



29 January 2024

## PLANNING COMMITTEE - 7 FEBRUARY 2024

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 7 February 2024 in the Council Chamber at the Town Hall, Rugby.

*Members of the public may view the meeting via the livestream from the Council's website.*

Mannie Ketley  
Chief Executive

***Note: Councillors 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 Councillor 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 Councillor does not need to declare this interest unless the Councillor chooses to speak on a matter relating to their membership. If the Councillor does not wish to speak on the matter, the Councillor 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 meeting held on 10 January 2024.
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. Diversion of Footpath R282 - Stretton Baskerville.
7. Planning Appeals Update.
8. Delegated Decisions - 14 December 2023 to 17 January 2024.
9. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

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

## **PART 2 – EXEMPT INFORMATION**

1. Planning Enforcement Update – July to December 2023.

### **Membership of the Committee:**

Councillors Gillias (Chair), Edwards, Mrs Garcia, Harrington, Mrs Hassell, Karadiar, Lawrence, Lewis, Mrs Maoudis, Sandison, Srivastava and Ward

***If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer by emailing [linn.ashmore@rugby.gov.uk](mailto:linn.ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.***

*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](http://www.rugby.gov.uk/speakingatplanning)).*

**Planning Committee – 7 February 2024**

**Report of the Chief Officer for Growth and Investment**

**Applications for Consideration**

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R23/0211	Autumn Farm, Easenhall Road, Harborough Magna, Rugby, CV23 0HX Conversion of existing agricultural barn into one dwelling.	3
2	R23/0672	Lentons Lane Solar Farm, Lentons Lane, Aldermans Green Construction and operation of a solar farm, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development.	22
3	R23/1075	263A, Rugby Road, Binley Woods, Coventry, CV3 2BB Change of use from hair salon to a restaurant/hot food take-away (Sui Generis).	58

**Reference:** R23/0211

**Site Address:** AUTUMN FARM, EASENHALL ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HX

**Description:** Conversion of existing agricultural barn into one dwelling.

**Web link:** <https://planning.agileapplications.co.uk/rugby/application-details/37522>

### **Recommendation.**

Planning application R23/0211 be approved subject to;

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

## **1.0 Introduction**

- 1.1- This application is being reported to the planning committee in accordance with paragraph 5.2.3 (a) Requests by Councillors of the scheme of delegation. This application was called to be determined by the planning committee by Cllr Garcia during the 21-day statutory consultation period.

## **2.0 Description of the site**

- 2.1- The application site is located approximately 0.6 miles to the west of the village of Harborough Magna and 0.3 miles to the south of Easenhall. The farmstead comprises of a dwelling house and a collection of agricultural & equine buildings along with associated paraphernalia. The application building is situated circa 45m from the farmhouse and is currently used for agricultural storage.
- 2.2- The farm is accessed from a small track which extends off Easenhall Road. This track provides vehicular access for both Autumn farm as well as Lilac cottage which sits circa 175m to the northeast of the application site. This track also serves as a public bridleway which spans from Easenhall Road in the north, down to Cathiron Lane in the south.
- 2.3- The front elevation of the application building is mainly open sided with the storage of agricultural goods and materials within. This elevation faces a small courtyard area which overlooks fields to the south. Adjacent to the east elevation is a temporary mobile home structure. The west elevation faces an adjacent stable block.
- 2.4- The application site is located within the Rugby-Coventry Green Belt.

## **3.0 Description of the building**

- 3.1- The building is a steel framed duo-pitched structure with an adjoining lean-to steelwork structure built on the west elevation. The front of the building (southern elevation) is mainly open with the exception of the weatherproofed section on the eastern side. The remainder of the building's perimeter comprises of an almost mid-height blockwork wall with weatherproofed steel sheeting connecting the blockwork to the eaves of the structure.

- 3.2- Steel columns and rafters form the duo-pitched building, in which there is a centrally hung timber ceiling. A portion of the duo-pitched structure contains a timber-built mezzanine floor. The barn structure sits upon a relatively natural base, with no evidence of a concrete slab or implemented flooring in-situ.
- 3.3- A structural survey was carried out May 2022 by SSd Structural engineering consultants. The inspection was visual only and concluded that the structural integrity of the building allows it to be re-used in a residential use without the need for 'complete rebuilding'. However, the report noted that internal and external improvement work is required in order for this building to function in a residential use.

### **Roof**

- 3.4- The central duo-pitched structure is finished with fibreboard sheeting which is supported on timber purlins. For approximately two thirds of the duo-pitched structure, a timber ceiling has been installed. This ceiling spans between the timber edge beams and a central steelwork beam which is welded by hangers to the apex of the portal structure. The roof appears to be in good working order and weathertight.
- 3.5- The report concluded that the steel frame will provide a stable form of construction with the introduction of minor strengthening and replacement of some timber beams. The observations of the internal floor and building structure suggest that the foundations are functioning effectively in their current state and any required strengthening for the conversion would be considered as minor works. New insulated concrete flooring will be required internally within the building to comply with residential standards and building regulations.

## **4.0 Description of proposal**

- 4.1- The proposal seeks the conversion of an existing agricultural barn into a three-bedroom dwelling with associated garden area and parking provision. The structure will be retained and will not be enlarged from its current form. However, additions are proposed to the south and west elevation in order to provide an enclosed structure. Fenestration and pedestrian openings are proposed throughout.
- 4.2- The internal layout of the building will include a kitchen area in the existing lean-to section of the building. The main barn area will provide a living area, playroom and study all on the ground floor with 3 bedrooms at first-floor level.
- 4.3- The proposed residential curtilage will include the dwelling (floor plan of 0.2ha) with the remaining area providing amenity space which will include a small garden to the east and south of the building along with car park provision for two cars. The curtilage will be demarcated by a post and rail fence which will raise to a height of 1.2m.

## **5.0 Planning History**

**R08/1815/HOUS**-Erection of ground floor and first floor extensions- **Refusal**- 21/01/2009  
21/01/2009

**R09/0220/HOUS**- Erection of a single storey front extension, two storey and single storey rear extension, two storey and single storey side extension- **Approval**- 29/04/2009

**R09/0238/PLN**- Erection of 4no. stables with tack room and store, **Approval** 29/04/2009

**R10/0369**- Proposed extension to raise the eaves and ridge- **Approval**- 14/05/2010.

**R21/0296**- Agricultural Prior Approval for the erection of a barn- **Not Required**- 23/03/2021.

**R22/0651**- Prior approval change of use of agricultural building to 1 no. dwellinghouse (Class Q)- **Withdrawn by Applicant/Agent**- 09/09/2022.

## 6.0 Technical consultee responses

**Rugby BC Environmental Health**- No objection subject to conditions

**Warwickshire CC Ecology dept**- No objection subject to conditions

**Warwickshire CC Highways dept**- No Objection subject to conditions

**Work Services**- No objection

## 7.0 Third party responses

**Cllr Belinda Garcia**- Called the application to be determined by the planning committee. This was in order to ensure the continued viability of the agricultural practice and support the needs of occupiers of the main farmhouse.

One neighbour letter of objection was received, this stated the following point;

- There is already a mobile home next to the agricultural barn which is permanently used as a residential home. Will this be removed if granted.

## 8.0 Development plan and Material considerations

8.1- As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for the area relevant to this application site comprises of the Rugby borough local plan 2011- 2031. The relevant policies are outlined below.

### 8.2- **Rugby Borough Local Plan 2011-2031, June 2019**

- GP1: Securing Sustainable Development
- GP2: Settlement Hierarchy
- HS5: Traffic Generation and Air Quality
- NE1: Protecting Designated Biodiversity and Geodiversity Assets
- NE3: Landscape protection and enhancement
- SDC1: Sustainable Design
- SDC4: Sustainable Buildings
- SDC9: Broadband and Mobile Internet
- D1: Transport
- D2: Parking Facilities

### 8.3- **National Planning Policy Framework 2023 (NPPF)**

### 8.4- **Supplementary Planning guidance**

- Climate Change and Sustainable Design and Construction SPD (2023)

## 9.0 Assessment of proposal

The main considerations in respect of this application are;

- Section 10 Principle of development
- Section 11 Character, design and layout
- Section 12 Impact on neighbouring amenity
- Section 13 Highways considerations
- Section 14 Biodiversity
- Section 15 Other Considerations
- Section 16 Planning Balance and conclusion
- Section 17 Recommendation

## 10.0 Principle of Devolvement

- 10.1- The NPPF is clear that where there is an up-to-date development plan, applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. However, it stipulates that local planning authorities may take decisions that depart from an up-to-date development plan. This however should only be in circumstances where material considerations and/or special circumstances clearly outweigh the harm resulting from the policy conflict of the proposal.
- 10.2- As a starting point for the assessment of this scheme, the local plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 10.3- The existing local plan for the borough was adopted on the 4<sup>th</sup> June 2019. On adoption, the authority had a five-year supply of housing land. On the 5<sup>th</sup> October 2023 the council published its latest updated Five-year Land Supply Position Statement. Based on the analysis of deliverable sites from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028, the council can now identify a housing land supply of 6.1 years against the plan requirement and therefore adequate housing supply of land is provided in sustainable locations across the borough.
- 10.4- Policy GP1 of the local plan outlines when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in section 2 paragraph 8 of the updated NPPF. This is assessed through three over-arching objectives, a social progress, an economic wellbeing and finally an environmental protection. The scheme is assessed against these three objectives below;
- 10.5- Economic objective- If the application were to be approved, it would result in the creation of a small number of short-term construction jobs. In the long-term, the dwelling would make council tax payments. However, as the scheme is only small scale it would result in somewhat minimal benefits to local services and facilities.

- 10.6- Social objective- The proposal would provide a three-bedroom dwelling for existing family members of the main farmhouse. The applicant has provided justification to the authority through the submission of special circumstances which demonstrates the need for the proposed. This states that the dwelling is required due to the complex medical needs of individuals in the main farmhouse and the increased demand due to their respective conditions.
- 10.7- Environmental objective- The council has declared a climate emergency, pledging to take local action to contribute to national carbon neutrality targets; including recognizing steps to reduce its causes and make plans to respond to its effects at a local level. Paragraph 8 of the NPPF states that an environmental objective is to minimise waste pollution, mitigate and adapt to climate change through moving to a low carbon economy. The site is located in a rural setting approximately 0.6 miles west of the village of Harborough Magna and 0.3 miles to the south of Easenhall. There is minimal (if any) footpath infrastructure or street lighting between the site and the edge of the two neighboring settlements and the speed limit of the road makes it unsafe for walking. Therefore, the introduction of a dwelling to this area will require its occupiers to use the motor vehicle in order to carry out the day-to-day activities and access local services.
- 10.8- However, the site is in the catchment area for the 85 and 85B bus service which provides connections to several settlements including Coventry (circa 7 miles away) and Rugby (circa 3 miles from town centre). This is a regular service starting around 7 am and continuing until 9 pm. The nearest bus stop is located approximately 440m from the site entrance towards Harborough Magna. However, the footpath infrastructure along Easenhall Road between the site and the bus stop cannot be considered to comply with an attractive or safe walking environment. Therefore, the occupiers of the proposed dwelling would be heavily reliant on the private car to carry out day to day activities. However, whilst the connection to the bus stop is considered an unattractive/unsafe walking environment, this provision is close enough to benefit the future occupiers of the proposed.
- 10.9- The environmental issues raised in paragraph 10.7 & 10.8 will be appropriately weighted in the planning balance.

### ***Green Belt assessment***

- 10.10- Policy GP2 of the local plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located upon Green Belt land; as such new development will be resisted; only where national policy allows will development be permitted. Green Belt locations are ranked 5 out of 5 (lowest score) in the sequential test for development outlined in the policy. Development away from the defined settlements is unlikely to meet all of the elements of sustainable development.
- 10.11- Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. In addition, section 13 paragraph 154 and 155 of the NPPF outlines a list of exceptions whereby Green Belt development can be considered acceptable.

- 10.12- Paragraph 155 (d) of the NPPF provides an exception whereby the re-use of buildings is acceptable. However, such building shall be of permanent and substantial construction. A structural report was submitted to the local authority as part of the initial application submission. This concluded that the current structure would be suitable for residential conversion and is of permanent and substantial construction.
- 10.13- Whilst the proposal is in accordance with paragraph 155 (d) of the NPPF, an assessment of its harm to the Green Belt's openness is still required. It is important to determine what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. National planning practice guidance (NPPG) states that openness is capable of having both spatial and visual dimensions. The application does not propose any changes to the overall footprint and scale of the building, it only seeks to enclose aspects of the structure in order to provide its proposed residential use (class C3). As the building is already present and the external alterations proposed would not materially affect the size & massing of the building in spatial terms, the proposal would therefore not have a detrimental impact on the openness of the vicinity on this aspect.
- 10.14- It is acknowledged that the proposal will alter the appearance of the building by enclosing all sides of the structure and converting it to a residential use. This in part will provide a visual impact on the openness of the Green Belt. However, the level of harm must be weighed against the justification for the development as stated in the special circumstances provided by the applicant. A point which will be appropriately addressed in the planning balance.
- 10.15- On balance, associated residential uses could over time cumulatively impact on the visual and spatial openness of the surrounding Green Belt. Therefore, should members be minded to approve the proposal, in order to prohibit this development from having future impacts on the Green Belt, conditions 12 & 13 appended to the draft decision notice will remove relevant aspects of the General Permitted Development Order 2015 (GPDO) (as amended). This is in order to ensure that any enlargement of the dwellinghouse or the erection of any boundary treatments within the residential curtilage hereby approved will require the relevant permission from the local authority.
- 10.16- Drawing the matters for the principle of development together, the application site is located away from any defined settlement boundary. As a result of this conflict, the site is considered to be in an unsustainable location for residential development which would rely heavily on the motor vehicle in order for the future occupiers to access day-to-day services. Therefore, the scheme is at conflict with the environmental objective as detailed in Section 2 paragraph 8 of the NPPF. With regards to Section 13 of the NPPF, the conversion of the existing structure is not considered inappropriate Green Belt development due to its compliance with paragraph 150 (d).
- 10.17- However, the applicant has claimed that the conversion of the barn is required in order for existing occupiers of the main farmhouse to remain on site. The applicant has provided the local authority with evidence of personal 'special circumstances' which they state clearly show the requirement for the conversion of additional living facilities. This evidence has been reviewed and considered by the local authority and identified the following;
- Two occupiers of the main farmhouse have complex medical needs that require regular medical intervention and ongoing support.
  - Both of the two occupiers are the immediate family of the applicant.

10.18- In support of the factors mentioned above, the LPA have been provided with letters from medical specialists, care providers, and the educational establishments in order to substantiate the applicants claim. The LPA consider that this evidence is deemed sufficient to support the applicant's assertions that there is a need for the barn to be converted. The evidence confirms the severity of that alleged. Whether the special circumstances outweigh the harm of unsustainable residential development and the impact on the Green Belt will be appropriately addressed in the planning balance.

## **11.0 Character, Design & Layout**

11.1- Local plan policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

11.2- Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 135 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 135 (b) states that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

11.3- With reference to the Sustainable Design & Construction SPD (2023), it states that the council will consider the effect of the proposal on the scale and character of the existing building and the surrounding area and the impact of the design on the amenity of existing and future occupiers.

11.4- The building's footprint and scale would not change as a result of this proposal. The main external alteration proposed is the installation of fenestration and doors throughout, with infill elements proposed to the exterior of the building. The proposed residential curtilage has been provided in block plan form and will be separated from the remainder of the site by a post and rail fence to a height of 1.2m. The proposed boundary treatment is suitable for the intended use and provides a clear segregation between the new residential curtilage and the agricultural land surrounding. A suitably worded condition (13) has been included in the draft decision notice which will remove permitted development rights for walls, fences and gates. This will ensure that should the applicant wish to erect boundary treatments in addition to that approved in this application, then they will require formal confirmation from the local authority.

11.5- With reference to Drawing number 484 D 02 Rev C, the external appearance of the building will contain minimal alterations to the existing nature of the structure with the exception of windows and doors implemented. On balance the unit will not have an impact on the wider setting to a level which warrants a refusal on this aspect alone. The unit proposes circa 153 sqm of ground floor space with circa 80 sqm at first floor mezzanine level. This provides circa 233 sqm of residential floor space in the unit. On balance, the floor space proposed is a suitable size for a 3-bedroom dwelling.

11.6- Para 2.2 of the Climate Change Sustainable Design and Construction SPD states that new dwellings should provide an adequate amount of garden space that is in keeping with the character of the area. As a guide, a garden should be at least the size of the ground floor footprint of the dwelling. Due to the nature and location of the structure, the proposed curtilage provides an area of garden space to the eastern side and front

of the dwelling. This area is sufficient and when added to all of the amenity space in the proposed residential curtilage, provides an area which complies with the SPD guidance. A suitably worded condition (7) will be added to the decision notice to ensure that a suitable landscaping scheme is provided within the residential curtilage of the site.

***Climate Change and sustainable design;***

- 11.7- The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 11.8- Local plan policy SDC4 is read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 11.9- Solar gain refers to the natural heating of a building from solar energy. The orientation of a building affects the amount of solar gain experienced which in turn effects the level of energy consumption required. The most frequently used rooms, such as the living room and main bedrooms, should be positioned on the south side of the dwelling. The southern elevation should incorporate a greater percentage of glazing than other elevations. Smaller glazing on Northern elevations will help minimise heat loss.
- 11.10- The façade of the dwelling is facing in a southern orientation and therefore provides the highest level of energy efficiency through solar gain. All bedrooms are located to the south side of the floor plan with bathrooms/ ensuites on the northern side. Likewise, on the ground floor, all key living areas have south facing elevations. Solar panels are to be added to the roof area of the structure.
- 11.11- Policy SDC4 of the local plan states that all new dwellings shall meet the Building Regulations requirement of 110 litres of water per person per day unless it can be demonstrated that it is financially unviable. A relevant condition can ensure that this is implemented.
- 11.12- It is considered that the applicant has demonstrated at this stage how energy efficiency and sustainability has been incorporated within the development through the use of solar panels and appropriate floor plan design. Therefore, the development complies with this aspect of Policy SDC4.
- 11.13- On balance, this proposal will not have a detrimental impact on the surrounding area whilst providing the applicant with the additional space that they require in order to fulfil their proposed development due to the special circumstances demonstrated. The proposal also aims to use suitable materials throughout. This application is therefore considered to be in accordance with SDC1 & SDC4 of the local plan and section 12 of the NPPF and the Climate Change Sustainable Design and Construction Supplementary Planning Document (2023).

## **12.0 Impact on neighboring amenity**

- 12.1- Policy SDC1 in the local plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 12.2- Section 12, paragraph 135 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.
- 12.3- The building is already present (albeit in partial form to that proposed). The conversion hereby proposed and the required alterations necessary for the change of use, would not cause any additional loss of light, overbearing impact or privacy implications to the main farmhouse on site or neighboring properties in the area to that already existing. The position of the windows also means they would not directly overlook the main house.
- 12.4- It is considered that this aspect of the application is in accordance with policy SDC1 of the local plan and section 12 of the NPPF.

## **13.0 Highways considerations**

- 13.1- Local plan policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Local plan policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the planning obligations SPD and appendix 5 of the local plan.
- 13.2- Section 9 of the NPPF states that it should be ensured that safe and suitable access to a site can be achieved for all users. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 13.3- With reference to the local plan and its corresponding parking standards, a 3-bedroom dwelling in a low accessible area of the borough shall provide 2 off-road parking spaces. With reference to the submitted documentation, two spaces are proposed on the existing area of hard standing adjacent to the front of the existing barn. Therefore, the required number of offroad parking provision is complied with.
- 13.4- Warwickshire CC Highways were consulted and a stance of no objection was provided. However, the following observations were made;

*The site will be accessed using the existing private drive which connects to the C129 Easenhall Road. The private drive already provides access to the farm and other residential dwellings at this location.*

*The Highway Authority consider that the proposed development will lead to an intensification in use of the existing access with the public highway and observations suggest that visibility looking right is constrained by the brow of a hill and is likely to be less than the stopping sight distance advised in Design Manual for Roads and Bridges for a road with a 50 miles/hr speed limit.*

*However, given that the proposed development consists of a single 3-bedroom dwelling the intensification in use of the access is unlikely to be significant. In*

*addition, the Highway Authority notes that incidence of personal injury accidents involving the use of the existing access is not apparent from records since 1990.*

*On balance it is concluded that the proposal would not intensify the use of the access such that would lead to unacceptable detriment to highway safety. However, any additional or cumulative development in future may require changes to the vehicular access for the site.*

- 13.5- The Highways authority therefore have no objection to the scheme as sufficient parking is provided therefore it is considered that the conversion would not have a significant impact on the safety and operation of the highway. The scheme is therefore in accordance with local plan policies D1 & D2.

## **14.0 Biodiversity**

- 14.1- Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at section 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
- 14.2- Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used.
- 14.3- Policy NE1 of the Local Plan relates to the protection of designated biodiversity and geodiversity assets. Policy NE3 states that new development which positively contributes to landscape character will be permitted.
- 14.4- The proposal will impact an existing purpose bat-loft which was built in connection with planning application R09/0220 and R09/0774 but, according to the bat survey report provided with the application, this has never been suitable for bats and contains no evidence of use. From the reports attached to the 2009 planning applications, the loft was designed to replace a summer non-maternity roost used by small numbers of brown long-eared bats. This replacement roost has evidently been unsuccessful, and the ecologist stated that a replacement roost in the main house may be more suitable.
- 14.5- Further information was then provided which confirmed that the main house on the site was not being used by bats at the time of inspection. The proposals include a replacement loft in the gabled area above the south single storey extension to provide mitigation for that lost in the proposal building. Subject to an approved scheme, these mitigation measures will be secured by way of an appropriately worded condition put forward by WCC Ecology.
- 14.6- This application is therefore in accordance with local plan policy NE1 & NE3 along with Section 15 of 'The Framework'.

## **15.0 Other considerations**

- 15.1- Section 15 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. It also states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.
- 15.2- Local plan Policy HS5 states that proposals should take full account of the cumulative impact of all development including that proposed in this local plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality action plan. Environmental Health have assessed the application and have no objections subject to conditions with their assessment detailed below;

### ***Land Contamination;***

- 15.3- The proposed change of land use introduces new, more sensitive receptors to the existing structure. Having regard to the current/historic uses as an agricultural building with storage of machinery, feed, livestock etc there is the potential for the land to be subject to contamination including hazardous ground gases. As per the guidance within the NPPF it is therefore appropriate to recommend a contaminated land assessment be undertaken, comprising a minimum of desktop study and site reconnaissance, in order to determine whether a remediation strategy is required prior to development commencing on site (condition 18).

### ***Air Quality;***

- 15.4- Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area (AQMA) that generates new floorspace must achieve or exceed air quality neutral standards or address the impacts of poor air quality by mitigating their effects. The Council seeks to reduce air pollution in order to contribute to achieving national air quality objectives.
- 15.5- The application site is not within the AQMA but the proposal would generate new floorspace (of an alternative use) and the proposal would require its own heating system. The proposal therefore would increase emissions compared with the existing use of the barn, but this would not impact the AQMA or meet the threshold for the mitigation under Policy HS5.
- 15.6- Policy SDC9 of the local plan advises that all developers are expected to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services across Rugby Borough. This is to ensure that the appropriate service is available to those who need it. Given that there are residential properties nearby, such services are likely to be obtainable and accessible. Nevertheless, a relevant condition can secure that these provisions.

## **16.0 Planning balance and conclusion**

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

considerations indicate otherwise. As mentioned, the local plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust up-to-date evidence base.

- 16.2- As outlined in section 10 of this report, the site is located outside of any defined settlement boundary in an area unsustainable for residential development. The scheme is therefore contrary to elements of local plan policy GP1 and at conflict with the environmental element of sustainable development as detailed in paragraph 8 of the NPPF due to the reliance of the private car. However, the dwelling will be conditioned to the personal use of the applicant only and will not benefit the land it is situated upon. Therefore, the environmental impact of the scheme will be de minimis when compared to the level of harm from the existing farmhouse and its occupiers.
- 16.3- As per local plan policy GP2, the site is located on land classified as that of the Green Belt. This policy states that new development will be resisted, only where national policy on Green Belt allows will development be permitted. Paragraph 152 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It then goes on to state that any special circumstance will not exist unless the potential harm to the Green Belt resulting from the proposal is clearly outweighed by other considerations.
- 16.4- As outlined in section 10 of this report, the level of harm to the surrounding Green Belts openness resulting from the proposal is negligible when considered against the nature of the barn already in-situ. The special circumstances demonstrated clearly shows a personal need for the conversion and when assessing against the harm of the proposal it is considered to clearly outweigh the minimal impacts. The scheme is also in compliance with paragraph 155 (d) of the NPPF.
- 16.5- To limit any future impact, permitted development rights will be removed and should the proposed use no longer be required by the applicant, the development and conversion hereby approved shall be removed and the building shall be re-instated to its former use. This ensures that the dwelling cannot be sold off for market housing unless the relevant permission is obtained from the LPA. Therefore, on balance the limited impacts on the Green Belt coupled with impacts of sustainability are clearly outweighed by the social benefits and need provided in the justification as demonstrated in the special circumstances provided to the LPA.

## **17.0 Recommendation.**

Planning application R23/0211 be approved subject to;

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

## DRAFT DECISION

**REFERENCE NO:**

R23/0211

**DATE APPLICATION VALID:**

14-Feb-2023

**APPLICANT:**

MR J Tailby

**AGENT:**

MR J de Vries, The Rural Planning Co

**ADDRESS OF DEVELOPMENT:**

AUTUMN FARM,  
EASENHALL ROAD,  
HARBOROUGH MAGNA,  
RUGBY,  
CV23 0HX

**APPLICATION DESCRIPTION:**

Conversion of existing agricultural barn into one dwelling.

**CONDITIONS, REASONS AND INFORMATIVES:****CONDITION 1:**

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

**REASON 1:**

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

**CONDITION 2:**

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

Application form- 475965-ApplicationForm\_v1.pdf (Received by the local authority 14<sup>th</sup> February 2023)

Autumn Farm\_ Location Site Plan Scale 1:1250 as shown in 475966-Site Location Plan 1-1250 A3\_v1.pdf (Received by the local authority 14<sup>th</sup> February 2023)

Autumn Farm Block Plan Scale 1:500 as shown in 486071-Annotated\_Block\_Plan\_1-500\_v1.pdf (Received by the local authority 18<sup>th</sup> January 2024)

PLANS AND ELEVATIONS AS PROPOSED Drawing Number 484 D 02 Revision C (Received by the local authority 25<sup>th</sup> September 2023)

TYPICAL SECTION Drawing Number 484 D 10 (Received by the local authority 24<sup>th</sup> January 2024)

REASON 2:

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall be as specified on the application form received by the local authority 14<sup>th</sup> February 2023 and on plan Drawing Number 484 D 02 Revision C received by the local authority 25<sup>th</sup> September 2023.

REASON 3:

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

CONDITION 4:

Prior to first installation, details of the materials to be used in the construction of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the materials and finish to be used. The development shall be carried out using the approved details.

REASON 4:

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

CONDITION 5:

Prior to the first occupation of the development hereby approved, details of any proposed hard landscaping boundary treatment such as walls, fences and gates, including elevations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON 5:

In the interest of visual amenity and in order to protect the surrounding green belt land.

CONDITION 6:

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

REASON 6:

In the interest of visual and residential amenity and in the interest of highway safety.

CONDITION 7:

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON 7:

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

CONDITION 8:

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

REASON 8:

In the interests of sustainability and water efficiency.

CONDITION 9:

The accommodation for car parking shown on the approved plan Autumn Farm Block Plan Scale 1:500 received by the local authority 18<sup>th</sup> January 2024, shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles at the property.

REASON 9:

In the interest of highway safety.

CONDITION 10:

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 10:

In the interest of residential amenity.

CONDITION 11:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should incorporate sustainable drainage principles where possible to retain excess water within the site and prevent excess discharge into the surrounding ditches during periods of high rainfall. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON 11:

To reduce surface water levels.

CONDITION 12:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order no development shall be carried out which comes within classes A, B, C, D, E, F, G and H of Schedule 2 part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON 12:

In the interest of visual amenity and to prevent inappropriate development in the Green Belt.

CONDITION 13:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected or constructed without the prior written permission of the Local Planning Authority.

REASON 13:

In the interest of visual amenity and to prevent inappropriate development in the Green Belt.

CONDITION 14:

The residential curtilage edged red as indicated on site plan Autumn Farm Block Plan Scale 1:500 received by the local authority 18<sup>th</sup> January 2024, shall be retained in perpetuity and shall not be altered or revised in any form.

REASON 14:

To define the permission and in the interest of visual amenity in this rural locality and to prevent inappropriate development in the green belt.

CONDITION 15:

The residential property hereby approved as shown in Drawing Number 484 D 02 Revision C received by the local authority 25<sup>th</sup> September 2023 and as defined in Autumn Farm Block Plan

Scale 1:500 received by the local authority 18<sup>th</sup> January 2024, shall only benefit the applicant MR James Tailby and his immediate family/dependencies and shall not be for the benefit of the land. Should the applicant no longer require the dwellinghouse hereby approved, all equipment, fittings and fixtures approved in this permission shall be removed and the approved residential use will no longer apply unless further permission is granted by the Local authority.

REASON 15:

In the interests of sustainability and climate change.

CONDITION 16:

The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Letter report' prepared by Cotswold Wildlife Services, dated 5th July 2023.

REASON 16:

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

CONDITION 17:

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

- (a) An investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

- (b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.
- (d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by the local planning authority in accordance with condition (c).

**REASON 17:**

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

**CONDITION 18:**

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

**REASON 18:**

To provide broadband connectivity for future occupiers.

**INFORMATIVE 1:**

It is a legal requirement that all new properties are numbered and roads named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity for both new or changes to existing properties, including development revisions. Failure to do this in good time can delay the installation of services and/or prevent the sale of properties.

To register the properties on a development and receive correct addressing or to amend an existing address please complete an application form for Street Naming and Numbering. The

form can be accessed at:

[https://www.rugby.gov.uk/info/20084/planning\\_control/76/street\\_naming\\_and\\_numbering](https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering) .

#### INFORMATIVE 2:

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**Reference: R23/0672**

**Site Address: Lentons Lane Solar Farm, Lentons Lane, Aldermans Green**

**Description: Construction and operation of a solar farm, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development.**

**Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38384>**

**Recommendation**

1. Planning application R23/0672 be approved subject to:
  - a. Referral to the Planning Casework Unit.
  - b. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development. There have also been more than 15 letters of objection from households residing within the locality of the application site.

1.2 This application is a cross boundary application with Coventry City Council (who are also the applicant) for a solar farm development, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development. Planning Application Reference: PL/2023/0001062/FULM.

**2.0 Description of site**

2.1 The application site comprises 51 hectares (ha), (126 acres) of primarily agricultural land, bisected by the Oxford canal and adjacent to Lenton's Lane Cemetery and Sowe Common. It is bound by the settlement of Alderman's Green to the north, the M6 and Coventry Cruising Club to the south and the B4109 to the west. The majority of the site is located within the Coventry City Boundary and falls under their jurisdiction.

2.2 The site slopes from roughly north to south, from Lenton's Lane towards the M6 motorway, and is crossed by several overhead electricity and telecoms cable, towers and poles.

2.3 The area located within the Rugby Boundary consists mainly of agricultural fields. The site is partially bounded by the Oxford Canal, running roughly from the west to north of the site. Beyond the canal is the Brookfield Farmhouse and farmyard, located on Shilton Lane. To the south of the site is the M6 motorway and beyond that the Grace Academy

Secondary School; an industrial/business/employment park; and the Woodway Park and Potters Green residential estates. Towards the east is the M69 Motorway. The application site is located within the Green Belt.

### **3.0 Description of proposals**

3.1 This application is for the construction and operation of a solar farm, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development.

3.2 Although not exhaustive, the following factors have been considered regarding the site selection.

- Proximity to a connection point for the National Grid
- Control over the site (within the ownership of Coventry City Council).
- Area is sufficient to make the proposed development economical and the quantity of power sufficient to warrant the investment in the infrastructure required to support the farm.
- Size and fragmentation of the land (the land is not fragmented)
- Planning situation (Green Belt, Common Land, public access, environmental impact, existing use of the land).
- Existing Ecology and Biodiversity together with opportunity for improvement.
- Land Quality (Ideally not prime food production land).
- Flood risk or other external influences.
- Any existing land designation or allocation, for example – (regarding the area within Coventry, the adjoining cemetery has recently been extended so there is less pressure for that potential use).

3.3 The Proposed development will comprise the following elements (across the whole site, to include the parcels of land within Coventry and Rugby).

- Approximately 65,000 (revised to 60,180) ground mounted solar panels, arranged in arrays and laid out across the site. The panels will be mounted on aluminium (or similar) frames embedded into the ground or on moveable concrete footings (where panels are above underground service wayleaves).
- 13 inverter containers located at strategic locations arranged around the site.
- A small-scale control and grid connection building approximately 14 metres in width, and 3 metres in height.
- Internal site electrical connections, to be made underground.
- 4-metre-wide access tracks providing access from existing public roads to the development parcels.
- Security fencing no greater than 2 metres in height around the solar arrays.
- Security cameras located at strategic points, facing into the site.
- A temporary construction compound of circa 25 metres by 50 metres to enable safe and efficient servicing of the site during construction and to be removed post construction works.
- Localised access and environmental enhancements and measures to offset environmental, visual and glint/glare impacts.

### **Decommissioning**

- 3.4 At the end of the temporary operational lifespan (approximately 40 years), the solar panels and other infrastructure would be removed, and the site restored back to full agricultural use (Condition(s) 4, 5 and 6).

### **Planning History**

Coventry City Council - Request for EIA Screening Opinion under Regulation 6 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed solar farm - 17th April 2023

R23/0316 - EIA screening opinion for proposed solar farm - 15th March 2023

### **Relevant Planning Policies**

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP1 - Securing Sustainable Development

GP2 - Settlement Hierarchy

SDC1 - Sustainable Design

SDC2 – Landscaping

SDC3 - Historic environment

SDC4 - Sustainable Buildings

SDC5 - Flood Risk Management

SDC8 - Renewable energy.

HS4 - Open Space, Sports Facilities and Recreation

NE1 - Protecting Designated Biodiversity and Geodiversity Assets

NE3 - Landscape protection

D1 – Transport

D2 - Parking facilities

Guidance

National Planning Policy Framework, 2023 (NPPF)

National Planning Policy Guidance

Climate Change Act 2008

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

NPS for Renewable Energy Infrastructure (Draft EN-3) - September 2021.

UK Solar PV Strategy - October 2013

UK Solar PV Strategy - April 2014

Net Zero - The UK's Contribution to Stopping Global Warming - May 2019

Climate Change Act 2008 - 27 June 2019

Government's Net Zero Strategy

Committee on Climate Change Progress Report to Parliament – 2022

Carbon Budget Order - 24th June 2021.

National Energy and Climate Plan (draft) (NECP) was produced in January 2020

National Infrastructure Commission - Renewables, Recovery and Reaching Net Zero - August 2020

Rugby Borough Council – Declaration of a climate emergency - July 2019.

### **Technical consultation responses**

Rugby Borough Council Environmental Health and Community Safety – No objection, subject to conditions and informatives

Rugby Borough Council Tree and Landscape Officer – No objection, subject to conditions

Warwickshire County Council Archaeology – Request for an archaeological assessment to be undertaken.

Warwickshire County Council Ecology – Request for additional information.

Warwickshire County Council Highways – Objection, pending receipt of further information.

Warwickshire County Council Rights of Way – No objection, subject to an informative note, regarding Public Rights of Way remaining open.

Warwickshire Flood Risk Management (Lead Local Flood Authority) – Objection, details relating to the surface water drainage are insufficient.

Canal and River Trust – Unable to make a substantive response.

Coventry City Council – Response of ‘No comment’.

Environment Agency – No response

Inland Waterways – Lichfield - No response

Inland Waterways – Warwickshire – No response

Highways England – Objection, request for further information.

National Grid – Request for further information (the agent has provided the information).

Cadent Gas (box asset protection) - There are no National Gas assets affected in this area.

Cadent Gas (box plant protection) – No objection, subject to an informative note.

Severn Trent - No response

The Ramblers – No objection.

Warwickshire Fire and Rescue – No objection, subject to an informative.

Warwickshire Fire and Rescue Water Department – Request for further information regarding battery storage. (Confirmation received from agent, no onsite battery storage)

Warwickshire Police - Provided advise on how to ‘design out crime’.

Warwickshire Wildlife Trust - No response

Coal Authority – No condition, subject to an informative.

CPRE - Campaign to Protect Rural England – Objection, harmful to the Greenbelt and no very special circumstances.

Coventry Airport – No response

### **Amended/Additional plans & information**

Rugby Borough Council Tree and Landscape Officer – No objection, condition to remain.

Highways England – No objection

Warwickshire County Council Archaeology – Request for an archaeological assessment to be undertaken, to be secured by condition.

Warwickshire County Council Ecology – No objection, subject to conditions

Warwickshire Flood Risk Management (Lead Local Flood Authority) – No objection, subject to conditions

Warwickshire County Council Highways – No objection, subject to a condition

Canal and River Trust – Request for a Glint and Glare Assessment and Construction Environmental Management Plan (CEMP)

### **Third party comments**

Ansty Parish Council – Response of ‘no comment’.

Neighbours (19 objections - summary)

- The tenant has not been given the correct notice.
- The existing grid (electricity) is not fit for purpose.
- Health and safety risk - risk of fire and electrocution
- Electromagnetic fields (EMF) are already present in the area & according to national grid are already close to exposure limits for properties. The solar farm will take the EMF above the legal exposure limits.
- Increase in pollution (dust particles from the motorway being trapped on the panels and subsequently being blown on to nearby residential properties)
- Increase in crime (on site and within the locality)
- Risk of damaging assets (pylons, the canal, and water mains) and subsequently, a risk of flooding.
- Risk of glint and glare (motorway users, fishermen, boaters, residents, and walkers).
- Loss of Green belt and agricultural land (grade 3a and 3b)
- The cumulative solar farms (to include Tolldish Hall) means that the application needs to be referred to the secretary of state.
- The proposal is not cost effective.
- Impact on the nearby residential properties (to include visual impact).
- Highway safety issues and parking. (Difficulty accessing the site, endangering people who use the Sowe Common, construction traffic)
- The development does not comply with planning policy.
- No environmental benefit.
- Impact on landscape and character of the area.
- The land cannot revert to agricultural use, once decommissioned.
- There are other more suitable sites (to include Brownfield sites)
- Impact on biodiversity
- Site layout (to include buildings been located near to residential properties)
- There are administrative errors within the application (building, solar panel, dimensions).
- The life cycle of the solar farm, (40 years), is not temporary.
- The site was formerly mined.
- No residential benefits (education for local schools and increased hedgerows)
- Potential health risks
- Disposal of materials (end of life)
- Landscaping will take 15 years to mature.
- Loss in value of housing.
- The site may have the potential for unexploded bombs.
- Loss of internet connection.
- The land cannot be dual purpose – (eg used for grazing sheep).
- The agricultural land will no longer be viable for the farmer.
- Impact on rights of way.
- Will the Council offer compensation to residents?
- Solar Farm efficiency

The notification letter sent to neighbouring properties, advises that the Council will only assess the planning issues relevant to the proposal. Several of the comments received include

issues/concerns which are not material planning matters and therefore cannot be taken into consideration, when assessing the application.

The requirement to provide an accurate ownership certificate - which provides details about the ownership of the application site and confirms appropriate notice has been served on any other owner(s) - is a requirement on the applicant. The agent has confirmed that the requisite notice was served on the owner/agricultural tenant. The notification was made using the standard one-page certificate and site plan and sent by recorded delivery. N.B. To be beyond any reasonable doubt, an amended ownership certificate has also been submitted.

Neighbour (6 objections from previous objectors – in response to the additional information submitted)

- Impact on Neighbouring properties and visitors to the area.
- Impact on the historic elements of the area and open space.
- Glint and Glare – to include, road users, canal users, residents and visitors.
- Damage to the canal network.
- Concerns regarding landscape and landscape screening.
- Impact regarding noise and construction work and construction traffic.
- Everyday plant noise and maintenance related issues (to include noise).
- Impact on the tenant farmer.
- Damage to the agricultural land and clarification of how the panels will be recycled or disposed of.
- Impact on biodiversity.
- Consideration should be given to brownfield sites.
- Potential increase in crime.
- Invasion of privacy from CCTV
- Health Risks (to include mental health)
- Pollution
- The application should be accompanied by a Cumulative Impact Assessment (CIA).
- Potential for underground mining works.

#### **4.0 Assessment of proposals**

4.1 The key issues to assess relating to the proposed development, are the principle of the development, design and appearance, impact on neighbouring properties, impact on the Green Belt, landscape, the natural and historic environment and landscape, the loss of agricultural land, flood risk and drainage, access, highways, environmental health matters, and the overall cumulative impact.

#### **5.0 Principle of development**

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

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

- 5.3 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 5.4 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in the Green Belt being resisted and only where national policy on Green Belt allows will development be permitted.
- Green Belt**
- 5.5 The application site is located within the Green Belt, the NPPF Paragraph 142 states that, ‘The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.
- 5.6 Paragraph 143 of the NPPF provides the purposes of the Green Belt. Green Belt serves 5 purposes:
- to check the unrestricted sprawl of large built-up areas.
  - to prevent neighbouring towns merging into one another.
  - to assist in safeguarding the countryside from encroachment.
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 Paragraph 152 States, ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’
- 5.8 Paragraph 153 states that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.
- 5.9 Paragraph 156 of the NPPF states, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 5.10 Paragraph 157 of the NPPF States that the planning system should support the transition to a low carbon future in a changing climate, by helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 5.11 Paragraph 158 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change’.

- 5.12 Paragraph 163 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable’.
- 5.13 Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology. The policy states development will be supported in principle providing (amongst other things), if it is of an acceptable design, accounting for the natural and historic environment, landscape, ecology and visual impact.
- 5.14 Furthermore, the Policy States that for solar farms proposed on the best and most versatile agricultural land a sequential test must be undertaken as outlined in the supporting text to this policy. Where it is proven that the use of the best and most versatile agricultural land is necessary, conditions may be applied to an approval to require the land to be restored to its previous greenfield use when the operation ceases **(Condition 5 and 6)**.

### ***National Energy Policy***

- 5.15 The Planning Statement, which accompanies this application clearly sets out the Government’s intentions in tackling climate change and delivering net zero. The role of solar farm development is established as part of this long-term sustainable energy mix.
- 5.16 The development is consistent with the guidance provided within the Renewable Energy Infrastructure (EN-3) statement: The application site is:
- In proximity to an available grid export capacity.
  - The site is lower quality agricultural land.
  - Landscape and visual impacts will be mitigated by appropriate planting.
  - Glint and glare studies and associated mitigation addresses impacts on motorists.
- 5.17 At the end of the operational lifespan of the solar development, the solar PV arrays and associated infrastructure will be removed and the site will be fully restored. The Development will make use of the significant energy generating potential of the site to provide low carbon energy.
- 5.18 The Proposed Development will make a substantial contribution to the overall supply of affordable low-carbon renewable energy, contributing to the aims of the Government within their initiatives to include the, Net Zero Strategy, Energy White Paper, UK Renewable Energy Roadmap, UK Solar PV Strategy, the UK’s Integrated National Energy and Climate Plan and the legally binding Net Zero 2050 emissions target.
- 5.19 The UK Solar PV Strategy identifies a need for large-scale solar farms on greenfield sites, provided environmental considerations are given appropriate weight, as is the case with the Proposed Development. As acknowledged in the 2021 Committee on Climate Change Progress Report to Parliament, large-scale solar farms such as the Proposed Development will play an essential role in decarbonising the UK’s energy supply.

### ***Agricultural Land***

- 5.20 Paragraph 160 of the NPPF states to help increase the use and supply of renewable and local carbon energy that, plans should provide a positive strategy for such developments whilst ensuring adverse impacts are addressed satisfactorily.

- 5.21 The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires for the proposal ‘to be designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity’. Furthermore, ‘Where green field sites are proposed it should be demonstrated that the use of any agricultural land is necessary and where applicable the proposal allows for continued agricultural use. The economic and other benefits of the best and most versatile agricultural land will be taken into account.
- 5.22 Agricultural Land Classification ALC is used to grade land. A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the range of crops that can be grown, yield of crop, consistency of yield and cost of producing the crop.
- 5.23 ALC is graded from 1 to 5. The highest grade goes to land that: gives a high yield or output, has the widest range and versatility of use, produces the most consistent yield and requires less input. The Best and Most Versatile Agricultural Land is graded 1 to 3a.
- 5.24 The application is accompanied by an Agricultural Land Classification Report, which provides the following assessment. It is concluded the site is mostly lower quality agricultural land, with only 32% being considered The Best and Most Versatile Agricultural Land.

Grade 1	Excellent quality agricultural land. Land with no or very minor limitations. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, for example tree fruit such as apples and pears, soft fruit, such as raspberries and blackberries, salad crops, winter harvested vegetables.	0%
Grade 2	Very good quality agricultural land. Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops.	0%
Grade 3a	Good-quality agricultural land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.’	32%
Grade 3b	Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year	41.5%
Grade 4	Poor-quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (e.g. cereals and forage crops) the yields of which are variable. In moist climates, yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land.’	26.5%

Grade 5	Very poor-quality agricultural land. Land with very severe limitations that restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.	0%
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5.25 Whilst the proposed solar farm development will require agricultural land to be removed from production, there is potential mitigation as follows.

- Grassland existence and establishment around the solar farm will lead to carbon sequestration, improvements in soil organic matter and soil structural improvements through less intensive farming operations.
- Careful selection of grass seed can be used to enhance species and biodiversity.
- Reductions in annual fertiliser and use of herbicides.
- Carbon offsets for crop and livestock operations.
- Reduction in handling and compaction of soils.
- Reduction in animal manure production.

5.26 It is considered, as the land is mostly lower quality agricultural land, that the site is appropriate for development.

***Green Belt (continued)***

5.27 The Planning Practice Guidance (PPG) on Green Belts (22 July 2019) sets out factors when considering the potential impact of development on the openness of the Green Belt and identifies that assessing the impact on openness requires a judgement based on the circumstances of the case.

5.28 These matters include, but are not limited to:

- Openness is capable of having spatial and visual aspects – in other words, the visual impact of the proposals may be relevant, as could its volume.
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic.

5.29 The proposed solar farm will include rows of solar panels, access tracks, fencing and other associated infrastructure. From a spatial perspective, it is accepted that the development would reduce openness by introducing a substantial number of solar panels onto previously undeveloped fields. However, the low nature of the solar panels will ensure that the structures are not dominant on the landscape and will thereby minimise the visual impact on the openness of the Green Belt.

5.30 The landscape and visual impact are localised to the area within the site and its immediate surroundings and will not result in any significant impact. The proposed solar farm has an operational lifespan of approximately 40 years and after this period, it will be dismantled, and the site returned to its previous condition for continued agricultural use. The harm to the openness of the Green Belt is moderate due to the temporary and reversible nature and will not lead to a permanent loss of openness.

5.31 The impact of the proposals on the five purposes of the Green Belt

- 1) To check the unrestricted sprawl of large built-up areas

The solar farm is a specialised temporary facility, with the application site being bounded by the M6 Motorway. The main urban area located to the south of the motorway.

2) To prevent neighbouring towns merging into one another

There are no towns or settlements in close proximity to the application proposals which would be merged as a result of the Proposed Development.

3) To assist in safeguarding the countryside from encroachment

The proposals will result in encroachment on the countryside, however, given commitments to decommission and restore the site, this is for a temporary period only and is not permanent.

4) To preserve the setting and special characteristic of historic towns

There are no historic towns in close proximity to the application site and the Landscape and Visual Appraisal identifies that the visual effects of the proposals are localised to the area within the site and its immediate surroundings.

5) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Proposed Development is not located on derelict or other urban land however there are specific locational needs for the choice of the site including the availability of sites of an appropriate size for a commercially viable solar development and the close proximity of the application site to grid connection with capacity.

### **5.31 *Renewable energy generation and contribution towards local and national carbon reduction targets***

- The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050.
- The Draft NPS EN-3 Renewable Energy (September 2021) highlights that electricity generation from renewable sources of energy is an essential element of the transition to net zero and identifies that the government is committed to sustained growth in solar capacity (as a key part of the Government's strategy) to ensure that net zero emission targets are met.
- Rugby Borough Council declared a climate change emergency and highlighted its commitment to help to deliver the UK's carbon reduction targets.
- Paragraph 152 of NPPF states that "the planning system should support the transition to a low carbon future in a changing climate...and support renewable and low carbon energy and associated infrastructure."
- The Proposed Development will provide a maximum output of 30MW and create an annual carbon saving of 7,080 tonnes of CO<sub>2</sub> compared to traditional power generation.

5.32 It is considered that very substantial positive weight should be accorded to the scale of generation of renewable energy and associated reduction in carbon emissions that the development will provide.

5.33 The application proposal would result in harm to the green belt by reason of inappropriateness and loss of openness. However, as set out above, it is considered that the level of harm is limited due to the following factors:

- The low horizontal nature of the solar farm minimises impact on openness.
  - The development is temporary and reversible in nature and the solar farm will be dismantled after 40 years and the site will be returned to agricultural use. The agent has advised that they are not seeking to remove the site from the Green Belt, but to use the land for a temporary period.
  - The landscape and visual assessment have identified limited landscape and visual effects which are localised to the area within the site and its immediate surroundings only; and
  - The Proposed Development will not result in loss of Grade 1 or 2 agricultural land.
- 5.34 It is considered that the benefits of renewable energy would outweigh the harm to the openness of the Green Belt. Furthermore, it has also been demonstrated that the site meets locational restrictions being of a sufficient size for a commercially viable solar development and in close proximity to grid connection with capacity to justify its required location in the Green Belt.
- 5.35 Therefore, in considering the above, the proposal would accord with relevant NPPF and NPPG policy, specifically relating to renewable energy development, the Green Belt, use of agricultural land and sustainable development, as well as with Rugby Core Strategy Policy GP2 and Policy SDC8.
- 5.36 The principle of development is considered acceptable, subject to all other planning matters being appropriately addressed.

## **6.0 Design and residential amenity**

- 6.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.
- 6.2 The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires for the proposal states that specific consideration will be given to the effect of glint and glare on neighbouring uses and aircraft safety including additional impacts if the array follows the movement of the sun.
- 6.3 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.4 The design of the proposed development has been informed by the context of the site and its surroundings. The immediate context within which the site sits is agricultural land. The solar arrays and associated equipment will be located within two established fields, bounded by mature hedgerows. To the edge of the fields, the M6 motorway, (to the south) and Oxford Canal (to the north).
- 6.5 The development will consist of solar arrays, 3-metre-high PV panels (either supported by piled posts or ground-mounted in some locations where access to underground services

is required), associated transformer units (2.6m high), perimeter and interior fencing (deer gate fixed to wooden gateposts, maximum of 2m high) and CCTV cameras.

- 6.6 The panels and associated equipment, functional in their appearance, reflecting the purposes, which is for the generation of electricity. A condition will be included for final details for the solar panels and associated equipment, to be used. **(Condition 16)**
- 6.7 It would be possible for the land to retain its agricultural use whilst the proposed development is operational, for example, through sheep grazing.
- 6.8 At the end of the lifetime of the proposed development, it is envisaged that all infrastructure associated with the proposed development would be removed and the land would be reinstated to its current condition.
- 6.9 Matters relating to the effects of glint and glare will be addressed within the Landscape and Visual section of the report.
- 6.10 Regarding the impact on the neighbouring properties, the nearest neighbouring property is at Brookfield Farm, at least one hundred metres from the site (under Rugby's authority), with the residential properties and business/industrial buildings been located beyond the M6 motorway (to the south). The solar panels and associated equipment are not of a size and scale which would be considered overbearing. In addition, the development will be well screened by the existing and proposed landscaping. It is therefore considered that the development will not impact on the amenity of any neighbouring property to a degree which would be considered unacceptable.
- 6.11 It is considered that once this information is received to the satisfaction of the Local Planning Authority, the development will comply with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031

#### ***Environmental Health***

- 6.12 The Environmental Health and Community Safety Team have been consulted and have raised no objection to the proposal, subject to conditions and informative notes, should approval be granted. The application is accompanied by a Construction Environmental management Plan (CEMP) and a Contamination Risk Management Report (CRMR)
- 6.13 Environmental Health have viewed the Construction Environmental management Plan (CEMP). As the CEMP report is in draft format, a condition **(Condition 9)** will be included for a Construction Management Plan. It was considered that the Contamination Risk Management Report (CRMR) was acceptable. In accordance with the report's recommendations, an intrusive site investigation and quantitative risk assessment will be included as a condition **(Condition 10)**
- 6.14 Environmental Health have requested informative notes regarding limiting construction hours, lighting and piling (to prevent nuisance by way of noise and/or vibration).

#### **7.0 Landscape and Visual**

- 7.1 Policy NE3 Landscape Protection and Enhancement states new development which positively contributes to landscape character will be permitted.

- 7.2 Policy SDC2 Landscaping states that landscape aspects of a development proposal will be required to form an integral part of the overall design, to include the identification and retention of Important site features.
- 7.3 Policy HS4 Open Space, Sports Facilities and Recreation states that, 'All open space of public value can be defined as primarily open land, whether green or hard surfaced and areas of water including canals, which offer important opportunities for sport and recreation and can act as a visual amenity'.
- 7.4 The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires applicants to demonstrate that opportunities to mitigate landscape and visual impacts have been maximised for example through screening with native hedges.
- 7.5 This planning application is accompanied by a Landscape and Visual Appraisal and Glint and Glare Assessment to demonstrate the potential impact of the proposed development on the wider landscape and any potential receptors.
- 7.6 The Council's Tree and Landscape Officer has been consulted, and has provided a response of no objection, subject to the provision of a finalised Arboricultural Method Statement and Tree Protection Plan (**Condition 7**), which will ensure that existing/retained trees and hedgerows are not damaged. Similarly, it will provide details of all proposed tree and hedgerow removals required to facilitate the proposal.
- 7.7 The application site is largely contained by the existing topography of the land and surrounding field networks with existing mature/established tree and hedge cover which on the whole screen the site from the wider area. Similarly, the existing canal has a raised embankment rising above path/water level which also contained established trees and hedging. Although the site is well screened, there are sporadic/small gaps at adjacent to the canal bridge and adjacent to the motorway footbridge where the site access will be formed. There are limited views into the site at this point. The M6 motorway and associated cutting and existing established vegetation screen the site to the south/south-east.
- 7.8 Small areas of hedgerow removal are noted to facilitate access through the application site.
- 7.9 Whilst the magnitude of effect on the character will be high within the site given the change of land use, it will be low beyond the site given the existing screening/landform/boundary features. No mitigation planting is proposed within this parcel given the existing established green infrastructure surrounding the application site.

***Glint and Glare***

- 7.10 The Glint and Glare Assessment appraises the potential glint and glare effects on nearby dwellings, road users and local aviation operatives. Specifically, to:
- Identify receptors in the vicinity of the Proposed Development that are sensitive to glint and glare.
  - Present calculated levels of glint and glare that might be incident on each of the receptor types; and,
  - Present details of the requirements for any mitigation, if necessary

To ensure the impacts on road and canal (tow path) users is acceptable, a condition for the screening review/assessment shall be completed, prior to the arrays being installed. **(Condition 17).**

### ***Aviation Results***

- 7.11 The modelling has shown that solar reflections are not geometrically possible for approaching aircraft to all runways at Coventry Airport, Birmingham Airport and at Wellesbourne Mountford Airfield. No solar reflections are geometrically possible towards the air traffic control towers at Coventry Airport and Wellesbourne Mountford Airfield. Whilst solar reflections are geometrically possible at Birmingham Airport, due to intervening topography they will not be experienced in practice. Therefore, no impact upon aviation is expected.

### ***Dwelling Results***

- 7.12 The key considerations for quantifying impact magnitude on dwellings are:
- Whether a solar reflection is predicted in practice; and
  - The total duration in which a reflection would occur in practice and the time of day in which reflections would be experienced.
- 7.13 There is a total representative sample of 160 dwelling receptors (nearly all of the moderate impact receptors (within 1km) are within Coventry), which have been assessed in all directions within a 1 km buffer of the proposed development, in summary:
- Solar reflections are not geometrically possible at 29 receptors.
  - 76 receptors in which solar reflections are geometrically possible, but there is adequate screening in place.
  - There are 17 receptors where solar reflections are possible and there is not adequate screening in place, but due to the maximum length of time the solar reflections are predicted in a day, and the duration at which they occur across a year, these receptors are deemed to receive solar reflections of low impact and as such no mitigation is required.
  - There are 38 receptors in which a moderate impact due to solar reflections is predicted. For each receptor at which a moderate impact is predicted, further factors to include panel visibility, sun position and separation distance have been considered and deemed that the impact of the solar reflections has been diminished such that mitigation measures are not required.

### ***Road Results***

- 7.14 The key considerations for quantifying impact significance on road users are:
- Whether a solar reflection is predicted in practice.
  - The significance of the road; and
  - The location of the reflecting panel relative to the road user's direction of travel.
- 7.15 It was considered that there was a total of 13 road receptors where mitigation is required. The proposed mitigation measures are receptor specific and include new screening, in-fill screening and vegetation management. Once screening is implemented, and the visibility of the panels is obstructed at the road receptors, there will be no/a negligible impact.

### ***Cumulative Impacts***

- 7.16 Approximately 1 km north of Proposed Development is the proposed Toldish Hall Solar Farm. Due to the distance and significant screening between this scheme and the receptors assessed for the Proposed Development, a cumulative assessment has not been undertaken.
- 7.17 It is therefore considered that the Proposed Development would not have an adverse impact on the wider views and landscape and accords with Rugby Borough Council Local Plan Policy NE3, Policy SDC2 and Policy SDC8.

## **8.0 Archaeology**

- 8.1 Policy SDC3 Protecting and Enhancing the Historic Environment states that development will be supported that sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes, and townscapes.
- 8.2 The NPPF within Section 16 states that Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.3 Paragraph 189 of the NPPF states that, amongst other things, that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.4 Warwickshire County Council Archaeology have been consulted and have requested for an archaeological assessment to be undertaken of the site. In discussion, Archaeology also requested an Archaeological Mitigation Plan.
- 8.5 The site is likely to have been in agricultural use since at least the medieval period and has significant archaeological potential. Whilst relatively little evidence relating to prehistoric and Roman periods has been identified, either from within the proposed development site or the immediate vicinity, this may reflect the lack of previous investigations across this area rather than providing evidence for an absence of pre-medieval occupation of the site. Therefore, there is potential for archaeological features associated with the use of this area during the pre-medieval periods to survive across this site. The importance of any archaeological deposits within the site, should they be present, is currently unknown.
- 8.6 On receipt of the Archaeological Desk Based Assessment (ADBA) and the Archaeological Mitigation Plan (AMP). Archaeology have advised that they agree with the findings within the AMP that there is a medium potential for the site to contain archaeological remains dating to the medieval and later periods. However, Archaeology, disagree with the ADBA that there is a low potential for archaeological remains dating from the prehistoric and Roman periods to survive within the site.
- 8.7 Archaeology would, generally, for a site of this size, request for an agreed programme of evaluative fieldwork to be undertaken before any decision has been taken. However, the applicant has confirmed that, within the AMP, that should any significant archaeological deposits be identified across any part of this site then, where appropriate, construction strategies requiring no below ground impacts will be used and that these strategies can, if necessary, be applied to the whole application site.

- 8.8 Generally, for a site of this size, an agreed programme of evaluative fieldwork would be required before any decision has been taken. However, the applicant has confirmed that should significant archaeological deposits be identified across any part of this site then, where appropriate, construction strategies requiring no below ground impacts will be used and that these strategies can, if necessary, be applied to the whole application site. As requested by Archaeology, the AMP document has been formally submitted to the Planning Authority to accompany this application.
- 8.9 Archaeology have revised their condition, to allow for the granting of permission, prior to the Written Schemes of Investigation being submitted, providing that the mitigation strategy within the AMP is adhered to **(Condition 18)**.
- 8.10 It is therefore considered that the proposed development is unlikely to cause substantial harm to the significance of any designated or non-designated assets, providing that the requested by Archaeology is adhered to. The Proposed Development therefore accords with Rugby Borough Council Local Plan Policy SDC3

## **9.0 Natural Environment**

### ***Ecological Considerations***

- 9.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, amongst other things.
- 9.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national, and local importance for biodiversity and geodiversity. In addition, development will be expected to deliver a net gain in biodiversity.
- 9.3 The Site is located within a semi-strategic location for grassland and woodland and an Ecosite (232/32 – Lentons Lane Farm) which is noted as having one of its primary habitat types as grassland.
- 9.4 Warwickshire County Council Ecology have been consulted. After reviewing the application, Ecology have requested amendments to be made to the Biodiversity Net Gain calculation and report.
- 9.5 In response to Ecology's request, the applicant has provided additional information. Ecology have assessed the information and are now of the opinion that biodiversity net gains can be achieved on site.
- 9.6 Ecology have requested for a Landscape and Ecological Management Plan (LEMP), to be conditioned **(Condition 14)** which will support the Biodiversity Net Gain assessment and ensure that the habitat types and habitat condition scores can realistically be obtained during 30 years of management and monitoring.
- 9.7 Ecology have also requested for a condition **(Condition 13)** for a detailed Construction Environmental Management Plan (CEMP) with specific protected site, habitat and species measures, to include species specific measures relating to the Ecological Appraisal report submitted for the ecological features at this site. This will also include details on the control

and removal of known invasive no-native species (INNS). They have also requested a condition for a 10-metre buffer between the canal and the works area **(Condition 15)**.

9.8 Once these conditions have been satisfactorily discharged, it is considered that the development will comply with Policy NE1

## **10. Flood Risk and Drainage**

10.1 Policy SDC5 Flood Risk Management aims to steer new development to areas with the lowest probability of flooding, to minimise the flood risk to people and property and manage any residual risk.

10.2 The application includes a Flood Risk Assessment, prepared to determine the potential sources of flooding on the site, impacts on flooding elsewhere and mitigation measures to reduce any impact.

10.3 Warwickshire County Council as the Lead Local Flood Authority (LLFA) reviewed the application and initially objected to the proposed development, due to the drainage and flood risk details relating to surface water drainage being insufficient. The information provided, did not allow a suitable assessment of the proposed development, considering flood risk and surface water drainage matters. The LLFA have advised that the surface water drainage scheme should be provided based on Sustainable drainage systems (SuDS) principles demonstrating how the development attenuates surface water runoff, improves water quality and provides amenity and biodiversity.

10.4 The applicant has provided an amended Flood Risk Assessment (FRA), which provides details of existing flood risk from all sources to the proposed site and its implications on the developable area within the site boundary. The applicant has also provided a technical note.

10.5 On receipt of this information, the LLFA have reversed their response of objection, to one of no objection, subject to a condition **(Condition 11)** requesting that the development is built in accordance with the approved FRA and Drainage Strategy. Furthermore, as the management of surface water run-off from the panels is entirely reliant on vegetation cover, the LLFA have also requested an informative note, for the Construction Environmental Management Plan and Landscape & Ecological Management Plan to include measures to manage drainage.

10.6 The Environment Agency and Severn Trent were consulted and have provided no response.

## **11.0 Access, Traffic and Transport Highway safety and car parking:**

11.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved.

11.2 Warwickshire County Council Highways have been consulted; based on the assessment and appraisal of the development proposals the Highway Authority have objected to the planning application pending receipt of further information.

- 11.3 The Highway Authority does not have an in-principle objection to the proposed development. However, they require additional information and amendments to the Construction Traffic Management Plan (CTMP).
- 11.4 To include:  
Swept path analysis to confirm that the manoeuvres of the largest HGV's (articulated and rigid) expected to access the development site during the construction period can be safely accommodated at the following locations:
- Junction between Wood Lane (C26) and Bulkington Road (B4029).
  - Junction between Bulkington Road (B4029) and Leicester Road (B4065).
  - B4065, Oxford Canal underbridge, noting that this is currently subject to signal-controlled shuttle operation.
- 11.5 The CTMP be modified to include:
- Measures to manage the timing of HGV movements to avoid increasing congestion during peak traffic periods and help reduce adverse impacts in sensitive areas.
  - Measures to ensure that no deliveries will take place outside of 09:00 – 16:00 hrs Monday – Friday and 08:00 – 13:00 on Saturdays, with no deliveries scheduled to arrive during the morning and evening peak periods.
- 11.6 The proposed wear & tear (Section 59 of the Highways Act 1980) agreement and associated pre and post-construction phase condition surveys set out in the CTMP is extended to include the proposed HGV route to/from the site along Shilton Lane, Wood Lane, Bulkington Road and the B4065 through Shilton and Ansty villages.
- 11.7 Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage.
- 11.8 In response the applicant has made amendments to include the modification of the CTMP to take account of the request from Highways to restrict delivery times and to accommodate a 'wear and tear' agreement that undertakes to make good any damage caused by the construction operations.
- 11.9 Highways have reassessed the CTMP and have provided a response of no objection, subject to a condition requiring construction to be undertaken in accordance with the Construction Traffic Management Plan (Condition 12). It is therefore considered once the condition is satisfactorily discharged; the development will comply with Policy D1.
- 11.10 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities.
- 11.11 There is no suggested parking standard for this type of development, the operation of a solar farm and therefore it will be assessed on its own merit.
- 11.12 There is provision for parking on site; two spaces providing parking for maintenance operators and one for the Distribution Network Operators (DNO) parking. One space is

designated as a disabled parking space that could also be used by non-disabled users. Parking is not available on the road leading from Lentons Lane.

11.13 The parking provision allows for ongoing maintenance and operational purposes. It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

11.14 Highway England's have been consulted and have provided a response of no objection, to the development.

***Rights of way***

11.15 Warwickshire County Council Rights of Way have been consulted and have provided a response of no objection to the development, subject to an informative note being carried on any consent stating that all public rights of way must always remain open and unobstructed unless closed by legal order.

**12.0 Climate Change and Sustainable Design**

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

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

12.3 The application is accompanied by a sustainability checklist which provides details of how the development proposes to address the key areas, regarding layout and design, sustainable transport, energy efficiency, flood risk and drainage and demolition and construction.

12.4 The layout and setting of the site have been considered and has regard to the characteristics of the site. The development will improve biodiversity by preserving or enhancing onsite habitat. The application site does not fall within a Flood Zone 2 or 3. The purpose of the development is for the generation of renewable energy.

12.5 It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4

**13.0 Other Matters**

13.1 Cadent (Gas) (asset protection) have been consulted and have confirmed that there are no National Gas assets that will be affected by the development within the area.

13.2 Cadent (Gas) (plant protection) have been consulted and have provided guidance on how to register with the organisation, if digging on site is required. This will be included as an informative.

13.3 National Grid requested for the agent to advise if they had the necessary agreements for connection into the Coventry substation and the use of National Grid Electricity

- Transmission land for their proposed cable route. In response, the agent has confirmed that they have an agreement to connect the proposed solar farm to the National Grid.
- 13.4 Coventry City Council (as the applicant) have provided a response of no comment.
  - 13.5 The Ramblers recognise that there are no public rights of way affected in the Rugby section of the application. Although, they are aware the site is located within the Green Belt, they have provided a response of no objection to the development.
  - 13.6 The application site is adjacent to the Oxford Canal. The Canal and River Trust after reviewing the application, have provided a response, stating that they are unable to make a substantive response and have requested additional information relating to landscaping, glint and glare impacts, visual impact on the character of the canal corridor and proposed mitigation of impacts through landscape planting.
  - 13.7 The Canal and River Trust are concerned about the potential effect of construction of the access track and its subsequent use by vehicles on the nearby canal infrastructure. The Trust have requested a condition regarding construction of the access track, including any proposed earthmoving or excavation works. (Condition 8) The applicant has agreed to the condition.
  - 13.8 The Trust have also requested an informative advising that access or the carrying of cable for the grid connection across Whittings Lane Bridge and Stone Bridge, will require the prior consent of the Trust. The applicant has agreed to include the informative.
  - 13.9 The Trust have advised that there are mine shaft entries within close proximity to the development, which may include potential contamination. The Environmental Health Team have been informed and have provided no direct response, relating to the mine shafts, within their comments.
  - 13.10 In response to the comments, the applicant has confirmed that additional screening will be provided between the canal and canal tow path. It is considered that this will help screen the proposed development from canal and tow path users, to include any Glint and Glare. The applicant has also advised that a Construction Environmental Management Plan will be delivered by planning condition.
  - 13.11 The Coal Authority have been consulted, whilst they recognise that parts of the application site fall within the Development High Risk Area (DHRA), the nature of development proposed in the area is exempt (although there are aspects of non-exempt development not within the DHRA).
  - 13.12 There is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal. Although, the Preliminary Risk Assessment, submitted by the applicant, recognises the risks posed by both mine entries and potential unrecorded shallow coal mine workings. The Coal Authority have requested for an informative to be included to recommended further consideration/investigation to the positions of the mine entries when positioning the solar panels to avoid these areas.

- 13.13 Warwickshire Police have provided guidance on how the applicant can 'design out crime', to include: accessing the site, perimeter security an access control and electronic security. This information has been forwarded to the applicant and a summary will be included as an informative note.
- 13.14 Warwickshire Fire and Rescue have provided a response of no objection, subject to an informative regarding (fire engine) vehicle access.
- 13.15 The Water Department (Fire and Rescue) asked whether there will be battery storage on site. In response, the applicant has advised there will not be battery storage, therefore, the Water Department has advised that they have no comments to make regarding the development.
- 13.16 Inland Waterways (Lichfield and Warwickshire), the Warwickshire Wildlife Trust and Coventry Airport, were consulted, but have provided no response.

#### **14.0 Planning Balance and Conclusion**

- 14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 14.2 The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The NPPF (Paragraph 7) identifies the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 14.3 Paragraph 8 continues to advise that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning systems three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are an Economic, Social, and Environmental objective.

##### ***Economic and Social objective***

- 14.4 From an economic perspective the proposed development would result in an immediate investment into the borough/county. Due to the construction on site and employment relating to construction jobs whilst the development is being built. Such matters would have a positive impact on the local economy and prosperity of the borough/county, and positively affects the local community, which weighs in favour of the application.
- 14.5 It is considered any recreational facilities, to include the Canal, will remain accessible and will not be adversely impacted on.
- 14.6 The proposed development accords with the economic and social dimension of sustainable development and should therefore be afforded positive weight in the determination of this application.

##### ***Environmental objective.***

- 14.7 From an environmental perspective the principle of renewable energy, such as solar power is strongly supported by both local and national planning policy. Meeting the

challenge of climate change is at the core of the NPPF and it sets out how planning plays an intrinsic role in supporting the delivery of renewable and low carbon energy developments. The Proposed Development would provide a clean, renewable and sustainable form of electricity and will also make a valuable contribution to the generation of electricity at a local level. The Proposed Development would add to the region's progress in meeting its renewable energy target and would also assist in meeting national targets for both energy supply and low carbon energy development. Furthermore, it would help Rugby Borough Council respond positively to their declared climate emergency.

14.8 The proposed development accords with the environmental dimension of sustainable development and should therefore be afforded positive weight in the determination of this application.

#### 15.0 **Conclusion**

15.1 In conclusion, it is considered that the development is acceptable, regarding the key material planning considerations, to include, the principle of the development, design and appearance, impact on neighbouring properties, impact on the Green Belt, landscape, the natural and historic environment and landscape, the loss of agricultural land, flood risk and drainage, access, highways, environmental health matters, and the overall cumulative impact. The proposal will also provide the necessary mitigation against the impact of the development on the local community and infrastructure.

15.2 The NPPF within section 14 is clear that planning has a key role in supporting renewable energy and associated infrastructure, and the planning system should "support the transition to a low carbon future in a changing climate" and "support renewable and low carbon energy and associated infrastructure." Furthermore, the NPPF states that applications for renewable and low carbon development should be approved if the impacts are (or can be made) acceptable.

15.3 On balance, it is concluded that the development would provide a sustainable development, which will positively provide, social, environmental and economic benefits.

15.4 In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1 of the Local Plan.

15.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

#### 16.0 **Recommendation**

1. Planning application R23/0672 be approved subject to:

- a. Referral to the Planning Casework Unit
- b. the conditions and informatives set out in the draft decision notice appended to this report; and

- 
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R23/0672

**DATE APPLICATION VALID:**  
10-Jul-2023

**APPLICANT:**  
c/o agent, Council of the City of Coventry.

**AGENT:**  
Mr Grant Young, Young Planning & Energy Consenting Ltd, Suite 29, 196 Rose Street,  
Edinburgh, EH49 7NL.

**ADDRESS OF DEVELOPMENT:**  
Lentons Lane, Aldermans Green

**APPLICATION DESCRIPTION:**  
Construction and operation of a solar farm, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

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

The Application Form

The Planning Statement - 29th May 2023

The Agricultural Land Classification Report - Ref KCP/PR/P006 - December 2022

Construction Traffic Management Plan - 106670 - May 2023

Land Contamination Risk Management - Preliminary Risk Assessment (PRA)

Glint and Glare Assessment - 15343-001 - 09 May 2023

Landscape and Visual Appraisal - May 2023

Location Plan - SK00 Rev P1

Swept Path Assessments - SK03 Rev P1

Swept Path Assessments - SK03A Rev P1

Typical Track Construction - SK04 Rev P1

Indicative Control Station - SK04A Rev P1

Indicative Fence - SK04B Rev P1

Indicative Solar Panels - SK04C Rev P1

Indicative Inverter Container - SK04 D Rev P1

Indicative Construction Compound - SK04E Rev P1

Fence Boundary Plan - SK05 Rev P1

Cable Connection Plan - SK06 Rev P1

Consultation Enhancement Plan - SK07 Rev P1

Received by the Local Planning Authority on the 19th June 2023

Tracking Drawing - SK01 Rev 0  
Tracking Drawing - SK02 Rev 0  
Tracking Drawing - SK03 Rev 0  
Tracking Drawing - SK04 Rev 0  
Consultation Enhancement Plan - SK07 Rev P1  
Consultation Enhancement Plan - SK07A Rev P1  
Flood Risk Assessment  
Biodiversity Net Gain Assessment - Final Report - September 2023  
Ecological Appraisal - Final Report - September 2023  
Outline Construction Environmental Management Plan (CEMP) - 106670  
Archaeological Desk-Based Assessment - Report 4354  
Received by the Local Planning Authority on the 10th October 2023

Construction Traffic Management Plan November 2023 - 106670  
Received by the Local Planning Authority on the 13th November 2023

Layout Plan - SK01 Rev 003  
Proposed Track 4 (1 of 3) - SK02E Rev 003  
Proposed Track 4 (2 of 3) - SK02F Rev 003  
Proposed Track 4 (3 of 3) - SK02G Rev 003  
Fence Boundary Plan - SK05 Rev 003  
Cable Connection Plan - SK06 Rev 003  
Landscape - SK07A Rev 0  
Received by the Local Planning Authority on the 2nd January 2024

Arboricultural Impact Assessment - January 2024  
Received by the Local Planning Authority on the 9th January 2024

Archaeological Mitigation Plan - January 2024 - 106670  
Received by the Local Planning Authority on the 22nd January 2024

**REASON:**

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

**CONDITION 3:**

The premises shall be used for the operation of a solar farm with associated equipment and for no other purposes within the use class or any permitted change to a different use class.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

**CONDITION 4:**

The planning permission is for a period from the date of this permission until the date occurring 40 years after the date of commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

**REASON:**

To ensure this permission is a temporary development on the landscape, having an operational life of 40 years.

**CONDITION 5:**

If the solar farm hereby permitted ceases to operate for a continuous period of 6 months, then unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

**REASON:**

To remove the non-operational development from the landscape.

**CONDITION 6:**

At the end of the operational lifespan (40 years), the solar panels and other infrastructure will be removed, and the site restored back to full agricultural use. A scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Planning Authority

**REASON:**

The decommissioning and restoration process intends to restore the land to the same quality as it was prior to the development taking place.

**CONDITION 7:**

No works, demolition or development shall take place until a finalised arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. This arboricultural method statement and tree protection plan must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring. The approved arboricultural method statement and tree protection plan shall be implemented in full prior to any works, demolition or development taking place. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Prior to any works, demolition or development taking place, a site meeting between the applicant, the Local Planning Authority arboricultural officer and designated arboricultural consultant responsible for the site will take place to inspect tree protection measures.

**REASON:**

To ensure trees are protected.

**CONDITION 8:**

No works to construct the proposed access track within the application site shall take place until a Method Statement detailing the means of construction of the track, including any proposed earthmoving or excavation works required in connection with its construction has first been

submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the stability of nearby embankment and cutting slopes associated with the Oxford Canal (such as vibration monitoring or establishment of stand-off distances for operating plant or machinery during construction work and site investigations) or provide sufficient information to demonstrate that no risk to the stability of these structures will occur, both during construction operations and also during subsequent operational use of the track by vehicles. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

**REASON:**

In the interests of avoiding the risk of creating land instability arising from any impacts from works to construct the access track or subsequent use of the track which could adversely affect the stability of embankment and cutting slopes associated with the Oxford Canal in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and in the National Planning Practice Guidance.

**CONDITION 9:**

Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to and approved by the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase.
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase.
- measures to reduce mud deposition offsite from vehicles leaving the site.
- a piling risk assessment if such works are to take place.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

**REASON:**

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

**CONDITION 10:**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. The additional works may be carried out with reference to the 'Pell Frischmann Lentons Lane Solar Farm Coventry Land Contamination Risk Management, Report Ref. 106670-PEF-ZZ-XX-RP-GG 600001 P01 LCDS Lentons Lane.Docx Rev P02 S2 Planning Application Issue date 02-May-2023' If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

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

a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

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

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

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

**REASON:**

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

**CONDITION 11:**

The proposed development site shall be built in accordance with the approved FRA and Drainage Strategy (106670-PFC-ZZ-XZ-RP-YE-000010-S0-P03\_FRDA) and in particular the following mitigation measures.

1. The solar panels on site should be mounted at a minimum of 600mm from the ground at the lowest point.

2. Each solar panel will maintain a gap between each individual panel to allow for surface water to run off at multiple points on to the vegetation below to prevent the concentration of run off.
3. While it is accepted runoff may not increase given typical solar farm design, the concentration of runoff along the drip-edge of panels can lead to erosion issues, therefore it is important that the site's vegetation is established and well maintained, through sheep grazing or light moving where necessary.
4. The access tracks constructed on site should be of a permeable nature with no hardstanding materials used.

Prior to use of the development, suitable verification of the above measures shall be submitted and subsequently approved in writing by the Local Planning Authority.

**REASON:**

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

**CONDITION 12:**

The construction of the development must be undertaken in accordance with the Construction Traffic Management Plan dated November 2023, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interest of Highway Safety

**CONDITION 13:**

Construction Environmental Management Plan (CEMP)

Prior to commencement, a detailed CEMP must be submitted and approved by the Local Planning Authority (LPA). In discharging this condition, the LPA expect to see detail of appropriate mitigation measures to avoid impacts on nearby protected sites and retained on-site and adjacent habitats. The CEMP will include the following best practice construction measures to avoid potential impacts such as contamination, encroachment, and soil compaction. This includes:

- Fencing off habitats of ecological value to prevent encroachment of the development activities e.g., ponds within the red line boundary, to prevent run off directly into waterbodies.
- Secure storage and safe disposal of any materials and substances to prevent accidental contamination.
- Prevention or reduction of dust through timing of works or damping down.
- Control of surface water runoff, including from damping down, to prevent contamination of waterbodies (Oxford Canal pLWS adjacent to the Site) and impacts to otter and water vole.

All retained habitats including ponds and hedgerows must be appropriately protected through the construction phase, details to ensure this must be included in the CEMP.

Details on control, removal, and eradication of INNS (specifically parrots feather) at the Site must also be included within the CEMP.

The CEMP must also include measures to protect and mitigate damage to protected species. Protection measures must be taken from recommendations made within the Ecological Appraisal and include specific details for bats, badger, birds, reptiles, GCN and other amphibians, otter, water vole and hedgehog.

The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

**REASON:**

To ensure that protected sites, important retained habitats and protected species are not harmed by the development.

**CONDITION 14:**

**Landscape and Ecological Management Plan (LEMP)**

A LEMP shall be submitted to, and approved in writing, by the LPA prior to commencement of the development.

The LEMP will be required to ensure the biodiversity net gains set out within Scenario 2 will be achieved at the Site. The LEMP must directly support the BNG assessment approved as part of this planning application and ensure that the habitat types and habitat condition scores can realistically be obtained during 30 years of management and monitoring.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan for a 30- year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP must also include any and all habitat improvements and enhancements for wildlife, including.

- Badgers - The LEMP must demonstrate the implementation of 5m buffers around the field boundaries, including the hedgerows and ponds to create uncropped field margins and retention of existing areas of open grassland to allow movement of badger around the Site.
- Bats- To mitigate for the loss of foraging opportunities as a result of grassland loss and small, localised loss of hedgerows, the proposed scheme will make provision for re-establishment of grassland loss within areas of solar arrays and enhancement of retained grassland along the field margins and open areas. This should be managed sympathetically for wildlife, specifically for grassland this should encourage a diverse and varied sward to develop. This will encourage a rich and abundant invertebrate population to establish, providing better foraging opportunities for bats. To mitigate for the loss of commuting opportunities, new hedgerows should be planted, and defunct hedgerows should be subject to infill plating. This will improve connectivity through the Site and to suitable habitat in the wider area. Furthermore, the proposed development should include improve the foraging and commuting habitat for bats along the river corridor by sympathetically managing this area. The LEMP should also include locations

for the incorporation of bat boxes on nearby trees. This will provide new roosting opportunities for local bat populations, although it should be noted that these features should be in unlit areas, as this can reduce their suitability for these species.

- The LEMP must also detail how proposed scheme will increase the ecological value of the Site for reptiles through the creation of additional foraging and sheltering opportunities within the Site by infilling of defunct hedgerows and creation of new hedgerows, creation of hibernacula, log and brash piles.
- The LEMP must also detail how proposed scheme will increase the ecological value of the Site for GCN including, the creation of additional foraging and sheltering opportunities within the Site by infilling of defunct hedgerows and creation of new hedgerows, creation of hibernacula, log and brash piles, implementation of a 5m buffer of uncropped grassland around the retained ponds and hedgerows within the Site. This will provide suitable habitat for this species to disperse to breeding ponds and terrestrial habitat used for sheltering and overwintering in the wider area.
- The LEMP must also detail how proposed scheme will provide enhancement opportunities for otter and water vole.
- The LEMP must also detail how proposed scheme will incorporate enhancements for hedgehogs.

The LEMP shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be fully implemented in accordance with the approved details.

**REASON:**

To ensure a net biodiversity gain in accordance with NPPF

**CONDITION 15:**

A 10m buffer between the proposed scheme and the canal must be instated and maintained throughout the duration of the construction phase and during the operational phases of the development. This is to ensure that any potential impacts from habitat loss/ pollution events can be prevented and minimised, thus reducing impacts to the pLWS and otter and water vole.

**REASON:**

to comply with Policy NE1 of the Rugby Borough Local Plan and protect designated areas and species of national, and local importance for biodiversity.

**CONDITION 16:**

Notwithstanding the details submitted, nor the approved plans contained in Condition 2, prior to the commencement of works, details of the proposed materials and finish of the solar panels, frames, ancillary buildings, containers, fencing, CCTV, and enclosures shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

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

**CONDITION 17:**

**Glint and Glare**

Prior to installation of array panels, a screening review/assessment shall be completed to assess the impacts on road and canal (tow path) users will be submitted and approved in writing by the Council. The review shall take into account the indicative measures described in the Glint and Glare Assessment, dated 9th May 2023.

No array panels shall be erected until the measures in the approved review are installed, with all works being implemented in strict accordance with the approved mitigation works.

**REASON:**

In the interest of amenity on, road, canal, or tow path users

**CONDITION 18:**

No development shall take place until:

- a) Written Schemes of Investigation (WSIs) for a staged programme of archaeological evaluative work, comprising geophysical survey and trial trenching have been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSIs has been undertaken. Reports detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

**REASON:**

In the interest of Archaeology.

**INFORMATIVE 1:**

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**INFORMATIVE 2:**

Warwickshire Police recommend any development is designed in such a way to prevent potential crime or criminal activity. Areas for consideration when designing the site layout, and once the development is in operation include:

Access to the Site

Perimeter Security and Access Control

Electronic Security

**INFORMATIVE 3:**

All public rights of way must remain open and unobstructed at all times unless closed by legal order.

**INFORMATIVE 4:**

The development must meet the Warwickshire Fire and Rescue Authority requirement, as outlined within the Approved Document B, Volume 2, Requirement B5 - Access and Facilities for the Fire Service:

- Minimum width of the access road is 3.7 metres along the entire length.
- Minimum width of any gateways is 3.1 metres.
- Minimum height clearance is 3.7 metres.
- Minimum carrying capacity is 12.5 tonnes.
- A fire appliance to gain access to within 45 metres of all points within the footprint of each building or in accordance with table 15.1 of ADB, Volume 2.
- Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m.
- Dead-end access routes longer than 20m require turning facilities.
- Turning circles should be a minimum of 16.8m between kerbs or 19.2m between walls.

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](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

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

**INFORMATIVE 5:**

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

**INFORMATIVE 6:**

Warwickshire Fire and Rescue Authority ask you 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.

**INFORMATIVE 7:**

The applicant is advised that any use of Whittings Land Bridge (Br.5) and Stone Bridge (Br. 9) crossing the Oxford Canal (whether for access or to carry cables for the grid connection) will require the prior consent of the Canal and River Trust as owner of the bridge. Further advice should be sought from the Trust's Infrastructure Services Team and Utilities Team in order to ensure that all works comply with the Trust's current Code of Practice for Works Affecting the Canal and River Trust and that all necessary consents are obtained in advance. Please be

advised that consent to carry cables across the bridges is likely to be subject to completion of a commercial agreement with the Trust.

#### INFORMATIVE 8:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites.

Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### INFORMATIVE 9:

##### Construction hours

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

Monday - Friday 7.30 a.m. - 6.00 p.m.

Saturday 8.30 a.m. - 1.00 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 10:

##### Lighting

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

**INFORMATIVE 11:**

**Piling**

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

**INFORMATIVE 12:**

The applicant is advised that any use of Whittings Lane Bridge (Br. 5) and Stone Bridge (Br. 9) crossing the Oxford Canal (whether for access or to carry cables for the grid connection) will require the prior consent of the Canal & River Trust as owner of the bridge. Further advice should be sought from the Trust's Infrastructure Services Team and Utilities Team in order to ensure that all works comply with the Trust's current Code of Practice for Works Affecting the Canal & River Trust and that all necessary consents are obtained in advance. Please be advised that consent to carry cables across the bridges is likely to be subject to completion of a commercial agreement with the Trust.

**INFORMATIVE 13:**

Any Construction Environmental Management Plan (CEMP) for the application site should include measures to manage siltation of the watercourses and drainage features during works to mitigate the impact on the water environment.

The CEMP and Landscape & Ecological Management Plan should also detail how soil compaction will be minimised during construction and any remedial works such as ploughing/furrowing that should be undertaken as necessary. This is to assist infiltration and vegetation establishment and reduce the risk of surface water run-off and erosion post construction.

**INFORMATIVE 14:**

Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. As set out in the Construction Traffic Management Plan the survey is to include the proposed HGV route to/from the site along Shilton Lane, and Wood Lane. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

**INFORMATIVE 15:**

It is strongly encouraged that the development hereby approved shall utilise green construction methods. This should include utilising natural, recycled and sustainable building materials. Measures to minimise damage to the local area and ecosystem during and after construction should also be employed.

**Reference: R23/1075**

**Site Address: 263A, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BB**

**Description: Change of use from hair salon to a restaurant/hot food take-away (Sui Generis)**

**Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38837>**

**Recommendation**

1. Planning application R23/1075 be approved subject to:  
  
the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

1.1 This application is being reported to Planning Committee for determination because 15 or more letters of objection have been received.

**2.0 Description of site**

2.1 The application site is a single storey building that is located on Rugby Road. Rugby road is located in the main rural settlement of Binley Woods and is the main road that runs through the settlement. There is a wide variation of the different styles of properties in the area, with the ones in the immediate area being a mix of bungalows and semi-detached two storey properties with private driveways.

2.2 The property is designed in a dark grey render white UPVC window and door openings. The property has a gable roof with concrete interlocking tiles. The building is currently used as a Hair salon. The site has parking to both the rear and the front of the building. The site is set back and is residentially characterised by the residential buildings surrounding the property.

**3.0 Description of proposals**

3.1 This application seeks permission for the change of use from a hair salon to a restaurant/hot food takeaway.

3.2 Currently the shop falls under Use Class E and the proposal is to change the use to a hot food takeaway (Use Class Sui Generis). The hot food takeaway is expected to employ five full-time and two part-time members of staff. To facilitate the operations of the hot food takeaway internal alterations are required. After internal alterations are completed, the front of the shop will be the waiting and ordering area with the rear being the kitchen.

**Planning History**

R21/0805	Outline planning application for a single dwelling house, with all matters reserved except for access	Approved 13-Sep-2021
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### **Relevant Planning Policies**

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

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

#### Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement hierarchy

SDC1: Sustainable design

SDC4: Sustainable Buildings

D2: Parking facilities

HS1: Healthy, Safe and Inclusive Communities

#### Supplementary Planning Documents

Climate Change & Sustainable Design and Construction– 2023; including Residential Design Guide

#### National Planning Policy Framework, 2023 (NPPF)

### **Technical consultation responses**

WCC Highways Authority – No Objection.

RBC Environmental Health – No Objection subject to Conditions and Informatives.

RBC Works Services – No Objection subject to informative.

### **Third party comments**

Ward councillors were notified, and no comments were received.

Parish Council – Objection

Parish Council Objections summarised:

- The proposal would be out of character of the area.
- Any increase in lighting at the development would result in unnecessary light pollution.
- The proposal would result in the loss of privacy to neighbours.
- The increase in traffic movements would lead to increased noise and disturbance in the nearby area.
- The proposal would lead to an immense increase in traffic movements to Rugby Road and side roads.
- The proposal would have an adverse impact on the rural landscape.

16 Objections were raised by neighbouring properties against this application.

Objections summarised:

- Parking concerns
- Highway safety
- Increased noise and traffic
- Smell from cooking food
- Increased litter in the surrounding area
- Change to appearance could be out of character with the area
- The takeaway is not in keeping with other properties on Rugby Road

- Takeaways already located nearby
- Opening hours of the takeaway
- Not a suitable location for a takeaway
- Loss of privacy

#### **4.0 Assessment of proposals**

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

##### 5.0 Principle of development

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

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

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

5.4 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy with Rugby Town being the main priority of development within the borough. The site is located within a Main Rural Settlement as defined in policy GP2, as such development will be permitted within existing boundaries.

5.5 The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

5.6 This application is therefore considered to comply with policy GP2 of the Local Plan

5.7 Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the area, residential amenity, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

##### 6.0 Design

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

6.2 Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 130 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 135 (b) states that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.3 The proposal would see limited changes to the exterior of the property. The shopfront would change and would see the relocation of the main access door to the middle of the front elevation, incorporating large glass doors and windows to replace the existing window and wall on the front elevation. These changes would have a limited effect on the street scene and would not be detrimental to it.

6.4 If planning permission is granted, any new signage on the front of the shop may require advertisement consent. Informative 5 is recommended to make the applicant aware.

6.5 The proposal is considered to be of an acceptable scale and design and does not constitute over development of the building or its plot. The materials are considered to be in keeping with the host property.

6.6 The proposal is not considered to impact adversely upon the character of the local area to any significant extent and is in accordance with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031.

#### 7.0 Impact on neighbouring properties

7.1 In addition to seeking development to respect the character of an area, Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.

7.2 With reference to the Climate Change & Sustainable Design & Construction SPD (2023), it states that the council should assess the impact on residential amenities enjoyed by the occupiers of the surrounding properties.

7.3 This section of the report will only assess the impact the external alterations will have on the amenity of nearby residential properties. Air quality, odour, noise and litter will be assessed in the next section of the report.

7.4 Due to the siting and size of the proposal, no neighbouring properties would be affected by overshadowing or overlooking, with changes only taking place at the front of the premises.

7.5 One concern that has been raised is a loss of privacy due to a right of access to the side of the property. Although there will likely be an increase in footfall at the premises, there will not be any additional loss of privacy, as currently any member of the public can look through this side access if they wish.

7.6 It is considered that the impact on neighbouring properties in relation to light and privacy is acceptable. This application is therefore considered to be in accordance with policy SDC1 of the Local Plan and the Climate Change & Sustainable Design & Construction SPD (2023).

#### 8.0 Air Quality, Odours, Noise and Litter

8.1 Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area that generates new floorspace must achieve or exceed air quality neutral standards or address the impacts of poor air quality by mitigating their effects. The Council seeks to reduce air pollution in order to contribute to achieving national air quality objectives.

8.2 There will be a material increase of emissions linked to the proposed use compared with the previous use as a result of vehicular generated visits to the site. The takeaway will be situated in a residential area and should serve the local community. It would be unknown how many of the potential customers would travel to the takeaway by car, by bicycle or by walking to the site. Environmental Health were consulted on the application and did not raise any air quality concerns. Informative 1 is recommended which identifies various initiatives which assist in reducing the impact upon the Air Quality Management Area.

8.3 The proposed hot food takeaway will result in odour and smoke, it is not achievable to eliminate all odours and smoke, but it is possible to effectively mitigate against them to protect the amenities of the surrounding residential properties as far as possible. RBC Environmental Health have provided Condition 9 to ensure that sufficient odour control equipment is installed at the application site. The details of all necessary odour and fume devices will be analysed by RBC and approved before the installation of any catering equipment. Along with that Condition 8 was provided by RBC Environmental Health to demonstrate the extraction system that would be installed at the site.

8.4 Condition 7 was also provided by RBC Environmental Health to ensure that noise levels are not increased above acceptable standards. This condition requires that a noise assessment is undertaken to ensure equipment installed does not reach sound levels that are unacceptable.

8.5 Hot food takeaways generate other noises such as from customers. Given the residential setting of the proposed takeaway, it is considered appropriate to impose a condition (condition 4) to restrict opening hours in line with the proposed opening hours (Monday to Saturday 12 am – 10:45pm and Sunday and Bank Holidays 2pm – 8pm). Restricting the hours to those above will ensure the takeaway will not generate noise at inappropriate times to protect the amenities of the nearby properties.

8.6 A takeaway will generate waste from its operation (food preparation) and from its customers. Controlling the waste generated by the food preparation process is easier to control than waste generated by the customers. The plans show a bin storage to the rear of the building.

8.7 In terms of waste generated from the customers and the concerns surrounding littering, this is harder to control as it is ultimately the choice the customer makes. However, the takeaway can encourage proper disposal, although it is realised that the majority of the waste will need to be disposed off-site by the customer. Condition 5 is recommended so that prior to the first use of the takeaway a litter management scheme shall be submitted to and approved in writing by the LPA which should include details on the regularity of litter picking, existing and proposed bin provision and associated signage.

8.8 These proposed conditions should resolve a number of the concerns that were raised through neighbour objections, with the concerns regarding potential smell from cooking food, increased litter in the area and opening hours of the takeaway being resolved.

8.9 The application is considered to be in accordance with Policy HS5 of the Local Plan.

## 9.0 Impact upon Healthy Lifestyles

9.1 As part of Policy HS1, support will be given to proposals which seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets. Section 8, paragraph 96c of the NPPF similarly also states that planning decisions should enable and support healthy lifestyles.

9.2 It is acknowledged that the majority of food offered by hot food takeaways is not deemed to be healthy. However, due to the small-scale nature of this development with only one unit offering takeaway food this will have a limited impact on the overall role in creating and maintaining healthy, safe and inclusive communities. Ultimately people have a choice in what they eat and drink and decide their own diets. With the wide range of access available to unhealthy foods, it is considered unreasonable to refuse the application on this point as this takeaway will only contribute a very minor amount to the diets of the local community. Overall, this consideration carries little weight in the overall assessment.

9.3 The application is considered to be in accordance with Policy HS1 of the Local Plan and Section 8 of the NPPF.

## 10.0 Highway Safety & Parking

10.1 Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Policy D2 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities.

10.1 Section 9, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.2 The proposal site will have a Gross Floorspace Area of approximately 65m<sup>2</sup> and the Council's standards require 13 car parking spaces in this location. The actual area of space that is available to customers would be approximately 23m<sup>2</sup>, if we were to consider only the space available to customers, a total of 5 spaces would be required at the location. A total of at least 7 spaces will be provided at the property. An assessment has to be made as to whether these spaces are adequate and satisfactory. Although the number of spaces proposed does not meet the advised parking standards within the Local Plan, it is considered on balance that the hot food takeaway will have adequate and satisfactory parking available due to the actual space used by customers is substantially lower and therefore would likely require far fewer parking spaces.

10.3 WCC Highways have stated they have no objection to the application, although the change of use will increase the amount of traffic at the access, there is visibility commensurate with the speeds of the adjoining road. Also, records available show there are no accidents, within the last 5 years, associated with the access. The NPPF states that applications should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe which the Highway Authority consider not to be the case.

10.4 Although the merits of the objector's comments are appreciable, it is important to note that the existing shop falls under Use Class E and therefore can be operated as anything that falls under Use Class E without the need for planning permission. The site has limited off-street car parking and therefore the ground floor space could be converted to a convenience store, for

example, without requiring planning permission and the same amount of parking spaces being available.

10.5 Since WCC highways have no objection to the application and although the amount of parking may not meet RBC requirements, there should be adequate parking to service the application site. This application is considered to be in line with policy D2.

10.6 This application is therefore considered to be in accordance with Section 9 of the NPPF and policy D2 of the Local Plan.

#### 11.0 Planning Balance and Conclusion

11.1 The site is located within the second most sustainable location in the borough. The proposed work will not adversely impact the streetscene and will have little adverse impact on the amenities of the adjoining properties. A condition for an extraction system has been detailed to ensure the protection the surrounding neighbours from odours and smoke as far as possible. With further conditions recommended to protect the amenity of neighbouring properties. Restricting opening hours will ensure the takeaway does not generate noise at inappropriate times to protect the amenities of nearby residential properties. Although limited car parking spaces are proposed on the site of the proposed takeaway, it is considered that the car parking spaces provided would be sufficient. The proposal is judged not significantly impact highway safety and operation.

11.2 On balance, it is concluded that the proposal constitutes sustainable development. It complies with the Development Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission should be approved.

#### **12.0 Recommendation**

12.1 Planning application R23/1075 be approved subject to:

the conditions and informatives set out in the draft decision notice appended to this report; and

12.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R23/1075

**DATE APPLICATION VALID:**  
26-Oct-2023

**APPLICANT:**  
Mr Louis May-Russell

**AGENT:**  
Mr Taijan Patel, Tim Adams Architects Limited

**ADDRESS OF DEVELOPMENT:**  
263A, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BB

**APPLICATION DESCRIPTION:**  
Change of use from hair salon to a restaurant/hot food take-away (Sui Generis)

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON:**

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

**CONDITION 2:**

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

Documents received by Council 26-Oct-23

ApplicationForm.pdf

(Application Form)

Drawing No:PP-12543434v1

(Site Location Plan 1:1250)

Drawing No:182-TAA-XX-01-DR-A-1200 P03

(Proposed Floor and Roof Plan 1:50)

Drawing No:182-TAA-XX-00-DR-A-1400 P01

(Proposed Elevations 1:100)

Drawing No:182-TAA-XX-ZZ-DR-A-1100 P01

(Proposed Site Plan 1:200)

Plans received by Council 24-Jan-24

Drawing No:182-TAA-XX-ZZ-DR-A-1101 P03

(Proposed Block Plan 1:200)

**REASON:**

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

**CONDITION 3:**

The facing materials to be used on the external walls and roof shall be as specified on the application form, received by the Council on 26-Oct-23 and on plans outlined in Condition 2.

**REASON:**

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

**CONDITION 4:**

The premises shall not be opened for business other than between the hours of 12am - 11pm Monday to Saturday and 2pm-8pm Sunday.

**REASON:**

To protect the amenity of nearby properties.

**CONDITION 5:**

Prior to the first occupation of the development hereby permitted, a litter management scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with thereafter. Such details shall include the regularity of litter picking, existing and proposed bin provision and associated signage.

**REASON:**

In the interests of the general amenity of the area.

**CONDITION 6:**

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

**REASON:**

In the interest of visual and residential amenity.

**CONDITION 7:**

Prior to the installation of any equipment associated with the operation of the development including the catering operations, a noise assessment shall be undertaken by a competent person and be submitted in writing to and approved by the Local Planning Authority to determine the existing background noise levels, noise from any proposed extraction system and any other refrigeration or air-handling plant, flues or other equipment to be installed.

Regard may be had to BS4142:2014+A1: 2019.

The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from airborne noise transmission and avoid causing a creeping increase in the existing background noise levels. Equipment shall then be installed and maintained in accordance with the approved details.

**REASON:**

In the interest of the amenity and to ensure the details are acceptable to the Local Planning Authority

**CONDITION 8:**

Prior to installation, a scheme of works to be submitted to and approved in writing by the Local Planning Authority, detailing the design of the kitchen cooking equipment to demonstrate compliance with the supply and extract air to DW172: Specification for Kitchen Ventilation Systems prior to installation or fitting.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

**CONDITION 9:**

Prior to installation of any catering equipment a scheme of works shall be submitted to and approved in writing by the Local Planning Authority, assessing the need for odour and fume control equipment. Regard may be had to the EMAQ an updated guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' or similar documents available on the internet on prevention of odour and fume nuisance from commercial kitchen exhaust systems. This shall detail the design of any necessary odour and fume control equipment serving the kitchen extraction system prior to installation or fitting and shall thereafter be so retained.

**REASON:**

To prevent the emission of fumes which would be detrimental to the amenity of the area and in the interests of the amenity of neighbouring properties.

**CONDITION 10:**

Collections or deliveries (excluding customers or home deliveries) should not be made to the site between 6p.m. - 8 a.m.

Monday to Saturday. Only emergency deliveries should be permitted 6 p.m. - 8 a.m. Monday to Saturday or any time on Sundays.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

**INFORMATIVE 1:**

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

[https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute towards improving air quality.

Further information can be obtained from Environmental Health on 01788 533857 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

**INFORMATIVE 2:**

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

**INFORMATIVE 3:**

The applicant / occupiers should consult with RBC waste services team regarding waste collection proposals for the proposed development.

**INFORMATIVE 4:**

Prior to opening, the food business operator should register their business with the Council's Commercial Regulation Team to comply with relevant food safety legislation. For further information please email [fs@rugby.gov.uk](mailto:fs@rugby.gov.uk).

**INFORMATIVE 5:**

Notwithstanding the details of signage on any of the approved plans and elevations, this planning permission does not grant advertisement consent.

**INFORMATIVE 6:**

If the new food business chooses to have a trade waste collection with Rugby Borough Council the bins along with any domestic bins purchased by the developer will need to be presented kerbside on scheduled collection days.

DRAFT

**AGENDA MANAGEMENT SHEET**

**Report Title:** Diversion of Footpath R282 - Stretton Baskerville

**Name of Committee:** Planning Committee

**Date of Meeting:** 7 February 2024

**Report Director:** Chief Officer - Legal and Governance

**Portfolio:** Growth and Investment

**Ward Relevance:**

**Prior Consultation:** Yes

**Contact Officer:** Marian Allen, Senior Legal Officer 01788 533556  
or marian.allen@rugby.gov.uk

**Public or Private:** Public

**Report Subject to Call-In:** No

**Report En-Bloc:** No

**Forward Plan:** No

**Corporate Priorities:** This report relates to the following priority(ies):  
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)  
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)  
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)  
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)  
[Corporate Strategy 2021-2024](#)  
 This report does not specifically relate to any Council priorities but

**Summary:** Confirmation of Public Path Order

**Financial Implications:** None

**Risk Management/Health and Safety Implications:** None

**Environmental Implications:** None

<b>Legal Implications:</b>	None
<b>Equality and Diversity:</b>	None
<b>Options:</b>	Confirm unopposed Public Path Order
<b>Recommendation:</b>	Confirmation of Borough of Rugby (Part of Footpath R282 Stretton Baskerville) Public Path Diversion Order 2022
<b>Reasons for Recommendation:</b>	No objections

**Planning Committee - 7 February 2024**

**Diversion of Footpath R282 - Stretton Baskerville**

**Public Report of the Chief Officer - Legal and Governance**

**Recommendation**

Confirmation of Borough of Rugby (Part of Footpath R282 Stretton Baskerville)  
Public Path Order 2022

On 20 December 2023 planning permission R21/0985 was approved for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. Part of the development requires the diversion of part of footpath R282

On 26 October 2022, an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 was made and advertised. The effect of the Order is to stop up part of footpath R282 and create a replacement footway as shown on the attached plan and described in the attached Order.

The Committee is therefore asked to confirm the Public Path Order unopposed.

**Name of Meeting:** Planning Committee  
**Date of Meeting:** 7 February 2024  
**Subject Matter:** Diverison of part of footpath R282 Stretton Baskerville

**Originating Department:** Legal and Governance

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

**RUGBY BOROUGH COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**  
**THE BOROUGH OF RUGBY**  
**(PART OF FOOTPATH R282 STRETTON BASKERVILLE)**  
**PUBLIC PATH ORDER 2022**

This Order is made by the Rugby Borough Council (“the Council”) under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up part of **Footpath R282** and create a new **footpath** to which this Order relates in order to enable development to be carried out in accordance with pending planning application R21/0985 for the erection of distribution and industrial buildings and associated works and access under Part III of the Town and Country Planning Act 1990 by the Council

**BY THIS ORDER**

1. Part of the footpath R282 shown by a continuous black line on the attached map and described in Part 1 of the Schedule to the Order (“the Schedule”) shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative **footpath** R282 for use as a replacement for the said part of footpath R282 provided in Part 2 of the Schedule and shown by black dashes on the attached map
3. The stopping up of the **footpath** shall have the effect on the date on which the Council certify that the terms of Article 2 above have been complied with.

4. Where immediately before the date on which the **footpath** to be stopped up there is apparently under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they had
5. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule

The **footpath** between point A-E will be 2 metres wide compacted gravel between E-F tarmac 3 metres wide

## **SCHEDULE**

### **PART 1**

#### **DESCRIPTION OF SITE OF EXISING FOOTPATH**

##### **Between Points A-G**

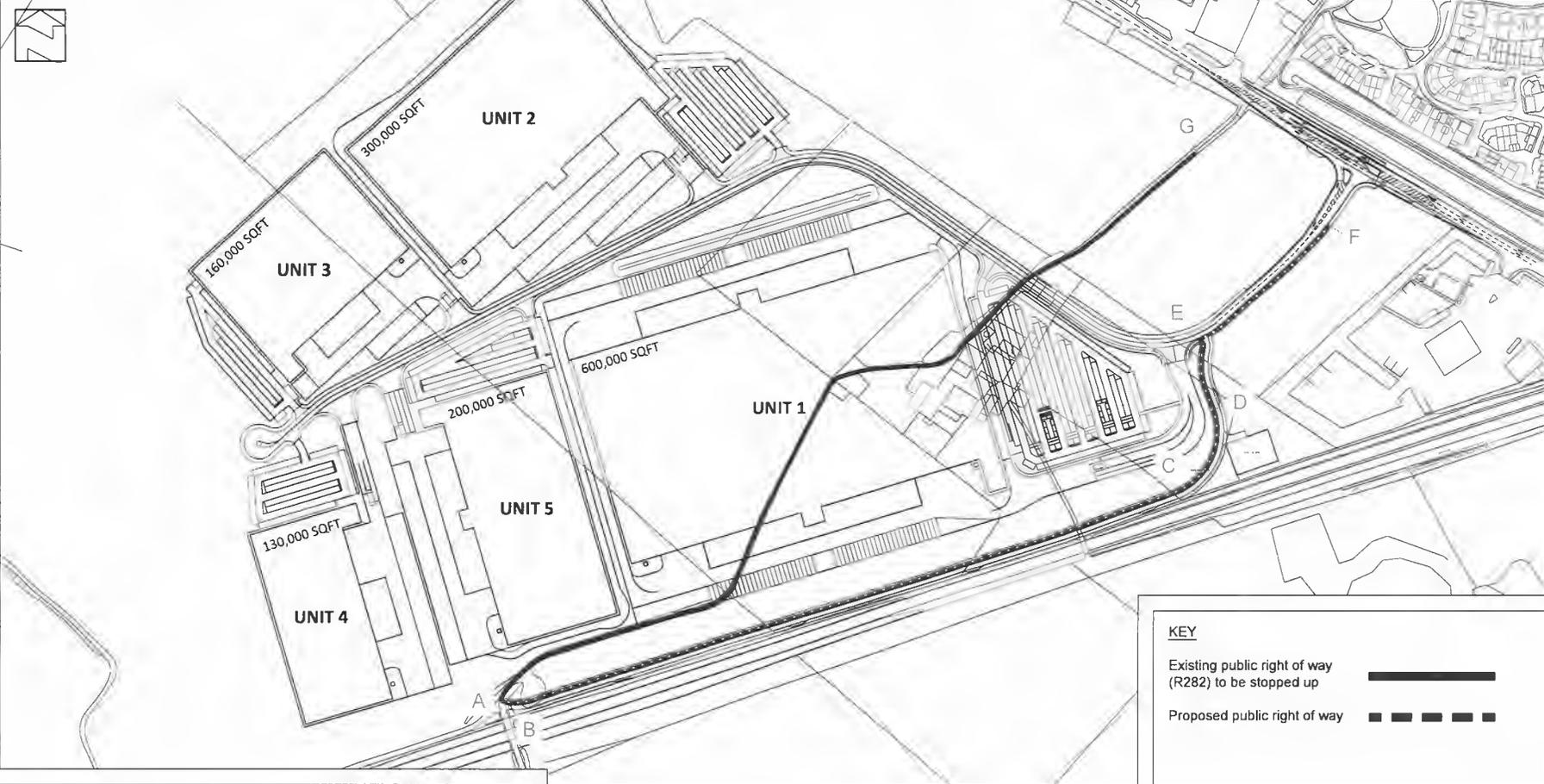
**Stop up Existing footpath** from Point A (Grid Reference 439651 292408) north easterly for approximately 764 metres to Point G (Grid Reference 440215 292852)

### **PART 2**

#### **DESCRIPTION OF SITE OF NEW FOOTPATH**

##### **Between Points A-B-C-D-E-F on the Order Plan**

From Point A (Grid Reference 439651 292408) easterly for approximately 21 metres to Point B (Grid Reference 439672 292409), continuing easterly for approximately 552 metres to Point C (Grid Reference 440198 292578) before curving north for approximately 82 metres to Point D (Grid Reference 440229 292645), heading north for approximately 60 metres to Point E (Grid Reference 440217 292701), turning



**KEY**

Existing public right of way (R282) to be stopped up

Proposed public right of way

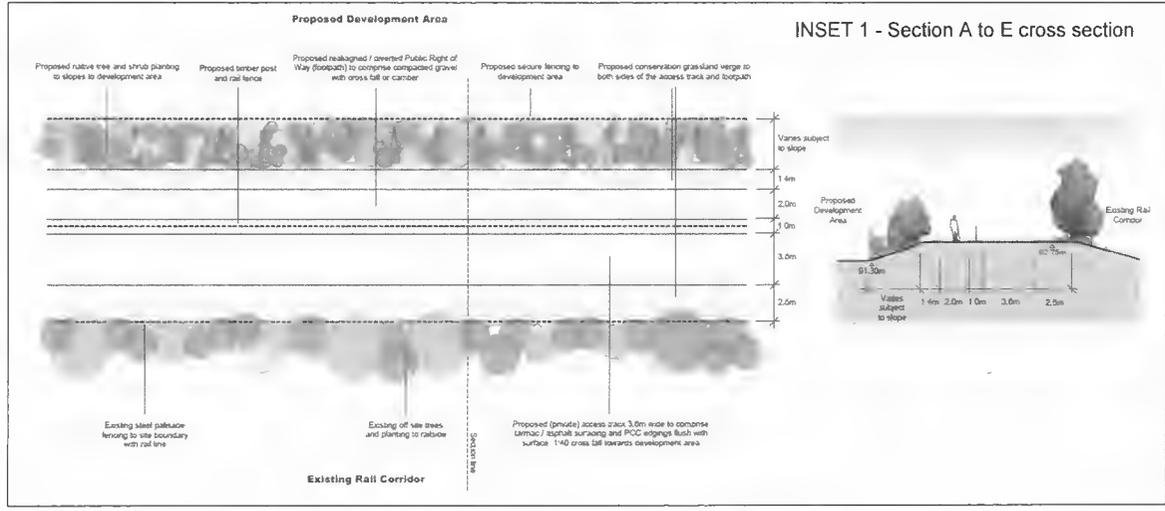
**NOTES**

Section A to E - public right of way shown as inset 1.

Section E to F - public right of way along eastern side of the site access road carriageway. Typical footway/cycleway construction detail.

Construction material public right of way section A to E to be compacted gravel, section E to F to be tarmac

Position	Latitude	Longitude	Easting	Northing	Grid ref.
A	52 528106	-1.4169579	439651	292408	SP396924
B	52 528112	-1.4166488	439672	292409	SP396924
C	52 529592	-1.4088752	440198	292578	SP401925
D	52 530191	-1.4084181	440229	292645	SP402926
E	52.530700	-1.4085877	440217	292701	SP402927
F	52.531528	-1.4070061	440323	292794	SP403927
G	52.532061	-1.4085917	440215	292852	SP402928



Rev	Description	Date
P8	Revised following comments	07/15/22
P7	Minor presentation changes	22/08/22
P6	Revised following comments	16/08/22
P5	Revised following ABC comments	27/07/22
P4	Updated Masterplan	24/03/22
P3	Re-aligned PROW	14/03/22
P2	Surfacing detail added	23/08/21

Client: **Cuvette**

Project: **Padge Hall Farm, Hinckley**

Title: **Map 1. Proposed and existing public rights of way**

**ADC**  
ADVISORY DESIGN CONSULTANTS

Site No: **A2** Scale: **1:2500** Date: **19/08/2021**

Page No: **ADC1839-DR-011** Rev: **P8**

north easterly for approximately 142 metres to Point F (Grid Reference 440323  
292794)

THE COMMON SEAL OF  
RUGBY BOROUGH COUNCIL  
was hereunto affixed  
the 26th day of October 2022  
in the presence of



A handwritten signature in black ink, appearing to read 'S Chapman', written over a small, faint circular stamp.

179/22

Sarah Chapman  
Legal and Governance Manager  
Authorised officer on behalf of the Chief Officer for Legal and  
Governance  
(The Officer appointed for this purpose)

**DATED 26<sup>th</sup> October 2022**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**THE RUGBY BOROUGH COUNCIL  
PART OF FOOTPATH R282 STRETTON BASKERVILLE)**

**PUBLIC PATH ORDER 2022**

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Planning Appeals Update
<b>Name of Committee:</b>	Planning Committee
<b>Date of Meeting:</b>	7 February 2024
<b>Report Director:</b>	Chief Officer - Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	
<b>Prior Consultation:</b>	
<b>Contact Officer:</b>	Chief Officer - Growth and Investment
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) <a href="#">Corporate Strategy 2021-2024</a> <input type="checkbox"/> This report does not specifically relate to any Council priorities but
<b>(C) Climate</b> <b>(E) Economy</b> <b>(HC) Health and Communities</b> <b>(O) Organisation</b>	
<b>Summary:</b>	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 October 2023 to 31 December 2023.
<b>Financial Implications:</b>	Increases the scope for related costs claims within the Planning Appeals process.

<b>Risk Management Implications:</b>	There are no risk management implications arising from this report.
<b>Environmental Implications:</b>	There are no environmental implications arising from this report.
<b>Legal Implications:</b>	Advice/support with regard to cost claims and any subsequent costs awards.
<b>Equality and Diversity:</b>	No new or existing policy or procedure has been recommended.
<b>Options:</b>	N/A
<b>Recommendation:</b>	The report be noted.
<b>Reasons for Recommendation:</b>	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 - 7 February 2024**

**Planning Appeals Update**

**Public Report of the Chief Officer - Growth and Investment**

**Recommendation**

The report be noted.

**1. Introduction**

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.

**2. Appeals determined**

During the last quarter from 1<sup>st</sup> of October 2023 to 31<sup>st</sup> of December 2023 a total of 4 planning appeal was determined, of which 3 was allowed, 1 was dismissed and 0 was withdrawn.

A total of 0 enforcement appeals was determined.

A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

**3. Appeals outstanding/in progress**

As at 31 December 2023 there were 16 planning appeals and 0 enforcement appeal still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

**Name of Meeting:** Planning Committee  
**Date of Meeting:** 7 February 2024  
**Subject Matter:** Planning Appeals Update  
**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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.

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Appendix A

Location	Full development description	Application number	Case Officer	PINS Reference	Decision date	Decision description	Appeal Decision	Appeal Decision Date
301, CLIFTON ROAD, RUGBY, CV21 3QZ	Change of use of shop to a hot food takeaway, single storey rear and side extension and re-location of existing side door.	R22/0171	Euan Hardy	APP/E3715/W/23/3319725	13th January 2023	Refusal	Dismissed / Costs Award Refused	5th December 2023
39, PARK ROAD, RUGBY, CV21 2QU	Change of use from Dwelling House (C3) into a total number of 6 rooms HMO (Sui Generis) and alterations.	R22/0778	Euan Hardy	APP/E3715/W/23/3323021	16th December 2022	Refusal	Allowed	4th December 2023
WILLOUGHBY HOUSE, MOOR LANE, WILLOUGHBY, RUGBY, CV23 8BU	Construction of three detached dwelling houses, car ports and associated works including demolition of existing buildings.	R22/1276	Sam Green	APP/E3715/W/23/3320918	16th March 2023	Refusal	Allowed	30th October 2023
RUGBY BUSINESS CENTRE, 21-23, CLIFTON ROAD, RUGBY, CV21 3PY	Erection of tubular steel shopping trolley guard (retrospective) and fixed shop canopy	R23/0037	Euan Hardy	APP/E3715/W/23/3321028	23rd March 2023	Refusal	Allowed / Costs Award Refused	11th December 2023

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
VORRINGSFOSS, HAYWAY LANE, BROADWELL, RUGBY, CV23 8HH	Single storey side and rear extensions to dwellinghouse and new pitched roof to existing garage.	R23/0704	Sam Burbidge	APP/E3715/D/23/3331116	Appeal Lodged	Householder Appeal Service	8th August 2023	Refusal	Delegated
11, GREENACRES, BIRDINGBURY ROAD, MARTON, RUGBY, CV23 9RY	Retrospective application to regularise the change of use from an ancillary outbuilding (annexe) to stand alone residential unit.	R23/0245	Sam Burbidge	APP/E3715/W/23/3325733	Appeal Lodged	Written Representations	26th April 2023	Refusal	Delegated
Two Hoots Farm, Lutterworth Road, Bramcote, CV11 6RA	Conversion of buildings to two residential dwellings, including removal of mobile home and toilet block, construction of a link and associated works	R22/0818	Michelle Hill	APP/E3715/W/23/3318813	Appeal Lodged	Written Representations	18th November 2022	Refusal	Delegated
SHOULDER OF MUTTON, SAWBRIDGE ROAD, GRANDBOROUGH, RUGBY, CV23 8DN	Conversion of double decker bus to holiday let in the grounds of public house	R22/1339	Michelle Hill	APP/E3715/W/23/3327432	Appeal Lodged	Written Representations	19th April 2023	Refusal	Delegated
MERLIN FIELD FARM, GIBRALTAR LANE, LEAMINGTON HASTINGS	CONVERSION OF AGRICULTURAL BUILDING TO 4 NO. DWELLINGHOUSES	R23/0090	Michelle Hill	APP/E3715/W/23/3327074	Appeal Lodged	Written Representations	26th May 2023	Refusal	Delegated

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
19, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention and occupation of 2no. mobile homes and use of the site as 2no. Gypsy and Traveller pitches. Retention of 2no. sheds, 1no. outbuilding for use as a sensory room, fencing and gates, vehicular access via the existing access track, and surfacing of the plot with gravel. Siting of 2no. touring caravans.	R22/0637	Chris Davies	APP/E3715/W/23/3328395	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee
Plot 16, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. tourer caravan, 1no. utility building (timber), 1no. shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 1no. existing tourer with 1no. static caravan and siting of a second static caravan.	R22/0664	Chris Davies	APP/E3715/W/23/3328397	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
15, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention and 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. stable, 1no. brick outbuilding, a gravelled parking area, a block paved pathway, walls and gates along the front boundary, fencing along the side and rear boundaries, and vehicular access off Top Park access road.	R22/1055	Chris Davies	APP/E3715/W/23/3328398	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee
Plot 14, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention of 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. timber dog kennel, block paved parking area, gravel pathway, red brick walls and metal gates to front boundary, timber fencing to side and rear boundaries, and vehicular and pedestrian access off Top Park access road. Proposed erection of a brick outbuilding with a tiled roof.	R22/0772	Chris Davies	APP/E3715/W/23/3328404	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
Plot 17, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. mobile home, dog kennels, 1no. shed, gravel hardstanding, a paved patio, 2no. amenity buildings, vehicular access off access road and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 2no. existing tourer caravans with 2no. mobile homes, and removal of 1no. existing shed.	R22/0665	Chris Davies	APP/E3715/W/23/3328399	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee
Plot 18, Top Park, Top Road, Barnacle, Coventry, CV7 9FS	Retention of 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. wooden shed, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary. Erection of a utility building.	R22/0666	Chris Davies	APP/E3715/W/23/3328396	Appeal Lodged	Hearing	15th May 2023	Refusal	Committee

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
COVENTRY STADIUM, RUGBY ROAD, COVENTRY, CV8 3GJ	Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park	R18/0186	Ella Casey	APP/E3715/W/23/3322013	Appeal Lodged	Inquiry	16th November 2022	Refusal	Committee
BINLEY WOODS SERVICE CENTRE, & 64, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2AX	Demolition of the existing single and two-storey car sales, workshop and car wash premises, demolition of the existing two storey dwelling (No. 64 Rugby Road) for the residential redevelopment of the site consisting of two apartment buildings (28units) and associated external works.	R22/0207	Lucy Davison		Appeal Lodged	Written Representations	24th July 2023	Refusal	Committee

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
52, HEATHER ROAD, BINLEY WOODS, COVENTRY, CV3 2DD	Demolition of existing bungalow to develop a detached two story dwelling with garage and new access. Existing trees and access to remain	R22/1225	Sam Green	APP/E3715/W/23/3321572	Appeal Lodged	Written Representations	14th March 2023	Refusal	Delegated
Land Adjacent to 2, CROWN INN, MAIN STREET, RUGBY, CV21 1HW	Erection of 2 no. three-bed semi-detached dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, including reconfiguration of beer garden and car park.	R23/0078	Ruth James	APP/E3715/W/23/3326203	Appeal Lodged	Written Representations	20th July 2023	Refusal	Committee
THE GRANARY OVERSTONE COURT, OVERSTONE ROAD, COVENTRY, CV7 9LU	Single storey side extension.	R23/0153	Calum Mason	APP/E3715/D/23/3330022	Appeal Lodged	Householder Appeal Service	30th June 2023	Refusal	Delegated

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Delegated Decisions - 14 December 2023 to 17 January 2024
<b>Name of Committee:</b>	Planning Committee
<b>Date of Meeting:</b>	7 February 2024
<b>Report Director:</b>	Chief Officer - Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Chief Officer - Growth and Investment
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) <a href="#">Corporate Strategy 2021-2024</a> <input type="checkbox"/> This report does not specifically relate to any Council priorities but
<b>(C) Climate</b> <b>(E) Economy</b> <b>(HC) Health and Communities</b> <b>(O) Organisation</b>	
<b>Summary:</b>	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
<b>Financial Implications:</b>	There are no financial implications for this report.
<b>Risk Management Implications:</b>	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 - 7 February 2024**

**Delegated Decisions - 14 December 2023 to 17 January 2024**

**Public Report of the Chief Officer - Growth and Investment**

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 7 February 2024

**Subject Matter:** Delegated Decisions - 14 December 2023 to 17 January 2024

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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.

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Delegated

### 8 Weeks PA Applications

#### Applications Refused

R23/0850 8 Weeks PA Refusal 14/12/2023	LAND JUNCTION OF MILLERS LANE AND, FOSSE WAY, MONKS KIRBY	Change of use of land to use as a residential caravan site for 1no. gypsy family, static with 1no. caravan together with laying of hardstanding and erection of 1no. stable/utility building.
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R22/0270 8 Weeks PA Refusal 12/01/2024	Elliots Field Shopping Park, LEICESTER ROAD, RUGBY	Erection of a Class E(b) retail unit and associated alterations to the car park
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#### Applications Approved

R23/0872 8 Weeks PA Approval 14/12/2023	11, Harris Drive, Rugby, CV22 6DX	Proposed Change of use from Residential to Educational use. Demolition of existing outbuildings and construction of new to modern Building for educational use.
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R23/1003 8 Weeks PA Approval 14/12/2023	7, SILVER STREET, NEWTON, RUGBY, CV23 0DU	First floor rear extension
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# Delegated

## 8 Weeks PA Applications Applications Approved

3, Birstall Drive, Rugby, CV21  
1RR

R23/1112  
8 Weeks PA  
Approval  
14/12/2023

Partial conversion of integral  
garage, single storey front and  
single storey rear extension

---

R23/1054  
8 Weeks PA  
Approval  
15/12/2023

16, MARKET PLACE, RUGBY,  
CV21 3DU

Proposed application for a  
canopy and awning, with outdoor  
seating and retrospective  
alterations to the exterior of the  
building

---

R23/0829  
8 Weeks PA  
Approval  
18/12/2023

Rugby Borough Football Club,  
KILSBY LANE, RUGBY, CV21  
4PN

Installation of an all-weather  
sports pitch and mesh fencing.  
Construction of 2 metre wide  
asphalt spectator hardstanding  
and tarmac access path

---

R23/0957  
8 Weeks PA  
Approval  
18/12/2023

1, THE DOVECOTE, SCHOOL  
LANE, WOLVEY, HINCKLEY,  
LE10 3LH

Variation of Condition 2 of  
R22/1133 - Single Storey rear  
Extension, the insertion of two  
roof lights to the rear roof slope  
and external alterations to  
dwelling

---

R23/1059  
8 Weeks PA  
Approval

STONE COTTAGE, VICARAGE  
LANE, DUNCHURCH, RUGBY,  
CV22 6QP

installation of a sauna cabin

---

# Delegated

## 8 Weeks PA Applications

### Applications Approved

18/12/2023

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R23/0921 8 Weeks PA Approval 19/12/2023	THE SCHOOL HOUSE, THE SQUARE, DUNCHURCH, RUGBY, CV22 6NU	Amendment to the Garden Room consent - application number R19/1475. Minor changes to the elevation, addition of a WC and a velux style rooflight.
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R23/1055 8 Weeks PA Approval 19/12/2023	Kings Newnham Hall, KINGS NEWNHAM LANE, KINGS NEWNHAM, RUGBY, CV23 0JT	Proposed conversion of a barn into a residential annex. Associated external works, to include the replacement of a roof covering to the existing lean to.
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R23/1092 8 Weeks PA Approval 19/12/2023	7, THE PADDOCKS, STRETTON- ON-DUNSMORE, RUGBY, CV23 9NW	Single storey front extension and single storey rear extension with balcony over and associated staircase to rear garden area. Elevational changes to existing rear wall
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R23/0679 8 Weeks PA Approval 20/12/2023	14 , The Leys, Newton, Warwickshire, CV23 0EA	PROPOSED 2 STOREY SIDE EXTENSION TO DWELLING
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	4, STOCKING MEADOW, MONKS KIRBY, RUGBY, CV23	
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# Delegated

## 8 Weeks PA Applications Applications Approved

ORF

R23/0718  
8 Weeks PA  
Approval  
20/12/2023

Front porch, 1.5 storey side extension, detached annexe and installation of works associated with an outdoor pool

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R23/0763  
8 Weeks PA  
Approval  
20/12/2023

HALL FARM HOUSE,  
LILBOURNE ROAD, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0BB

Double Storey Side & Rear Extension Including Single Storey Rear Extension

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R23/1009  
8 Weeks PA  
Approval  
20/12/2023

Land north of A45 connecting to properties along London Road Dunchurch CV23 9LP

Change from temporary access track to permanent access track granted under R21/0815.

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R23/1057  
8 Weeks PA  
Approval  
20/12/2023

Musgrove House, 7 , Queen Victoria Street, Rugby, Warwickshire, CV21 3SY

Erection of single storey rear extension

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R23/1082  
8 Weeks PA  
Approval  
20/12/2023

3, MANOR DRIVE, STRETTON-ON-DUNSMORE, RUGBY, CV23 9LZ

Alterations to rear dormer, roof light on front elevation, single storey front extension, alterations to rear doors and window, all doors and windows to be dark grey anthracite.

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# Delegated

## 8 Weeks PA Applications Applications Approved

R23/1089 8 Weeks PA Approval 20/12/2023	363, DUNCHURCH ROAD, RUGBY, CV22 6HU	Installation of a Mitsubishi Multi Split Aircon System
R23/1104 8 Weeks PA Approval 20/12/2023	96, Lytham Road, Rugby, Warwickshire, CV22 7PQ	Proposed single storey rear extension to form shower room and ramp access to front of property.
R23/1178 8 Weeks PA Approval 20/12/2023	THE PENNIES, DRAYCOTE ROAD, DRAYCOTE, RUGBY, CV23 9RB	Section 73 application for the variation of condition 2 attached to R23/0015 – This proposal seeks to provide alterations to the approved carport/ garage which is to be reduced in size.
R23/0416 8 Weeks PA Approval 21/12/2023	5, BRIARS CLOSE, LONG LAWFORD, RUGBY, CV23 9DW	Outline planning permission for the access and layout with appearance landscaping and scale reserved for one dwelling
R23/0938 8 Weeks PA Approval 21/12/2023	2, The Kent, Rugby, Warwickshire, CV21 4NQ	Proposed Ground floor side extension and front porch extension.

# Delegated

## 8 Weeks PA Applications Applications Approved

MANOR COTTAGE, SOUTHAM  
ROAD, KITES HARDWICK,  
RUGBY, CV23 8AA

R23/0946  
8 Weeks PA  
Approval  
21/12/2023

Removal of condition 3 and  
variation of condition 4 attached  
to R10/1775 - Removal of  
existing garages to be replaced  
with 4 respite holiday units and  
associated works

---

R23/0943  
8 Weeks PA  
Approval  
22/12/2023

47 MEADOW VIEW, RUGBY  
ROAD, LONG LAWFORD,  
RUGBY, CV23 9DN

First floor addition including three  
front roof dormers. 1.5 storey  
side extension. Single storey  
front and rear extensions. Render  
of property.

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R23/1094  
8 Weeks PA  
Approval  
22/12/2023

16, JOHN SIMPSON CLOSE,  
WOLSTON, COVENTRY, CV8  
3HX

Erection of a single storey wrap  
around side and rear extension,  
alterations and partial garage  
conversion

---

R23/1131  
8 Weeks PA  
Approval  
05/01/2024

12 , Elms Drive, Rugby,  
Warwickshire, CV22 5EX

PROPOSED DEMOLITION OF  
EXISTING GARAGE AND  
SINGLE STOREY SIDE AND  
REAR EXTENSION TO  
DWELLING.

---

SINGLE STOREY SIDE  
EXTENSION AND SECOND

---

# Delegated

## 8 Weeks PA Applications Applications Approved

R23/0776                      The Black Barn, Calcutt Heights  
8 Weeks PA                      Farm, Calcutt Lane, Stockton,  
Approval                      Rugby, CV23 8HY  
08/01/2024

STOREY FRONT EXTENSION

---

R23/0968                      Land East Side Of, Frankton  
8 Weeks PA                      Lane, Stretton-On-Dunsmore  
Approval  
08/01/2024

Conversion of Existing Barn to 1  
dwelling house and the erection  
of a Single Storey Extension

---

R23/1018                      201, Bilton Road, Rugby, CV22  
8 Weeks PA                      7DS  
Approval  
08/01/2024

Proposed New Dropped Kerb

---

R23/1117                      5, Stanford Way, Rugby,  
8 Weeks PA                      Warwickshire, CV22 7ZR  
Approval  
08/01/2024

Erection of single storey rear  
extension joining garage and  
garage conversion

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R23/1142                      8 , Sidings Way, Hillmorton,  
8 Weeks PA                      Rugby, Warwickshire, CV21 4PR  
Approval  
08/01/2024

Single storey rear extension.

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R23/0838                      63 , Crick Road, Hillmorton,  
8 Weeks PA                      Rugby, Warwickshire, CV21 4DU

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# Delegated

## 8 Weeks PA Applications Applications Approved

Approval  
09/01/2024

Proposal to erect a first-floor with a revised roof design, side and rear extensions along with the demolition of existing garage.

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R23/1032  
8 Weeks PA  
Approval  
09/01/2024

The Willows, Lutterworth Road,  
Burton Hastings, Warwickshire,  
CV11 6RB

Proposed Single storey side  
extension

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R23/1070  
8 Weeks PA  
Approval  
09/01/2024

39A, STABLE GATE COTTAGE,  
MAIN STREET, WOLSTON,  
COVENTRY, CV8 3HH

Proposed single storey side  
extension

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R23/1105  
8 Weeks PA  
Approval  
10/01/2024

41, SOMERS ROAD, RUGBY,  
CV22 7DH

Erection of a side extension to  
include mezzanene floor storage  
area

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R23/0720  
8 Weeks PA  
Approval  
11/01/2024

RIVERSIDE ACADEMY,  
NEWBOLD ROAD, RUGBY,  
CV21 1EH

Installation of an Air Source Heat  
Pump

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17 Linnell Road, Rugby,

# Delegated

## 8 Weeks PA Applications Applications Approved

Warwickshire, CV21 4AN

R23/0825  
8 Weeks PA  
Approval  
11/01/2024

Proposed single storey rear extension and proposed detached annex.

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R23/0969  
8 Weeks PA  
Approval  
11/01/2024

7, THE GARDENS, CHURCH WALK, RUGBY, CV22 7LX

Retrospective engineering works (removal of earth)

---

R23/1019  
8 Weeks PA  
Approval  
11/01/2024

6, CASTLE STREET, RUGBY, CV21 2TP

Erection of awning to front of building

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R23/0975  
8 Weeks PA  
Approval  
12/01/2024

BILTON GRANGE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QU

Engineering works for the creation of an outdoor classroom.

---

R23/1166  
8 Weeks PA  
Approval  
12/01/2024

THE LODGE, MOOR LANE, WILLOUGHBY, RUGBY, CV23 8BU

Variation of condition 7 attached to R14/1423 'Erection of replacement dwelling - substitution of house type approved under planning permission ref: R13/2126 dated 12th December 2013, to include a single storey side extension, 3

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# Delegated

## 8 Weeks PA Applications Applications Approved

no. rooflights and an additional bedroom at first floor level within the attached garage (retrospective)' to enable the garage to also be used as habitable accommodation incidental to the dwellinghouse.

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R23/1167  
8 Weeks PA  
Approval  
12/01/2024

THE LODGE, MOOR LANE,  
WILLOUGHBY, RUGBY, CV23  
8BU

Installation of bi-fold doors.

---

R22/1319  
8 Weeks PA  
Approval  
15/01/2024

69, GILBERT AVENUE, RUGBY,  
CV22 7BZ

Retention of raised decking in rear garden (retrospective application)

---

R23/1068  
8 Weeks PA  
Approval  
15/01/2024

18, BOUGHTON CLOSE,  
RUGBY, CV22 6BZ

Single storey rear extension and new porch

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R23/0276  
8 Weeks PA  
Approval  
16/01/2024

47 48 CHAPEL STREET  
RUGBY  
WARWICKSHIRE  
CV21 3EB

Change of use from launderette to take away

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## Delegated

### 8 Weeks PA Applications Applications Approved

12, Elmdene Close, Wolston,  
Coventry, CV8 3JN

R23/1164  
8 Weeks PA  
Approval  
16/01/2024

Single storey rear extension,  
partial garage conversion and  
internal alterations.

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R23/1010  
8 Weeks PA  
Approval  
17/01/2024

11 , Charles Lakin Close, Shilton,  
Warwickshire, CV7 9LB

Proposed single-storey flat roof  
rear extension.

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R23/1044  
8 Weeks PA  
Approval  
17/01/2024

78, CLIFTON ROAD, RUGBY,  
RUGBY, CV21 3QT

Change Of Use of a Single  
Dwelling house (Use Class C3)  
Into Physiotherapy Clinic to  
Ground Floor (Use Class E) and  
1No. Self-Contained Apartment  
to First Floor. Part single storey,  
part two-storey enlargements are  
also proposed.

---

### Certificate of Lawfulness Applications Applications Refused

R23/1039  
Certificate of  
Lawfulness  
Refusal  
14/12/2023

SUNNYCREST HOUSE, RUGBY  
ROAD, PRINCETHORPE,  
RUGBY, CV23 9PN

Erection of an incidental  
residential outbuilding

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# Delegated

## Certificate of Lawfulness Applications

### Applications Approved

R23/1067  
Certificate of  
Lawfulness  
Approval  
18/12/2023

21, ACADEMY DRIVE, RUGBY,  
CV21 3UG

Certificate of Lawfulness of  
Proposed Use or Development  
under Section 192 of the Town  
and Country Planning Act 1990,  
to confirm planning permission is  
not required for 'the change of  
use from Class C3 (a) (a single  
person or by people to be  
regarded as forming a single  
household) to C3 (b) (not more  
than six residents living together  
as a single household where care  
is provided for residents)

---

R23/1209  
Certificate of  
Lawfulness  
Approval  
09/01/2024

1B, Rugby Central, MANNING  
WALK, Rugby, CV21 2JT

Certificate of (Proposed) Lawful  
Use for Use of the former retail  
unit (Class E) for the provision of  
medical or health services Class  
E(e)

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R23/0388  
Certificate of  
Lawfulness  
Approval  
11/01/2024

FIELD SIDE BUNGALOW,  
DYERS LANE, WOLSTON,  
COVENTRY, CV8 3HE

Lawful development certificate for  
an existing use – Occupation of  
dwellinghouse in breach of  
condition 2 (agricultural  
occupancy) attached to planning  
permission 774/14 dated 8th  
December 1969.

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R23/1132  
Certificate of

36, Windsor Street, Rugby,  
Warwickshire, CV21 3NZ

# Delegated

## Certificate of Lawfulness Applications Applications Approved

Lawfulness  
Approval  
11/01/2024

Lawful Development Certificate  
(proposed) - change of use of  
existing C3 dwellinghouse to a  
maximum six occupant C4 house  
in multiple occupation (HMO),  
erection of a rear dormer,  
insertion of rooflights in the front  
roof slope, bin store and bicycle  
store

---

R23/1134  
Certificate of  
Lawfulness  
Approval  
11/01/2024

7, Edison Drive, Rugby,  
Warwickshire, CV21 1FF

Lawful Development Certificate  
(proposed) - change of use of  
existing C3 dwellinghouse to a  
maximum six occupant C4 house  
in multiple occupation (HMO), bin  
store and bicycle store

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R23/1138  
Certificate of  
Lawfulness  
Approval  
16/01/2024

7, CORNFLOWER DRIVE,  
RUGBY, CV23 0UG

Lawful development certificate for  
proposed single garage door and  
single storey rear extension

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## Conditions Applications Refused

# Delegated

## Conditions

### Applications Refused

32, CAWSTON LANE,  
DUNCHURCH, RUGBY, CV22  
6QE

R23/1029  
Conditions  
Refusal  
10/01/2024

Approval of details in relation to  
condition 3 attached to R23/0692  
for Air Source Heat Pump  
(ASHP)

---

### Applications Approved

R23/1205  
Conditions  
Approval  
15/12/2023

ZONE C - LAND NORTH OF  
COVENTRY ROAD, COVENTRY  
ROAD, THURLASTON

Details in relation to condition 5:  
Delivery and Servicing  
Management Plan of R22/0803  
(Erection of B8 buildings etc  
Approval of reserved matters)

---

R23/1098  
Conditions  
Approval  
18/12/2023

94, Grove Road, Ansty, Coventry,  
CV7 9JE

Discharge of Condition 4  
(ecological mitigation works) of  
R22/1151 (three front roof  
dormers and render of property)

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R23/1163  
Conditions  
Approval  
18/12/2023

2, SPICER PLACE, RUGBY,  
CV22 7EA

Approval of details in relation to  
condition 5 from R23/0619 which  
requires an arboricultural method  
statement and tree protection  
plan.

---

LAND NORTH OF COVENTRY  
ROAD, COVENTRY ROAD,

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# Delegated

## Conditions Applications Approved

THURLASTON

R23/0172  
Conditions  
Approval  
19/12/2023

Details for condition 19: Transfer of land to National Highways (formerly Highways England) of R16/2569 (Outline application for Use Class B8 buildings with associated infrastructure).

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R23/0806  
Conditions  
Approval  
19/12/2023

Land And Buildings On The North West Side Of, Brockhurst Lane, Monks Kirby

Discharge of Conditions 3 (materials), 5 (tree planting scheme), 6 (Construction Environmental Management Plan), and 12 (manure management) of planning permission R22/0303 (approved 22 June 2023).

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R23/0866  
Conditions  
Approval  
02/01/2024

HIGHGATE HOUSE,  
COVENTRY ROAD,  
DUNCHURCH, RUGBY, CV22  
6RF

Approval of details: Condition 3 - Glamping Pod Specification, Condition 4 - Bins and Cycle Store and Condition 8 - Lighting - relating to R21/0093 - Change of use of horticultural land for the siting of 5 timber clad glamping pods, grill house and welfare block and all associated works.

---

R23/0918  
Conditions  
Approval

STREET RECORD, BIART  
PLACE, RUGBY

# Delegated

## Conditions Applications Approved

02/01/2024

Approval of details:  
Condition 6 - Construction Management Plan  
Condition 7 (b) - Remediation Strategy  
Condition 15 - Arboricultural Method Statement  
Condition 22 - Biodiversity Enhancement and Management Plan  
Condition 23 - Wildlife Enhancement Scheme  
Condition 29 - Construction Management Plan  
Condition 30 - Cycle Storage  
- relating to application R23/0282  
- Erection of 100no. dwellings with associated access, roads, car parking, and landscaping.

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R23/0887  
Conditions Approval  
05/01/2024

PLOT 3, ANSTY AERODROME  
(PROSPERO ANSTY), COMBE  
FIELDS ROAD, COOMBE  
FIELDS, COVENTRY, CV7 9JR

Application for approval of details relating to conditions 9 (Summer Overheating), 13 (On-Site Changing and Showering Facilities) and 22 (BREEAM) of R22/0485 (Plot 3, Prospero Ansty) for the erection of one commercial unit for flexible use within Use Classes B2 (General Industrial) and B8 (Storage and Distribution)

---

# Delegated

## Conditions

### Applications Approved

Former Railway Bridge (known as Bridge 2)

R23/1259  
Conditions  
Approval  
08/01/2024

Demolition of existing brick arch bridge, removal of deck, arches and piers and erection of steel truss bridge installed on existing abutment to be used for cycling and walking

---

R23/1060  
Conditions  
Approval  
11/01/2024

PLOT 5, ANSTY AERODROME (PROSPERO ANSTY), COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR

Application for approval of details relating to conditions 7 (part c) (Contamination Remediation Scheme), 9 (part a) (Cycle Shelters), 9 (part c) (Bin Stores), 9 (part e) (PV Panels), 9 (part f) (HGV Entrance), 9 (part g) (Parking Entrance), 9 (part i) (Trip Rail) and 9 (part j) (Paladin Fence) of R21/0525 (Plot 5, Prospero Ansty) for the erection of a building and use for Class B8 (storage and distribution)

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R23/1157  
Conditions  
Approval  
11/01/2024

16-26a, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby, CV22 6AA

Approval of Conditions 4 (Air Quality), 5 (CMP) and 10 (External Lighting) of R23/0560 (New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement

---

## Delegated

### Conditions Applications Approved

of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.)

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R23/1155  
Conditions  
Approval  
15/01/2024

LAND ADJACENT TO  
MASTERS COURT,  
LEAMINGTON HASTINGS  
ROAD, BIRDINGBURY

Approval of details in relation to conditions 11- materials and 16- Construction Management Plan attached to R21/0998 (4 new detached dwellings and related facilities (reserved matters application for appearance, landscaping, and scale following outline planning approval R18/1987) dated 22nd June 2022

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R23/1058  
Conditions  
Approval  
17/01/2024

Site adjacent to 45, SCHOOL  
STREET, RUGBY, CV21 4BN

Details related to Condition 7- CEMP, 8- parking and 15-Air Quality of R21/0637 (Proposed detached 4 bedroom dwellinghouse)

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### Discharge of Conditions Applications Approved

R22/1151

94, Grove Road, Ansty, Coventry,  
CV7 9JE

Three front roof dormers and  
render of property

## Delegated

### Discharge of Conditions

#### Applications Approved

18/12/2023

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R23/1098	94, Grove Road, Ansty, Coventry, CV7 9JE	Discharge of Condition 4 (ecological mitigation works) of R22/1151 (three front roof dormers and render of property)
18/12/2023		

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R22/0449	LAND SOUTH EAST OF BROWNSOVER LANE, BROWNSOVER LANE, RUGBY	Erection of 14 dwelling houses, together with the creation of new vehicular and pedestrian access, including the provision of landscaping and surface water attenuation (Variation of condition 2 of R14/1941 dated 08/04/2020, to include amendment to approved House Types and Site Plan).
11/01/2024		

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### Listed Building Consent Applications

#### Applications Approved

R23/1063	THE SCHOOL HOUSE, THE SQUARE, DUNCHURCH, RUGBY, CV22 6NU	Amendment to the Garden Room consent - application number R19/1475. Minor changeto the elevation, addition of a WC and a velux style rooflight.
Listed Building Consent Approval		
19/12/2023		

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# Delegated

## Listed Building Consent Applications

### Applications Approved

Kings Newnham Hall, KINGS  
NEWNHAM LANE, KINGS  
NEWNHAM, RUGBY, CV23 0JT

R23/1080  
Listed Building Consent  
Approval  
19/12/2023

Listed Building Consent for the conversion of a barn into a residential annex. Associated external works, to include the replacement of a roof covering to the existing lean to.

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R23/1133  
Listed Building Consent  
Approval  
17/01/2024

41, Main Street, Wolston,  
Coventry, CV8 3HH

Listed Building consent for repairs to front wall of 41 Main Street, Wolston. The wall of approx. 4.2m length and 1.3m height is in a poor state of repair with many damaged bricks. The wall is to be dismantled down to good bricks, and then reconstructed, using all the good bricks salvaged from the existing wall and new matching bricks. It is proposed to replace the existing curved capping bricks, which are in an extremely poor condition, with grey/black capping stone like those on adjacent walls in the surrounding area. At the end of the wall is a square brick pillar with grey/black capping stone which will remain intact.

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# Delegated

## Major Applications

### Applications Approved

R23/1137 LAND P19216, BROWNSOVER  
Major Application ROAD, RUGBY  
Approval  
12/01/2024

Variation of conditions 19 (water vole mitigation) , 20 (CEMP), 21 (LEMP) to address drainage scheme amendments attached to R22/0997 (Erection of 16 dwellings with associated parking and access.) dated 22nd September 2023

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## Prior Approval Applications

### Prior Approval Applications

R23/1127 67, LONDON ROAD,  
Prior Approval STRETTON-ON-DUNSMORE,  
Extension RUGBY, CV23 9JB  
Not Required  
21/12/2023

Prior approval - Roof height raised to create second floor master bedroom and en-suite.

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R23/1176 PIKE HALL FARM, GIBRALTAR  
Agriculture Prior LANE, LEAMINGTON  
Approval HASTINGS, RUGBY, CV23 8EX  
Not Required  
21/12/2023

Application under Schedule 2 Part 6 of the General Permitted Development Order for the erection of a 500 sq m agricultural building to house livestock, storage of machinery, fodder and straw.

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R23/1110 Telecommunications Site, Water  
Telecoms Prior Tower, Smockington Lane,  
Approval Wolvey

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# Delegated

## Prior Approval Applications

## Prior Approval Applications

Required and Approved

22/12/2023

The removal of the existing 3 no. antennas on existing water tower and the installation of a 17.5m monopole supporting 3 no. replacement antennas and 3 no. additional antennas. The removal of 1 no. existing equipment cabin and 1 no. and installation of 3 equipment cabinets and 1 no. meter cabinet. The installation of 1 no. 300mm dish and the relocation of existing 300mm dish. Ancillary development thereto including the installation of 15 no. Remote Radio Units (RRUs), 1no. GPS module and Weldmesh fence.

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R23/1213  
Prior Approval  
Extension  
Not Required  
05/01/2024

145, TOWNSEND LANE, LONG  
LAWFORD, RUGBY, CV23 9DF

Prior Approval - Proposed single  
storey rear extension

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R23/1146  
Prior Approval  
Extension  
Not Required  
10/01/2024

DRIVE COTTAGE,  
CESTERSOVER FARM,  
LUTTERWORTH ROAD,  
PAILTON,  
RUGBY,  
CV23 0QP

PAX - Single Storey Extension  
with Flat Roof.

# Delegated

## Prior Approval Applications Prior Approval Applications

R23/1247  
Prior Approval  
Extension  
Not Required  
12/01/2024

87, Heath Lane, Brinklow, Rugby,  
CV23 0NX

Prior Approval: Larger Home  
Extension

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