

9 February 2018

PLANNING COMMITTEE - 21 FEBRUARY 2018

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 21 February 2018 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 31 January 2018.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Planning Appeals Update.
7. Delegated Decisions – 4 January 2018 – 23 January 2018.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2017/18 – 13) are attached.

Membership of the Committee:

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

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

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

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

Planning Committee – 21 February 2018

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R17/0937	Land West of Grandborough Fields Farm, Grandborough, CV23 8BA Erection of agricultural buildings, slurry store and feed bins with associated access, hardstanding and attenuation ponds.	3
2	R17/2078	Top Farm, Long Itchington Road, Birdingbury. CV23 8EQ Demolition of existing 2 no. agricultural buildings and construction of 1 no. single-storey agricultural building and ancillary structures including highway access.	29

Reference number: R17/0937

Site address: Land West of Grandborough Fields Farm, Grandborough, CV23 8BA

Description: Erection of agricultural buildings, slurry store and feed bins with associated access, hardstanding and attenuation ponds.

Case Officer Name & Number: Jo Orton – 01788 533549

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as the application constitutes major development and more than 15 objections have been received from the local residents.

Application Proposal

This application seeks full planning permission for the erection of agricultural buildings, slurry store and feed bins with associated hard standing and attenuation pond on the land at Grandborough. The two proposed livestock buildings, finished external appearance to be agreed by condition, extend to 63m x 20m with an eaves height of 3m and have an overall height of 5.6m; these buildings are proposed to house 2250 pigs from 25kg through to a finished weight of 105kg.

A Design and Access Statement has been submitted with the application which states that the applicants currently operate a farming business which extends to 1,400 acres of combinable cropping, together with a suckler cow enterprise and are looking to diversify their business due to poor returns in the arable sector. The pig rearing activity was selected as it fits in well with the arable farming system.

The initial proposed slurry store had a 38.5m diameter with a height of 8.5m. During the course of the application officers requested amendments which reduced the height of the slurry store from 8.5 metres to 6 metres along with a request for further landscaping including planting and bunding to aid with reducing the visual impact of the proposal on the surrounding area. It is proposed that the slurry store would be finished with a Midnight Green; RAL 12 B 29; steel which will again assist with blending the slurry store into the natural environment.

An Environmental Impact Assessment (EIA) Screening Opinion was completed and this concluded that in the opinion of the Local Planning Authority the proposed development associated with the application site required the submission of an EIA. A formal request for an EIA was made to the agents and confirmation was received within the 3 week timeframe from the agent that this was being appealed to the Secretary of State. The Secretary of State (SOS) concluded that the potential impact of the proposed development on nearby residential development, nearby sensitive areas and the road network, is recognised, but considered these issues could be addressed under normal planning practice and that relevant information could be set out in suitable detailed assessments supporting any planning application and that in this instance an EIA is not required.

The Site and Surrounding Area

The site is located within the open countryside to the south west of Grandborough; the site is accessed by a farm track off Broadwell Road. The land comprises approximately 8 hectares of land at Grandborough and currently operates a crop growing business. There are currently no farm buildings in situ within the application site.

The nearest buildings to the application site include the Woodbine Riding Stables, which is approximately 140 metres away with the nearest on site building being sited 36 metres away.

Other residential dwellings and farms are sited between 415 and 585 metres away with the village of Grandborough being located approximately 1160 metres away from the application site.

Relevant Planning History

R16/1984 – Erection of an agricultural building, slurry store and feed bins with associated access, hardstanding and attenuation ponds – Withdrawn – 03rd November 2016

Technical Responses – Original Submission

Warwickshire County Council (Public Rights of Way) have objected to the proposal on the grounds that public footpath R269a crosses the site and sought further details regarding the proposed drainage channel to be constructed across the public footpath.

Rugby Borough Council (Tree Officer) has advised that the landscape scheme needs to be interspersed with standard planting to provide some height and more effective screening along with the incorporation of screening to the highway and southern boundary.

No objections have been received from:

Warwickshire County Council (Flood Risk and Water Management)
Warwickshire County Council (Highways)
Warwickshire County Council (Ecology)
Rugby Borough Council (Environment & Public Realm)
Rhodes Rural Planning
Natural England
Seven Trent Water
Environment Agency
Rugby Ramblers Association
Warwickshire Police
Warwickshire Fire and Rescue

Technical Responses – Additional Information

No objections have been received from:

Rhodes Rural Planning
Rugby Borough Council (Environment & Public Realm)
Warwickshire County Council (Public Rights of Way)
Rugby Borough Council (Tree Officer)

Third Party Responses – Original Submission

Jeremy Wright MP for Kenilworth and Southam has raised concerns to the proposal on the grounds of:

1. Given the high increase in the traffic on the surrounding area the proposal should be subject to a S106 Agreement confirming an approved route which would not be through the village;
2. Concern over flooding and pollution of the water course given surface water flooding in the area; levels of nitrates leaching into land and watercourse due to slurry being spread;
3. Odour generated from the generation and spreading of slurry over the applicants land;
4. Impact the proposal would have on the existing riding facility and the invaluable facility for children and adults with disabilities and learning difficulties; and

5. It cannot be reasonable for any new development to have such an impact on an established business, and one which provides such important services.

Ward Member Councillor Crane has objected to the proposal on the grounds of:

1. The roads are unsuitable for regular large lorry movements with all single track roads being in a poor condition with large vehicles continuing to add to this damage;
2. Should permission be granted the vehicles should follow Flecknoe Station Road and out to the A426;
3. Concern has been raised over whether the vehicle calculations provided from the agent are accurate and that slurry would also need to be transported as per the Odour Report;
4. Area is a Nitrate Vulnerable Zone which has restrictions on the spread of slurry puts the nearby river at risk of pollution;
5. Site is located within Flood Zone 2 & 3 with the area being well known for surface water flooding;
6. The proposal is likely to have significant environmental impacts such as noise, smell and light pollution which will impact on residents and local wildlife; and
7. Concerns over the number of pigs which could be fattened in the future and within the buildings proposed on site.

Grandborough Parish Council has objected to the proposal on the grounds of:

1. Whilst the Design and Access Statement takes into account residential properties it does not make reference to the impact on businesses in the vicinity;
2. There is confusion over the number of pigs which would be stored within the proposed buildings;
3. Concern that the spreading of slurry would be carried out outside of the 5 prohibited months of the year;
4. Area of land in which the slurry will be spread is low lying with a high water table with significant concerns over the potential for flooding on the land and levels of nitrates reaching the local land and watercourses;
5. The access to the site is unsuitable via weight-restricted roads with passing places and would also require the access being taken through the village over hump back bridges; and
6. The figures supplied over vehicle movements are questionable given the number of pigs and lorries accessing the site.

Grandborough Parish Council has also noted that should the Local Planning Authority be minded to approve the application they would expect it to be conditional on strict environmental policy and operating conditions for the proposed development.

Wolfhampcote Parish Council has objected to the proposal on the grounds of:

1. Concern regarding the highway and the issue of access to the proposed site which incorporates small single track roads;
2. Slurry based system would be a risk to the Seven Trent Water Supply; and
3. Is in close proximity to an established rare pig breed herd creating an unnecessary risk to disease.

Wolfhampcote Parish Council has also noted that should the Local Planning Authority be minded to approve the application they would expect it to be conditioned so that it could not be used for other uses such as storage/light industrial.

Willoughby Parish Council has objected to the proposal on the grounds of:

1. Contamination of the land caused through the spreading of the slurry which will enter the watercourse and River Leam;
2. The application site is in a nitrate sensitive area and the proposal would make matters worse; and
3. Additional heavy vehicles would come through Willoughby to access the site along 7.5 tonne weight restricted roads.

Neighbours notified and site and press notices have been displayed with 184 letters of representation has been received raising the following:

1. The proposal would have a detrimental impact on the nearby businesses in particular Woodbine Stables;
2. Large equine population and as horses are frightened by pigs it could make the whole area no longer accessible for riders and unsafe for people to ride within half a mile of the site;
3. Horse owners would be forced to find another livery;
4. Road network is unsuitable for the increase in heavy goods vehicle traffic;
5. Increase in road traffic would have serious safety implications in the area for non-vehicle users including walkers, runners and recreational cyclists;
6. Noise generated by the development would be unacceptable in the rural environment;
7. The smell would be intolerable to anyone within a large radius of the site;
8. The proposal is situated within the flood plain with run off from the site almost certainly entering the water cause causing pollution and harm to wildlife;
9. The proposal would have a large impact on what is currently open farmland creating a blot on the landscape;
10. Development would have a detrimental impact on the way of life for many people;
11. A pig farm will change the character and appearance of the rural landscape;
12. No mention of what will happen to the public footpath;
13. Intensive pig farming is a step backwards with farmers now preferring free range methods;
14. The introduction of a pig and slurry unit next door to the riding school will have a significant impact on them with horses and ponies behaviour affected by changes in the environment such as noise and smell creating safety concerns for riders;
15. Pigs would frighten the horses causing safety concerns for riders and handlers;
16. Increase to the risk of disabled and non-disabled riders who regularly attend the school;
17. Risk of injury or distress to the horses at the livery with the number of pigs proposed when the horses are let out for a run;
18. Loss of business to the riding school and livery yard whilst making the location undesirable given the smell and noise generated;
19. Development sited in a predominantly rural area with homes dispersed throughout, the scale of the development more substantial than a typical agricultural building and would entail a change of use of land;
20. Have health assessments been conducted on the release of gasses into the atmosphere near residential dwellings;
21. Would have an adverse impact on house prices and agricultural land in the area;
22. Has an EIA been carried out and the impacts of air pollution adequately assessed;
23. Have the council considered the Human Rights Act 1998 in that noise, smells and missions are incursions on homes, residence and private lives;
24. Has a Strategic Environmental Assessment on the direction of intensive farming been submitted and considered with this application;
25. Put forward at a time when Lodge Farm development is predominant in the minds of the local community;
26. Significant changes to road infrastructure would be required in order to facilitate the business;

27. There appears to be no shortage of pork products within shops and restaurants therefore not right that this business could end another well-established and supported business therefore an unsustainable business model;
28. The proposal has an adverse impact on animal welfare and could result in a risk to human health through the spread of drug-resistant bacteria and disease;
29. Why are such large buildings, slurry stores and feed bins required;
30. The applicant no longer has suckler and the buildings which were used for this enterprise are now redundant and could be redeveloped to form the pig unit;
31. Policy ED4 states that farm diversification should be encouraged providing it meets three main criteria;
32. Existing landscaping will only provide screening for certain times of the year as the trees are deciduous;
33. Policy CS17 requires all non-residential development to incorporate renewable or low carbon energy equipment to reduce CO2 emissions;
34. Other neighbouring properties within close proximity to the development are as follows:

House Name	Distance in Metres
Grandborough Fields Farm	415 metres
The Bungalow at High House Farm	475 metres
Woodbine Farm	485 metres
Paddock View, Woodbine Farm	490 metres
Barn, Woodbine Farm	490 metres
High House Farm	585 metres
High House Flat	585 metres

35. The site reference used with the Ammonia Deposition Report is incorrect and has the proposal located over a mile meaning the results would be incorrect and false;
36. The employment gained through the site will not balance the likely unemployment caused through the loss of local businesses;
37. The estimates in the amount of road journeys have been underestimated for the number of deliveries of pigs, feed and the removal of fully grown animals;
38. Application states diversification of existing farming activities however report makes reference to Chris Barber Ltd;
39. Odour report should be based on peak occupancy rate and weight as there is nothing stopping the building being used in this way;
40. The report does not cover model emissions at times when the building is open and will therefore be higher therefore it cannot be demonstrated that the emissions are within the current rules;
41. The report does not cover any smell emitted from the slurry stores;
42. The noise report does not cover all noise scenarios required as the orientation of the two dwellings is incorrect using the model contained within the report;
43. The noise report only looks at noise from the fans and does not allow for any other mechanical noise such as the feed system; slurry removal system and farm animals;
44. Some of the development is within the protected Green Infrastructure Network;
45. Does the proposal comply with a Nitrate Vulnerable Zone (NVZ);
46. Proposal does not comply with emerging Local Plan Policies ED3 and ED4;
47. The applicant does not have enough land in which to spread the slurry within the 48 hours' time frame allowed;
48. Noise assessment ignores the presence of the riding school and there is no mention of the noise made by the pigs on moving days;
49. Odour report ignores the presence of the riding school, states that the smell is moderately offensive however horses sense of smell is better than humans, the riding school fields, stables and teaching area are within the odour affected area;
50. Slurry store does not include the cover or show it will be emptied without moving the cover;

51. No mention as to how the building will be cleared and the noise and odour will be controlled at these times;
52. There is too much random development within the open countryside;
53. Concerns that the development will not be carried out by the farmer however rented to a Dutch company for the purposes of pig farming;
54. The location and panoramic views shown in the supporting evidence conveniently overlook or obscure the location of the nearby riding school which is almost next to the proposed site;
55. Moving the slurry store makes the field look completely developed especially with the slurry stores being in excess of 8 metres high;
56. Ensure that the development complies with the both National and EU legislation on farming and animal welfare;
57. The farm would produce high amounts of methane and other carbon equivalent gases and will also attract rodents which will quickly spread;
58. Landscape report ignores the effect of the large slurry tank and feed silos and does not include any proposed photomontages;
59. Flooding report ignores the fact that slurry tank has been moved to be in the 1:100 flood risk area;
60. No mention of method of disposal of solid wastes including dead livestock;
61. Biosecurity and public health impacts to protected species and human health;
62. RAF have a known flight path in the area which would stress the pigs out and result in increase in antibiotics and hostile behaviour between pigs;
63. No details concerning the operation and management of the pig buildings including alarms, staffing or how emergencies are to be handled;
64. Positioning of the pig unit within the farm along with the positioning of the buildings;
65. No staff dwelling has been submitted as part of the application and if needed should be assessed as part of the application;
66. Returns from land owned farming have been varied in recent years. Whilst that variation may be weather related, far greater differences in results have been the result of farming policy and technical performance; both in both the costs of growing the crops and marketing policy;
67. Model ran off 2/3 rented indicates surplus for the assumed area of £72,750-£97k p.a;
68. No evidence has been submitted that other joint ventures have been researched allowed for a share of costs through collaborative working;
69. The pig unit is hardly a diversification, it is in the traditional sense;
70. The unit will require significant investment and is very much at risk of the global market for pork products (currently good) it is not clear who is funding the venture; and
71. The proposal violates Section 8 – Promoting Healthy Communities and Section 11 - Conserving and Enhancing the Natural Environment.

A petition containing 66 signatures in opposition to the development has also been received by the Local Planning Authority. Key issues raised within the petition consist of:

1. Detrimental impact to at least 3 local small businesses;
2. Changing the character of the area;
3. HGV traffic on unsuitable country lanes;
4. Noise; and
5. Smell and pollution to the area.

A worldwide, online petition has been carried out on the website www.change.org containing 13,790 signatures in opposition to the development. Key issues raised within the petition include:

1. Application does not say how animal welfare regulations will be met;
2. Adversely affect many neighbour, long established, and successful local rural businesses;
3. Grandborough Fields is an important leisure amenity close to urban neighbours;

4. Massive bio-diversity and plenty of botanical interest along the lanes;
5. Lack of alignment with the Local Plan, Core Strategy and NPPF;
6. Impacts upon noise; odour and pollution effects on the surrounding area;
7. Does not comply with Warwickshire Highways Rural Road Design Criteria and;
8. The site is in a flood zone; a nitrate sensitive area and in a drinking water safeguard zone.

Of the total signatures contained within the petition a covering note provided an explanation that 66% came from the United Kingdom with 396 providing a CV postcode and 494 providing no further information however does include Rugby voters. It was highlighted that approximately 2000 comments were received as part of the petition of which approximately 126 contained material planning considerations with other issues highlighted including but not exclusive to animal welfare.

A petition from the People for the Ethical Treatment of Animals (PETA) has been submitted containing 23,000 signatures in opposition to the development. Key issues raised within the petition consist of:

1. Waste from the farm;
2. Operations carried out on the farm;
3. Impact on the highway;
4. Ammonia being emitted into the surrounding area;
5. Risk of slurry spillage or contamination;
6. Diminish the character of the rural landscape; and
7. Animal welfare of the pigs.

Third Party Responses – Amended Submission

Further to the submission of amended plans and additional information a re-consultation has been carried out. This consultation raised that same issues to those covered within the summary provided above.

Relevant Planning Policies and Guidance

National Planning Policy Framework – 2012

National Planning Policy Guidance – 2012

Core Strategy – 2011

Policy CS1: Development Strategy

Policy CS2: Parish Plans

Policy CS14: Enhancing the Strategic Green Infrastructure Network

Policy CS16: Sustainable Design

Policy CS17: Sustainable Buildings

Saved Local Plan Policies – 2011

Policy GP2: Landscaping

Policy E6: Biodiversity

Grandborough Parish Plan

Determining Considerations

The main considerations in respect of this application are the principle of development, the impact on the character and appearance of the countryside, environment and biodiversity, the amenities of neighbouring residential properties and highway safety.

Principle of Development

Policy CS1 of the Core Strategy states that development must comply with the settlement hierarchy and that it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.

As the application site is located with the open countryside it is therefore considered an unsuitable location for development and only where national policy on countryside locations allows will development be permitted. The NPPF states within Policy 3 that policies should support economic growth in rural areas through promoting the development and diversification of agricultural and other land-based rural businesses.

The proposed agricultural enterprise is required in connection with the diversification of an existing agricultural enterprise by expanding into pig rearing as it fits in with the applicants existing arable farming system. The slurry will then be utilised by providing manure for the land as a fertilizer and soil conditioner, with all manure and slurry being produced within the livestock unit which will be used as a fertiliser on arable land at Grange Farm. This would provide the applicants with a sustainable arable production and result in a reduction in costs of the existing arable farming operations and increase sustainability practices. Due to Chris Barber Ltd outsourcing to the applicant a rearing fee would be paid to the application thus further increasing the viability to the applicant. The proposed development is therefore important to the ongoing viability of the farm operations and is a use which would be reasonably expected to be within a countryside location. Further clarification has been sought over concerns that the proposal will be carried out by a Dutch company as opposed to Mr Evans, however, this has been reaffirmed by the agent that the proposal is for the business enterprise of the applicant who would be working in conjunction with Mr Barber another British Farmer.

Confirmation has been received that the applicant no longer currently operates a suckler herd with calves reared as stores or taken to fat. However, this operation has ceased at the moment due to an inherent disease issue, once the land and buildings have been rested the suckler enterprise will be resuming. The only other livestock operation currently in operation is a restricted flock of 30 sheep. Furthermore, the Council's Agricultural & Countryside Advisor, Rhodes Rural Planning, has confirmed that arable units have been under pressure over the last few years, with many arable producers diversifying into intensive pig or poultry rearing businesses and/or running anaerobic digester plants. Additionally, Rhodes Rural Planning have confirmed that the proposal, in principle, is soundly based from an agricultural perspective with the income source being able to supplement the arable enterprise and the reduction in costs to the business from fertiliser as a result of utilising slurry stores.

Policy CS2 of the Core Strategy states that where the views of a community are expressed within a Parish Plan they will be taken into account in the planning system.

The Grandborough Parish Plan was adopted in August 2007. Within the plan a need for the consideration of the Warwickshire Biodiversity plan is emphasised which identifies particular species at risk and actions which can be taken to improve the local area. As part of the application, Warwickshire County Council (Ecology) has confirmed that they have no objection to the proposal; this has been further addressed as appropriate within the report.

It is therefore considered that the application is in accordance with Policy CS1 and CS2 of the Core Strategy and Section 3 of the NPPF.

The proposal does, however, raise a number of issues which need to be addressed, it will now be explored to whether the:

1. Proposal site the best available to the business?
2. Is the operation of the pig production buildings likely to cause odour nuisance?
3. Will the spreading of the slurry result in environmental issues and/or odour nuisance to local houses, farms and rural businesses? and
4. Will the movement of 400 pigs per week over a five week building fill followed by their subsequent removal on a five batch production cycle per annum together with feed deliveries, etc, result in a traffic issue?

These issues have been raised at appropriate locations throughout the report.

Impact on Character and Appearance of the Countryside

Policy CS16 of the Core Strategy states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities character and amenity of the areas in which they are situated. Whereas, Policy CS17 states that as a minimum all new development in excess of 1000 square metres for non-residential floor space shall incorporate decentralised and renewable or low energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

Regarding the aforementioned question concerning whether the proposed site is the most suitable for the proposed business diversification. The location of the applicant's farm and buildings, are within close proximity to Grandborough village and is served by a good existing access. The location of a pig production building, within close proximity to Grandborough village would be likely, even with the best designed system, give rise to odour and thus result in an environmental nuisance for the village. It was further confirmed by Rhodes Rural Planning that the proposed site has been chosen given the availability of good road access and the proximity of water and power supplies. Having considered other parcels of land within the applicants holding, the proposal is considered most suitable as alternative sites would require the installation of long access drives, water and power supplies or potentially result in an environmental nuisance to existing residents. This in conjunction with the watercourse which crosses the lower land holding from West to East effectively prohibits development close to this course.

Whilst the slurry stores are not located within the existing farm complex, due to the diversification of the enterprise, they are sited within agricultural fields which are in a remote location from any residential dwellings. Whilst the slurry store will have a significant diameter of 38.5 metres, the amended plans requested ensure that the store will be built into the ground ensuring the height is reduced from 8.5 metres to 6 metres, so it will be lower than the height of the proposed livestock buildings, whereas the proposed finish ensures that the store will blend into the surroundings. The slurry store has a base area of 1164 square metres, providing a maximum of 5820 square metres of storage capacity for the slurry. The agent has confirmed the estimated amount of waste per pig place is 0.15 cubic metres per month x 2250 = 337.5 cubic metres per month, providing 4050 cubic metres of annual production. The legal requirement is that the farm has a minimum of 26 weeks storage capacity, with the proposed capacity of the slurry store being 1.4 years' worth of production from the farm which would therefore be compliant. Confirmation has also been received that the spreading period is closed 1st October to 15th January for arable land, which

excludes sandy or shallow soils; the spreading period would therefore be closed for 3.5 months in a calendar year.

The agricultural buildings have been halved in order to provide two barns and to lessen the impact from the barns when viewed from the street scene. They are of a typical construction associated with agricultural buildings with the feed stores located within close proximity of the buildings.

When taking into consideration the above it is the opinion of Rhodes Rural Planning that the application site is the most logical for the proposal, it has also been confirmed that in accordance with The Guide to Cross Compliance in England 2017, you can spread slurry in January and February then again from August to October, this is something which cannot be conditioned by the Local Planning Authority as would be enforceable under Environment Agency legislation.

Information submitted also confirms that Mr Barber has been questioned as to whether the proposal could be sited on his own holding within Warwickshire however the land holding is very limited and whilst it may be possible to be sited within existing buildings it would be faced with exporting large quantities of slurry off the holding to comply with Nitrate Vulnerable Zones (NVZ) requirements. Furthermore, best practice is to physically separate growing pigs from breeding areas so as to minimise disease from cross contamination of housed stock. It is the professional opinion of Rhodes Rural Planning that this is the accepted best practice and would be in agreement that the buildings and facilities could not be sited on Mr Barbers Farm. Objections have been received from consultees who advised that horses are traumatised by pigs, whilst this is not a material planning consideration, the Local Authority has requested the advice from Rhodes Rural Planning who has confirmed that he is not aware of any antipathy between horses and pigs the only issue would be if they shared the same pasture but only from a grazing regime. This would not be the case as part of this application.

The application site is an existing arable field which is bounded by mature trees and vegetation to the north, east and west which provide screening to the proposed development whereas the south of the site is open to the public highway and open countryside. A landscaping appraisal was submitted with the application, likewise prior to the receipt of the Tree Officers comments, Officers requested additional plans to be submitted which provided additional landscaping and bunkers to the slurry store in order to lessen the impact on the surrounding area. These plans have been received and a re-consultation carried out. The Local Authority's Tree Officer has advised that the landscape scheme only details hedge planting around the slurry store and therefore would need to be interspersed with standard tree planting to provide some eventual height and provide more effective screening. Similarly it is judged that additional landscaping adjacent to the highway and southern boundary of the site is required to provide screening and to enhance the local landscape character. A revised landscaping scheme was submitted and accepted no objection to the proposal subject to an appropriate condition.

In accordance with Core Strategy Policy CS17, during the course of the application, Officers requested the completion of a Sustainability Checklist to assist with identifying any impacts along with the potential mitigation against these. Having received the checklist back and following discussions with colleagues within Development Strategy it is considered that given the use of the proposed buildings it is not one which would be considered to incorporate decentralised and renewable or low carbon energy equipment. The attenuation pond however has been provided in order to comply with the Sustainable Drainage requirements within the NPPF. The attenuation pond is for clean roof water only, and provides storage on site for roof water, with a restricted discharge into the drainage system.

The Environment Agency, Seven Trent and Warwickshire County Council (Flood Risk and Water Management) have confirmed there are no objections to the development on the aforementioned grounds.

This application is therefore considered to be in accordance to Policy CS16 and CS17 of the Core Strategy and the NPPF.

Impact on the Environment and Biodiversity

Saved Policy E6 of the Local Plan states that the Borough Council will seek to safeguard, maintain and enhance features of ecological importance, in particular priority habitats and species of conservation concern. Section 11 of the NPPF also states that new development should be prevented which contributes to putting an unacceptable risk from, or being adversely affected by unacceptable soil levels, air, water or noise pollution.

The proposed development would be fitted with an automated auger fed feeding system, along with nipple drinkers, ventilation into the building will be automated, using roof fans and side inlet vents. The building internally would be subdivided into pens which would have a perforated floor with a sealed concrete tank underneath which would contain the waste produced by the pigs. The tank would be beneath the building and fitted with a vacuum system for frequent removal of the manure into the proposed slurry store. The buildings have been designed with high velocity roof mounted fans with side inlet vents in the buildings, which is deemed the best practice available by the Environment Agency, for the control and dispersal of odour from livestock accommodation.

A pre-commencement condition was originally requested from Rugby Borough Council (Environment & Public Realm) for an odour assessment specifically relating to intensive pig farming including a waste management and insect management plan which takes into account current and best practice for sector specific guidance. Odour and other environmental matters have also been raised by Rhodes Rural Planning for matters for consideration under this application given the location of the intensive pig farm. An Odour Assessment has since been submitted with the application and the Environment & Public Realm Section have been re-consulted accordingly. They have no objection to the proposal as the quantified emissions rates for each emission source of the proposed development, atmospheric dispersion modelling used to qualify the impact on residential receptors and calculated exposure levels are accepted. It does state that Woodbine Stables have not been considered as a sensitive receptor. Woodbine Stables onsite facilities consist of low level ancillary offices to serve the livery and riding school along with a level of facilities for the employees to use during the working day, the business would be the most exposed receptor, albeit not a residential one.

Environment & Public Realm have stated that due to the fact the numbers of pigs are above 1,999, the Local Authority cannot use Environmental Health related nuisance powers under the Environmental Protection Act 1990. If numbers were at 1,999 or below complaints about potential odour effecting the nearest non-residential receptor (Woodbine Stables) would be legally permitted to complain about odour, as the legislation permits business to business nuisance complaints. For the purposes of clarity should the proposal be for 2000 pigs or more, the Environment Agency would become the enforcing Authority, as an Integrated Pollution Prevention & Control (IPPC) permit would be required for development. Paragraph 122 of the NPPF states 'local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'.

An area of concern raised by Rhodes Rural Planning is the location of the slurry store which would be in close proximity to the existing livery business given the possible odour that maybe emitted from the site. Further to this the agent has been contacted to establish whether or not the slurry stores can be relocated to a more appropriate location, to which amended plans have been received from the agent and a re-consultation has been carried out accordingly. No objections

have been received from Rhodes Rural Planning in relation to the revised location of the slurry store subject to appropriate conditions. The spreading of slurry would be carried out by an umbilical pipe system which would inject the slurry directly into the ground. It has been raised that this process would also result in an inevitable escape of odour and that the manner in which slurry is to be removed differs from that set out in the odour report which states that the slurry is to be removed by tanker. It is also apparent that the treatment of the slurry and waste does not appear to have a relationship to the proposed building and systems at Grange Farm as detailed within the Design and Access Statement. Given the inconsistencies it is considered appropriate that should the application be recommended for approval a condition is imposed which controls spreading regimes along with the submission of a waste management plan to govern spreading regimes and thus avoid any potential nuisance.

Calculations have also been requested which demonstrate that NVZ regulations will not be breached into the quantity of slurry applied to the land. The amended odour report has been submitted addressing these issues and re-consultation carried out according Rhodes Rural Planning have confirmed that they have noted the amendments in line with the previous comments and that a condition would still be required which controls spreading regimes along with the submission of a waste management plan to govern spreading regimes and thus avoid any potential nuisance. The agent has also provided confirmation that the slurry store has a basal area of 1164 square metres and a maximum slurry height of 5m (with 1m free board) providing a maximum of 5820 square metres of storage capacity for slurry. As stated above, the estimate of waste produced per pig place is 0.15 cubic metres per month x 2250 = 337.5 cubic metres per month, providing 4050 cubic metres of annual production. The legal requirement is that the farm has a minimum of 26 weeks storage capacity. The proposed capacity of the slurry store is therefore 1.4 years' worth of production from the farm and is therefore compliant. The spreading period is closed between 1st October to 15th January for arable land (excluding sandy or shallow soils). The spreading period is therefore closed for 3.5 months in each calendar year.

The agent has confirmed that the base of the proposed building is a sealed tank which is required to conform the Control of Pollution (Silage, Slurry and Fuel Oils Regulations) 2010, (SSAFO regulations) and the proposal also includes a separate slurry store which is required to conform to the SSAFO Regulations. Prior to constructing either the building or the slurry tank, the applicant is required by law to agree the specification with the Environment Agency and also needs to serve formal notice on the Environment Agency before the building or tank is brought into use. The legislative regime is robust and the design prevents the potential for any contaminated runoff from the site. The tank underneath the building provides temporary storage for the slurry, and then it is transferred to the proposed slurry store by a pump system. The site has the capacity for at least 26 weeks storage in order to comply with the Nitrate Pollution Prevention Regulations 2015 (the NVZ regulations). The slurry store will be emptied twice per annum through spreading on fields as an agricultural fertiliser. This process is controlled by the Nitrate Pollution Prevention Regulations 2015 and allows for spreading of slurry to land at certain times of the year. The applicants must abide by the prescriptions laid out in the NVZ regulations, including no spreading in the closed periods, provision of 10m spreading buffers to all ditches and watercourses, and 50m spreading buffers to any borehole or groundwater abstractions. The site also requires an IPPC permit from the Environment Agency in order to operate, and the IPPC permitting regime also provides controls over the management of slurry.

The Environment Agency have raised no concerns subject to compliance with the Environmental Permitting Regulations 2010 and are in ongoing discussing in relation to the applicants obtaining an IPPC permit as the facility is for 2,250 pigs. This permit would require the submission of Management Plans for approval by the Environment Agency. Such permits cover emissions to air (odour), water and land, waste generation, noise, restoration of the site upon closure and are issues that are enforced by the Environment Agency. The Environment Agency has confirmed that when making the assessment for the permit the following areas of potential harm are addressed:

1. Management- including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery;
2. Operations- including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning;
3. Emissions- to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring; and
4. Information – records, reporting and notifications.

Given the location of the proposed development which is within 5km of a Site of Special Scientific Interest (SSSI) an Ammonia Screening Report was submitted with the application which states that the levels of insignificance set by the Environment Agency are 20% for a SSSI. In relation to the comments raised that the location is incorrect in relation to the co-ordinates of the proposal, an updated report has been received which corrects the co-ordinates for the location of the proposal; however, the results are the same as originally submitted. Following a consultation with Natural England they have confirmed that they have no objection to the proposal. Warwickshire County Council (Ecology) have confirmed that the site comprises mainly arable crop, surrounded to the North, West and East sides by hedgerows and ruderal to the South. There is a ditch to the West and a pond located approximately 115 metres into the field from the public right of way (PRoW). As the site has no specific nature conservation designation, and there are no records of protected species within the application site it is therefore considered that there are no objections to the proposal subject to appropriate conditions and informatives. The SOS has also confirmed that they agree with Natural England in that whilst the site is located near to five SSSIs, the nearest of which being Calcutt Meadows SI, 3.5km from the site, the proposed development is unlikely to have a significant impact on these sites.

Policy CS14 states that the Council will work with partners towards the creation of a comprehensive Borough wide strategic Green Infrastructure (GI) Network. As part of the application site is within the opportunity area shown on the Proposals Map applications should seek the enhancement of existing GI assets.

As part of the application a landscaping scheme was submitted through discussions with the, Rugby Borough Council (Tree Officer), and as previously advised has no objections to the proposal subject to appropriate conditions as the proposal incorporates landscaping scheme to improve the character and appearance of the application site and also soften and integrate the development into its surroundings..

This application is therefore considered to be in accordance with Section 11 of the NPPF; Policy CS14 of the Core Strategy and Saved Local Plan Policy E6.

Impact on Residential Amenity

Policy CS16 also states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest premises to the application site are Woodbine Stables who are located to the north of the application site and are detached. The proposed equine business is separated from the proposal by approximately 140 metres whereas the nearest building within the application site is approximately 36 metres to the closest boundary point. There are other residential properties between 415 metres and 585 metres away from the application site which consist of both protected and non-protected buildings. For clarity residential dwellings within existing farm enterprises as not protected. Under the Town and Country Planning Act (General Permitted

Development) (England) Order 2015, the erection of an agricultural building to be used to accommodate livestock is not permitted development, if it would be within 400 metres of the curtilage of a protected building, including a dwelling. That does not mean that livestock units within 400 metres of a dwelling cannot be allowed. It merely means that an application for planning permission has to be made to enable all material considerations specific to that proposal to be taken into account.

The closest residential dwellings, within Grandborough village, are sited at least 1,160 metres away from the application site, however, concerns have been raised regarding the smell generated from the proposed storing of slurry. The supporting statement submitted with the application states that as the existing farmstead, Grange Farm, is located immediately adjacent to the village of Grandborough, it was not considered appropriate to develop this site with livestock units further, owing to the close proximity to established residential areas.

Supporting information has been submitted which confirms that the proposed buildings operate a controlled environmental system, using high velocity roof mounted fans with side inlet vents, this system is deemed Best Available Techniques by the Environment Agency for the control and dispersal of odour from livestock buildings. The building would also be fitted with a vacuum system for frequent removal of slurry from the under floor storage area into the proposed circular slurry store. The circular slurry store will be fitted with a floating cover to prevent odour emissions from the store. Rugby Borough Council (Environment & Public Realm Section) has confirmed that they have no objection to the proposed development subject to pre-commencement planning conditions including noise impact assessment to address noise emitted from M&E plant, operational noise such as onsite and offsite vehicle movements, 24/7 day operational noise and distance to noise sensitive receptors. This would include the upwind and downwind scenarios to establish how the noise travels along with an odour assessment specifically relating to intensive pig farming.

An Odour Assessment and Noise Assessment have since been submitted with the application and re-consultation carried out and the Environment & Public Realm Section has confirmed that they have no objections to the Odour Assessment submitted with the application however as previously identified Woodbine Stables have not been considered as a sensitive receptor. In terms of the Noise Assessment, following the submission of an updated report, colleagues within the Environment & Public Realm Section have confirmed that the initial objection has been withdrawn and consider that subject to the recommended noise conditions being attached to any successful planning permission, the noise impact on noise sensitive receptors can be adequately controlled and not likely to affect residential amenity when fully operational.

Following a consultation with the Environment Agency they have confirmed that they have no objections to the proposal as per the guidance contained within the "Impact on the Environment and Biodiversity Section". The SOS has also confirmed that whilst the nearest dwelling is 400 metres from the site with the nearest settlement being 1.6km from the site, the odour levels at the nearest dwelling are considered to be below the Environment Agency threshold for moderately offensive odours with the handling of solid waste being the subject of industry/legal standards and as such is unlikely to result in significant impacts.

This application is therefore considered to be in accordance to Policy CS16 of the Core Strategy and the NPPF.

Odour Assessment

In addition to the details on odour provided above during the course of the application Marrons Planning submitted an independent Odour Report on behalf of one of the objectors. Colleagues within the Environment & Public Realm Section have confirmed that they cannot comment on the specifics of the objector's consultant's assessment however they have advised that it was

considered the applicant would have automatically dual tracked the planning application & the IPPC and it is disappointing to see this has not been undertaken. In previous draft correspondence sent to the Local Planning Authority on 27 June 2017, the Commercial Regulation Team (Environment & Public Realm Section) agreed with the findings of the odour assessment, however the objector did highlight some valid points that the odour assessment focusses on odour arising from the animal housing activities and not feed management and slurry management. Also, the impact assessment focuses on the mid-point of the animals and not a worst case scenario when the pigs are nearing their target weight of 110 kg. Therefore, there is a degree of uncertainty of estimated odour emissions.

The SOS has confirmed that whilst the scheme will result in production of solid waste they are unlikely to be over and above normal levels for this type of development. In relation to the release of odorous substances whilst concerns have been raised that the Odour Impact Assessment is not sufficiently thorough, it is considered that the odour levels resulting from the scheme are unlikely to be over and above normal levels for the type of development. They have also confirmed that all construction and activities relating to solid waste production and odours will be the subject of industry/legal standards.

It is understood that the Environment Agency's odour benchmark of 3.0 OUE/m³ as a 98th%ile for intensive farming is specific to residential properties and not commercial businesses. As the Environment Agency would be the enforcing authority for any odour nuisance related from the operations of the proposed development via a permit, the report has been sent to the Environment Agency to give them the opportunity to comment on the objectors review of the applicants odour assessment and to establish whether further emissions monitoring and possible enhanced odour abatement will be required. The Environment & Public Realm Team have confirmed that they would support the requirement for additional monitoring to be undertaken, to provide for a worst case monitoring scenario (to include fugitive site specific odour emission sources (e.g. feed and slurry management) and other sources onsite/off-site air quality issues such as PM10's/PM2.5s deemed relevant by the Environment Agency from other nearby sources under ownership/ control of the applicant) to be encapsulated to provide the cumulative impact on receptors, if the Environment Agency consider further details are required. As the enforcing authority the Environment Agency have confirmed that, as an IPPC permit is required for this application, all issues concerning odour for both residential and commercial receptors, would be addressed during the determination stage of the permit request.

Highway Safety

The proposed development involves the upgrading of the existing access to create an access which would be suitable for HGV traffic. The access is proposed to be upgraded to 15 metres radii and 6 metres in width. The development will generate low traffic levels with associated traffic proposed detailed below:

- Piglet Delivery – 4 wheel rigid (17 tonne) lorry – 26 per annum;
- Feed Deliver – 16.5 articulated lorry – 104 per annum; and
- Finished Pig Removal – 16.5 articulated lorry – 52 per annum.

The total traffic generated from the proposed development would equate to 182 lorries per annum (364 movements) averaging 3.5 visits (7 movements) per week. In addition to the commercial traffic, the proposed development will require a full time worker, which will create 2 – 4 private car movements per day. The agent has also confirmed that the pigs will be in the proposed building for 12 weeks and once the development is constructed, piglets will be delivered every two weeks, and the buildings will reach their capacity at 12 weeks. After 12 weeks, the building will operate at capacity with piglets delivered every two weeks and finished pigs removed weekly.

The site is required by law (Nitrate Pollution Prevention Regulations 2015) to provide 26 weeks of storage for slurry. The slurry is stored temporarily within the livestock buildings in a sealed tank underneath the perforated floors of the livestock pens. The buildings will be linked by a pipeline to the proposed steel slurry store on the site. Slurry from the buildings will be pumped into the steel store for more permanent storage. The steel store will be emptied every 6 months using an umbilical system. The umbilical system is a flexible pipe which is attached to a valve on the steel store and runs for up to 3km overland. The slurry is pumped from the store through the pipeline and the other end of the pipe is attached to a tractor and a dribble bar. The slurry is applied directly to arable land using the tractor and dribble bar. The use of this system avoids the slurry having to be removed by the store by a tanker using the public highway.

Following consultation with Warwickshire County Council (Highways) they have confirmed that they have no objections to the proposal, subject to appropriate conditions and informatives. In relation to the concerns raised from the Ward Councillor and third parties additional details were sought from the Highways Authority on the following:

1. In terms of the advisory notes on the roads in terms of the weight limits why is this advisory and not compulsory?
2. Would it be possible to condition a traffic management plan which requires traffic to turn right out of the site and follow Flecknoe Station Road down to the A426?; and
3. A number of concerns/objections have been received saying that the vehicle movements within the Design and Access statement are not accurate and should in fact be higher would you be able to advise how this has been addressed;

The Highways Authority has confirmed that a lorry routing agreement could be requested for the drivers to use, this has been noted and a condition would be applied to any planning permission should the application be deemed acceptable.

In relation the vehicle movements, they have done a thorough check to see whether they hold any comparable data, which they do not; however, the proposed traffic generation for this site would not be classed as severe and would therefore not have an impact on the safe and efficient use of the highway network. Colleagues within Warwickshire County Council (Traffic and Road Safety) have confirmed that the blue route signs, which stipulate structural weight limits, would not be impacted by this proposal as access over the canal bridge would not be carried out. In terms of the 7 ½ tonne weight limits; this is in force throughout the whole of Grandborough and is something which the police can enforce, as such this would have an impact on any proposed development. They have confirmed that whilst these weight limits are in place and are enforceable, it does not mean that new developments cannot be approved. They have confirmed that access can be granted to large vehicles and HGVs provided that they take the shortest route to the application site, therefore, should this application be considered acceptable it would be subject to a S106 Agreement which confirms an approved route vehicles would be allowed to take in accordance with Warwickshire County Council (Highways and Traffic and Road Safety Teams). When the Highways Authority provide consultation responses to the Local Authority they use a system called TRICS which stands for Trip Rate Information Computer System and is used to quantify the generation of new trip rates for developments. Concerns have been raised that the roads within the surrounding area and passing places are not suitable for the operation of the proposed development. Information sent to Warwickshire County Council (Highways) has been reviewed and confirmation received that given the scale of the onsite operation it would not be considered to be of detriment to highways safety due to the low number of HGV movements.

Initially an objection was received from Warwickshire County Council (Public Rights of Way) which stated that, the section of public footpath crossing the site has once again not been shown

on the site plans and details of drainage works affecting the public footpath did not appear to have been provided in the application. The Rights of Way team therefore objected to the proposals until they were satisfied that the impact on the public footpath had been fully taken into consideration and further details regarding any works affecting the public footpath had been provided and approved. A revised site layout plan showing the section of public footpath R269a crossing the site was required. This information has been received from the agent and a further consultation carried out with the Public Rights of Way team who have confirmed that they now have no objection to the proposal subject to:

1. Assurance that the ditch has sufficient capacity to take the additional outflow from the proposed drainage channel and that the public footpath would therefore not be at risk of flooding; and
2. Confirmation that the Planning Authority is satisfied that users of the public footpath will not be affected by unacceptable levels of strong odours.

The agent has confirmed that the purpose of the attenuation pond is to manage the surface water so that discharges to the ditch do not exceed current Greenfield runoff rates. The capacity of the ditch is not an issue, as they are not discharging any more water into the ditch than the existing Greenfield drainage as required within the sustainable drainage requirements of the NPPF. In terms of the confirmation concerning the levels of odour for public footpath users, as the Council's Environment & Public Realm Section and the Environment Agency have no objection to the proposal, the Local Authority is satisfied that users of the footpath will not be adversely affected by the proposal. Further confirmation has been received from the SOS that the traffic generation is unlikely to result in significant impact on the road network.

This application is therefore considered to be in accordance with Saved Local Plan Policy T5 and the NPPF.

Flooding Risk

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
2. Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The vast majority of the development falls within Flood Zone 1 however following concerns received from the Local Authority's Agricultural Consultant the slurry store has been moved within Flood Zone 2/3. Environment Agency has been consulted on the application and they have advised that whilst they are disappointed that the covered slurry store has been moved into the floodplain and would recommend that it is moved back into Flood Zone 1. However, due to its height, there is no risk of flood water ingress, it is not risking people or property at the site and any small displacement of floodwater will not affect downstream properties, as there are no properties in or close to the floodplain for many miles downstream. The Environment Agency has therefore confirmed that they have no objections to the proposal in terms of risk of flooding.

Following consultation with Warwickshire County Council (Flood Risk and Water Management) they have confirmed that the minimum orifice size to avoid the likelihood of blockage is 50mm. As such the orifice size and discharge rate used in the design should be reduced to as close to the

Greenfield Qbar as possible, in line with WCC standing advice. The attenuation volume should also be adjusted to reflect the reduced discharge rate. An addendum to the FRA was requested and received from the agent and a re-consultation carried out accordingly, this response was received with Warwickshire County Council (Flood Risk and Water Management) confirming that they have no objection to the proposal subject to appropriate conditions.

Emerging Rugby Borough Local Plan

The emerging Draft Local Plan is currently at examination. Stage 1 hearings have been held testing the evidence for the strategic policies of that document. A further series of hearings will be held in April 2018, but further modifications and consultations may be undertaken to emerging policies prior to adoption. Paragraph 216 of the NPPF states that decision takers may give limited weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to the relevant policies (the less significant the unresolved objections to relevant policies, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

At the present time, the policies in the emerging draft local plan carry some weight, but as the examination process has not been completed, this is limited, and whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. In this case, the policies referred to in the emerging plans are GP2; ED4; NE1; NE3 and SDC2. These policies relate to existing policies contained within the NPPF; Core Strategy and Saved Local Plan Policies, and as a result, do not conflict with the planning proposal for the reasons set out above.

Other Matters

In relation to objections raised during the course of the application regarding the potential future of the riding school and nearby businesses, intensive pig farming, impact on house prices, strategic environment assessments and the fact that horses are traumatised by pigs, cannot be considered as material consideration under this application as they are not matters in which the Local Planning Authority are able to get involved. In relation to Saved Local Plan Policy ED4 this policy relates to sites for major development within the Green Belt, as the application site is located within the open countryside, this cannot be taken into consideration in this instance. Concerning a response received in relation to the welfare of the pigs, national and EU legislation is not a material planning consideration and would be something which would be enforced independently under these specific directives.

Human Rights

Human Rights, particularly with regard to Article 1 of the First Protocol (protection of property) and Article 8 (right to respect private and family life), forms part of the overall assessment of the planning application in the headings above and it is considered that these adequately address individual resident's rights under the European Convention on Human Rights, including those of individuals living close to the site

Planning Balance

Paragraph 6 of the NPPF states that the planning system should contribute to the achievement of sustainable development, there are three dimensions of sustainable development, those being the economic; social and environmental roles. The planning balance will be carried out by assessing each of these strands individually.

An Economic Role

The NPPF states that planning should contribute to building a strong, responsive and competitive economy. The proposal provides economic benefits both within the construction and operational phases. The proposed development involves an investment in buildings and infrastructure by the applicants of approximately £650,000. This includes groundworks and concrete, buildings, and internal equipment fitting. The proposed development will offer substantial initial cash injection into the rural economy through the construction phase. Once operational, the development will require a full time worker on the site who will also support the existing farming business in terms of diversified income stream. Whilst concern has been raised that the development may have a negative impact on existing rural businesses that operate in the locality, this has to be balanced against the significant contribution to the development would give to associated services industries within the pig sector. These industries include but are not exclusive to haulage contractors, feed suppliers, veterinary and medicine, electricians, plumbers, pest control contractors. This proposal therefore sees the growth and expansion of a rural business which is also an agricultural enterprise in the countryside which is further supported by Section 3 of the NPPF which seeks to promote the development and diversification of agricultural and other land based rural businesses.

An Environmental Role

Furthermore the NPPF states that development must contribute to protecting and enhancing the natural, built and historic environment. Any new buildings within the countryside will impact upon the landscape; however, they resemble a design that is not uncommon for agricultural structures in the rural environment. The proposal seeks the enhancement of the rural landscape through the provision of additional landscaping to the front of the application site and surrounding the proposed slurry store. The spreading of fertilizer through the umbilical pipe system would lower the carbon footprint of the farm through the reduction of tractor and truck movements. The proposed development has been assessed by the Environment Agency for ammonia and nitrogen deposition impacts on offsite biodiversity including SAC's, SSSI's, Ancient Woodlands and Local Wildlife Sites with the proposed development also being assessed as acceptable in term of aerial emission impacts to sites of biodiversity importance. Furthermore the proposal requires an IPPC permit from the Environment Agency in order to operate. The IPPC permitting regime places the highest levels of protection on the operation of the proposed pig unit in order to protect residential neighbours and the environment as a whole.

As such it is considered that the proposal would comply with the environmental role of the regulations.

A Social Role

Planning should also contribute to supporting strong, vibrant and healthy communities by creating a high quality built environment. The proposed development is a modern and efficient, livestock production unit that is designed to fulfil a modern demand for cheap and environmentally efficiently produced food. It therefore contributes to food production and national food security in a sustainable way. It represents an effective increase in UK food production in a way that makes optimum use of increasingly scarce resources and without causing harm to the environment. The reality of feeding the population of the UK in a sustainable way means that it is necessary for there to be construction of more modern, increasingly efficient buildings. The Government has

highlighted the need to promote home food production but there is also pressure to produce more food at a price the consumer can afford to pay. Another social benefit the success of rural farming businesses provides increased employment opportunities within the countryside, providing additional social benefits to other rural businesses.

On balance it can therefore be considered that the proposal for the erection of two agricultural buildings, slurry store and feed bins with associated access, hardstanding and attenuation ponds would result in providing a development which complies with the three dimensions of sustainable development.

Conclusion

The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety. Accordingly, the application is to be considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to conditions and informatives.

Report prepared by: Jo Orton, Senior Planning Officer

DRAFT DECISION

APPLICATION NUMBER

R17/0937

DATE VALID

25/05/2017

ADDRESS OF DEVELOPMENT

LAND TO THE WEST OF
GRANDBOROUGH FIELDS FARM
BROADWELL ROAD
GRANDBOROUGH
RUGBY
CV23 8BA

APPLICANT/AGENT

Mr Ian Pick
Ian Pick Associates Ltd
Station Farm Offices
Nafferton
Driffield
YO25 8NJ
On behalf of Mr John Evans, JA & SM Evans

APPLICATION DESCRIPTION

Erection of agricultural buildings, slurry store and feed bins with associated access, hardstanding and attenuation ponds.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON: 1

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

CONDITION: 2

The development shall not be carried out other than in accordance with the plan numbers Drawing 1 Location Plan Rev A received by the Local Planning Authority on 12 June 2017; Drawing 2 Site Plan Rev B received by the Local Planning Authority on 23 June 2017; Drawing 3 Livestock Elevations; Drawing 4 Feed Bin Elevations; Drawing 5 Sections; Drawing 6 Slurry Store Elevations received by the Local Planning Authority 25 May 2017; Drawing 6B Slurry Store Elevations and Sections; and Drawing 7A Slurry Store Landscaping received by the Local Planning Authority 04 October 2017.

REASON: 2

For the avoidance of doubt.

CONDITION: 3

In addition to Condition 10 below, access for vehicles to the site shall not be made or maintained from any public highway other than Flecknoe Road, D22720.

REASON: 3

In the interest of highway safety.

CONDITION: 4

Access for vehicles and heavy goods vehicles to the site from the public highway (Flecknoe Road, D22720) shall not be made other than at the position identified on the approved drawing number IP/GF/02A, dated June 2017 and at a position whereby the visibility splay requirements stated in condition 8 will be satisfied.

REASON: 4

In the interest of highway safety.

CONDITION: 5

The development shall not be commenced until an access for vehicles and heavy goods vehicles has been provided to the site not less than 6.0 metres in width for a distance of 20 metres, as measured from the near edge of the public highway carriageway.

REASON: 5

In the interest of highway safety.

CONDITION: 6

The access to the site for vehicles and heavy goods vehicles shall not be used in connection with the development until it has been surfaced with a hard bound material for a distance of 20 metres as measured from the near edge of the public highway carriageway.

REASON: 6

In the interest of highway safety.

CONDITION: 7

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

REASON: 7

In the interest of highway safety.

CONDITION: 8

The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON: 8

In the interest of highway safety.

CONDITION: 9

The development shall not be commenced until a turning area has been provided within the site so as to enable heavy good vehicles to leave and re-enter the public highway in a forward gear. The turning area shall then remain in perpetuity.

REASON: 9

In the interest of highway safety.

CONDITION: 10

Prior to the occupation of the development, a vehicle routing plan to serve the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council (WCC) Highways and WCC Traffic and Road Safety. The development shall not be first occupied until the vehicle routing plan is agreed and implemented. Any vehicles generated by the use of the site hereby approved shall fully comply with the approved routing plan.

REASON: 10

In the interest of highway safety.

CONDITION: 11

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall only be occupied by 1125 pigs per building in accordance with the Design and Access received by the Local Planning Authority on 25 May 2017.

REASON: 11

To ensure the proper development of the site and the amenities of neighbouring properties.

CONDITION: 12

Prior to any development commencing, an appropriate waste management and insect management plan taking into account current best practice sector specific guidance should be submitted to the Local Planning Authority for approval. The development shall then be implemented and operated in full accordance of those approved plans.

REASON: 12

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

CONDITION: 13

The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures within the site as set out in the document 'Extended phase 1 Habitat Survey' prepared by Craig Emms, received by the Local Planning Authority on 25th May 2017.

REASON: 13

To ensure that protected species are not harmed by the development

CONDITION: 14

Prior to the first occupation of the development, attenuators will be fitted to the extraction fans that meet the insertion losses provided in Table 1 of the Noise Assessment, M1725/R01 received by the Local Planning Authority on 8th June 2017 and as also shown in table 1 of the 'amended' report submitted by Matrix Acoustic Design for the Proposed Pig Finishing Units, Flecknoe Station Road, Rugby, Warwickshire Acoustics Report M1625/R02 dated 17th August 2017. The composite sound insulation of the building envelope of each unit shall provide a minimum of Rw 25dB; this will require the selection of suitable component materials and acoustic louvres for the ventilation openings to be agreed in writing with the Local Planning Authority. The development shall then be implemented and operated in full accordance of the approved Noise Assessment.

REASON: 14

In the interest of the amenities of neighbouring properties.

CONDITION: 15

Within one calendar year of the development becoming operational, whether fully or in part, a Noise Survey will be submitted to and approved in writing by the Local Planning Authority to fully compare the impact of real time noise against the noise levels predicted in the amended Matrix Acoustic Design for the Proposed Pig Finishing Units, Flecknoe Station Road, Rugby, Warwickshire Acoustics Report M1625/R02 dated 17th August 2017. Any future mitigation measures identified by the new Noise Survey will need to be implemented in full within one month of approval by the Local Planning Authority.

REASON: 15

In the interest of the amenities of neighbouring properties.

CONDITION: 16

All tree and hedge planting detailed within drawing no. IP/GF/07A (Oct 17) received by the Local Planning Authority on 4th October 2017 must be planted in the 1st planting season following the first occupation of the first building. If within a period of 10 years from the date of planting of any tree/hedge that tree, or any tree/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/hedge of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON: 16

To maintain and enhance continuity of tree/hedge cover within the local landscape.

CONDITION: 17

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

REASON: 17

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

CONDITION: 18

Unless otherwise agreed in writing with the Local Planning Authority, no part of the site, other than within the proposed buildings, feed bins and slurry store, shall be used for storage purposes.

REASON: 18

In the interests of the visual amenities of the locality.

CONDITION: 19

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

REASON: 19

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

CONDITION: 20

The facing materials to be used on the slurry store shall be as specified on the Slurry Store Elevations, Plan and Sections, IP/GF/06B received by the Local Planning Authority on 4th October 2017.

REASON: 20

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

CONDITION: 21

No above ground development shall commence until a scheme has been submitted and approved in writing to the Local Planning Authority incorporating access control on the entrance road and showing the location of CCTV cameras covering the application site. Prior to the first occupation of any building the CCTV cameras shall be installed and operational in accordance with the approved details.

REASON: 21

In the interest of crime prevention.

CONDITION: 22

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Proposed Agricultural Development at Grandborough Alan Wood & Partners_JAG/AD/JD/38525-Rp001-Rev B_Januray 2018* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 20% (allowance for climate change) critical rain storm to the Greenfield runoff rate of 5.1 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: 22

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

CONDITION: 23

No development shall take place until a condition survey of the ditchcourse at the proposed outfall has been submitted to and approved by the Local Planning Authority.

REASON: 23

To prevent the increased risk of flooding and ensure the downstream drainage system is able to accept flows from the development site.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

Condition numbers 3 - 8 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

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

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

INFORMATIVE: 2

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

INFORMATIVE: 3

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

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

INFORMATIVE: 4

Public footpath R269a must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.

INFORMATIVE: 5

The applicant must make good any damage to the surface of public footpath R269a caused by the proposals.

INFORMATIVE: 6

If it is necessary to temporarily close public footpath R269a during works then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this (01926 412004).

INFORMATIVE: 7

Any disturbance or alteration to the surface of public footpath R269a requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

INFORMATIVE: 8

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

INFORMATIVE: 9

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. It is worth noting that certain plant species such as honeysuckle and night-scented flowers can be beneficial to bats due to their ability to attract moths and would be of greater wildlife value particularly where bats are known to be in the area.

INFORMATIVE: 10

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).

INFORMATIVE: 11

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE: 12

The applicant should contact Warwickshire's Rights of Way team in advance of works to lay the proposed drainage pipe across public footpath R269a to confirm when the works will be taking place and make any necessary arrangements (01926 412004).

INFORMATIVE: 13

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845: 2015, associated Technical Bulletins.

INFORMATIVE: 14

Warwickshire Fire and Rescue Authority ask the applicant/developer to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access. The developer/applicant is also advised that the development would need to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles.

Reference number: R17/2078

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

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

Case Officer Name & Number: Nigel Reeves 01788 533489

Introduction

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

Description of Site

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

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

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

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

Description of Proposal

The proposal has been submitted as a full planning application.

The proposal seeks approval for the following:

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

The application is supported by the following:

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

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

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

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

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

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

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

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

Relevant Planning History

None relevant

Third Party Comments

Neighbours 1 comment received raising the following concern:

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

Marion Parish Council – Awaited

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

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

Rugby Ramblers Association - awaited

Technical Consultee Responses

WCC Highways

No objection subject to conditions.

WCC Right of Way Team

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

WCC Ecology Unit

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

RBC Environmental Protection

No objection subject to appropriate conditions and informatives.

Determining Considerations

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

Assessment of Proposal

1. Principle of development

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

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

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

2. Design and Appearance

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

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

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

3. Landscape and Visual Impact Assessment

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

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

A public bridleway runs across the site (R216).

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

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

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

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

The Landscape Visual Study concludes that:

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

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

4. Biodiversity

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

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

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

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

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

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

5.1 Highway

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

WCC Highways have assessed the application and raised no objection to the principle of an access point in this location.

5.2 Public Right of Way

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

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

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

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

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

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

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

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

5.3 Parking provision.

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

6. Residential Amenity

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

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

As set out in the Landscape Visual Study, the site is fairly isolated and the general landform and existing bunding around the existing barns, will in the main screen the new building from direct views of it.

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

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

Two potential sources of odour occur at this type of facility – waste water from the facility wash down and from the process waste. Odours will be contained within the waste water plant, apart from occasional routine maintenance when the system covers need to be opened. Any odour will be localised and will quickly dissipate into the wind. Process waste will be collected by a vacuum system and contained within a closed storage area.

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

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

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

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

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

7. Agricultural Land Designation and Use

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

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

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

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

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

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

8. Conclusion

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

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

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

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

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

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

Recommendation

APPROVE subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R17/2078

DATE VALID

20/11/2017

ADDRESS OF DEVELOPMENT

Top Farm
Long Itchington Road
BIRDINGBURY
CV23 8FQ

APPLICANT/AGENT

Mr J Lester

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

APPLICATION DESCRIPTION

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

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1.

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

CONDITION 2.

The development shall be built in accordance with the following plans submitted with this application:

- 0200 P-00 Site Location Plan
- 0203 P-00 Existing Farm Site Plan
- 0230 P-00 Existing GA Elevations
- 2001 P-00 Proposed Site Plan Sheet 1 of 2
- 2002 P-00 Proposed Site Plan Sheet 2 of 2
- 2003 P-00 Proposed farm Site Plan
- 2010 P-00 Proposed GA Plan Ground Floor
- 2012 P-00 Proposed Roof Plan
- 2030 P-00 Proposed GA Elevations
- 2035 P-00 Existing and Proposed Context Elevations
- 100 P1 Site Location Plan (Highways)
- 101 P1 Existing Access Road Adoptable Entrance Plan
- 102 P1 Existing Access Road Vehicle Tracking Plan
- 103 P1 Existing Access Road Passing Bay Plan
- 1727-PL1-02 Soft Landscaping Proposal
- SK01 Rev A Site Plan – External Lighting

Reason – for the avoidance of doubt

CONDITION 3

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

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

CONDITION 4

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

Reason – in the interests of residential amenity.

CONDITION 5

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

CONDITION 6

Deliveries and access for employees to the premises shall only operate between the hours of 06:00 -18:00 Monday to Friday.

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

CONDITION 7.

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

Reason – In the interests of highway safety

CONDITION 8.

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

Reason – In the interests of highway safety

CONDITION 9.

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

Reason – In the interests of highway safety

CONDITION 10.

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

Reason – In the interests of highway safety

CONDITION 11.

The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

Reason – In the interests of highway safety

CONDITION 12.

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

Reason – In the interests of highway safety

CONDITION 13.

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

Reason – In the interests of highway safety

CONDITION 14.

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

Reason – In the interests of highway safety

CONDITION 15.

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

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

CONDITION 16.

The development hereby permitted shall either:

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

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

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

INFORMATIVES:

INFORMATIVE 1 (Public Bridleway)

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

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

INFORMATIVE 2

(Highways).

Condition numbers 1 and 7 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

INFORMATIVE 3

(Highways)

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

INFORMATIVE 4

(Ecology)

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), the latter of which deems them a European Protected Species.

Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any vegetation or possible access points or foraging corridor. Lighting should be timed to provide some dark periods

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

INFORMATIVE 5

(Environmental Services)

Department for Environment, Food & Rural Affairs

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

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

Environment Agency: Your farm's capacity and Environmental Permits

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

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

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

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

Waste Treatment Plants

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

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

Waste

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

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

Health and Safety at Work etc Act 1974: Legionnaires

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

AGENDA MANAGEMENT SHEET

Report Title:	Planning Appeals Update
Name of Committee:	Planning Committee
Date:	21 st February 2018
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Greg Vigers Tel: Ext.3621
Public or Private:	Public
Report subject to Call-In:	N/A
Report En-Bloc:	N/A
Forward Plan:	N/A
Corporate Priorities:	
Statutory / Policy Background:	The Planning Appeals procedure which came into effect on 6th April 2009.
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/10/2017 to 31/12/2017.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.

Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to Cost Claims and any subsequent Costs awards.
Equality and Diversity:	No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee – 21st February 2018

Planning Appeals Update

Report of the Head of Growth and Investment

Recommendation

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

1.1 Appeals determined

During the last quarter from 1st of October to 31st of December a total of 7 planning appeals were determined, of which 2 were allowed, 4 were dismissed and 1 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st December 2017 there were 5 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting:
Planning Committee

Date of Meeting:
21st February 2018

Subject Matter:
Planning Appeals Update

Originating Department:

List of Background Papers

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st October 2017 – 31st December 2017

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
Land at Clifton Lakes Farm Clifton Lakes Watling Street Clifton Upon Dunsmore CV23 0AQ	Enforcement Notice Appeal	Jo Orton MEA-3-6-109 APP/E3715/C/16/3165945	Written Reps	Appeal dismissed and Enforcement Notice Upheld, planning permission R14/1141 refused 13/10/2017
2 Ajax Close Rugby CV21 1XH	Erection of a single storey rear extension (Resubmission of previously approved application, R16/2118).	Paul Varnish R17/0593 APP/E3715/D/17/3178927	Householder Appeals Service (HAS)	Dismissed 19/10/2017
The Royal Oak 233 Lawford Road New Bilton Rugby CV21 2JG	Erection of 10 fascia signs and 1 totem. Erection of a car repairs and servicing centre	Jo Orton R17/0297 / R17/0298 APP/E3715/H/17/3179538 (Linked appeal)	Written Reps	Withdrawn 26/10/2017
101 Lentons Lane Aldermans Green Coventry CV2 1NY	Demolition of an existing garage and erection of a dwelling with associated car parking and vehicular access [cross boundary application]	Brian Slater R16/1821 APP/E3715/W/17/3179331	Written Reps	Dismissed 09/11/2017

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
Land to the West of A5 Watling Street LE17 6AR	Provision of a ground mounted solar PV park of up to 12MWp comprising 2 substations, electrical cabins, storage cabin, solar arrays, perimeter fencing and gates, CCTC poles and cameras, access tracks and a new highway junction.	Chris Kingham R13/1401 APP/E3715/W/17/3171976	Written Reps	Allowed 07/12/2017
Land at Manor Lane Clifton upon Dunsmore Rugby CV23 0BS	Erection of a new dwelling.	Nisar Mogul R17/0170 APP/E3715/W/17/3182873	Written Reps	Dismissed 08/12/2017
Copston Fields Farm Mere Lane Copston Magna LE10 3HB	Renovation of existing farmhouse with the addition of a two storey extension to the front, side and rear.	Lisa Li R17/0608 APP/E3715/W/17/3184903	Written Reps	Allowed 22/12/2017

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.12.2017

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Moonhill Barn London Road Stretton on Dunsmore Rugby CV23 9HY	Retention of single-storey wooden lodge on wheeled chassis to provide temporary office and living accommodation.	Karen McCulloch R17/0445 APP/E3715/W/17/3181463	Delegated Refusal 14/06/2017	Written Reps
The Cottage Hobleys Furze Little Walton Monks Kirby Rugby CV23 0QL	Extension to the domestic garden and the provision of a new domestic access	Nathan Lowde R17/0003 APP/E3715/W/17/3182821	Delegated Refusal 07/03/2017	Written Reps
92-93 Coventry Road Dunchurch Rugby CV22 6RE	Demolition of existing dwelling and provision of 5 dwellings, garages and associated works.	Nisar Mogul R16/2050 APP/E3715/W/17/3182098	Delegated Refusal 15/05/2017	Written Reps
Land East of Church Road and North of Sawbridge Road Grandborough CV23 8DH	Erection of four detached two storey dwellings with associated works including access, parking and landscaping.	Brian Slater R17/1079 APP/E3715/W/17/3189586	Delegated Refusal 28/09/2017	Written Reps
Continental Tyres Unit 5 Castle Mound Way Rugby CV23 0WB	Advertisement consent for 2 internally illuminated signs	Paul Varnish R17/1565 APP/E3715/H/17/3188284	Delegated Refusal 12/10/2017	Written Reps

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 4 th January 2018 to 23 rd January 2018
Name of Committee:	Planning Committee
Date:	21 st February 2018
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	N/A
Report En-Bloc:	N/A
Forward Plan:	N/A
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report

Legal Implications:

There are no legal implications for this report

Equality and Diversity:

There are no equality and diversity implications for this report

Options:

Recommendation:

The report be noted.

Reasons for Recommendation:

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

Planning Committee – 21st February 2018

Delegated Decisions – 4th January 2018 to 23rd January 2018

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

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

Name of Meeting:
Planning Committee

Date of Meeting:
21st February 2018

Subject Matter:
Delegated Decisions – 4th January 2018 to 23rd January 2018

Originating Department:

List of Background Papers

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 04.01.2018 TO 23.01.2018

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R16/2525 Refused 19.01.2018</i>	Holywell House Watling Street Churchover LE17 6AR	Change of use of land to storage along with the erection of a storage building.
Applications Approved		
<i>R17/1598 Approved 03.10.2017</i>	13 Mulberry Road Rugby CV22 7TD	Erection of a first floor side extension and a single storey rear extension to replace conservatory.
<i>R17/0323 Approved 05.10.2017</i>	29 Rugby Road Clifton upon Dunsmore Rugby CV23 0DE	Erection of a single storey rear extension.
<i>R17/1317 Approved 06.10.2017</i>	1 Arthur James Drive Churchover CV23 0FQ	Retention of a glass veranda to the side of the property
<i>R17/1712 Approved 24.10.2017</i>	26 Rupert Brooke Road Rugby CV22 6HQ	Erection of a single storey rear extension (resubmission of an extant permission approved under ref. no. R17/0050 on 18th May 2017 for the erection of a single storey rear/side extension.
<i>R17/0567 Approved 15.11.2017</i>	Twiggetts Lodge Farm Buildings Lilbourne Road Clifton upon Dunsmore Rugby CV23 0BB	Material amendments to planning approval reference R16/0784 (Renewal of planning permission R10/1043 (Renewal of planning permission R07/0436 (Change of use of redundant poultry buildings for purposes within Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 and associated works)).
<i>R16/1213 Approved 22.11.2017</i>	83 Parkfield Road Rugby CV21 1EW	Erection of two flats.

<i>R17/1935 Approved 11.12.2017</i>	Smeaton House Smeaton Lane Stretton under Fosse Rugby CV23 0PS	Erection of a single storey side and rear extension.
<i>R17/2018 Approved 04.01.2018</i>	2 Ajax Close Rugby CV21 1XH	Erection of a single storey rear extension - (Resubmission of previously approved application; R16/2118 and previously refused application R17/0593).
<i>R17/2044 Approved 04.01.2018</i>	14 Aikman Green Grandborough Rugby CV23 8DR	Erection of a replacement outbuilding (shed)
<i>R17/1884 Approved 05.01.2018</i>	6 Royal George Buildings Market Place Rugby CV21 3EA	Change of use from A1 (Retail) to A3 (Cafe/Restaurant)
<i>R17/1956 Approved 08.01.2018</i>	Casa Mia Post Office Road Leamington Hastings CV23 8DY	Proposed conversion and extension to main dwelling loft with dormers, ground floor extensions and alterations. Reroofing of existing garage and conversion of loft space to annex with external alterations.
<i>R17/2013 Approved 08.01.2018</i>	Dunchurch Allotment Gardens Coventry Road Dunchurch CV22 6RP	Erection of a steel container for storage of garden machinery
<i>R17/1401 Approved 08.01.2018</i>	12 Eastlands Road Rugby CV21 3RP	Erection of a two storey side and rear extension and a single storey rear extension and the erection of a detached garden building.
<i>R17/1861 Approved 09.01.2018</i>	Dunchurch Baptist Chapel Coventry Road Dunchurch CV22 6RF	Demolition of existing church buildings and construction of new church building with associated new car parking and external works
<i>R17/1573 Approved 09.01.2018</i>	48 Drummond Road Cawston Rugby CV22 7TN	Removal of wood chips from front garden, laying of permeable membrane and laying of plum slate chippings.

<i>R17/1042 Approved 10.01.2018</i>	18 Blake Close Rugby CV22 7LJ	Conversion of front garage into a bedroom and erection of a single storey front extension
<i>R17/2056 Approved 11.01.2018</i>	Land adjacent to Stockton Road Land adjacent to Stockton Road Rugby CV23 8EE	Conversion of existing stables to form a 3 bedroom dwelling.
<i>R17/2067 Approved 11.01.2018</i>	Plot 5 land rear of 263-273B Hillmorton Road Rugby CV22 5BU	Erection of a detached dwelling (substitution of house type approved under R13/0901 dated 10th June 2015)
<i>R17/1520 Approved 12.01.2018</i>	Britannia Place Church Road Ryton on Dunsmore CV8 3ET	Erection of two storey front, side and rear extensions and raising the ridge height.
<i>R17/1920 Approved 12.01.2018</i>	Longroods Back Lane Birdingbury CV23 8EN	New detached two bedroomed dwelling with access and driveway works.
<i>R17/1760 Approved 15.01.2018</i>	14 Hillmorton Road Rugby CV22 5DQ	Listed Building Consent for the proposed increase in height of the existing roof of the side extension, other internal and external alterations and the change of use of a C3 residential property to 3 self-contained flats.
<i>R17/1946 Approved 15.01.2018</i>	Brandon Hall Hotel Main Street Brandon CV8 3FW	Extensions and alterations to existing hotel to provide a new hotel restaurant, bar/bistro, an extended staff canteen and a covered guest corridor within the garden courtyard.
<i>R17/2071 Approved 15.01.2018</i>	Land adjacent to Marston House (known as Rosemary Cottage) Heath Lane Brinklow Rugby CV23 0NX	Conversion of existing outbuilding to a dwelling house.
<i>R17/1973 Approved 17.01.2018</i>	Britvic Soft Drinks Britvic Soft Drinks Ltd Aventine Way Brownsover	Erection of an industrial/distribution facility (Use Class B8) with underground tunnel link to existing building, to include first floor accommodation, gatehouse and associated

	Rugby CV21 1HA	access, car parking and landscaping. (Variation of condition 2 of planning permission ref: R15/0984 to substitute approved drawings to include amendments which include the alteration to the width of the high bay building, increase in roof pitch to the low bay building, introduction of an external staircase, provision of a 2m high sliding security gate and amendments to approved landscaping scheme).
<i>R17/2064 Approved 17.01.2018</i>	28 Rugby Road Dunchurch Rugby CV22 6PN	Amendments to planning permission reference R17/1556 (Erection of a first floor side extension and a single storey rear extension, and conversion of the loft to incidental living accommodation, dated 10 October 2017) to allow for an increase in the eaves heights and associated alterations.
<i>R17/2008 Approved 18.01.2018</i>	The Robbins Building 25 Albert Street Rugby CV21 2SD	Change of use of ground floor from retail to commercial. Replacement ground floor shopfront to Henry Street frontage and new rear ground floor windows.
<i>R17/2119 Approved 19.01.2018</i>	4 Coton Road Rugby CV23 0EL	Retention of Existing Wooden Shed in Rear Garden
<i>R17/2059 Approved 19.01.2018</i>	11 Manor Drive Stretton on Dunsmore Rugby CV23 9LZ	Alteration to existing front and rear dormer together with erection of a rear dormer. Additionally, a new porch above existing garage and door.
<i>R17/2102 Approved 22.01.2018</i>	Rugby Service Station 159-183 Lawford Road Rugby CV21 2HX	Proposed extension of the forecourt shop, demolition of the existing car wash and formation of a car parking area (resubmission of previously approved application R17/0356 - Part retrospective).
<i>R17/2023 Approved 22.01.2018</i>	Rugby Town Junior Football Club Kilsby Lane Hillmorton Rugby CV21 4PN	Installation of an all-weather sport pitch (pitch ref: SF2) and enclosure with mesh fencing, repositioning of current barriers that surround SF2 to SF3 and extension to existing tarmac path.
<i>R17/1909 Approved 23.01.2018</i>	54 Ashlawn Road Rugby CV22 5ES	Erection of a studio annexe

R17/1725 Approved 23.01.2018	Bath Farm Cottage Moor Lane Willoughby Rugby CV23 8BT	Demolition of the existing dwelling and detached garage and erection of a replacement of new dwelling and a detached garage
Prior Approval applications		
R17/1845 Prior approval not required 22.11.2017	28 Johnson Avenue Rugby CV22 7BX	Prior approval for the erection of a 4.0 metre extension from the rear of the original dwelling and 2.54 metres to the eaves and 3.36 to the highest point
R17/1886 Prior approval required and granted 05.01.2018	Hollybank Farm Southam Road Leamington Hastings Rugby CV23 8DX	Prior Approval for the change of two existing agricultural buildings to 2 no. dwellings under Class Qa and Qb
R17/2079 Prior approval not required 08.01.2018	23 Beatty Drive Bilton Rugby CV22 7ET	Prior approval for erection of single storey rear conservatory extension projecting 4.5 metres from the original rear elevation of the dwelling, 2.5 metres to the eaves height, with a maximum height of 4 metres.
R17/2089 Prior approval not required 10.01.2018	47 Eden Road Rugby CV21 4HT	Prior approval for the erection of a single storey rear extension.
R17/2099 Prior approval not required 11.01.2018	66 Browning Road Hillmorton Rugby CV21 4BU	Prior Approval for the erection of a 5.40 metre extension from the rear` of the original dwelling and 2.80 metres to highest point
R17/2070 Prior approval required and granted 12.01.2018	Hill Farm Draycote Road Bourton on Dunsmore CV23 9RD	Prior approval for the change of use of an agricultural building to 1 (no) residential dwelling house (Part Class Qa only)
R17/2069 Prior approval required and granted 12.01.2018	Hill Farm Draycote Road Bourton on Dunsmore CV23 9RD	Prior approval for the change of use of an agricultural building to 1 (no) residential dwelling house (Part Class Qa only)
Certificate of Lawful Use or Development		

<i>R17/2080 Certificate of Lawful Use or Development 15.01.2018</i>	16 Rugby Road Pailton Rugby CV23 0QH	Certificate of Lawfulness for a proposed use or development for the conversion of the loft including dormer to rear roofslope and rooflight to front roofslope, and erection of single storey rear extension and front porch extension.
<i>R17/2111 Certificate of Lawful Use or Development 19.01.2018</i>	Home Farm Birdingbury Road Bourton on Dunsmore Rugby CV23 9RA	Certificate of Lawful Existing Use or Development for confirmation that development commenced in relation to Prior Approval R15/0152, for the change of use of agricultural building to form 2no.dwellings before the expiration of 3 years from the date of the Prior Approval.
Listed Building Consent		
<i>R17/1760 Listed Building Consent 15.01.2018</i>	14 Hillmorton Road Rugby CV22 5DQ	Listed Building Consent for the proposed increase in height of the existing roof of the side extension, other internal and external alterations and the change of use of a C3 residential property to 3 self-contained flats.
Approval of Details/ Materials		
<i>R17/0009 Approval of Details 04.01.2018</i>	Greenacres 11 Birdingbury Road Marton Rugby CV23 9RY	Conversion of an existing outbuilding to a 1 bed residential ancillary annex to the main dwelling
<i>R15/1892 Approval of Details 10.01.2018</i>	Land at Coton House Lutterworth Road Churchover Rugby CV23 0AA	Substitution of two houses and erection of further 6 dwellings with associated garaging, works and formation of an acoustic bund.
<i>R17/1514 Approval of Details 16.01.2018</i>	26 Lawford Lane Bilton Rugby CV22 7JP	Variation of condition 2 of planning permission R15/1448 to amend the roof to a gable end.
<i>R16/2307 Approval of Details 19.01.2018</i>	Stepnell Ltd New Bilton Lawford Road Rugby CV21 2UU	Outline planning application for the re-development of site for Use Classes B1, B2 and B8 with approval of access onto Lawford Road. All other matters reserved.
<i>R17/1240 Approval of Details</i>	Rear of 61, 64/65, 66 and 68 Church Street	Erection of a three storey detached building comprising 6no. 1 bed apartments.

19.01.2018	Rugby CV21 3PT	
R16/2423 Approval of Details 19.01.2018	The former Vault Nightclub and Rear of 61, 64/65, 66 and 68 Church Street Rugby CV21 3PT	Creation of 5 one-bedroom apartments as 3 storey buildings and extensions to existing, together with parking and access court.
Approval of Non Material Changes		
R16/1721 Approval of non-material changes 05.01.2018	(Northern part of) Cawston Extension Site Coventry Road Cawston Rugby	Erection of 184 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).}
R17/1255 Approval of non-material changes 16.01.2018	19A Barby Lane Hillmorton Rugby CV22 5QJ	Erection of a single storey rear extension including alterations to the roof of an existing rear extension
R15/1544 Approval of non-material changes 18.01.2018	Corn Drier Flecknoe Station Road Flecknoe	Conversion of Agricultural Corn Dryer to dwelling house. Alterations to approved schemes R13/0427 & R14/1133
Withdrawn		
R17/1259 Withdrawn 05.01.2018	Pear Tree Cottage Back Lane Birdingbury CV23 8EN	Erection of one new dwelling along with a detached garage for Pear Tree Cottage.
R17/1897 Withdrawn 09.01.2018	St Nicholas Church Brooks Close Willoughby CV23 8BY	Removal of lead roof and replacement with a terne coated steel roof
R18/0080 Withdrawn 18.01.2018	1A Hillmorton Road Rugby CV22 5DA	Change of use of residential property to 4 self-contained rooms
R17/1123 Withdrawn 22.01.2018	27 Church Street Rugby CV21 3PU	Change of use from A1 to A3/A5