adverse impact upon highway safety.

7. Impact on Users of Footpaths/Bridleways.

There is a network of local footpath, and recreational routes within the site including bridlepaths.

- **Bridlepaths**
R62 from E2062 north of Church Street to Cesterover Farm and then Lutterworth Road.
- **Unclassified road (UCR)**
E2052 which links Church Street Churchover to the A5 Watling Street and comprises a track running roughly north east, to the south of R63, past Black Spinney
- **Footpaths**
R63 which runs from church street in Churchover, passing through the site is a north-east direction, in a similar direction to the River Swift to join the A5 Watling Street.

There are also further footpaths nearby but not within the application site which include.

- R66 – west-northwest from Church Street across River Swift to old Leicester railway and on to Montilo Lane and Tythe Farm
- R98 – from The Green west across River Swift and Montilo Lane
- R296 – north/south route connecting R98, R66 and R62, then north from Cesterover Farm to Walton Lodge Farm
- R297 south from R98/R296 via Harborough Fields Farm and then west to Montilo Lane

- R99, R100, R100a and R101 – a series of paths connecting Harborough Road and the ford with the M6/canal feeder underbridge.

Current Guidance

Current guidance in England from the British Horse Society (BHS) asks for minimum separation distance of 200m³ or three times blade tip height (whichever is greater) will be required between a turbine and any route used by horses or a business with horses. It also acknowledges that “*minimum separation distances may not be appropriate in all situations and that every site must be considered independently*”. The BHS also make it clear that every site is different and a blanket policy to cover all situations may be excessively restrictive for some sites. The guidance includes advice on wind farm design (i.e. where to locate turbines/infrastructure in relation to existing routes) and in cases where buffer distances cannot be met, ways to mitigate any impact.

Paragraph 57 of the Companion Guide for PPS22 'Planning for Renewable Energy' states that whilst there is no statutory separation between a wind turbine and a public right of way, fall over distance is often considered an acceptable separation. Fall over distance is considered to be the height of the wind turbine to the tip of the blade plus 10%. The Guide also states that the minimum separation distance is often taken to be that the turbine blades should not be permitted to oversail a public right of way.

Assessment

The nearest footpath (R63) would be 83m from the nearest turbine (Turbine T2), the nearest by-way (E2052) would be 74m from the nearest turbine (Turbine T1), and the nearest recognised bridleway (R62) would be 520m from the nearest turbine (Turbine T4). The blade length would be approximately 45m in length and therefore there would be no oversail over any of these Right of ways, and the minimum distance to the Bridlepath (R62) has been achieved. Third party comments have been received including comments from the British Horse Society concerning horse riders and the close proximity of the turbines. There is evidence from walking along by-way E2052 that this is used by horse riders. Turbine T1 would be positioned close to this by-way. It is not uncommon in applications for wind turbines to attach conditions to ensure that familiarisation schemes are arranged for local horse riders and details of such schemes to be submitted prior to commencement of development.

Both the public footpath R63 and by-way E2052 are linear in nature and shortly after passing the proposed development site (heading in a north-easterly direction) reach the A5. R63 used to extend onto the other side of the A5; however, there is currently no linkage in place to allow users of R63 to continue their journey in either direction. E2052 ends at the A5; a bridleway (R334) is located on the eastern side of the A5. Again, there is currently no linkage in place to allow users to continue their journey across the A5 in either direction. It is clear that the experience of recreational users would substantially change, and whilst this may discourage users because of the presence of turbines, at present it is unlikely that users of these footpaths stray close to where the proposed turbines are to be sited as there would be no desire to do so given that they would be unable to continue their journey across the A5. In addition to this there is no strong evidence to suggest that the presence of wind turbines would deter walkers from using the footpaths. Some might find the turbines an interesting feature to pass close to.

Whilst concerns have been expressed with regards to the close proximity of the turbines to the Footpath R63 and the UCR and the perceived safety and amenity of users, on balance, it appears that the risk of total or partial collapse would be low and as such the development would not represent an unacceptable hazard to public safety.

It is noted that there is no statutory minimum separation distance between a turbine and a right of way, and recent government advice in the form of the Planning Practice Guidance for

Renewable and Low Carbon Energy 2014 is silent on this matter, but does refer to the positioning of turbines close to building, Strategy Road Networks, power lines, air traffic and safety and defence. As such if the siting of turbines close to Public Rights of Way was considered to be an issue it would have been addressed within this latest guidance.

It is therefore considered that whilst the turbines would substantially alter the experience of recreational users and enjoyment of these routes, the effects of which may be such that some existing users may look to use alternative routes, the proposed development would not create an insurmountable deterrent to the use of these routes. They would remain useable for the purposes for which they are designated for. It is noted that the applicant is requesting a micro-siting of 50m which could result in the turbines being positioned closer the rights of ways and the UCR which could compound these critical distance even further. However, this could be controlled by a suitable condition should planning permission be granted.

8. Flood Risk

The application site lies within Flood Zone 2 and 3 defined by the Environment Agency Flood Map as having a medium/high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy framework (NPPF) requires applicants for planning permission to submit a flood risk assessment when development is proposed in such location.

A Flood Risk Assessment has been submitted within the EIA. The Environment Agency has considered that the application meets with the requirements of the NPPF subject to conditions should planning permission being granted.

Groundwater and Contaminate land

The Environment Agency (EA) has commented as follows:

As the site is not located within a Source Protection Zone and there are no licensed abstractions of groundwater within 1km of the site, the sensitivity of the underlying aquifer bodies is considered to be low. The proposed development is therefore unlikely to pose a significant risk to 'Controlled Waters'; any risks are considered to be appropriately reduced by the mitigation methods stated in the risk assessments. However, whilst the site is predominantly undeveloped agricultural land, small isolated areas of contaminated material may be present on the site, related to the historical landfill activities that are known to have taken in the vicinity of the site or through recent fly tipping.

The EA has suggested a condition is applied to the application to ensure that any unsuspected contamination is appropriately handled.

9. Health Issues/Shadow Flicker

A number of objectors have raised a number of health issues that may result from the presence of wind turbines close to residential properties.

There is no known medical evidence or research that has yet proven that wind turbines have a potentially negative impact on health, although concern does exist about this. Until medical evidence/research emerges that can demonstrate a connection to ill health, concerns in their own right are not sufficient under planning legislation to oppose this proposal.

Wind turbines are large structures which can cast long shadows when the sun is low in the sky. Shadow flicker can occur in certain circumstances inside buildings (which are located 130 degrees either side of north in relation to the turbine), when the sweep of the blades passes through the rays of the sun.

The applicants as stated within the ES (p341) have undertaken an analysis of shadow flicker throughout the year from Swift Wind Farm, taking into account the behaviour of the sun, the local topography and the turbine layout band dimensions. The ES states that it has been predicted that houses located further than ten rotor diameters away from a wind turbine are unlikely to experience disturbance from shadow flicker. Therefore, the analysis was performed on all occupied houses (Streetfields Farm Cottage, Streetfields Farm - table 14.2, page 341, ES Vol II) within 930 metres of any proposed wind turbine. The results of this analysis showed that no house will be impacted by shadow flicker from Swift Wind Farm, with no hours of shadow flicker predicted at any property.

10. Site Re-instatement

The proposed wind turbines for a temporary period of 25 years. If this proposal is considered to be acceptable, a condition will be applied to ensure that all of the temporary structures are removed following completion of the works, and the turbines, foundations, hard-standing areas, access tracks, and any other ancillary equipment – will be removed from the site and it be restored to its former condition.

11. Other Issues

Micrositing

The applicants have suggested micrositing for up to 50 metres to help mitigate any potential environmental effects e.g. avoidance of archaeological features not apparent from current records or survey already carried out. There are concerns relating to micro-siting close to public right of ways, hedgerows and other habitats and residential dwelling house. As such a condition will be imposed to ensure that no turbines are micro-sited closer to any residential property, public right of way and hedgerows.

Air Traffic Control issues

a) Impact upon Coventry Airport

Coventry Airport have commented on the proposed development and have subjected two conditions, one which ensures that no development commences until an agreement has been reached between the wind farm operator and Coventry Airport with respect to a Radar Mitigation Solution and that this is implemented in accordance with the agreement for the live time of the development. Whilst comments from Churchover PC suggest that such a condition cannot be imposed, it is considered that such conditions are appropriate, necessary, precise and enforceable and as such should planning permission be granted such clearly worded conditions can be imposed.

b) Impact upon MOD aviation

The Ministry of Defence have no objection subject to a condition requesting the fitting of 25 omni-directional red lightning or infrared aviation lighting.

c) Impact upon NATS Air Ground Air (AGA) Communications

NATS (National Air Traffic Services) is responsible for the safe and expeditious movement in the en-route phase of flight for aircrafts operating in controlled airspace in the UK. To undertake this responsibility NATS has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK all of which could be compromised by the establishment of a wind farm.

NATS have objected to the proposed development on the grounds that it is considered that the proposed development would have an unacceptable impact on the performance of its Pailton Air-Ground-Air Voice Communications systems which could in turn jeopardise aviation safety and efficiency. Interference to NATS' AGA communication sites may mean that NATS lose the ability to provide air traffic control instructions to aircraft in the affected area. The proposed development has been examined by technical and operational safeguarding teams and a technical impact is anticipated, and this is deemed to be unacceptable. It is considered that all the proposed turbines would breach the safeguarding guideline and that no mitigation at present can be sought to over this objection.

Saved Local Plan policy T13 states that the Council will safeguard the Pailton radio technical site. The proposal therefore conflicts with this policy.

12. Conclusion

Overall balancing exercise

It is clear that there is a significant degree of local opposition to the proposed development. However, the application must be viewed and assessed in the overall policy context. Paragraph 79 of the NPPF notes the responsibility on all communities to contribute to energy generation from renewable sources. It is therefore important that a balancing exercise in undertaken against the proposal.

In making this assessment, consideration is given to the fact that the proposal would provide significant benefits in terms of the generation of energy from a renewable source, securing reductions in greenhouse gas emissions, providing resilience to the impact of climate change. Saved Policy GP5 states that despite their benefits, proposals for developing renewable energy resources must be carefully weighed against the need to protect the environment. Supporting information should be provided to demonstrate that consideration has been given to mitigating adverse impacts through the careful location, siting, design and layout.

National Policy Statement for Energy (EN-3) (2011) states that modern onshore wind turbines used in commercial wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometres around a site. The proposed development would cause harm to the landscape, however, the location of the development towards the east together with its design, layout and scale help to mitigate against the harmful impact of the proposed development upon the landscape character and visual amenity. The sensitivity of the landscape to a wind farm development is medium with the potential to accommodate a small cluster (preferably between 1-4 turbines) to the east, if appropriately sited subject to careful consideration given to its impact upon Churchover, including its spire, conservation area and effect on residents. It is acknowledged that the proposal would also cause harm to the setting of these heritage assets, and thereby their significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight is therefore given to the harm of the setting of the Grade II listed church and the Churchover Conservation Area.

Paragraph 134 of the NPPF states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use*'. It is acknowledged by English Heritage that the harm arising from the development to the setting of the Holy Trinity Church and the Churchover Conservation Area would be less than substantial. This harm is reduced by its temporary nature and reversibility.

In terms of the development plan and the Council's Core Strategy the proposed development would fail to comply with policy CS16. Nevertheless, paragraph 98 of the Framework notes that planning applications for energy development should be approved (unless, of course, material considerations indicate otherwise) if impacts are (or can be made) acceptable.

The positive role that wind turbines play in mitigation of climate change and public benefits in terms of renewable energy and employment stability/generation are significant. The energy that would be provided by the wind farm must be taken into account as a factor that helps not only to preserve the environment as a whole, but also heritage assets. These benefits need to be taken into account in respect to paragraph 134.

The weighting of these factors is quintessentially a matter of judgement. In the judgement of the LPA, for the reasons outlined within this report it is concluded that the degree of harm caused by the proposed development has been mitigated by virtue of its location, layout and scale, and there is capacity within this landscape to support the proposed development without having a significant cumulative impact, or a substantial impact upon the setting of the heritage assets identified within this report, and as such on balance, the benefits of the proposed development would be sufficient to outweigh the harm and policy conflict.

However, the benefits associated with this scheme are not sufficient to outweigh the impact of the proposed development upon the performance of NATS Pailton Air-Ground-Air Voice Communications systems which could in turn jeopardise aviation safety and efficiency.

13. Recommendation

Refusal

APPLICATION NUMBER

R12/2009

DATE VALID

22/11/2013

ADDRESS OF DEVELOPMENT

LAND AT CESTERSOVER FARM
LUTTERWORTH ROAD
CHURCHOVER
RUGBY
CV23 0QP

APPLICANT/AGENT

Daniel Patterson
Res Uk & Ireland Ltd
Cedar House
Greenwood Close
Cardiff
CF23 8RD

APPLICATION DESCRIPTION

A wind farm comprising 4 no. wind turbines of up to 126.5m tip height. The proposed development also includes a single, permanent free-standing meteorological mast (80m), a temporary communications mast (10m), a sub-station compound containing a control building, electricity transformers, underground cabling, drainage improvements, channel crossings associated with a series of on-site tracks and turning heads, two site entrances with site access upgrades, 2 no. temporary construction compound, assist crane hard standings, and two temporary guyed meteorological/power performance masts (80m), with each wind turbine having a micro-siting tolerance of up to 50m.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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

- T13 Airport Flight Paths

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR REFUSAL

It is considered that the proposed development would have an unacceptable detrimental impact on the performance of Pailton Air-Ground-Air Voice Communications Systems which could in turn jeopardise aviation safety and efficiency. The proposal is therefore contrary to saved Local Plan policy T13 which seeks to ensure that the Pailton radio technical site is safeguarded.

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, however, it is considered that the reason for refusal can not be overcome or mitigated against.

ENVIRONMENTAL STATEMENT:

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

Reference number: R14/0600

Site address: 43 Macaulay Road, Rugby

Case Officer: Chris Davies 01788 533627

Description: Erection of a single storey rear extension.

History:

Concrete garage approved under Building Regs in 1961.

Proposal:

The applicant seeks planning permission to erect a single storey rear extension. Works had commenced to put in the foundations prior to submission of the application, but work has now ceased pending the outcome of the application.

Relevant Information:

This application is brought before the Planning Committee for consideration as the applicant is an employee of Rugby Borough Council.

Macaulay Road forms part of the Shakespeare Gardens housing estate, with access to the estate being from either Dunchurch Road or Overslade Lane primarily.

Macaulay Road itself is a residential through road linking Tennyson Avenue to Shakespeare Gardens. The road predominantly comprises two storey semi-detached dwellings, and is set into a hillside. This means that there are differing ground levels between properties.

No.43 is a detached bungalow located adjacent to No.41 (a two storey semi) and the rear boundaries of No.99-107 Tennyson Avenue (also two storey semis).

As with most properties in the locality, it is set back from the highway by a front garden area, which includes some provision for off-street parking. A single storey side extension to the side of the property adjacent to No.41 Macaulay Road has recently been erected under Permitted Development.

The lie of the land means that whilst the rear gardens of the Tennyson Avenue properties slope up towards No.43 Macaulay Road, the adjacent dwelling (No.41 Macaulay Road) has a rear garden that is in places up to 1m higher than the current level of No.43's rear garden. This change in levels means that the boundary fencing provides screening to a height of approximately 2m when measured from the No.41 side, but up to 3m from No.43's side. It also means that the proposed extension is effectively up to a metre lower than shown on the plans when viewed from the rear garden of No.41.

Technical Consultation Responses:

WCC Ecology - Bat and nesting bird notes required.

Ward Consultation Response:

Councillor Howard Avis - No need for Committee site visit or consideration.
NB – It was explained to Councillor Avis that as the applicant is a Council employee the Committee must determine the application in accordance with the Council's Constitution.

Neighbour Consultation Responses:

None received.

Planning Policy:

National Planning Policy Framework March 2012 (NPPF) Complies

Rugby Borough Core Strategy 2011

CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies

E6: Biodiversity Complies

Considerations:

The key considerations in determining this application are the impact of erecting the proposed extension on a) the character and appearance of the property and the locality, b) neighbouring residential amenity, and c) biodiversity.

Character and Appearance

The proposed extension, though quite large, does not appear to be out of character in terms of scale with the existing bungalow.

The proposed materials would be in keeping with the existing property and could be conditioned to ensure suitability.

Although the proposed pitch is shallower than that of the existing bungalow, as it projects out from a roof plane rather than a gable end this would not be markedly noticeable and so would not detract from the appearance of the property when viewed from the rear.

As the proposal is entirely to the rear of the site there would be no material impact on the streetscene of Macaulay Road.

The proposal therefore complies with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to appearance and design.

Residential Amenity

The lie of the land and the relationship of the properties mean that there would be no material impact on the amenities of residents living in the adjacent properties on Tennyson Avenue.

The drop in ground levels between the proposal site and No.41 Macaulay Road, together with the fact that the boundary screening between the two properties provides 2m of screening from the *adjacent* property's side mitigate for what would otherwise have been considered to be a considerable breach of the 45^o code.

If deemed necessary a condition re side facing windows could be applied to any approval, but given the single storey nature of the extension and the presence of adequate boundary screening to either side of the property this is unlikely to be required.

The proposal therefore complies with the elements of policy CS16: Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

Biodiversity

WCC Ecology Unit has raised no objections to the development, and has not requested any restrictive or compensatory conditions relating to habitat protection or regeneration.

They have recommended advisory notes be included regarding bats and nesting birds to guide the applicants, which would be included in the decision.

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

Recommendation:

Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R14/0600

DATE VALID

27/03/2014

ADDRESS OF DEVELOPMENT

43 Macaulay Road
Rugby
CV22 6HE

APPLICANT/AGENT

Mrs Rebecca Chapman
Chapman Design
10 David Road
Rugby
Warwickshire
CV22 7PX

On behalf of Ms Sue Pettifer

APPLICATION DESCRIPTION

Erection of a single storey rear extension.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 14 May 2014.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

The development shall not be carried out other than in accordance with drawing numbers 2315-101, 2315-102, and 2315-103 received by the Local Planning Authority on 26 March 2014.

REASON:

For the avoidance of doubt.

CONDITION 3:

The facing materials to be used on the external walls and roof of the extension shall be of the same type, colour and texture as those used on the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority prior to re-commencement of development.

REASON:

In the interest of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their roost sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat roost, even if the roost is only occasionally used. Where a bat roost is present a license may be necessary to carry out any works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE 2:

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

NB - birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	23rd April 2014
Report Title	Urgent Decision under Delegated Powers - Amendment to the Rugby Radio Station Draft Heads of Terms
Ward Relevance	All Wards
Prior Consultation	The Executive Director, in consultation with the Chairman and Vice-Chairman of Planning Committee and the leader of the main opposition group.
Reporting Director	Head of Planning and Culture
Contact Officer	Sarah Fisher, Development Strategy Manager, Tel: 01788 533752
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	This report relates to the following priority(ies): BUSINESS - Work with developers to provide new housing and infrastructure. BUSINESS - Facilitate the expansion of Rugby town by identifying and removing barriers to growth.
Statutory/Policy Background	
Summary	An urgent decision was taken under delegated powers by the Executive Director, in consultation with Councillors Ms Robbins, Helen Walton and Shera, concerning an amendment to the draft Heads of Terms in relation to the former Rugby Radion Station site.

<i>Risk Management Implications</i>	Risk management implications are detailed in the report.
<i>Financial Implications</i>	Financial implications are detailed in the report.
<i>Environmental Implications</i>	There are no environmental implications arising from this report.
<i>Legal Implications</i>	Legal implications are detailed in the report.
<i>Equality and Diversity</i>	No new or existing policy or procedure has been recommended.
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted.
<i>Reasons for Recommendation</i>	

Planning Committee - 23rd April 2014

**Urgent Decision under Delegated Powers - Amendment to the
Rugby Radio Station Draft Heads of Terms**

Report of the Head of Planning and Culture

Recommendation

The report be noted.

An urgent decision under delegated powers was taken on 27th March 2014 as detailed below.

Special Planning Committee on 8th January 2014 resolved that outline planning permission be granted for the Rugby Radio Station sustainable urban extension, subject to signing of the S106 legal agreement.

Appendix 1 of the Agenda contained the draft Heads of Terms. Within this were different infrastructure areas identified separate obligations, associated costs and triggers to deliver that obligation. Each one was informed by evidence produced by the service provider in question and tested as part of the wider financial viability appraisal of the overall application.

The extract below from the draft Heads of Terms shows separate agreed obligations for Emergency Services and Police. The Police contribution was informed by evidence submitted by consultants White Young Green on behalf of Warwickshire Police.

The submission, in the form of a Strategic Impact Assessment was considered to be a sound evidence base in demonstrating the impact that the site would have on the existing police services and in demonstrating what provision would be required to mitigate against this impact. Along with all identified costs to the development it was considered within a Financial Viability Appraisal to ensure that it would not compromise the ability of the site to be developed. Having gone through this process, it was deemed to be an appropriate cost with triggers that the development of the site could sustain. This was then inserted into the Heads of Terms as detailed in the table below.

Infrastructure Area	Agreed Obligation	Indicative Cost	Indicative Triggers
4. Community Infrastructure	Emergency Services	£762,673.00	TBC
	Police contribution (to include contribution for Safer Neighbourhood Team Officer) and thereafter financial contributions.	£1,237,327.00	SNT office contribution of £500,000.00 by 1000 units. Thereafter equal financial contributions on each 1000 units.

The Heads of Terms is the culmination of on-going work with the applicant, council and service providers, to identify the necessary infrastructure to deliver the site. This has included work that informed the site allocation within the Core Strategy. As a consequence the actual mitigation required has changed as a result of organisation reorganisations and assumptions made on the demands of the site.

This has been the case with the Emergency Services. During the development of the Core Strategy, it was assumed that Emergency Services in general would require an obligation of £2m. However, during the August 2013 public consultation on the Rugby Radio Station site, the only request for contributions from any of the Emergency Services was from Warwickshire Police for the £1.2m. Therefore the £762,673.00 as listed in the HoT has been done so in error as a consequence of a historical figure and there is no evidential need for this obligation to be included.

Warwickshire Police has subsequently contacted Development Strategy to query the £762,673.00. If there were no request from either the Ambulance Service or Fire and Rescue Warwickshire Police stated that they would want to make a request for the fund. In their correspondence they claim that their August and subsequent October 2013 representations make clear that they were made on the basis of the £2m allocation for police and fire services in the Core Strategy and that their *'ensured quoted infrastructure costs were conservatively moderated to reflect the available 'pot' of funding'*.

However, on reviewing the Strategic Impact Assessment it does not appear that this is the case. The SIA Executive Summary actually states that the *"SIA uses the best information available today to examine the current resources available to serve the planned growth and the additional resources that will be required to serve that growth"*. Any claim for the £762,673.00 would in effect be retro fitting the available funds to the mitigation, rather than identifying through robust evidence the impact of a new development on an existing service and then costing that impact - which is what the SIA actually does. There is no identified need for the £762,673.00 obligation for Emergency Services and as such it should not be within the Heads of Terms alongside other obligations, which are evidenced.

The developer was not due to pay this obligation as part of bringing forward Key Phase 1 (KP1) of the development, so the agreed affordable housing for KP1 will not change nor will the removal of the £762,673.00 from the HoT have any impact on this stage of the development. Notwithstanding this, provisions need to be in place to ensure that this money is not lost from the development and that it will feed into the overall delivery of affordable housing onsite.

The applicant has agreed that the £762,673.00 will be removed as a cost and that it be included in future financial viability appraisals considering future phases of the development. Currently Gerald Eve is considering any potential mechanism to ensure this be done.

Consultation

The Executive Director, in consultation with the Chairman of Planning Committee, Councillor Ms Robbins, the Vice-Chairman of Planning Committee, Councillor M Walton and Councillor J Shera (leader of the main opposition group) agreed that the obligation of £762,673.00 for Emergency Services be removed from the draft Heads of Terms for the outline permission of the Rugby Radio Station sustainable urban extension.

Name of Meeting: Planning Committee
Date Of Meeting: 23rd April 2014
Subject Matter: Urgent Decision under Delegated Powers -
Amendment to the Rugby Radio Station Draft Heads
of Terms
Originating Department: Head of Planning and Culture

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	23 April 2014
Report Title	Delegated Decisions – 14 March 2014 to 3 rd April 2104
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

Reasons for Recommendation To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 23 April 2014

Delegated Decisions –14 March 2014 to 3 April 2014

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1. BACKGROUND

Decisions taken by the Head of Planning and Culture in exercise of powers delegated to her during the above period are set out in the Appendix attached.

Name of Meeting: Planning Committee
Date Of Meeting: 23.04.2014
Subject Matter: Delegated Decisions – 14.03.2014 to 03.04.2014
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 14.03.2014 TO 03.04.2014

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R14/0180 Refused 12.03.2014</i>	21 Noble Drive Cawston	Retention of hard surfacing to front of dwelling
<i>R13/2206 Refused 12.03.2014</i>	Barn South of Grange Farm Grandborough Fields Road Grandborough	Conversion of barn to a dwellinghouse, erection of an attached single garage, and associated works.
Applications Approved		
<i>R13/2284 Approved 12.03.2014</i>	Godsacre Bulkington Road Shilton	Retention of two stable buildings, portacabin and hardstanding
<i>R14/0312 Approved 12.03.2014</i>	Field adjacent to Barr Lane Barr Lane Brinklow	Retention of stable block
<i>R14/0211 Approved 12.03.2014</i>	Henry Doubleday Research Ryton Organic Gardens Wolston Lane Coventry	Conversion of part of the retail/restaurant (A1/A3) area to office use (B1) (retrospective)
<i>R13/1692 Approved 12.03.2014</i>	16 Ferriby Road Cawston	Replacement of existing wooden vehicular access gates to side with metal gates
<i>R14/0270 Approved 13.03.2014</i>	3 Maple Grove Rugby	Erection of single-storey side extension
<i>R14/0315 Approved 13.03.2014</i>	Former Little Chef London Road Rugby	Installation of photovoltaic panels to southern roof plane of existing building

<i>R14/0343 Approved 13.03.2014</i>	Brownsover Fish Bar 124-126 Hollowell Way Brownsover	Erection of single-storey rear extension
<i>R13/2139 Approved 13.03.2014</i>	Clifton Cruisers Limited Clifton Wharf Vicarage Hill Clifton Upon Dunsmore	Change of use of upper floor to provide a one-bed residential unit
<i>R14/0313 Approved 14.03.2014</i>	5 Brudenell Close Cawston	Conversion of the garage and external alterations to provide additional living space
<i>R14/0199 Approved 14.03.2014</i>	Home Croft Main Road Ansty	Retrospective application for erection of garage (amendment to planning approval R12/0249).
<i>R14/0216 Approved 14.03.2014</i>	Bush Hill Farm Bungalow Bush Hill Lane Flecknoe	Construction of an menage for personal use
<i>R13/1469 Approved 14.03.2014</i>	Oakfield Cricket Club Homefield Farm Bilton Lane Long Lawford	Change of use of the land to a temporary car park for a period of 6 months a year (April to September) for use by Oakfield Cricket Club and provision of a dropped kerb and a new entrance gate
<i>R14/0340 Approved 14.03.2014</i>	Wychwood Lodge Sedlescombe Park Rugby	Erection of a side extension to existing garage to form an additional garage.
<i>R14/0351 Approved 14.03.2014</i>	Co-operative Funeral Service 38 Bilton Road Rugby	Proposed external alterations to existing elevations together with two single storey (infill) side extensions
<i>R14/0166 Approved 14.03.2014</i>	19 Cave Close Cawston	Retention of hard-surfacing to the front of property.
<i>R14/0340 Approved 14.03.2014</i>	Wychwood Lodge Sedlescombe Park Rugby	Erection of a side extension to existing garage to form an additional garage.

<i>R14/0337 Approved 17.03.2014</i>	Frankton Lodge Frankton Lane Frankton	Retention of hay store
<i>R14/0336 Approved 17.03.2014</i>	Southview 24 Leicester Road Shilton	Retention of stables
<i>R14/0369 Approved 17.03.2014</i>	The Greenman 14 Daventry Road Dunchurch	Change of use of land to Public House car park
<i>R14/0255 Approved 17.03.2014</i>	Richmond Southam Road Toft	Single-storey side and rear extension (alteration to previous approval R12/1036)
<i>R14/0329 Approved 18.03.2014</i>	61 Overslade Lane Rugby	Erection of two detached dwellings and associated parking.
<i>R13/1177 Approved 18.03.2014</i>	Home Farm Rugby Road Bretford	Conversion of barns to a dwelling house including the demolition of a modern agricultural building and construction of an attached double garage
<i>R14/0219 Approved 18.03.2014</i>	Rugby School Oak Street Rugby	Demolition of existing boundary wall and erection of replacement wall and gates.
<i>R12/1982 Approved 18.03.2014</i>	61 Clifton Road Rugby	Change of use of offices (use class B1) to 5 residential flats (use class C3) with remodelling of rear outbuilding, and alterations to fenestration
<i>R13/2053 Approved 18.03.2014</i>	7 Main Street Stretton-under-Fosse Rugby	Erection of a two storey side extension and first floor rear extension
<i>R14/0226 Approved 19.03.2014</i>	Temple Reading Rooms Barby Road Rugby	Alterations to existing steps and provision of ramped access including erection of walls, railings and cycle stands.
<i>R14/0240 Approved 19.03.2014</i>	New Nunswold Small Holding Burnthurst Lane Princethorpe	Retention of an open porch and covered patio

<i>R14/0370 Approved 19.03.2014</i>	7 Farm Grove Rugby	Erection of two storey side and rear extension and single storey rear extension
<i>R14/0164 Approved 20.03.2014</i>	14 Smite Close Monks Kirby	Small infill extension to front and erection of 2 no. conservatories to rear
<i>R14/0414 Approved 21.03.2014</i>	Land Rear of 263-273b Hillmorton Road Rugby	Erection of detached dwelling. (Amended scheme following approval of R13/2127 to make alterations including addition of single storey orangery, enlarged chimney and increased size of garage & utility room.)
<i>R14/0422 Approved 24.03.2014</i>	Olde Farm Woolscott Road Grandborough	Erection of agricultural storage building
<i>R14/0041 Approved 25.03.2014</i>	67 Clifton Road Rugby	Rebuild two chimney stacks
<i>R14/0016 Approved 25.03.2014</i>	Wolvey Hall 8 Hall Road Wolvey	Change of use and conversion of the existing chapel into a single residential dwelling
<i>R14/0333 Approved 25.03.2014</i>	The Rowans Main Street Frankton	Two storey side extension
<i>R13/1716 Approved 25.03.2014</i>	Nut Coppice Main Street Thurlason	Ground floor extension to rear. Ground and first floor extension to the side. New front porch.
<i>R11/0855 Approved 26/03/2014</i>	1 Church Hill Stretton on Dunsmore	Demolition of existing bungalow and garage and erection of replacement split-level dwelling and bike store/shed to front.
<i>R14/0008 Approved 26.03.2014</i>	19A Barby Lane Hillmorton	Extension and alteration to existing detached garage to form an annex
<i>R12/0681 Approved 27.03.2014</i>	The Bridles Homestead Coventry Road Dunchurch	Proposed replacement of all timber windows and doors with wood effect UPVC double glazed windows and doors.

<i>R14/0415 Approved 27.03.2014</i>	140 Hillmorton Road Rugby	Erection of two storey side and single storey rear extension
<i>R14/0364 Approved 28.03.2014</i>	4 Healey Close Brownsover	Erection of single storey front extension
<i>R14/0439 Approved 28.03.2014</i>	67 Hillary Road Overslade	Erection of a two storey side, a single storey front and rear extensions (resubmission of planning permission reference R13/2196, dated 06 January 2014).
<i>R14/0303 Approved 28.03.2014</i>	26 Wentworth Road Overslade	Retrospective planning permission for a flat roofed outbuilding and erection of a single storey extension to it.
<i>R14/0448 Approved 31.03.2014</i>	30 & 30A Livingstone Avenue Long Lawford	Removal of Condition 7 (restriction of bedroom numbers) of outline application for two detached dwellinghouses (R07/0999/OP)
<i>R14/0243 Approved 31.03.2014</i>	264 Rugby Road Binley Woods	Erection of a single storey side and rear extensions including raising the height of the existing roof to allow rooms in the loft space
<i>R14/0461 Approved 31.03.2014</i>	12B Percival Road Rugby	Conversion of the loft into liveable space including the installation of two dormer windows.
<i>R14/0424 Approved 31.03.2014</i>	25 Paradise Street Rugby	erection of single storey side
<i>R14/0098 Approved 31.03.2014</i>	12 th Rugby Scout Group Scout Headquarters at Boughton Leigh Junior School Wetherall Way Brownsover	Siting of a storage container within the site, erection of a timber framed trailer cover and installation of solar panels on the roof of the scout headquarters building.
<i>R13/1510 Approved 01.04.2014</i>	4 Chapel Street Rugby	Change of use of first and second floor to one residential unit and alterations to external appearance
<i>R13/1338 Approved 01.04.2014</i>	3 Chapel Street Rugby	Change of use of first and second floor to one residential unit and alterations to front elevation at ground floor level

R14/0264 Approved 01.04.2014	Land adj 5 Dalkeith Avenue Bilton	Proposed bungalow
Prior Approval Applications		
R13/1837 Prior Approval 27.03.2014	76 Vernon Avenue Rugby	Single storey rear extension and mono-pitched roof with roof light over existing flat roofed single storey rear projection.
R14/0459 Prior Approval 28.03.2014	23 Betony Road Rugby	Erection of a single storey rear conservatory extension (notification of a proposed larger home extension).
Listed Building Consents		
R14/0220 Listed Building Consent 18.03.2014	Rugby School Oak Street Rugby	Listed Building Consent: Demolition of existing boundary wall and erection of replacement wall and gates.
R14/0227 Listed Building Consent 19.03.2014	Temple Reading Rooms Barby Road Rugby	Listed Building application: Alterations to existing steps and provision of ramped access including erection of walls, railings and cycle stands.
R14/0258 Listed Building Consent 26.03.2014	Wolvey Hall 8 Hall Road Wolvey	Listed Building Consent for the conversion of an existing chapel to a residential dwelling house
Advertisement Consents		
R14/0367 Advertisement Consent 19.03.2014	Rugby Health & Wellbeing Centre Drover Close Rugby	Erection of no. 2 fascia signs (retrospective)
Approval of Details/ Materials		
R12/1645 Approval of Details 17.03.2014	Glebe House 2 Clifton Road Rugby	Demolition of existing building, erection of three storey building and use for purposes within Class B1 (offices) of the Town & Country Planning (Use Classes) Order 1987 as amended, provision of new vehicular access to the site incorporating modifications to the existing access from Moultrie Road together with associated car parking and landscaping and erection of boundary wall.
R13/1879 Approval of Details 18.03.2014	Land adj to DIRFT II Zone 3 Between A428 and A5 Crick Road Hillmorton	Use of land for the formation of three stockpiles for the storage of excavated material for a temporary period expiring on 31st March 2015.

<i>R13/0259 Approval of Details 19.03.2014</i>	Rear of 43 Manor Road Rugby	Erection of 2 dwellings with associated works.
<i>R13/0465 Approval of Details 19.03.2014</i>	Warwickshire Wildlife Trust Brandon Marsh Nature Centre Brandon Lane Coventry	Erection of a 9m x 2.4 m timber bird hide
<i>R12/0600 (R13/1088) Approval of Details 24.03.2014</i>	Unit DC6 Former Peugeot Factory Site A Oxford Road Ryton on Dunsmore	Outline application for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout.
<i>R10/0528 Approval of Details 26.03.2014</i>	9 Lower Street Rugby	Erection of 4 houses (accessed from Constable Road) and 1 bungalow (accessed from Lower Street) - amendment to planning permission reference 210 to show amended siting of bungalow, revised rear garden boundaries for proposed houses and amended site boundary.
<i>R11/0330 Approval of Details 26.03.2014</i>	Land the South of Ashlawn Road Ashlawn Road Rugby	The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.
<i>R13/1725 Approval of Details 27.03.2014</i>	9 St Mark's Avenue Bilton	Erection of a detached dormer bungalow (resubmission and amendment to a previously approved scheme under R08/0561/PLN granted 26th June 2008)
<i>R07/0999/OP (R09/0299/RSM) Approval of Details 28.03.2014</i>	30 (&30A) Livingstone Avenue Long Lawford	Outline application for two detached dwelling houses.

<i>R14/0129 Approval of Details 31.03.2014</i>	19 High Street Rugby	Change of use of front part of first floor residential unit [increase in floor space of original extant planning permission reference R10/2067] and installation of new lantern and side facing window
Approval of Reserved Matters		
<i>R11/0681 Approval of Reserved Matters 12.03.2014</i>	Land adjacent to 70 Anderson Avenue Rugby	Renewal of outline planning permission for erection of a dwelling and provision of associated access
<i>R09/0035/MEIA Approval of Reserved Matters 21.03.2014</i>	Zones 3 and 4 Pliot Way Ansty	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
Approval of Non-material changes		
<i>R04/1118/21371/D Approval of Non-material Changes 18.03.2014</i>	Area U Off Whitefriars Drive Cawston Grange Cawston	Erection of 205 dwellings, garages and associated works (submission of details pursuant to outline permission reference R95/0313/21371/OP dated 17 th November 1998)
<i>R12/2279 Approval of Non-material Changes 19.03.2014</i>	Plots 2 & 3 Zone C Castle Mound Way Central Park	Erection of two industrial/warehouse buildings with ancillary offices and gatehouses and use for purposes within Class B2 (General Industrial) and Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with the construction of vehicular accesses, parking and servicing areas, earthworks, landscaping and drainage works (submission of reserved matters pursuant to outline planning permission ref.no. R95/0151/21330/OP dated 17th March 2000) - substitution of drawings comprising minor amendments to the site layout and to the floor layout and elevations of the unit on plot 2 approved under approval of details ref.R07/1337/MAJP, dated 30 January 2008 in compliance with condition 4 attached to outline planning permission ref.R95/0151/21330/OP dated 17th March 2000.

<i>R13/1354 Approval of non-material changes 19.03.2014</i>	Land adjacent to 68 Featherbed Lane Hillmorton	Erection of 4no. terraced houses and associated works including parking provision.
<i>R11/1918 Approval of non-material changes 24.03.2014</i>	Plot 1 Central Park Drive Rugby	Erection of employment building with ancillary offices for use within Classes B1(b)(Research and Development), B1(c) (Light Industrial), B2 (General Industrial) or B8(Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with new vehicular accesses, car parking, servicing and associated works.
<i>R13/0119 Approval of non-material changes 27.03.2014</i>	Lemon Groundwork Supplies Units 1 and 2 Hunters Lane Rugby	Variation of condition 6 of R10/0949 granted 12th January 2011 to marginally enlarge the workshop area. (Demolition of various structures, erection of a workshop, overcladding and extension of the existing gantry crane (Re-submission and amendmend of a previously approved planning permissiion Ref. No. R05/1502/6877/PLN granted 3rd April 2006))
<i>R13/1163 Approval of non-material changes 28.03.2014</i>	Hawthorns High Street Marton	Proposed two storey rear extension and alterations to frontage of existing dwelling
<i>Withdrawn/ De-registered</i>		
<i>R13/1486 Withdrawn 17.03.2014</i>	The Imperial Hotel 165 Oxford Street Rugby	Demolition of the former Imperial Hotel/Public House and the erection of 18 new residential flats with associated parking and works.
<i>R13/2141 Withdrawn 27.03.2014</i>	American Amusements Unit 7 Junction One Leicester Road Rugby	Installation of a storage mezzanine of 356sqm (GIA) in relation to the proposed retail (A1) use of the site